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THURSDAY, FEBRUARY 10, 1977

highlights

NEW FEDERAL REGISTER LOGO

The new logo on the front cover of today's FEDERAL REGISTER was developed by the Office of the Federal Register and the Government Printing Office in response to the natural gas emergency. As a direct result of the change in the logo, the Government Printing Office can stop using natural gas in the operation of its printing presses.

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reminders

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

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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
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

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

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

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Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

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Title 7—Agriculture

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

[Orange Reg. 75, Amdt. 6; Tangerine Reg. 48, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade and Size Regulations

Amendment 6 to Regulation 75 lowers to U.S. No. 1 the minimum grade requirement on fresh shipments of oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, hereinafter referred to as "early and midseason oranges". The amendment also lowers to U.S. No. 1 Russet the minimum grade requirement on fresh shipments of Temple oranges. Under the amendment the minimum diameter requirement on fresh shipments of Murcott Honey oranges would be lowered to 2$\frac{4}{16}$ inches. Amendment 7 to Regulation 48 lowers the minimum diameter requirement on fresh domestic shipments of tangerines to 2$\frac{2}{16}$ inches. The lower minimum grade and size requirements specified for shipments of Florida early and midseason oranges, Temple oranges, Murcott Honey oranges and tangerines recognize the quality of such fruits estimated to be remaining for fresh shipment from the production area.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in 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 recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of early and midseason oranges, Temple oranges, Murcott Honey oranges, and tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for early and midseason oranges, Temple oranges, Murcott Honey oranges, and tangerines by fresh market outlets. Less restrictive regulation requirements for early and midseason oranges, Temple oranges, Murcott Honey oranges and tangerines are consistent with the external appearance and remaining supply of such fruit in the production area.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments relieve restrictions on the handling of early and midseason oranges, Temple oranges, Murcott Honey oranges and tangerines grown in Florida.

Order. 1. The provisions of paragraphs (a)(1), (a)(5), (a)(8), (b)(1), (b)(5), and (b)(8) of § 905.564 (Orange Regulation 75; 41 FR 42177, 49474, 51029, 53007, 54917; 42 FR 5071) are amended to read as follows:

§ 905.564 Orange Regulation 75.

(a) * * *

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

* * * * *

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

* * * * *

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$\frac{4}{16}$ inches in diameter, except that a tolerance for Murcott Honey oranges smaller than such minimum diameter, shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines;

* * * * *

(b) * * *

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

* * * * *

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

* * * * *

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$\frac{4}{16}$ inches in diameter, except that a tolerance for Murcott Honey oranges smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines;

2. In § 905.566 (Tangerine Regulation 48; 41 FR 42177, 49801, 51029, 51796, 53649, 54917; 42 FR 1022) the provisions of paragraph (a)(2) are amended to read as follows:

§ 905.566 Tangerine Regulation 48.

(a) * * *

(2) Any tangerines, grown in the production area, which are of a size smaller than 2$\frac{2}{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines.

* * * * *

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

Dated: February 4, 1977, to become effective February 4, 1977.

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

[FR Doc.77-4204 Filed 2-9-77;8:45 am]

[Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Handling Regulation

This amendment relieves on February 6 and 13, 1977, the Sunday packaging prohibition. Recent rainy weather has reduced harvest and packing. This amendment is necessary to allow the industry sufficient operating time to satisfy existing and prospective orders for lettuce.

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas it is hereby found that the amendment to the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order and upon other available information.

(b) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, or to engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not require any special preparation on the part of handlers, and (3) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Regulation, as amended.

In § 971.317 (41 FR 51388; 42 FR 3626) the introductory paragraph is hereby amended by adding the following thereto:

§ 971.317 Handling regulation.

* * *, and also except that the prohibition against the packing of lettuce on Sundays shall not apply on February 6 and 13, 1977.

* * * * *

Effective date. Dated February 4, 1977, to become effective February 6, 1977.

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

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

[FR Doc.77-4203 Filed 2-9-77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Postponement and Consolidation of Public Hearings

On January 18, 1977, the Federal Energy Administration adopted on an emergency basis an amendment to the Mandatory Petroleum Allocations Regulations, 10 CFR Part 211, with respect to the volumetric limitations imposed on the used of propane and butane for peak shaving (42 FR 4422, January 25, 1977). A public hearing was set for February 16, 1977, to receive comments on this emergency amendment.

On February 2, 1977, FEA adopted on an emergency basis Special Rule No. 2 to Subpart D to the Mandatory Petroleum Allocation Regulations, (42 FR 7944, February 8, 1977) establishing procedures under which FEA, upon request of a State Governor, may redirect supplies of propane from low priority users to maintain propane supplies for high priority uses. A public hearing will be held on February 28, 1977, to receive public comments on the provisions of Special Rule No. 2.

For reasons of administrative convenience and because both of these emergency amendments concern changes in the allocation regulations in connection with current high demand levels of propane, EA hereby gives notice that the public hearing set for February 16, 1977, is postponed and consolidated with the public hearing set for February 28, 1977. The consolidated hearing will be held in accordance with the February 2 notice by which Special Rule No. 2 was adopted, beginning at 9:30 a.m., February 28, in Room 3000A, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

The deadline for requests for oral presentation in both proceedings is 4:30 p.m., e.s.t. February 16, 1977. FEA will notify persons selected to be heard by 5:30 p.m., e.s.t. February 17, 1977. Each person selected to be heard must submit 100 copies of his or her statement to Office of Executive Communications, FEA, Room 3309, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. The deadline for submitting questions to witnesses and for submitting 100 copies of testimony is 4:30 p.m., e.s.t. February 25, 1977. Written comments will be received until February 25, 1977, and should be submitted to Executive Communications, FEA, Box KH (for the amendment relating to peak sharing use of propane and butane) or Box KP (for Special Rule No. 2), Washington, D.C. 20461.

DAVID G. WILSON,
Acting General Counsel.

FEBRUARY 4, 1977.

[FR Doc.77-4225 Filed 2-7-77;12:28 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-33-AD; Amdt. 39-2827]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 19, 23 and 24 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) applicable to Beech 19, 23 and 24 series airplanes (also commonly known as Beech Musketeer series airplanes), was published in the FEDERAL REGISTER on November 18, 1976 (41 FR 50838, 50839). With respect to these aircraft, this proposal would require dye penetrant inspection of the main landing gear housing for cracks, the replacement of any housings found cracked and modification of the main landing gear housing attachment to the aircraft, all in accordance with Beechcraft Service Instruction No. 0465–202, Rev. I.

Interested persons were afforded an opportunity to participate in the making of this amendment. The only comment received was from the aircraft manufacturer. Although it did not oppose the proposed AD, the manufacturer did object to two sentences in the preamble of the Notice. First, the manufacturer indicated that the sentence was inaccurate which stated that collapse of the main landing gear during landing could occur. The FAA disagrees with the manufacturer on this point in that there was at least one reported instance wherein the main landing gear on a Beech Model A23–24 airplane collapsed during roll out after touchdown. In addition, the manufacturer believed that the preamble should have recognized that main gear housing cracks are initiated by hard landings. The FAA agrees with the manufacturer. on this point and it is so noted herein.

The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models A23–19, 19A, M19A and B19 (Serial Numbers MB–1 through MB–536); Models 23, A23, A23A, B23 and C23 (Serial Numbers M–2 through M–1392); and Models A23–24 and A24 (Serial Numbers MA–1 through MA–368) airplanes certificated in all categories.

Compliance: Required as indicated unless already accomplished.

To prevent possible collapse during landing or in-flight separation of the main landing gear, accomplish the following in accordance with Beech Service Instructions No. 0465–202, Rev. I or later FAA approved Revisions:

A. Within the next 150 hours' time in service after the effective date of this AD for those aircraft on 100 hour (FAR 91.169(b)) inspections, progressive (FAR 91.171) inspections or approved aircraft inspection program (FAR 135.60) or within eighteen (18) months after the effective date of this AD for those aircraft on annual (FAR 91.169 (a)) inspections:

1. Remove left and right main landing gear housing (male part) from wing strut adapter (female part).

2. Using dye penetrant procedures, inspect the main landing gear housing (male part), in the areas around the fore and aft retention bolt hole for cracks.

3. If no cracks are found as a result of the inspection required in paragraph A.2.:

a. Reinstall the main gear housing in accordance with Beech Service Instruction 0465–202, Revision I or later FAA approved revisions.

b. Do not install any bolt in the fore and aft retention bolt hole.

4. If cracks are found during inspection required in paragraph A.2. above, prior to further flight:

a. Replace any cracked main gear housing with a new Beech Part No. 169–810011–25 housing assembly in accordance with Beech Service Instructions 0465–202, Revision I or later FAA approved revisions.

b. Do not install any bolt in the fore and aft retention bolt hole.

NOTE.—Even though Beech Service Instruction 0465–202, Rev. I refers to P/N 169–810011–21 housing, Beech will ship a P/N 169–810011–25 housing assembly. The P/N 169–810011–25 assembly consists of two bushings installed in a P/N 169–81011–21 housing.

B. Any equivalent means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective March 14, 1977.

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

Issued in Kansas City, Missouri, on January 28, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-4213 Filed 2-9-77;8:45 am]

[Docket No. 74-NE-35; Amdt. 39-2829]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61A, S-61L, S-61N, S-61R and S-61NM Helicopters Certificated In All Categories

Amendment 39-1972 (39 FR 33791), AD 74-20-09, as amended by Amendment 39-2034 (39 FR 41739) requires inspection, repair and replacement of main rotor blades of Sikorsky S-61A, S-61L, S-61N, S-61NM, and S-61R helicopters certificated in all categories in accordance with Sikorski Service Bulletin No. 61B15-9D. After the agency issued Amendment 39-2034, the manufacturer required, in revised Sikorsky Service Bulletin No. 61B15-9F, that different parts be used in the retainment of the plate and balance weights at the tip of the main rotor blades. The agency concurs with this requirement and, therefore, the AD is being revised to refer to the latest revision of the manufacturer's service bulletin.

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

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, Amendment 39-1972 (39 FR 33791), AD 74-20-09, as amended by Amendment 39-2034 (39 FR 41739), is further amended as follows:

By deleting "No. 61B15-9D, dated November 18, 1974" from paragraph (a) and inserting in its place: No. 61B15-9F, dated November 2, 1976 or later FAA approved revisions.

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment becomes effective February 25, 1977.

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

Issued in Burlington, Massachusetts, on February 1, 1977.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.77-4214 Filed 2-9-77;8:45 am]

[Docket No. 77-NE-5; Amdt. 39-2828]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft JT8D Model Engines

There have been cracks reported in the first stage fan hub on Pratt & Whitney Aircraft JT8D model engines that could result in hub failure. These cracks have been caused by incomplete shotpeening of the hub. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require a visual or eddy current inspection within 150 cycles on engines with over 6,000 cycles, and thereafter at intervals of 150 cycles for the visual inspection and 400 cycles for the eddy current inspection.

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.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

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 & WHITNEY AIRCRAFT. Applies to Pratt & Whitney Aircraft JT8D-1, -1A, -1B, -7, and -7A, and -7B engine front compressor front hub, P/N 504101, with serial numbers listed in Table 1 of Pratt & Whitney Aircraft Alert Service Bulletin 4661, dated October 15, 1976.

Compliance required as indicated on front compressor front hubs that have accumulated 6,000 cycles or more in service to preclude failure from lack of shotpeening.

Inspect by visual or eddy current method, in accordance with P&WA ASB 4661, dated October 15, 1976, or later FAA approved revision, the rear face and overhung shelf of the front compressor front hub for cracks emanating out of the base of the blade slot, within the next 150 cycles in service unless already accomplished. Reinspect at 150 cycle intervals if by visual method, or at 400 cycle intervals if by eddy current method. If a crack is found during any inspection, replace the hub before further flight.

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 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 manufacturers' service bulletin identified and described in this directive is 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 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., 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 amendment becomes effective February 25, 1977.

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

Issued in Burlington, Massachusetts, on February 1, 1977.

NOTE.—The incorporation by reference provisions of this document was approved by the Director of the Federal Register on June 16, 1967.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.77-4215 Filed 2-9-77;8:45 am]

[Airworthiness Docket No. 77-SW-2; Amdt. 39-2822]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 214B and 214B-1 Helicopters

There is a possible interference between a particular control tube and a fuselage fitting on the Bell Model 214 and 214B-1 helicopters that could result in wear of the control tube assembly. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued to require removal of material from a fuselage splice fitting at Station 129.0 as provided by Bell Helicopter Textron Service Bulletin No. 214-76-6 on Bell Model 214B and 214B-1 helicopters.

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 thirty days.

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:

BELL: Applies to Bell Model 214B and 214B-1 helicopters, S/N 28001 through 28006, 28008, 28009, and 28011, certificated in all categories.

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

To prevent a possible interference between a control tube and a fuselage fitting, trim the fuselage splice fitting of fuselage Station 129 in accordance with Bell Helicopter Textron Service Bulletin No. 214-76-6 dated November 1, 1976, or later approved revision.

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 Service Manager, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintaind by the FAA at its

headquarters in Washington, D.C., and at the Office of Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Forth Worth, Texas.

This amendment becomes effective February 14, 1977.

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

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Fort Worth, Texas, on January 24, 1977.

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

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-4212 Filed 2-9-77;8:45 am]

[Airspace Docket No. 76-WA-10]

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

Alteration of a Control Area

On November 22, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 51423) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the boundary and lower the base altitude of the Narragansett, R.I., Control Area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable. Subsequent to publication of the NPRM, it was determined that with the lowering of the base altitude of the Narragansett, R.I., Control Area, concurrent with the alteration of Warning Area W-105, the proposed control area boundary alteration was not required.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 21, 1977, as hereinafter set forth.

§ 71.163 (42 FR 348) is amended as follows:

In Narragansett, R.I., "3,000" is deleted and "2,000" is substituted therefor.

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

Issued in Washington, D.C., on February 2, 1977.

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

[FR Doc.77-4209 Filed 2-9-77;8:45 am]

[Airspace Docket No. 76-NE-33]

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

Alteration of Control Zone

On Page 38776 of the FEDERAL REGISTER dated September 13, 1976 (41 FR 38776), the Federal Aviation Administration published a Notice of Proposed Rule Making which would alter the Lebanon, New Hampshire, control zone.

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

In view of the foregoing, the proposed regulation is hereby adopted effective 0901 G.m.t., April 21, 1977.

This amendment is made under the authority of Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Burlington, Massachusetts, on January 31, 1977.

QUENTIN S. TAYLOR,
Director, New England Region.

The Federal Aviation Administration, having completed a review of the airspace requirements for the area of Lebanon, New Hampshire, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of Lebanon Regional Airport Control Zone, Lebanon, New Hampshire, in its entirety and insert the following in lieu thereof:

LEBANON, N.H.

Within a 5-mile radius of the center, latitude 43°37'41" N., Longitude 72°18'21" W., of Lebanon Regional Airport, Lebanon, New Hampshire; within 3 miles each side of the Hanover NDB 246° and 066° bearings, extending from the 5-mile radius zone to 8.5 miles northeast of the NDB; within 2 miles either side of the centerline of runway 18 extended 5.5 miles from the end of the runway; within 2 miles either side of the White River NDB 075° bearing extending from the 5-mile radius zone to 7.5 miles from the end of runway 07.

[FR Doc.77-4210 Filed 2-9-77;8:45 am]

[Airspace Docket No. 77-GL-1]

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

Alteration of Federal Airways

The purpose of this amendment to the Federal Aviation Regulations is to realign a segment of V-96 between Fort Wayne, Ind., and Waterville, Ohio, and a segment of V-422 between Wolflake, Ind., and Findlay, Ohio.

Existing restrictions to the Fort Wayne VORTAC have resulted in the loss of V-96 between the Fort Wayne and Waterville VORTACs. This airway can be restored by adding a slight dogleg in the airway by using the Fort Wayne 071° and the Waterville 248° magnetic radials. To coincide with this action, it is also necessary to realign a segment of V-422 between Wolflake and the Antwerp, Ohio, fix by one degree.

Since this amendment is a minor adjustment upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., April 21, 1977, as hereinafter set forth.

§ 71.123 (42 FR 307) is amended as follows:

1. In V-96, "Fort Wayne, Ind.; Waterville, Ohio;" is deleted and "Fort Wayne, Ind.; INT Fort Wayne 071° and Waterville, Ohio, 246° radials; Waterville;" is substituted therefor.

2. In V-422, "INT Wolflake 096°" is deleted and "INT Wolflake 097°" is substituted therefor.

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

Issued in Washington, D.C., on February 2, 1977.

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

[FR Doc.77-4211 Filed 2-9-77;8:45 am]

[Airspace Docket No. 76-SW-57]

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

Alteration of Control Zone

Correction

In FR Doc. 77-2973, appearing on page 5694 in the issue for Monday, January 31, 1977, the longitude figures at the end of the second line of the paragraph headed "Killeen, Tex.", should read, "97°42'50"."

[Docket No. 16470; Amdt. No. 139-10]

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Airport Fire Fighting and Rescue Equipment

The purpose of these amendments to Part 139 of the Federal Aviation Regulations is to make certain editorial changes and to permit the Administrator to exempt the operators of certain air carrier airports from the fire fighting and rescue equipment requirements of that part if he finds that compliance with those requirements is, or would be, unreasonably costly, burdensome, or impractical.

These amendments are necessary to implement section 19 of the Airport and Airway Development Act Amendments of 1976 (AADA) (Pub. L. 94-353, 90 Stat.

871), which amended section 612 of the Federal Aviation Act of 1958 by adding a new paragraph (c). Under that paragraph, the Administrator may exempt operators of air carrier airports enplaning annually less than one-quarter of one percent of the total number of passengers enplaned at all air carrier airports from the fire fighting and rescue equipment requirements of section 612(b) of the Federal Aviation Act, if he finds that those requirements are, or would be, unreasonably costly, burdensome, or impractical.

In light of this legislative provision, §§ 139.19(a) and 139.49 are amended to permit those operators to file petitions for exemption from the fire fighting and rescue equipment requirements of § 139.49. Petitions filed should include a detailed explanation of how compliance with those requirements is, or would be, unreasonably costly, burdensome, or impractical. In this connection, the FAA will, in the near future, issue an advisory circular providing guidance for persons desiring to petition for an exemption under § 139.19, as herein amended.

In addition, § 139.19(a) currently indicates that an applicant for an airport operating certificate may petition for an exemption from the safety equipment requirements of § 139.111. However, § 139.111 does not in fact set forth such requirements. Moreover, paragraph (a) does not include a reference to § 139.107, which contains safety equipment requirements. Thus, to correct these inadvertent errors, the reference to § 139.111 is deleted and a reference to § 139.107 is included in § 139.19(a).

Finally, an applicant may petition the Administrator for an exemption from a safety equipment requirement contained in Part 139 on grounds that compliance would be contrary to the public interest. This provision is set forth in current § 139.19(a), which pertains to the filing of petitions for exemption from safety equipment requirements, and similar language is used in the sections throughout Part 139 which contain those requirements. Since this duplication is considered unnecessary, the similar provisions have been deleted from the sections containing safety equipment requirements.

Since these amendments are necessary to implement a statutory requirement, are editorial in nature, and impose no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making them effective on less than 30 days notice.

These amendments are made under the authority of sections 313(a) and 612 (c) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1432(c)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 139 of the Federal Aviation Regulations is amended, effective February 10, 1977, as follows:

1. By amending § 139.19 by revising paragraph (a) to read as follows:

§ 139.19 Exemptions: safety equipment.

(a) Any person required to apply for an airport operating certificate under this part may petition the Administrator, under § 11.25 of this chapter (general rule-making procedures), for an exemption from the safety equipment requirements of §§ 139.49, 139.53, 139.65, 139.105, 139.107, or 139.109, on the grounds that compliance would be contrary to the public interest. In addition, the applicant for an airport operating certificate, for an air carrier airport enplaning annually less than one-quarter of one-percent of the total number of passengers enplaned at all air carrier airports, may petition the Administrator, under § 11.25 of this chapter (general rule-making procedures), for an exemption from the fire fighting and rescue equipment requirements of § 139.49, on grounds that compliance with those requirements is, or would be, unreasonably costly, burdensome or impractical.

* * * * *

2. By amending § 139.49 by revising the introductory paragraph to read as follows:

§ 139.49 Airport fire fighting and rescue equipment and service.

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has, and will have, available during air carrier user operations, at least the airport fire fighting and rescue equipment with the vehicle response-time capability and trained personnel prescribed in this section.

* * * * *

3. By amending § 139.53 by revising the introductory paragraph to read as follows:

§ 139.53 Traffic and wind direction indicators.

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has on its airport the following:

* * * * *

4. By amending § 139.65 by revising the first sentence thereof to read as follows:

§ 139.65 Public protection.

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has on its airport appropriate safeguards against inadvertent entry of persons or large domestic animals onto any air operations area.

* * * * *

5. By amending § 139.105 by revising the introductory paragraph to read as follows:

§ 139.105 Heliport firefighting and rescue equipment and service.

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has, and will have, available during helicopter operations, at least the airport firefighting and rescue equipment with the vehicle response-time capability and trained personnel prescribed in this section.

* * * * *

6. By revising § 139.107 to read as follows:

§ 139.107 Traffic and wind direction indicators.

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has on its airport a wind direction indicator, installed to provide appropriate wind direction information, and lighted during the conduct of night operations.

7. By revising § 139.109 to read as follows:

§ 139.109 Public protection.

Except as provided in § 139.19(a), the applicant for an airport operating certificate must show that it has on its airport appropriate safeguards against inadvertent entry of persons into any air operations area.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on February 1, 1977.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.77-4205 Filed 2-9-77;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-124, Doc. 30103, Amdt. 4]

PART 371—ADVANCE BOOKING CHARTERS

Charter Prospectus Filing Procedures

Effective: February 10, 1977.

Adopted: February 4, 1977.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 4, 1977.

By this rule the Civil Aeronautics Board is amending its Advance Booking Charter (ABC) rule (14 CFR Part 371), with respect to prospectus filing requirements, to exclude ABC price decreases from the 15-day waiting period which follows the filing of an amended prospectus. The same amendment is being issued contemporaneously with respect to Study Group Charters, for the same reasons discussed hereinbelow.

When the Board adopted regulations providing for ABC's[1] it prescribed the same 15-day waiting periods for the sale of ABC's after the filing of the original or an amended prospectus (§ 371.25(a)) as were then applied under our other special charter rules to the marketing of charters after the filing of the original or an amended prospectus. These premarketing waiting periods had been prescribed under our various special charter rules in order to allow some period of time for the Board's staff to monitor compliance of ABC's and other types of charters

[1] SPR-110, 41 FR 37763, September 8, 1976.

with Board regulations by premarketing review of each initial and amended prospectus.

Subsequently, the Board amended § 371.25, along with the parallel provisions of our other charter rules,[2] to exclude from the 15-day waiting period certain types of amendments to the charter prospectus including, inter alia, charter price increases. The Board determined that no regulatory purpose was served by subjecting such amendments to premarketing review, since those amendments do not affect the basic legality of the charter for which an initial prospectus has been filed and cannot be the basis for rejection of an amended prospectus.

Five charter operators[3] have now jointly filed a rulemaking petition to amend § 371.25 to exclude ABC price decreases from the 15-day waiting period following the filing of an amended prospectus.[4] The petitioners argue that, since the regulations prescribe no minimum prices for ABC's, ABC price reductions can no more be the basis for rejecting an amended charter prospectus than are price increases and therefore, like price increases, they should be excluded from premarketing review. The petitioners further contend that elimination of the 15-day waiting period for ABC price decreases will reduce administrative burdens on both the Board and ABC operators and will facilitate rapid adjustment of prices, to the benefit of consumers. The petition also points out that the rulemaking petition granted by SPR–112 had been filed before adoption of the ABC rule and its text was designed principally for Inclusive Tour Charters (14 CFR Part 378) and One-stop-inclusive Tour Charters (14 CFR Part 378a), which, unlike ABC's, do have a legally prescribed minimum price. Thus, it argued, the reasons advanced by the Board in SPR–112 for exempting price increases from the 15-day waiting period would indeed not apply to price decreases of ITC's and OTC's, but they do apply to ABC price decreases. No answers to the petition were received.

The Board finds the petitioners' arguments persuasive and has decided to grant the petition. Since the price of an ABC is not a relevant factor in determining its basic legality, the Board believes that the premarketing filing and review of a prospectus amendment decreasing its price is no more necessary than if the price were increased. Furthermore, elimination of the 15-day waiting period for price reductions will enable charter operators to respond more rapidly to changes in demand and to pass on price decreases to consumers without undue delay. We have therefore determined to exclude such decreases in the same manner as we have already excluded increases from the 15-day waiting period. By the same token, the charter operator will be required to file notice with the Board of any such price reduction within five days of the reduction, just as our rules already require with respect to other prospectus amendments that are excluded from the 15-day waiting period.

Because this amendment creates no significant additional burden for any member of the public, and public benefit will be derived from putting it into effect without delay, it is found for good cause that notice and public procedure thereon are unnecessary and contrary to the public interest, and that it may be made effective immediately.

Accordingly, the Board hereby amends Part 371 of its Special Regulations (14 CFR Part 371) effective February 10, 1977, as set forth below.

Amend § 371.25(a)(3) to read as follows:

§ 371.25 Operating authorization of charter operators.

* * * * *

(a) * * *

(3) The 15-day waiting period specified in paragraph (a)(2) of this section shall not apply to charter price increases or decreases, changes in hotel accommodations, sightseeing arrangements, meal plans, and the order in which cities are visited, but such changes shall be filed not later than five (5) days following such change.

* * * * *

(Secs. 101 and 204, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743 (49 U.S.C. 1301, 1324).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–4329 Filed 2–9–77;8:45 am]

[Reg. SPR–125, Docket 30103, Amdt. 14]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Study Group Statement Filing Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 4, 1977.

For the reasons set forth in SPR–124, issued contemporaneously herewith, the Civil Aeronautics Board is amending its Study Group Charter (SGC) rule (14 CFR Part 373), with respect to study group statement filing requirements, to exclude SGC price decreases from the 15-day waiting period which follows the filing of an amended study group statement.

Because this amendment creates no significant aditional burden for any member of the public, and public benefit will be derived from putting it into effect without delay, it is found for good cause that notice and public procedure thereon are unnecessary and contrary to the public interest, and that it may be made effective immediately.

Accordingly, the Board hereby amends Part 373 of its Special Regulations (14 CFR Part 373) effective February 10, 1977, as set forth below.

Amend § 373.10(b)(3) to read as follows:

§ 373.10 Study Group Statement.

* * * * *

(b) * * *

(3) The 15-day waiting period referenced in paragraph (b)(2) of this section shall not apply to tour price increases or decreases, changes in hotel accommodations, sightseeing arrangements, meal plans, and the order in which cities are visited, but such changes shall be filed no later than five (5) days following such change.

* * * * *

(Secs. 101, 204, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743; (49 U.S.C. 1301, 1324).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–4330 Filed 2–9–77;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF–42]

IMPLEMENTATION OF STATUTORY CHANGES MADE BY PUBLIC LAW 94–455

The Tax Reform Act of 1976 (Pub. L. 94–455, 90 Stat. 1818) amended numerous obsolete sections and corrected several technical errors and omissions in subtitle E of the Internal Revenue Code of 1954. In addition the Act contains several amendments to subtitle E which are liberalizing in nature. The regulatory changes contained in this Treasury decision will implement these statutory changes.

LOSS PROVISIONS FOR SPIRITS BROUGHT INTO THE U.S. FROM PUERTO RICO AND THE VIRGIN ISLANDS

STATUTORY PROVISIONS

Under 26 U.S.C. 5232(a), spirits brought into the United States in bulk containers from Puerto Rico or the Virgin Islands may be transferred to the bonded premises of a distilled spirits plant without payment of the internal revenue tax. The proprietor of the bonded premises becomes liable for the tax as in the case of domestic spirits which are held on those bonded premises.

Section 26 U.S.C. 5008 provided for abatement or refund of tax in the case of distilled spirits: (1) Lost while in bond; (2) voluntarily destroyed while in bond; (3) voluntarily destroyed on bottling premises to which removed after

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[2] SPR–111 (OTC's), SPR–112 (ABC's), SPR–113 (SGC's), and SPR–114 (ITC's), all adopted contemporaneously on September 24, 1976, 41 FR 42940, September 29, 1976.

[3] Charter Travel Corporation, Duncan Travel Service, Globus-Gateway Tours, Ltd., Brendan Tours, Inc., and GoGo International, Inc. The petition states that each petitioner "is or shortly will be" an ABC operator.

[4] A rulemaking petition substantially identical to the petition in Docket 30103 was jointly filed by seven tour operators December 22, 1976, in Docket 30251. By adopting the amendment herein, the Board is granting both rulemaking petitions.

payment or determination of tax; (4) lost (in a manner described in the law) after withdrawal from bond on payment or determination of tax and before removal from the bottling premises to which removed from bond; or (5) returned to the bonded premises of a distilled spirits plant after payment or determination of tax. In all these cases listed except situation (1), the abatement or refund is only for taxes imposed by chapter 51 of 26 U.S.C. Spirits brought into the United States from Puerto Rico or the Virgin Islands are taxed under section 26 U.S.C. 7652. As a result the provisions pertaining to refund or abatement of tax in the other four situations listed did not give relief for taxes on spirits from Puerto Rico or the Virgin Islands.

Apparently this exclusion resulted from an oversight, but Pub. L. 94–455 corrects the omission by extending to bulk spirits brought into the United States from Puerto Rico or the Virgin Islands the same loss provisions applicable to imported and domestic spirits.

REGULATORY PROVISIONS

Applicable regulations are amended to reflect the eligibility of Puerto Rican and Virgin Islands spirits for loss provisions.

Claims for losses of Puerto Rican and Virgin Islands spirits are to be filed in the usual manner for claims of domestic spirits. To insure proper accounting of operational losses, Form 2611, Statement of Losses at Bottling Premises will be prepared; and a new Form 2611 Page 3, will be attached to Form 2611 Page 1 as supplemental informaton to separately identify eligible Puerto Rican rum, other Puerto Rican spirits, and Virgin Islands spirits, from other eligible spirits.

Forms 1577—Destruction of Spirits, 2612—Taxpaid Spirits Returned to Bonded Premises, and 4738—Notice and Gauge of Spirits Returned to Bottling Premises, have been revised to indicate the eligibility of Puerto Rican and Virgin Islands spirits for abatement or refund of tax on applicable losses. In each instance, separate forms shall be prepared for Puerto Rican rum, for other Puerto Rican spirits and for Virgin Islands spirits. The separate preparation of these forms is necessary for accounting purposes. [§§ 170.124, 170.134, 170.170, 201.482, 201.491, 201.561 amended.]

LIQUOR DEALERS

The statutory changes eliminate the special tax designation for (1) retail dealers in wine; (2) retail dealers in wine and beer; (3) medicinal spirits dealers; (4) wholesale dealers in wine; and (5) wholesale dealers in wine and beer. Persons engaging in business in these categories will be classified in the primary designation of business (e.g., retail dealers in wine, retail dealers in wine and beer, and medicinal spirits dealers will be classified as retail liquor dealers). These designation changes do not affect the special tax rate.

An additional statutory change affects limited retail dealers. Limited retail dealers (e.g., fairs, civic or church groups) were limited to sales of wine and beer only and subject to special (occupational) taxes of $2.20 per month. The statutory change establishes a special tax category for limited retail dealers of spirits, wines, or beer and sets the special tax rate at $4.50 per month.

The regulations in 27 CFR Part 194 are amended to provide for these changes. [§ 194.11, 194.24, 194.26, 194.27, 194.101, 194.121, 194.211, 194.245 amended; §§ 194.128–130 revoked.]

NONBEVERAGE DRAWBACK

Statutory provisions regarding drawback of tax on spirits used in nonbeverage products were amended to delete the requirement that such spirits be produced in a domestic distillery, or withdrawn from the bonded premises of a distilled spirits plant. This amendment will permit manufacturers of nonbeverage drawback products to claim refunds of taxes on imported spirits used in nonbeverage products. The regulations in 27 CFR Part 197 are amended to make this change and to make a conforming change. [§ 197.8, 197.9, 197.109, 197.130b amended.]

MINGLING OF SPIRITS FOR CONSOLIDATION

The consolidation of packages of spirits for further storage in bond could be accomplished for spirits within 8 years of the date of original entry for deposit. The amended statutory provisions provide that such consolidation may be accomplished within 20 years of the date of original entry. Therefore, applicable sections in 27 CFR Part 201 are amended to conform to this change. [§ 201.301 amended.]

FILTRATION OF SPIRITS FOR EXPORTATION

Section 26 U.S.C. 5025 was amended to extend the exemption from rectification tax to distilled spirits subjected to filtration or other physical treatments prior to exportation. The change will permit distilled spirits plant proprietors to filter and stabilize spirits destined for exportation in a manner similar to spirits entered for bottling in bond and pursuant to 27 CFR 201.324. The regulations in 27 CFR Part 201 are amended accordingly. [§ 201.29 amended; § 201.314 added.]

WITHDRAWAL OF SPIRITS FROM BOND UNDER 26 U.S.C. 5174(a)(2)

Section 26 U.S.C. 5174(a)(2) was amended to provide for the withdrawal of spirits from bond by proprietors authorized to rectify or bottle distilled spirits pursuant to a withdrawal bond. Prior statutory requirements limited withdrawals under § 5174(a)(2) to spirits intended to be rectified or bottled by authorized proprietors. The statutory amendment will extend authorized withdrawal to all spirits, including those bottled-in-bond. This will permit proprietors of bottling premises to defer payment of tax on bottled-in-bond spirits for payment on ATF Form 4077 and pursuant to regulations in 27 CFR Part 170, Subpart C. These statutory changes, however, require a minor regulatory change. Proprietors desiring to withdraw bottled-in-bond spirits pursuant to § 5174(a)(2) should prepare Form 179 in the manner other spirits are withdrawn from bond. [§ 170.43 amended.]

MISCELLANEOUS AMENDMENTS

Definition of "Secretary" and "Delegate". Section 26 U.S.C. 7701 was amended to change the definition of "Secretary" to provide that "Secretary of the Treasury" means the Secretary of the Treasury, personally, and does not include any delegate of his; while "Secretary" means the Secretary of the Treasury or his delegate. The term "or his delegate" is also defined in connection with the definition of "Secretary". Therefore, the definition of "Secretary" is amended in all parts of 27 CFR where it appears; and the definition of "Delegate" is added to all parts of 27 CFR where the term "Secretary" is defined. [§§ 71.11, 201.11, 211.11, 213.11, 245.5 and 252.11 amended.]

Revocation of obsolete provisions. Pub. L. 94–455 revoked numerous obsolete statutory provisions. Conforming regulatory changes are made in 27 CFR Parts 170, 240, 245 and 296 to incorporate these revocations. [§§ 170.86, 170.87, 170.92, 170.93, 240.236, 240.720, 240.723, 245.56, 296.2, 296.3, 296.8, and 296.9 amended; §§ 170.371–.374 revoked]

INFLATION IMPACT

The Bureau has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

In consideration of the foregoing, the regulations in 27 CFR are amended as follows:

PART 70—PROCEDURE AND ADMINISTRATION

1. Section 70.22 is amended by revising paragraph (c), and revising the statutory citation at the end of the section, to read as follows:

§ 70.22 Examination of books and witnesses.

* * * * *

(c) *Persons who may issue summonses.* The following officers and employees of the Bureau are authorized to issue summonses pursuant to 26 U.S.C. 7602:

(1) Regional regulatory administrators, and

(2) Office of Inspection: Assistant Director, Deputy Assistant Director, and regional inspectors.

* * * * *

(Aug. 16, 1954, ch. 736, 68A Stat. 901; (26 U.S.C. 7602).)

PART 71—STATEMENT OF PROCEDURAL RULES

2. Section 71.11 is amended by adding the definition of "Delegate" and changing the definition of "Secretary" to read as follows:

§ 71.11 Meaning of terms.

* * * * *

Delegate. Any officer, employee, or agency of the Department of the Treasury authorized by the Secretary of the Treasury directly, or indirectly by one or more redelegations of authority, to perform the function mentioned or described in the context.

Secretary. The Secretary of the Treasury or his delegate.

* * * * *

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

3a. Section 170.43 is amended, in alphabetical order, to revise the definition of "controlled stock", and redesignate existing paragraphs, (b), (c), (d), (e), (f), and (g), as paragraphs (c), (d), (e), (f), (g), and (h), to read as follows:

§ 170.43 Meaning of terms.

* * * * *

Controlled stock. Stock on control premises, comprising:

(a) Tax-determined domestic spirits received for rectification or bottling;

(b) Tax-determined spirits bottled-in-bond (prior to tax determination) and received for storage;

(c) Tax-determined imported spirits received from internal revenue bond (as authorized by section 5232, I.R.C.) for rectification or bottling;

(d) Other tax-determined imported spirits dumped and reported on batch record Form 122 for use in production of rectified distilled spirits product;

(e) Alcoholic flavoring materials, wines, and products made with wine, dumped and reported on batch record Form 122 for use in production of a rectified distilled spirits product;

(f) Distilled spirits products received and dumped for reprocessing or rebottling;

(g) Any mixture of, or product made from, the preceding;

(h) Any of the preceding (1) on the control premises of a proprietor on the commencement of business under the provisions of this subpart, or (2) received from an outgoing proprietor as controlled stock under the provisions of § 170.56.

3b. Section 170.86 is amended, in alphabetical order, to revise the definition of "Assistant regional commissioner" and add the definition of "Regional regulatory administrator", to read as follows:

§ 170.86 Meaning of terms.

* * * * *

Assistant regional commissioner. A regional regulatory administrator, as defined in this section.

* * * * *

Regional regulatory administrator. The principal regional official responsible for administering regulations in this subpart.

* * * * *

4. Secton 170.87 is amended by deleting paragraph (c), by redesignating paragraph (d) as paragraph (c), and by deleting the last undesignated paragraph, to read as follows:

§ 170.87 Applicability to certain credits or refunds.

* * * * *

(a) * * *

(b) Any claim made in accordance with any law expressly providing for credit or refund where an article is withdrawn from the market, returned to bond, or lost or destroyed, and

(c) Any claim based solely on errors in computation of the quantity of an article subject to tax or on mathematical errors in computation of the amount of the tax due, or to any claim in respect of tax collected or paid on an article seized and forfeited, or destroyed, as contraband.

5. Section 170.92 is amended by deleting paragraph (b), and by redesignating the present text of paragraphs (c), (d), (e), (f), and (g), as paragraphs (b), (c), (d), (e), and (f), respectively, to read as follows:

§ 170.92 Data to be shown in claim.

Claims to which this subpart is applicable, in addition to the requirements of § 170.91, must set forth or contain the following:

(a) A statement that the claimant paid the amount claimed as a "tax" as defined in this subpart.

(b) Full identification (by specific reference to the form number, the date of filing, the place of filing, and the amount paid on the basis of the particular form or return) of the tax forms or returns covering the payments for which refund or credit is claimed.

(c) The written consent of the owner to the allowance of the refund or credit to the claimant (where the owner of the article in respect of which the tax was paid furnished the claimant the amount claimed for the purpose of paying the tax).

(d) If the claimant (or owner, as the case may be) has neither sold nor contracted to sell the articles involved in the claim, a statement that the claimant (or owner, as the case may be) agrees not to shift, directly or indirectly in any manner whatsoever, the burden of the tax to any other person.

(e) If the claim is for refund of a floor stocks tax, or of an amount resulting from an increase in rate of tax applicable to an article, a statement as to whether the price of the article was increased on or following the effective date of such floor stocks tax or rate increase, and, if so, the date of the increase, together with full information as to the amount of such price increase.

(f) Specific evidence (such as relevant records, invoices, or other documents, or affidavits of individuals having personal knowledge of pertinent facts) which will satisfactorily establish the conditions to allowance set forth in § 170.89.

The regional regulatory administrator may require the claimant to furnish as a part of the claim such additional information as he may deem necessary.

6. Section 170.93 is revised by amending paragraph (a), and by deleting paragraphs (b) and (c), to read as follows:

§ 170.93 Time for filing claim.

No credit or refund of any amount of tax to which the provisions of this subpart apply shall be made unless the claimant files a claim therefor within the time prescribed by law and in accordance with the provisions of this subpart.

7. Section 170.124 is amended by making conforming changes to read as follows:

§ 170.124 General provisions.

Distilled spirits brought into the United States from the Virgin Islands in bulk containers of 5 gallons or more capacity may under the provisions of this subpart, be withdrawn by the proprietor of a distilled spirits plant from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of his plant, without payment of the internal revenue tax, including rectification tax, if any imposed on such spirits by 26 U.S.C. 7652. Such spirits so withdrawn and transferred to a distilled spirits plant (a) may not be bottled in bond under 26 U.S.C. 5233, (b) may be redistilled or denatured only if of 185° or more of proof, and (c) may be withdrawn from internal revenue bond for any purpose authorized by 26 U.S.C. chapter 51, in the same manner as domestic distilled spirits. Spirits transferred from customs custody to the bonded premises of a distilled spirits plant under the provisions of this subpart shall be received and stored thereat, and withdrawn or transferred therefrom, subject to the provisions of Part 201 of this chapter. The person operating the bonded premises of the distilled spirits plant to which spirits are transferred under the provisions of this subpart shall become liable for the tax on distilled spirits withdrawn from customs custody under 26 U.S.C. 5232, upon release of the spirits from customs custory, and the importer or person bringing the spirits into the United States shall thereupon be relieved of his liability for such tax.

(Sec. 3(a), Pub. L. 91-659, 72 Stat. 1328; Sec. 1905, Pub. L. 94-455, 72 Stat. 1820 (26 U.S.C. 5232).)

8. Section 170.134 is revised in its entirety to read as follows:

§ 170.134 Abatement, remission, credit, or refund.

The provisions of 26 U.S.C. 5008, authorizing abatement, remission, credit and refund for loss or destruction of distilled spirts, shall apply to spirits brought into the United States from the Virgin Islands, with respect to the following:

(a) Spirits lost while in internal revenue bond;

(b) Voluntary destruction of spirits in bond;

(c) Voluntary destruction of spirits after withdrawal for rectification or bottling;

(d) Spirits lost after withdrawal for rectification or bottling, by reason of accident, flood, fire or other disaster;

(e) Spirits lost in rectifying, packaging, bottling and casing operations;

(f) Spirits returned to bonded premises;

(g) Spirits returned to bonded premises after withdrawal upon tax determination;

(h) Spirits returned to the bottling premises from which removed; and

(i) Samples of spirits for use by the United States.

Claims relating to spirits lost in bond, in addition to the information required by § 201.43 of this chapter, shall show the name of the producer, and the serial number and date of the Form 27–B Supplemental under which produced.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1323, as amended, 1364, as amended; Sec. 1905, Pub. L. 94–455, 90 Stat. 1818 (26 U.S.C. 5008, 5215).)

9. Section 170.170 is revised in its entirety to read as follows:

§ 170.170 Abatement, remission, credit, or refund.

The provisions of 26 U.S.C. 5008, authorizing abatement, remission, credit and refund for loss or destruction of distilled spirits, shall apply to spirits brought into the United States from Puerto Rico, with respect to the following:

(a) Spirits lost while in internal revenue bond;

(b) Voluntary destruction of spirits in bond;

(c) Voluntary destruction of spirits after withdrawal for rectification or bottling;

(d) Spirits lost after withdrawal for rectification or bottling, by reason of accident, flood, fire or other disaster;

(e) Spirits lost in rectifying, packaging, bottling and casing operations;

(f) Spirits returned to bonded premises;

(g) Spirits returned to bonded premises after withdrawal upon tax determination;

(h) Spirits returned to the bottling premises from which removed; and

(i) Samples of spirits for use by the United States.

Claims relating to spirits lost in bond, in addition to the information required by § 201.43 of this chapter, shall show the name of the producer, and the serial number and date of the Form 27–B Supplemental under which produced.

(Sec. 201, Pub. L. 85–859, 72 Stat. 13231, as amended, 1364, as amended; sec. 1905, Pub. L. 94–455, 90 Stat. 1818 (26 U.S.C. 5008, 5215).)

Subpart Q—Interim Regulations (§§ 170.371–170.374 [Revoked])

10. Subpart Q (§§ 170.371–.374) is revoked.

PART 194—LIQUOR DEALERS

11. Section 194.11 is amended, in alphabetical order, by adding the definition of "Tax year", to read as follows:

§ 194.11 Meaning of terms.

* * * * *

Tax year. The period from July 1 of one calendar year through June 30 of the following year.

* * * * *

12. Section 194.24 is revised by amending paragraphs (b), (c)(i), and (c)(ii), and by amending the statutory citation at the end of the section, to read as follows:

§ 194.24 Wholesale dealer in liquors.

(a) *General.* * * *

(b) *Persons not deemed to be wholesale dealers in liquors:* The following persons are not deemed to be wholesale dealers in liquors within the meaning of 26 U.S.C., chapter 51, and are not required to pay special tax as such dealer—

(1) * * *

* * * * *

(c) *Persons exempt from special tax.*

(1) * * *

(i) A retail dealer in liquors who consummates sales of distilled spirits, beer or wine, or any combination thereof, to a limited retail dealer at the place where such retail dealer in liquors has paid the special tax as such dealer for the current tax year,

(ii) A retail dealer in beer who, having paid the special tax as such dealer for the current tax year, consummates sales at his place of business of beer to a limited retail dealer, or

(iii) * * *

* * * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1340, as amended, 1344, as amended; Sec. 1905, Pub. L. 94–455, 90 Stat. 1819 (26 U.S.C. 5111, 5112, 5113, 5123).)

13. Section 194.26 is revised by amending paragraphs (b) and (c)(1)(i), and by amending the statutory citation at the end of the section, to read as follows:

§ 194.26 Wholesale dealer in beer.

(a) *General.* * * *

(b) *Persons not deemed to be wholesale dealers in beer.* The following persons are not deemed to be wholesale dealers in beer within the meaning of 26 U.S.C., chapter 51, and are not required to pay special tax as such dealer—

(1) * * *

(c) *Persons exempt from special tax.*

(1) * * *

(i) A retail dealer in liquors who consummates sales of distilled spirits, beer or wine, or any combination thereof, to a limited retail dealer at the place where such retail dealer in liquors has paid the special tax as such dealer for the current tax year,

(ii) A retail dealer in beer who consummates sales of beer to a limited dealer at the place where such retail dealer in beer has paid the special tax as such dealer for the current tax year, or

(iii) * * *

* * * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1340, as amended, 1344, as amended; Sec. 1905, Pub. L. 94–455, 90 Stat. 1819 (26 U.S.C. 5111, 5112, 5113, 5123).)

14. Section 194.27 is amended to provide for the sale of distilled spirits by limited retail dealers, and to revise the statutory citation at the end of the section, to read as follows:

§ 194.27 Limited retail dealer; persons eligible.

Each person desiring to sell distilled spirits, beer or wine, or any combination thereof, to members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or similar outings, and any fraternal, civic, church, labor, charitable, benevolent, or ex-servicemen's organization desiring to sell distilled spirits, beer or wine, or any combination thereof, on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, shall obtain, for each calendar month in which sales are to be made, a special tax stamp as a limited retail dealer in liquors. No person or organization otherwise engaged in business as a dealer shall procure such limited special tax stamp. Application on Form 11 and payment of special tax at the rate specified in § 194.101 shall be submitted to the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 and payment shall be filed with the director of the service center serving the internal revenue district in which the sales are to be made, before any sales are made. If requested on Form 11, the director of the service center may issue the special tax stamp under the designation of (a) limited retail dealer in distilled spirits, if distilled spirits only are to be sold, (b) limited retail dealer in wine, if wine only is to be sold, or (c) limited retail dealer in beer, if beer only is to be sold.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1344, 1346; Sec. 1905, Pub. L. 94–455, 90 Stat. 1819 (26 U.S.C. 5122, 5142).)

15. Section 194.101 is amended by adding the special tax rate for limited retail dealers (spirits, wines, beer) to paragraph (b) and by revising the statutory citation at the end of the section, to read as follows:

§ 194.101 Special tax rates.

Special (occupational) taxes are imposed on dealers in liquors and beer at the following rates—

(a) *Annual (tax year) rates:* * * *

(b) *Monthly (calendar month) rate:*

Limited retail dealer (spirits, wines, beer)	$4.50
Limited retail dealer (wine, beer)	2.20

(Sec. 201, Pub. L. 85–859, 72 Stat. 1340, 1343; Sec. 1905, Pub. L. 94–455, 90 Stat. 1819 (26 U.S.C. 5111, 5121).)

16. Section 194.121 is revised in its entirety to read as follows:

§ 194.121 Issuance of stamps.

(a) *Issuance.* Upon filing a return properly executed on Form 11, together with a remittance in the full amount due, the taxpayer will be issued an appropriately designated stamp. Special tax stamps will not be issued in the case of a return covering liability for a past period.

(b) *Multiple locations.* If Form 11 with remittance covers multiple locations, the taxpayer will be issued one stamp for each location listed in the attachment to Form 11 required by § 194.106(c) but showing, as to name and address, only the name of the taxpayer and the address of the taxpayer's principal place of business (or principal office in the case of a corporate taxpayer).

(Sec. 1905, Pub. L. 94-455, 90 Stat. 1820 (26 U.S.C. 5142).)

§§ 194.128–194.130 [Revoked]

17. Sections 194.128–194.130 are revoked.

18. Section 194.211 is amended by designating the existing language as paragraph (a); by designating existing paragraphs (a), (b), (c), (d), and (e) as paragraphs (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5), respectively; and adding a new paragraph (b), to read as follows:

§ 194.211 Unlawful purchases of distilled spirits.

(a) *General.* It is unlawful for any dealer to purchase distilled spirits for resale from any person other than—

(1) A dealer who has paid special tax as a wholesale dealer in liquors at the place where the distilled spirits are purchased;

(2) A wholesale dealer whose place of business comes within the exemptions provided by § 194.151 for changes in location and § 194.169 for changes in control;

(3) The proprietor of a distilled spirits plant who is exempt from special tax as a dealer at the place where the distilled spirits are purchased;

(4) A retail liquor store operated by a State, a political subdivision thereof, or the District of Columbia, which is not required to pay special tax as a wholesale dealer in liquors as provided in § 194.31;

(5) A person not required to pay special tax as a wholesale liquor dealer, as provided in §§ 194.188–194.190 and 194.192–194.193.

(b) *Special provisions for limited retail dealers.* A limited retail dealer may purchase distilled spirits for resale from a retail dealer in liquors.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1343; Sec. 1905, Pub. L. 94-455, 90 Stat. 1819 (26 U.S.C. 5117).)

§ 194.245 [Amended]

19. Section 194.245 is amended by deleting the last sentence.

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

20. Section 197.8 is amended to revise the definition of "Director", to read as follows:

§ 197.8 Director.

The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

21. Section 197.9 is amended to revise the definition of "distilled spirits", to read as follows:

§ 197.9 Distilled spirits.

Distilled spirits shall mean that substance known as ethyl alcohol, ethanol, spirits, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, including alcohol, whisky, brandy, rum, gin, and vodka, all of which are fully taxpaid or tax-determined at the distilled spirits rate.

22. Section 197.109 is amended by revising paragraphs (b) and (d) to read as follows:

§ 197.109 Information to be shown by the claim.

The claim must set forth the following:

(a) * * *

(b) That the distilled spirits on which drawback is claimed are fully taxpaid or tax-determined at the distilled spirits rate.

* * * * *

(d) That the nonbeverage products were manufactured in compliance with (1) quantitative formulas filed with the Director, Bureau of Alcohol, Tobacco and Firearms, on Form 1678 prior to or at the time of manufacture, or (2) formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the Homeopathic Pharmacopoeia of the United States.

* * * * *

23. Section 197.130b is amended in its entirety, to read as follows:

§ 197.130b Evidence of tax payment of distilled spirits.

(a) *Domestic spirits.* (1) Forms 179 shall be secured from the distilled spirits plant proprietor and retained by the manufacturer as evidence of tax payment of the spirits to support information required to be furnished in supporting data filed with a claim.

(2) Where shipments are made from a taxpaid room operated in connection with a distilled spirits plant, the vendor's commercial invoice may be utilized in lieu of Form 179 if the invoice bears a certification as to tax payment by the person who paid the tax, and includes the following information:

(i) The name and address of vendor:

(ii) The registry number of the distilled spirits plant from which the spirits were withdrawn on determination of tax;

(iii) The release number of the applicable Form 179;

(iv) The name of the producer, blender, or warehouseman of the spirits;

(v) The serial number of the container.

(vi) The serial number and date of the distilled spirits stamp; and

(vii) The kind of spirits, proof, and proof gallons in the container.

(b) *Imported spirits.* Evidence of tax payment of imported distilled spirits (such as Customs Forms 7501 and 7505 receipted to indicate payment of tax) shall be secured from the importer and retained by the manufacturer as evidence of tax payment to support information required to be furnished in supporting data filed with a claim.

PART 201—DISTILLED SPIRITS PLANTS

24. Section 201.11 is amended, in alphabetical order to revise the definition of "Assistant regional commissioner"; add the definition of "Delegate"; revise the definition of "Regional director"; add the definition of "Regional regulatory administrator", and revise the definition of "Secretary", to read as follows:

§ 201.11 Meaning of terms.

* * * * *

Assistant regional commissioner. Wherever used in this part shall mean a regional regulatory administrator as defined in this section.

* * * * *

Delegate. Any officer, employee, or agency of the Department of the Treasury authorized by the Secretary of the Treasury directly, or indirectly by one or more redelegations of authority, to perform the function mentioned or described in the context.

* * * * *

Regional director. Whenever used in this part shall mean a regional regulatory administrator as defined in this section.

Regional regulatory administrator. The principal regional official responsible for administering regulations in this part.

* * * * *

Secretary. The Secretary of the Treasury on his delegate.

* * * * *

25. Section 201.29 is amended by revising the first sentence, paragraphs (k), (p), (s), (t), and (v), and the statutory citation at the end of the section, to read as follows:

§ 201.29 Exemption from rectification tax.

The rectification tax imposed by 26 U.S.C. 5021 does not apply in the case of—

(a) * * *

* * * * *

(k) Cordials or liqueurs, on which a tax is imposed by 26 U.S.C. 5022;

* * * * *

(p) Heterogeneous spirits mingled, as provided in Subpart J of this part, in bulk gauging tanks on bonded premises for immediate removal to bottling premises exclusively for use in taxable rectification; in blends of straight whiskies, fruit brandies, or rums, differing as to type, under 26 U.S.C. 5025(f); or for other mingling or treatment under 26 U.S.C. 5025(k);

* * * * *

(s) Spirits mingled on bonded premises for immediate redistillation, immediate denaturation, or immediate removal from such premises free of tax under 26 U.S.C. 5214(a) (1), (2), or (3), or 26 U.S.C. 7510;

(t) Spirits mingled on bonded premises for further storage in bond, as provided in 26 U.S.C. 5234(a)(2), and Subpart J of this part;

* * * * *

(v) Spirits from which only extraneous insoluble materials have been removed, or in which only minor changes in the soluble color or soluble solids have been made, as provided in Subparts J, K and N of this part;

* * * * *

(Aug. 16, 1954, ch. 736, 68A Stat. 900; sec. 201, Pub. L. 85–859, 72 Stat. 1328, 1338, 1356, 1362, 1365, 1367, 1381; sec. 1905, Pub. L. 94–455, 90 Stat. 1818 (26 U.S.C. 7510, 5021, 5022, 5023, 5025, 5082, 5201, 5214, 5223, 5234, 5363).)

26. Section 201.301 is revised by amending the heading, by amending the period during which spirits may be consolidated, and by revising the statutory citation at the end of the section, to read as follows:

§ 201.301 Mingling to consolidate packages under 26 U.S.C. 5234(a)(2).

Within 20 years of the date of original entry for deposit packages of spirits of the same kind, distilled by the same proprietor (under his own or any trade name), at the same distillery, and which have been stored in internal revenue bond in the same kind of cooperage for not less than 4 years (or 2 years in the case of rum or brandy) may be dumped and mingled in a tank in the storage facilities on bonded premises. * * *

* * * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1328, as amended, 1367, as amended; Sec. 1905, Pub. L. 94–455, 90 Stat. 1820 (26 U.S.C. 5025, 5234).)

27. A new center heading and a new § 201.314 are added immediately following § 201.313, to read as follows:

EXPORTATION OF SPIRITS

§ 201.314 Filtering and stabilizing.

Spirits withdrawn for exportation may be treated as provided in § 201.324.

28. Section 201.482 is amended to make conforming changes and to update the statutory citation at the end of the section. As amended, § 201.482 reads as follows:

§ 201.482 Allowable losses.

Where spirits withdrawn from internal revenue or customs bond on payment or determination of tax for rectification or bottling are lost, the tax imposed on such spirits under 26 U.S.C. 5001 or 7652, may be abated, remitted, or, without interest, refunded or credited to the proprietor who so withdrew the spirits for removal to his bottling premises, if it is established to the satisfaction of the regional regulatory administrator that;

(a) * * *

* * * * *

Paragraphs (a)(2), (a)(3), and (b) of this section shall apply to spirits returned to the bottling premises to which withdrawn from bond as provided in § 201.495. Abatement, remission, credit, or refund of tax shall not be made with respect to the losses described in this section to the extent that the claimant is indemnified or recompensed for the tax, and in the case of the losses described under paragraph (b) of this section, abatement, remission, credit, or refund shall not be made in excess of the limitations set forth in this subpart. No allowance is made in 26 U.S.C. 5008(c), in respect to loss of spirits by theft. Spirits lost by theft in transit to, or while on, bottling premises shall be reflected as losses by theft in the records and reports prepared by the proprietor but shall be excluded from the quantities for which claims are filed pursuant to 26 U.S.C. 5008(c). Spirits used up in bona fide analysis and testing on bottling premises shall be considered as lost by reason of, and incident to, authorized operations within the meaning of this section. Spirits removed as samples from the bottling premises before completion of bottling and casing or other packaging of such spirits for removal from the bottling premises shall be reflected as proprietor samples or Government samples in the records and reports prepared by the proprietor, and shall be excluded from the quantities for which claims are filed pursuant to 26 U.S.C. 5008(c).

(Sec. 201, Pub. L. 85–859, 72 Stat. 1323, as amended; Sec. 1905, Pub. L. 94–455, 90 Stat. 1818 (26 U.S.C. 5008).)

29. Section 201.491 is amended by adding a new sentence to paragraph (a), referring to claims for losses of Puerto Rican and/or Virgin Islands spirits, and by updating the statutory citation at the end of the section. As amended, § 201.491 reads as follows:

§ 201.491 Claims and supporting data.

(a) Any person filing a claim under § 201.45(d) shall file with the claim, as supporting data, Form 2611 to show computation of the losses described in §§ 201.485 and 201.487, as applicable. Page 2 of Form 2611 shall also be required when the proprietor is computing the allowable loss under both the general loss allowance schedule, (§ 201.485a (b)(1)), and the loss allowance schedule for cordials, liqueurs, cocktails, mixed drinks, and specialities (§ 201.45a(b)(2)). Proprietors shall prepare Page 3 of Form 2611 to support claims which include losses of Puerto Rican and/or Virgin Islands spirits.

* * * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1323, as amended; Sec. 1905, Pub. L. 94–455, 90 Stat. 1818, (26 U.S.C. 5008).)

30. Section 201.561 is amended by making conforming changes in paragraph (b), and by updating the statutory citation at the end of the section. As amended, § 201.561 reads as follows:

§ 201.561 General.

The tax liability on distilled spirits (including denatured spirits) terminates, or if the tax has been paid it may be refunded or credited, when such spirits are voluntarily destroyed in accordance with this subpart—

(a) * * *

(b) By the proprietor who withdrew the spirits on payment or determination of tax for rectification or bottling, if the spirits are destroyed after they were withdrawn from bond and before they were removed from, or after return to, the bottling premises of such proprietor. A corporation and any of its affiliated or subsidiary corporations who conduct successive operations at the same bottling premises may qualify, as provided in § 201.490, to be treated as one proprietor for the purposes of this subpart. This paragraph applies to the distilled spirits tax imposed under 26 U.S.C. 5001 and 7652, and, as applicable, the rectification tax imposed under 26 U.S.C. 5021, 5022 and 5023. This paragraph applies only in respect of such taxes on the quantity actually destroyed.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1323, as amended; Sec. 1905, Pub. L. 94–455, 90 Stat. 1818, (26 U.S.C. 5008).)

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

31. Section 211.11 is amended by adding the definition of "Delegate" and changing the definition of "Secretary" to read as follows:

§ 211.11 Meaning of terms.

* * * * *

Delegate. Any officer, employee, or agency of the Department of the Treasury authorized by the Secretary of the Treasury directly, or indirectly by one or more redelegations of authority, to perform the function mentioned or described in the context.

* * * * *

Secretary. The Secretary of the Treasury or his delegate.

* * * * *

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

32. Section 213.11 is amended by adding the definition of "Delegate" and changing the definition of "Secretary" to read as follows:

§ 213.11 Meaning of terms.

* * * * *

Delegate. Any officer, employee, or agency of the Department of the Treasury authorized by the Secretary of the Treasury directly, or indirectly by one or more redelegations of authority, to perform the function mentioned or described in the context.

* * * * *

Secretary. The Secretary of the Treasury or his delegate.

* * * * *

PART 240—WINE

33. Section 240.236 is amended by deleting the term "Territory", wherever it appears, by making editorial changes, and by updating the statutory citation at the end of the section, to read as follows:

§ 240.236 Disapproval.

Bonds submitted on Form 700 or Form 2053, or consents of surety relative to such bonds, may be disapproved if the

individual, firm, partnership, corporation, or association giving the bond, or owning, controlling, or actively participating in the management of the bonded wine cellar of the individual, firm, partnership, corporation, or association giving the bond, has been previously convicted in a court of competent jurisdiction of (a) any fraudulent noncompliance with any provision of any law of the United States, if such provision relates to internal revenue or customs taxation of distilled spirits, wine, or beer, or if such offense has been compromised with the individual, firm, partnership, corporation, or association, upon payment of penalties or otherwise, or (b) any felony under the law of any State, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation or transportation of distilled spirits, wine, beer, or other intoxicating liquor.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1394; sec. 1905, Pub. L. 94-455, 72 Stat. 1823 (26 U.S.C. 5551).)

34. Section 240.720 is amended by deleting the phrase "and Territories", and by updating the statutory citation at the end of the section, to read as follows:

§ 240.720 General.

Wine may be removed from bonded wine cellars free of tax for use of the Government of the United States or any agency thereof upon receipt of proper governmental order signed by the officer in charge of the department, institution, station, or similar establishment, to which the wine is to be shipped, or other officer authorized to sign such order. Wine may also be removed for use by the governments of the several states and the District of Columbia, or of any subdivision thereof or by any agency of such governments, free of tax, from bonded wine cellars for analysis, testing, research or experimentation, as provided in §§ 240.723 to 240.726.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1380, as amended; sec. 1905, Pub. L. 94-455, 90 Stat. 1823 (26 U.S.C. 5362).)

35. Section 240.723 is amended by deleting the term "Territories", and by updating the statutory citation at the end of the section, to read as follows:

§ 240.723 Application.

Where it is desired to obtain wine for use of States, or the District of Columbia, or of any subdivision thereof or by any agency of the governments, letter application, in triplicate, shall be filed with the regional director of the region in which the bonded wine cellar is located, by the governmental agency, listing the name, address, and registry number of the wine cellar; the kind, quantity and alcohol content of the wine desired; and the purpose for which the wine is to be used.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1380, as amended; sec. 1905, Pub. L. 94-455, 90 Stat. 1823 (26 U.S.C. 5362).)

PART 245—BEER

36. Section 245.5 is amended by adding the definition of "Delegate" and changing the definition of "Secretary" to read as follows:

§ 245.5 Meaning of terms.

* * * * *

Delegate. Any officer, employee, or agency of the Department of the Treasury authorized by the Secretary of the Treasury directly, or indirectly by one or more redelegations of authority, to perform the function mentioned or described in the context.

* * * * *

Secretary. "Secretary" shall mean the Secretary of the Treasury of his delegate.

* * * * *

37. Section 245.56 is amended by deleting the term "Territory", in paragraph (b), and by updating the statutory citation at the end of the section, to read as follows:

§ 245.56 Disapproval of bonds or consents of surety.

* * * * *

(b) Any felony under a law of any State, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, beer, or other intoxicating liquor.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1394; sec. 1905, Pub. L. 94-455, 72 Stat. 1823 (26 U.S.C. 5551).)

PART 252—EXPORTATION OF LIQUORS

38. Section 252.11 is amended by adding the definition of "Delegate" and changing the definition of "Secretary" to read as follows:

§ 252.11 Meaning of terms.

* * * * *

Delegate. Any officer, employee, or agency of the Department of the Treasury authorized by the Secretary of the Treasury directly, or indirectly by one or more redelegations of authority, to perform the function mentioned or described in the context.

* * * * *

Secretary. The Secretary of the Treasury or his delegate.

* * * * *

PART 296—MISCELLANEOUS REGULATIONS RELATING TO CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

39. Section 296.2 is amended in alphabetical order, to revise the definition of "Assistant regional commissioner" and add the definition of "Regional regulatory administrator", to read as follows:

§ 296.2 Meaning of terms.

* * * * *

Assistant regional commissioner. A regional regulatory administrator, as defined in this section.

* * * * *

Regional regulatory administrator. The principal regional official responsible for administering regulations in this subpart.

* * * * *

40. Section 296.3 is amended to remove obsolete provisions by deleting paragraph (c), by redesignating paragraph (d) as paragraph (c), and by deleting the last paragraph. As amended, § 296.3 reads as follows:

§ 296.3 Applicability to certain credits or refunds.

* * * * *

(a) * * *

(b) Any claim made in accordance with any law expressly providing for credit or refund where an article is withdrawn from the market, returned to bond, lost, or destroyed, and

(c) Any claim based solely on errors in computation of the quantity of an article subject to tax or on mathematical errors in computation of the amount of the tax due, or to any claim in respect of tax collected or paid on an article seized and forfeited, or destroyed, as contraband.

41. Section 296.8 is amended to remove obsolete provisions by deleting paragraph (b), and by redesignating paragraphs (c), (d), (e), (f), and (g) as paragraphs (b), (c), (d), (e), and (f), respectively. As amended, § 296.8 reads as follows:

§ 296.8 Data to be shown in claim.

Claims to which this subpart is applicable, in addition to the requirements of § 296.7, must set forth or contain the following:

(a) A statement that the claimant paid the amount claimed as a "tax" as defined in this subpart.

(b) Full identification (by specific reference to the form number, the date of filing, the place of filing, and the amount paid on the basis of the particular form or return) of the tax forms or returns covering the payments for which refund or credit is claimed.

(c) The written consent of the owner to allow the refund or credit to the claimant (where the owner of the article on which the tax was paid has furnished the claimant the amount claimed for the purpose of paying the tax).

(d) If the claimant or the owner, as the case may be, has neither sold nor contracted to sell the articles involved in the claim, a statement that the claimant or the owner, as the case may be, agrees not to shift, directly or indirectly in any manner whatsoever, the burden of the tax to any other person.

(e) If the claim is for refund of a floor stocks tax, or of an amount resulting from an increase in rate of tax applicable to an article, a statement as to whether the price of the article was increased on

or following the effective date of such floor stocks tax or rate increase, and, if so, the date of the increase, together with full information as to the amount of such price increase.

(f) Specific evidence (such as relevant records, invoices, or other documents, or affidavits of individuals having personal knowledge of pertinent facts) which will satisfactorily establish the conditions of allowance set forth in § 296.5.

The regional regulatory administrator may require the claimant to furnish as a part of the claim such additional information as he may deem necessary.

42. Section 296.9 is amended to remove obsolete provisions in paragraph (a), and by deleting paragraphs (b) and (c), to read as follows:

§ 296.9 Time for filing claim.

No credit or refund of any amount of tax to which the provisions of this subpart apply shall be made unless the claimant files a claim therefor within the time prescribed by law and in accordance with the provisions of this subpart.

Because this Treasury decision is liberalizing in nature, deletes obsolete provisions, and corrects technical errors, it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

Effective date: Accordingly this Treasury decision shall become effective on February 1, 1977, the date when applicable provisions of Pub. L. 94–455 take effect.

Signed: January 26, 1977.

REX D. DAVIS,
Director.

Approved: February 3, 1977.

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

[FR Doc.77-4322 Filed 2-9-77;8:45 am]

Title 30—Mineral Resources

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

SUBCHAPTER D—ELECTRICAL EQUIPMENT, LAMPS, METHANE DETECTORS; TESTS FOR PERMISSIBILITY; FEES

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

Miscellaneous Amendments

• *Purpose.* The purpose of this notice is to announce several minor changes in 30 CFR Part 18 of the Department of the Interior's regulations pertaining to electrical equipment for use in mines. •

The changes involve miscellaneous amendments related to matters of internal organization of the Department of the Interior, as well as the correction of errors. The items below, numbered 1, 3, and 4 correct typographical errors. Items numbered 2, 7 and 8 reflect changes in nomenclature from "Bureau of Mines" to "MESA" following Secretarial Order No. 2953 (May 7, 1973). Items numbered 5 and 6 correct errors in abbreviation, whereby "B. of M." is an abbreviation for "Bill of Materials", not "Bureau of Mines" and therefore should not have been replaced by the word "MESA" when nomenclature changes were published in the FEDERAL REGISTER, 39 FR 23999 (June 28, 1974).

Since these changes are not substantive in nature, proposed rulemaking and opportunity for public comment are unnecessary.

Accordingly, 30 CFR Part 18 is amended as follows:

1. The heading of § 18.95 in the table of sections is amended by deleting the word "Scheduled" and substituting therefor the word "Schedule".

2. Section 18.82(g)(1) is amended by deleting the words "Seal of the Bureau of Mines" and substituting therefor the words "Emblem of the Mining Enforcement and Safety Administration".

3. Table 7 in Appendix I of Subpart D, is amended by deleting the numbers immediately below the column heading "Conductor size—AWG or MCM" and substituting therefor the numbers 6, 4, 3, 2, 1, 1/0, 2/0, 3/0, 4/0, 250, 300, 350.

4. Table 8 in Appendix I of Subpart D, is amended by deleting the word "or" in footnote number 1, and substituting therefor the word "for".

5. Figure 2 in Appendix II of Subpart D, is amended by deleting the words "MESA No. ____" and substituting therefor the words "B. of M. No. ____".

6. Figure 4 in Appendix II of Subpart D, is amended by deleting the words "MESA No. ____" under the heading "Portable Cable" and substituting therefor the words "B. of M. No. ____".

7. Section 18.97(b)(4)(iii) is amended by deleting the words "Bureau of Mines" and substituting therefor the word "MESA".

8. Section 18.99 is amended by deleting the words "Bureau of Mines" and substituting therefor the word "MESA".

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Effective date: These regulations are effective on February 10, 1977.

(Sec. 508, Pub. L. 91–173, 83 Stat. 803; (30 U.S.C. 957))

Dated: February 3, 1977.

WILLIAM D. BETTENBERG,
Acting Assistant Secretary of the Interior.

[FR Doc.77-4312 Filed 2-9-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76–138]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Black River, Michigan

This amendment changes the regulations for the Military Street, Seventh Street and Tenth Street drawbridges across the Black River, Port Huron, Michigan, to provide more restrictive opening periods. This amendment was circulated as a public notice dated October 1, 1976, by the Commander, Ninth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 76–138) on August 23, 1976 (41 FR 35536). No comments were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

§ 117.641 [Amended]

1. Revoking § 117.641(f)(5).

2. Adding a new § 117.702 immediately before § 117.703 to read as follows:

§ 117.702 Black River, Port Huron, Michigan; bridges.

(a) The draws of the Military Street, and Seventh Street bridges shall open as follows:

(1) From May 1 through October 31—(i) From Monday through Saturday, except holidays, from 9 a.m. to 5:30 p.m., the draw need open only on the hour and half-hour; and

(ii) From 5:30 p.m. to 9 a.m., and on Sundays and holidays, the draw shall open on signal.

(2) During the months of April and November—(i) From 8 a.m. to 4 p.m., the draws shall open on signal; and

(ii) From 4 p.m. to 8 a.m., the draws shall open on signal if at least three hours notice is given.

(3) From December 1, through March 31, the draws shall open on signal if at least twenty-four hours notice is given.

(b) The draw of the Tenth Street bridge shall open as follows:

(1) From May 1 through October 31—(i) From 8 a.m. to 11 p.m., the draw shall open on signal; and

(ii) From 11 p.m. to 8 a.m., the draw shall open on signal if at least one hour notice is given.

(2) During the months of April and November, the draw shall open on signal if at least three hours notice is given.

(3) From December 1 through March 31, the draw shall open on signal if at least twenty-four hours notice is given.

(c) Signals. (1) The opening signal from the vessel for each of these bridges is one long blast followed by one short blast of a whistle, horn, siren, or by shouting.

(2) The acknowledging signal from the drawbridge is—(i) One long blast

followed by one short blast when the draw will open promptly; and

(ii) Four short blasts when the draw will not open promptly, or is open and must be closed.

(d) The owners of or agencies controlling each bridge shall provide the necessary draw tenders and the proper mechanical appliances for the safe, prompt opening of the draw for the passage of vessels.

(e) Advance notice for the opening of the draws may be given to the dispatcher of the City of Port Huron Police Department.

(f) Public vessels of the United States, state or local government vessels used for public safety, and vessels in distress, shall be passed through the draws of these bridges as soon as possible at any time.

(g) The owner of or agency controlling each bridge shall keep a copy of the regulations in this section, together with a notice stating exactly how the dispatcher may be reached, conspicuously posted both upstream and downstream, either on the bridge or elsewhere in such a manner that it can easily be read from an approaching vessel at all times.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on March 14, 1977.

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 4, 1977.

A. F. FUGARO,
Chief, Office of Marine Environment and Systems.

[FR Doc.77-4246 Filed 2-9-77;8:45 am]

[CGD 76-160]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Cheboygan River, Michigan

This amendment changes the regulations for the U.S. 23 drawbridge across the Cheboygan River, mile 0.92, to require that the draw only open from May 16 through September 15, from three minutes before to three minutes after the quarter hour and three-quarters hour from 7:18 a.m. to 6:12 p.m., Monday through Friday, and from 11:18 a.m. to 5:12 p.m. on Saturday. From December 15 through March 15, the draw will open after 24 hours notice. At all other times the draw shall open on signal. This amendment was circulated as a public notice dated November 17, 1976 by the Commander, Ninth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 76-160) on October 28, 1976 (41 FR 47264). No comments were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.696 immediately after § 117.695 to read as follows:

§ 117.696 Cheboygan River, Cheboygan, Mich., U.S. 23 bridge.

(a) The draw shall open on signal except that: (1) From May 16 through September 15, Monday through Friday, from 7:18 a.m. to 6:12 p.m., and from 11:18 a.m. to 5:12 p.m., on Saturday, the draw need open only from three minutes before to three minutes after the quarter hour and the three-quarters hour.

(2) From December 15 through March 15, the draw need open only if at least 24 hours notice is given to the City of Cheboygan Police Department.

(b) The draw shall open on signal at any time for public vessels of the United States, state or local government vessels engaged in public safety or law enforcement activities, commercial vessels, or vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn, or by shouting.

(c) The opening signal from all other vessels is one long blast followed by one short blast.

(d) The acknowledging signal is:

(1) When the draw shall open promptly, one long blast followed by one short blast.

(2) When the draw cannot open or is open and must be closed, four short blasts.

(e) The owner of or agency controlling this bridge shall keep a copy of the regulations in this section together with information stating how notice is to be given to the authorized representative of the bridge owner posted both upstream and downstream, either on the bridge or elsewhere in such manner that it can easily be read from an approaching vessel at all times.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

Effective date. This revision shall become effective on March 14, 1977.

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 4, 1977.

A. F. FUGARO,
Chief, Office of Marine Environment and Systems.

[FR Doc.77-4247 Filed 2-9-77;8:45 am]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket No. RM76-5; Order 151]

PART 3001—RULES OF PRACTICE

Filing of Periodic Reports by United States Postal Service; Clarifying Order

FEBRUARY 4, 1977.

On December 7, 1976 the United States Postal Service (Postal Service) filed a document entitled "Postal Service Response to Order No. 141." In this response to Order No. 141, the Postal Service implicitly seeks Commission reconsideration of those portions of Order No. 141 which dealt with filing deadlines for six periodic reports and the prescribed contents of two other reports, specifically the Regional Operating Plans Summary and the Investment Income Report. Inasmuch as the issues addressed in the Postal Service response do not involve matters of substance—as we explain infra—but instead involve further elaboration on certain requirements of Order No. 141, we are issuing this Order of Clarification.[1]

In its pleading the Postal Service asserts that compliance with the deadlines established by Order No. 141 for the filing of the Revenue and Cost Analysis Report; Statement of Revenue and Expense; Civil Service Retirement Fund Deficit Report; Workmen's Compensation Report; Revenue, Pieces and Weight by Classes of Mail and Special Services Report; and the Incremental Cost Analysis Report probably cannot be assured. This situation arises because the Postal Service must rely upon third persons for completion of the data, e.g., independent auditors and other government agencies, or in the case of the Revenue, Pieces and Weight by Classes of Mail and Special Services Report, the requirement that the report be completed within sixty days is alleged to be an unduly harsh burden on the staff of the Postal Service.

As in its earlier comments in this docket the Postal Service does not advance any proposed time schedules for filing of these periodic reports, except for the Revenue, Pieces and Weight by Classes of Mail and Special Services Report in which the Postal Service recommends a ninety-day deadline. To reiterate from our Order No. 141, we believe firmly that time schedules are necessary, for otherwise "the efficacy of having access to postal data would be severely undermined if the Commission and interested persons had no indication as to when the information [report] would be available for review and analysis."[2]

With this objective in mind, coupled with the need to obtain reported data before it becomes outdated, we adopted the present deadlines. Of course, where there is a bona fide reason for a late filing our general rules of practice provide procedures for relief. Specifically, rule 22 provides in part that "any requirement of any subpart of the Part 3001 may be waived in whole or in part to the extent permitted by law upon a showing that such waiver" is not prejudicial to other persons and is consistent with the public interest. [39 CFR § 3001.-

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[1] Ordinarily it is within an agency's discretion, especially without a showing of significant supervening changes or manifest inequity, to refuse to rehear issues which were explored during the course of a recent rulemaking proceeding. This is done, inter alia, to keep the administrative burden manageable. *See* Alabama Power Co. *v.* Federal Power Commission, 511 F. 2d 383 (D.C. Cir. 1974).

[2] *See* Order No. 141 (41 Fed. Reg. 47431, Oct. 29, 1976) at p. 6.

22.] It is anticipated that this waiver provision will be timely used in those few instances in which the Postal Service finds itself unable to comply with the time schedule for filing periodic reports.

Since experience is required in administering the reporting requirements, the Commission will remain flexible with regard to the time criteria established in Order No. 141. If requests for waivers based on good cause are made with regard to one or more of the reports cited by the Postal Service in its response, or indeed any of the reports called for in Order No. 141, they will be given serious consideration and accorded a reasonable disposition. Moreover, if the same pattern of late filings and ensuing waivers were to continue, upon our own initiative, or upon the motion of the Postal Service, we would reconsider the time schedules. However, any revision of the time schedules is premature until there have been initial attempts to comply with those schedules.

In its response to Order No. 141, the Postal Service asserts that the Regional Operating Plan Summaries lack relevance to the Commission's rate setting functions and furthermore the summaries are management documents of a confidential nature. At the outset, it should be noted that these summaries clearly have relevance to our rate setting functions. For instance, in R76-1 the Postal Service in its presentation of certain cost data supporting its projected revenue requirements relied upon those summaries as its underlying source material.[3] The Postal Service also wrongly perceives the identity of the summaries required to be filed. It is not the individual interim working papers of the regional offices which this data requirement addresses; rather, it is the final overall summary which is required to be filed. The final overall summary is thus not an interim working paper reflecting the internal, deliberative processes of the Postal Service.

The Postal Service also states that the projections of revenues (as they arise from estimated cost changes reflected in the Regional Operating Plan Summaries) are already contained in other periodic reports to be filed pursuant to Order No. 141. The only report prescribed by Order No. 141 which deals with projected costs and revenues is the Annual Budget submitted to the Office of Management and Budget. As we indicated in R76-1 and in earlier opinions, this budget breakdown aggregates revenue needs into ten cost categories which do not coincide with the twenty major cost segments used to classify attributable and institutional costs.[4] For this reason the Annual Budget submitted to the Office of Management and Budget does not provide sufficient data to analyze prospective expenses of cost segments used in developing revenue requirements.

Finally, the Postal Service asserts that providing certain information called for in the Investment Income Report would not be consistent with "good business practice." We fail to understand how the filing of such historical information as "gain on sale of investments" would interfere with the Postal Service's carrying forward its investment objectives. However, we will review, if necessary, the format of this report upon receipt of the Postal Service's initial submission in response to this data filing requirement.

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc.77-4313 Filed 2-9-77;8:45 am]

[3] Docket No. R76-1, Osborne's Workpapers, p. 20, Schedule III-2-8, at pp. 32-33.

[4] *See* PRC Op., R76-1 at pp. 24-25.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 681-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alaska: Approval and Disapproval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR part 51, require each State to submit a plan which provides for the implementation, maintenance and enforcement of national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 19842), pursuant to section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator approved, with certain exceptions, the State of Alaska Air Quality Control Plan.

On September 30, 1975 and January 6, 1976, after proper notice and public hearing, the Commissioner, State of Alaska Department of Environmental Conservation (ADEC), submitted for the Administrator's approval, revisions to the compliance schedule portion of the State Implementation Plan, in accordance with 40 CFR 51.4, 51.6 and 51.15. On June 7, 1976, EPA announced receipt of these revisions in the FEDERAL REGISTER (41 FR 22845) and invited public comment on whether the revisions should be approved or disapproved. No comments were received during the 30-day public comment period. The November 10, 1976 FEDERAL REGISTER disapproved two and approved two of the revisions to the compliance schedule portion of the Implementation Plan pursuant to provisions of 40 CFR 51.8. This document approves the third Compliance schedule as proposed in the June 7, 1976, FEDERAL REGISTER. The compliance schedule has been evaluated for compliance with 40 CFR 51.4, 51.6, and 51.15.

The compliance schedule is being approved because, based upon data available, attainment and maintenance of air quality standards will not be precluded. The compliance schedule for Ketchikan Pulp Company, Ketchikan, Alaska, contains enforceable increments of progress and contains a final compliance.

The compliance schedule establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the following table under the heading "Final Compliance Date." Each schedule which extends more than a year from the date of adoption must include federally enforceable increments of progress toward compliance as required by 40 CFR 51.15(c).

While the table below does not list those interim dates, the actual compliance schedule does. The "Effective Date" column in the table refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The "Date of Adoption" column refers to the date that the State adopted the compliance schedule. An evaluation of the schedule is available for public inspection at the Regional Office of the EPA at the address noted below.

State compliance schedule revisions are available for public inspection at the appropriate State agency, EPA headquarters, and at the EPA Regional Office. The locations of these offices are as follows:

State of Alaska, Department of Environmental Conservation, Pouch 0, Juneau, Alaska 99801.

Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street S.W., Washington, D.C. 20460.

Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

The Administrator finds good cause to make this rulemaking effective immediately as the compliance schedule is already in effect under Alaska State Law and EPA's approval will impose no additional regulatory burden.

This rulemaking is issued under the authority of section 110 of the Clean Air Act as amended [42 USC 1857c-5].

Dated: February 3, 1977.

JOHN QUARLES,
Acting Administrator.

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

Subpart C—Alaska

1. In § 52.70, paragraph (c)(6) is added to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(6) Compliance schedules submitted on September 30, 1975, by the State of Alaska Department of Environmental Conservation.

2. Section 52.84 is amended by adding the following lines to the table in paragraph (b) as follows:

§ 52.84 Compliance schedules.

* * * * *

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Alaska Administrative Code, Title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
• •	•	•	•	•	•
Ketchikan Pulp Co	Ketchikan	18AAC50.050(a)(b) 18AAC50.060(a)(2) 18AAC50.120(h)	June 6, 1975	Immediately	July 1, 1978

[FR Doc.77-4179 Filed 2-9-77;8:45 am]

[FRL 683-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California

Approval of Revisions to Lassen, Modoc, Siskiyou, and Sutter Counties' Rules and Regulations in the State of California.

LASSEN COUNTY

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Lassen County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP).

On September 13, 1976 (41 FR 38782), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Regional Administrator proposed approval of the changes contained in the submission listed above. The Proposed Rulemaking (41 FR 38782), provided for a 30-day public comment period. No comments were received.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

The changes contained in the July 25, 1973 submission and being acted upon by this package consist of the addition of an implementation plan for agricultural burning, which contains many new rules governing this activity and provides for their enforcement.

It is the purpose of this final rulemaking notice to approve of all the changes included in the July 25, 1973 submission.

MODOC COUNTY

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Modoc County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP).

On September 13, 1976 (41 FR 38782), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Regional Administrator proposed approval of the changes contained in the submission listed above. The Proposed Rulemaking (41 FR 38782), provided for a 30-day public comment period. No comments were received.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

The changes contained in the July 25, 1973 submission and being acted upon by this package include the following: addition of a rule listing the State and Federal air contaminant standards and the addition of an agricultural burning regulation, which contains many new rules governing this activity and provides for their enforcement.

It is the purpose of this final rulemaking notice to approve all the changes included in the July 25, 1973 submission.

SISKIYOU COUNTY

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Siskiyou County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP).

On September 13, 1976 (41 FR 38782), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Regional Administrator proposed approval of the changes contained in the submission listed above. The Proposed Rulemaking (41 FR 38782), provided for a 30-day public comment period. No comments were received.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

The significant changes to the Siskiyou County new source review rules (Regulation II), submitted on July 25, 1973, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 25, 1973 submission and being acted upon by this package include the following: addition of an exemption to the uncombined water regulation for visible emissions; addition of an implementation plan for agricultural burning; requirement that emission data be made available to the public; and other minor changes of a procedural nature.

It is the purpose of this final rulemaking notice to approve all the changes included in the July 25, 1973 submission with the exception of the rules specified above which are not being acted upon at this time.

Rule 2.13, *Regulation for Public Availability of Emission Data*, now allow emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); therefore it is being approved. The current disapproval notice in 40 CFR 52.224(a) and the substitute regulation in 40 CFR 52.224(b) are being rescinded for Siskiyou County by the action taken today.

SUTTER COUNTY

On July 25, 1973, July 19, 1974, January 10, 1975, July 22, 1975, and April 21, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Sutter County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the July 25, 1973 submission is superseded by the July 19, 1974, January 10, 1975, July 22, 1975, and April 21, 1976 submissions, only the latest submissions will be addressed in this notice.

On September 13, 1976 (41 FR 38782), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Regional Administrator proposed approval of the changes contained in the submissions listed above. However, due to an oversight, the April 21, 1976 date was not included. Since this submission was included in the Evaluation Report and the regulation was available at the offices identified in the Notice of Proposed Rulemaking, there is no useful purpose to be served in reproposing with the April 21, 1976 date added. The Proposed Rulemaking Notice provided for a 30-day public comment period. No comments were received.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

The significant changes to the Sutter County new source review rules (Regulation III), submitted on July 25, 1973 and July 19, 1974 will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 19, 1974, January 10, 1975, July 22, 1975, and April 21, 1976 submissions and being acted upon by this package include the following: revision of a definition for agricultural burning; requirement that emission data be made available to the public; addition of requirements for waste wood burning; addition of requirements for rice straw burning; addition of requirements for range improvement burning; and other minor changes of a procedural nature.

It is the purpose of this rulemaking notice to approve all the changes contained in the July 19, 1974, January 10, 1975, July 22, 1975, and April 21, 1976 submissions with the exception of the rules specified above that are not being acted upon at this time.

Rule 1.3, *Public Records*, now allows emission data to be made available to the public, which is consistent with 40 CFR 51.10(e); therefore it is being approved. The current disapproval notice in 40 CFR 52.224(a) and the substitute regulation in 40 CFR 52.224(b) are being rescinded for Sutter County by the action taken today.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as SIP revisions. Since no public comments were received, the revisions are being approved as proposed.

The Administrator finds good cause for making this rulemaking effective immediately since the regulations being approved are currently being enforced by the State and local air pollution control agencies, and therefore pose no fur-

ther requirement on any affected facility.

This final rulemaking notice is issued under the authority of Section 110 of the Clean Air Act, as amended (40 U.S.C. 1857c-5).

Dated: February 4, 1977.

JOHN QUARLES,
Acting Administrator.

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

Subpart F—California

1. Section 52.220, paragraphs (c)(20)–(32) are added as follows:

§ 52.220 **Identification of plan.**

* * * * *

(c) * * *

* * * * *

(20) [Reserved]

(21) Revised regulations for the following APCD's submitted on July 25, 1973, by the Governor.

(i) Lassen County APCD

(A) Rules 1:1–1:6, 3:1–3:5, 4:0–4:17, 5:1–5:17, Appendix A, and Appendix B.

(ii) Modoc County APCD

(A) Rules 1:1–1:6, 3:0–3:16, 4:1–4:17, and 5:1–5:17.

(iii) Siskiyou County APCD

(A) Rules 1.1–1.5, 2.13, 3.1–3.3, 4.1–4.14, 5.1–5.18, and Implementation Plan for Agricultural Burning.

(iv) Sutter County APCD

(A) Rules 1.1–1.7, 2.1–2.20, 2.82, 4.1–4.11, 5.1, 6.3–6.5, and 7.1–7.18.

(22) [Reserved]

(23) [Reserved]

(24) Revised regulations for the following APVD's submitted on July 19, 1974, by the Governor's designee.

(i) Sutter County APCD.

(A) Rule 1.3

(25) [Reserved]

(26) Revised regulations for the following APCD's submitted on January 10, 1975, by the Governor's designee.

(i) Sutter County APCD

(A) Rule 4.1

(27) [Reserved]

(28) Revised regulations for the following APCD's submitted on July 22, 1975, by the Governor's designee.

(i) Sutter County APCD

(A) Rules 1.2, 2.82, and 4.11.

(29) [Reserved]

(30) [Reserved]

(31) Revised regulations for the following APCD's submitted on April 21, 1976, by the Governor's designee.

(i) * * *

(A) * * *

(ii) Sutter County APCD

(A) Rule 4.1

(32) [Reserved]

2. Section 52.224 (a) and (b)(1) are revised as follows:

§ 52.224 **General requirements.**

(a) Except in the Air Pollution Control Districts (APCD) listed in this paragraph, the requirements of § 51.10(e) of this chapter are not met since the plan does not provide procedures by which emission data, as correlated with applicable emission limitations, will be made available to the public.

(1) Northeast Plateau Intrastate:

(i) Siskiyou County APCD

(2) Sacramento Valley Intrastate:

(i) Sutter County APCD

(b) *Regulation for public availability of emission data.*

(1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, except for those APCD's specified in paragraph (a), concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

* * * * *

[FR Doc.77-4180 Filed 2-9-77;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-226]

PART 151—UNMANNED BARGES

Use of Copper and Copper Alloys with Caustic Soda and Caustic Potash Cargoes

The purpose of these amendments to the regulations for carriage of bulk dangerous cargo on unmanned barges in 46 CFR Part 151 is to allow the use of most copper alloys in containment systems for caustic soda or caustic potash solutions.

On page 10915 of the FEDERAL REGISTER of March 15, 1976, the Coast Guard proposed the amendment of § 151.55-1(j) and Table 151.05 to remove the restrictions on the use of copper or its alloys as materials of construction in containment systems for caustic soda or caustic potash solutions (caustics). The existing regulations do not allow the use of these materials in barges that carry caustics in bulk. This exclusion was based upon the recommendations in manufacturers' brochures that copper and copper alloys be excluded from containment systems. The manufacturers generally did not include data to support their recommendation; however, some manufacturers' stated in their brochures that copper and copper alloys were corroded too quickly for caustic service or that copper would contaminate the caustic so that it would be commercially unusable.

After publication of the proposed amendment, a barge designer asked the Coast Guard if he could use copper alloys in the pumps and valves of caustic barges. These pumps and valves commonly have parts made of brass or bronze. The barge designer said that he had used zincless copper alloys in caustic service under other circumstances and had found no more corrosion than that for steel or iron.

The Coast Guard now has data on the use of copper and copper alloys under a wide range of temperatures and degrees of agitation. Copper and its alloys usually have corrosion rates that are less than steel and iron by a factor of 10 to 100. The Coast Guard has no data that support the contention that copper and most copper alloys corrode more quickly than steel and iron if used with caustics. Many shippers move caustic in conventional petroleum tankers that have brass and bronze parts in pumps, valves, and pv valves. The Coast Guard has no evidence of unusual corrosion problems with these parts when they are used with caustic cargo.

Three persons have commented on the proposal. Two are against it and one is in favor of it.

Of the two unfavorable comments, one iterates the recommendation often found in manufacturers' brochures against using copper, brass, or bronze with caustic handling equipment. This commenter has no data that support this recommendation. The commenter now agrees that copper is not a problem, but states that tin and aluminum alloys should be excluded. Aluminum is presently excluded by the regulation; however, tin and alloys containing tin or aluminum are not excluded. The Coast Guard has no record of the use of tin in its pure form in any critical containment system parts. The small amounts of tin and aluminum used as alloying agents do not seem to create any hazards. Therefore, the Coast Guard has not included this suggestion in the final rule.

The second unfavorable comment is that chlorine or ammonia impurities in commercial caustic might attack copper or copper alloys. Since chlorine impurities tend to attack steel or iron as quickly as they do copper, this possibility is insufficient reason to exclude copper. Although ammonia might be an impurity in commercial caustic solutions, the Coast Guard has no data supporting this nor has it any evidence of problems with existing caustic containment systems that have copper or copper alloy parts. The person making the comment offered no evidence of the ammonia or chlorine impurities, though chlorine is often made in conjunction with caustic.

There are some data that show that copper alloys with a high zinc content are attacked by caustic. This dezincification seems to become severe when the zinc content reaches about 30 percent of the alloy. For this reason, the Coast Guard has modified the original proposal, which would have allowed the use of any copper alloy, to allow those alloys that have less than 10 percent zinc by weight, thus leaving a considerable margin for safety.

Therefore, the final rule removes the restriction on the use of copper or cop-

per alloys in containment systems for caustic, except alloys that contain more than 10 percent zinc by weight.

In consideration of the foregoing, part 151 of Title 46, Code of Federal Regulations, is amended as follows:

1. Subpart 155.05 is amended as follows: Table 151.05, "Summary of Minimum Requirements," under "Caustic potash solution" and under "Caustic soda solution" is amended by deleting the number "151.55–1(b)" in column 14, "Special Requirements (Section)," and substituting the number "151.55–1(j)" in its place.

2. § 151.55–1 is amended by revising paragraph (j) to read as follows:

§ 151.55–1 General.

* * * * *

(j) Zinc, alloys that have more than 10% zinc by weight, and aluminum may not be used as materials of construction for tanks, pipelines, valves, fittings, and other items of equipment that may come in contact with cargo liquid or vapor.

(80 Stat. 937; 46 U.S.C. 170, 391a, 375, 416; 46 U.S.C. 1655(b)(1); 49 CFR 1.46.)

Effective date: These amendments become effective on March 14, 1977.

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: February 4, 1977.

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

[FR Doc.77–4248 Filed 2–9–77;8:45 am]

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 16 Amdt. 16, Docket No. 76–49]

PART 502—RULES OF PRACTICE AND PROCEDURE

Miscellaneous Amendments

This proceeding was instituted by notice of proposed rulemaking published in the FEDERAL REGISTER of September 20, 1976 (41 FR 40504). The purpose of the proceeding was to amend appropriate sections of the Commission's rules of practice to (1) specify that, in proceedings under section 15 of the Shipping Act, 1916, parties to the agreement shall be designated "proponents" and parties opposing approval shall be designated "protestants"; (2) place in the presiding officer the authority to rule on production of witnesses and materials located in a foreign country; and (3) establish a procedure for Commission review of orders of dismissal by presiding officers which have not been appealed.[1]

Comments were submitted by the Council of European and Japanese National Shipowners' Association (CENSA); Japan/Korea Atlantic and Gulf Freight Conference, Trans-Pacific Freight Conference of Japan/Korea, New York Freight Bureau, and Trans-Pacific Freight Conference (Hong Kong) (Conferences); Maritime Administrative Bar Association (MABA); and the Commission's Bureau of Hearing Counsel (Hearing Counsel). We have considered these comments carefully and herewith publish final rules. A section-by-section analysis of the rules and comments thereon follows:

1. Section 502.41 was proposed to be amended by designating parties to agreements as "proponents" and parties opposing approval as "protestants" in proceedings relating solely to approvability of section 15 agreements. The proposal is designed to eliminate the current and misleading designations of "respondents" and "petitioners."

No comment was made to this proposal and it will be incorporated in the final rule.

2. Sections 502.210 and 502.136 were proposed to be amended and § 502.211 deleted to the net effect that presiding officers would rule on the production of witnesses and materials located in a foreign country. It was believed that the proposed procedure would eliminate confusion and delay occasioned by the present system of dual jurisdiction, i.e., authority in the presiding officer to compel production of witnesses and materials located in the United States and in the Commission with respect to a foreign country.

CENSA objects to the proposals on the ground that the Commission alone should deal with matters which might arise from attempts to obtain documents or subpoena persons abroad. It points out that the current standards for quashing subpoenas might not encompass, for example, prohibitory statutes of other nations. If the Commission adopts the proposals, CENSA urges that procedural guarantees be incorporated, i.e., the presiding officer be required to consider the effect on international relations in making any ruling and that parties have an absolute right to appeal any such ruling.

The Conferences generally echo CENSA's position as to the Commission's traditional role in matters of international import. They assert also that the efficiency to be gained under the proposal is illusory in that the Commission would ultimately have to enforce any order of the presiding officer. They also urge the right of immediate appeal.

MABA takes no position on the question of whether presiding officers should have the proposed authority since its members are divided on this question. MABA, however, questions the authority of the Commission to limit the time within which a private party may bring an enforcement action.

Hearing Counsel support the proposal generally but would revise the wording of § 502.210(d) to make clear that only the Commission shall enforce orders and that enforcement is discretionary.

The matter of enforcing orders abroad is not a common one but when it occurs it is a matter of concern. The process is very delicate, perhaps involving other entities of the government, e.g., Department of State. The Commission should be the entity making such determinations based on policy as well as legal considerations. Accordingly, we shall not adopt this aspect of the proposal.

We believe, however, that the presiding officer should at least be able to determine whether the problem is one for him or the Commission. Accordingly, we are amending § 502.210(a) to require an answering party to indicate whether or not witnesses or documents are located in a foreign country. Section 502.136 will be amended in accordance with all the foregoing.

3. Section 502.227 was proposed to be amended by providing specifically for review of orders of dismissal by presiding officers. At present, the rules are silent as to this.

MABA is of the opinion that the present rules permit review of dismissals by the Commission but supports the proposal as stating the Commission's authority explicitly.

Hearing Counsel would add language to insure that service of a notice of intent to review would not constitute a reopening of the record.

At the time of fashioning its proposal, the Commission was attempting to do what MABA suggests, i.e., clarify the rules. As to Hearing Counsel's addition, we feel it unnecessary. A record can not be reopened automatically; only the presiding officer or Commission, as appropriate, may do so.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 27 and 43 of the Shipping Act, 1916 (46 U.S.C. 826, 841a), Part 502 of Title 46, Code of Federal Regulations is amended as set forth hereinafter.

1. Section 502.41 is amended by adding the following language to the end of the third sentence:

§ 502.41 [Amended]

* * * except that in investigations instituted under section 15 of the Shipping Act, 1916, in which the issues relate solely to the question of approvability of an agreement, the parties to the agreement shall be designated as "proponents" and the parties protesting approval shall be designated as "protestants."

2. Section 502.210(a) is amended by inserting the following sentence immediately preceding the last sentence:

§ 502.210 [Amended]

* * * Replies shall also indicate whether, to what extent, and specifically where, witnesses, documents, or other information being sought are located in a foreign country.

3. Section 502.136 is revised in its entirety as follows:

§ 502.136 Enforcement.

In the event of failure to comply with any subpena or order issued in connection therewith, the affected party or the Commission may seek enforcement as

[1] For a fuller explanation of the purpose of the proposed amendments, see notice of proposed rulemaking cited above.

provided in §§ 502.210(c) and 502.211 (c).

4. Section 502.227 is amended by adding a new paragraph (c) as follows:

§ 502.227 Exceptions to decisions or orders of dismissal of Administrative Law Judges; replies thereto; and review of decisions or orders of dismissal by Commission.

* * * * *

(c) Whenever an Administrative Law Judge orders dismissal of a proceeding in whole or in part, such order, in the absence of appeal, shall become the order of the Commission thirty (30) days after date of service of such order (and the Secretary shall so notify the parties), unless within such thirty (30) day period the Commission decides to review such order on its own motion, in which case notice of such intention shall be served upon the parties.

Effective Date. Inasmuch as the expeditious adoption of these rules is desirable and inasmuch as they are procedural in nature, they shall be effective February 10, 1977 and shall be applicable to all pending and future proceedings.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-4338 Filed 2-9-77;8:45 am]

Title 49—Transportation

CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD

PART 800—ORGANIZATION AND FUNCTIONS OF THE BOARD AND DELEGATION OF AUTHORITY

Appendix—Request to the Secretary of the Department of Transportation, To Investigate Certain Aircraft Accidents

In its Public Notice PN-1, published in the FEDERAL REGISTER on April 17, 1975 (40 FR 17202), the National Transportation Safety Board (Board) specified certain types of aircraft accidents which it had requested the Secretary of the Department of Transportation (Secretary) to investigate on behalf of the Board. It was requested that the Federal Aviation Administration (FAA) investigate aircraft accidents involving civil aircraft of 12,500 pounds or less, when no fatal injuries are sustained, and accidents, irrespective of fatalities, involving aerial application operations, amateur-built aircraft operations, and restricted category aircraft operations. The request also provided that the Board could assume full responsibility for an accident being investigated by the FAA upon written notice from the Board.

Practical experience has shown that the submission of a written notice is too inflexible to provide the Board with the selectivity needed for better utilization of is resources for accident prevention purposes. Also, it has been noted by both agencies that greater flexibility in the implementation of requests would eliminate much of the duplication of accident investigative efforts of both agencies and contribute to a more effective accomplishment of each agency's objectives. In providing for selectivity, it is the intent of both agencies that the revised request will not result in any additional workload being assumed by the FAA nor will it result in any investigation being conducted by the Board not necessary to the determination of cause or probable cause of an accident. In the event that unusual circumstances result in an increased workload by the FAA in a particular area, it is the expectation of both agencies that the field offices of the two agencies will take appropriate action to avoid such a result, and, if necessary, they shall consult with their respective headquarters. The Secretary has concurred in this revision.

Accordingly, the Appendix to 49 CFR Part 800 is revised to read as follows:

APPENDIX—REQUEST TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO INVESTIGATE CERTAIN AIRCRAFT ACCIDENTS

(a) Acting pursuant to the authority vested in it by Title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441) and section 304(a)(1) of the Independent Safety Board Act of 1974, the National Transportation Safety Board (Board) hereby requests the Secretary of the Department of Transportation (Secretary) to exercise his authority subject to the terms, conditions, and limitations of Title VII and section 304(a)(1) of the Independent Safety Board Act of 1974, and as set forth below to investigate the facts, conditions, and circumstances surrounding certain fixed-wing and rotorcraft aircraft accidents and to submit a report to the Board from which the Board may make a determination of the probable cause.

(b) The authority to be exercised hereunder shall include the investigation of all civil aircraft accidents involving rotorcraft, aerial application, amateur-built aircraft, restricted category aircraft, and all fixed-wing aircraft which have a certificated maximum gross takeoff weight of 12,500 pounds or less except:

(1) Accidents in which fatal injuries have occurred to an occupant of such aircraft, but shall include accidents involving fatalities incurred as a result of aerial application operations, amateur-built aircraft operations, or restricted category aircraft operations.

(2) Accidents involving aircraft operated in accordance with the provisions of Part 135 of the Federal Air Regulations entitled "Air Taxi Operators and Commercial Operators of Small Aircraft."

(3) Accidents involving aircraft operated by an air carrier authorized by certificate of public convenience and necessity to engage in air transportation.

(4) Accidents involving midair collisions.

(c) *Provided*, That the Board may, through the chiefs of its field offices, or their designees who receive the initial notifications, advise the Secretary, through his appropriate designee, that the Board will assume the full responsibility for the investigation of an accident included in this request in the same manner as an accident not so included; and *Provided further*, That the Board, through the chiefs of its field offices, or their designees who receive initial notifications, may request the Secretary, through his appropriate designee, to investigate an accident not included in this request, which would normally be investigated by the Board under Section (b) (1) through (4) above, and in the same manner as an accident so included.

(d) *Provided*, That this authority shall not be construed to authorize the Secretary to hold public hearings or to determine the probable cause of the accident; and *Provided further*, That the Secretary will report to the Board in a form acceptable to the Board the facts, conditions, and circumstances surrounding each accident from which the Board may determine the probable cause.

(e) *And provided further*, That this request includes authority to conduct autopsies and such other tests of the remains of deceased persons aboard the aircraft at the time of the accident, who die as a result of the accident, necessary to the investigations requested hereunder, and such authority may be delegated and redelegated to any official or employee of the Federal Aviation Administration (FAA). For the purpose of this provision, designated aviation examiners are not deemed to be officials or employees of the FAA.

(f) Invoking the provisions of section 701 (f) of the Federal Aviation Act of 1958, and section 304(a)(1) of the Independent Safety Board Act of 1974, is necessary inasmuch as sufficient funds have not been made available to the Board to provide adequate facilities and personnel to investigate all accidents involving civil aircraft. This request, therefore, is considered to be temporary in nature and may be modified or terminated by written notice to the Secretary.

Effective date: March 1, 1977.

Signed at Washington, D.C., on February 7, 1977.

WEBSTER B. TODD, Jr.,
Chairman.

[FR Doc.77-4351 Filed 2-9-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex-Parte No. 252 (Sub-No. 1)]

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS

Incentive Per Diem Charges—1968 Test Period Average

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of January 1977.

Upon consideration of the record in the above-captioned proceeding including the order served February 6, 1976, and the comments received from interested parties; and

It appearing, That to facilitate the drawing down of incentive per diem funds on unequipped general service boxcars (boxcar), sufficient grounds have been presented to modify the regulations governing incentive per diem to provide for a single 1964–68 test period average for all types of boxcar transactions and to give carriers the option of a matching requirement in lieu of the test period average;

Wherefore and for good cause appearing therefor:

It is ordered, That Part 1036.4 of Subchapter A, Chapter X, Title 49, of the Code of Federal Regulations be, and it is hereby, amended to read as set forth in appendix B of our report herein.

It is further ordered, That a copy of this shall be delivered to the Director, Office of the Federal Register, for publication therein.

And it is further ordered, That this order shall become effective 35 days from

the date of service of this order and continue in full force and effect until further order of the Commission.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

ROBERT L. OSWALD,
Secretary.

§ 1036.4 Use of funds on boxcars.

The net credit balances resulting from incentive per diem settlements on boxcars, which are earmarked in accordance with § 1036.3, may be drawn down in whole or in part at any time by the carrier to build, lease equivalent of purchase, purchase, or lease in which a carrier is not acquiring an equity interest, in whole or in part, new unequipped boxcars for general service described in § 1036.1, or rebuild any number or portion of unequipped boxcars for general service described in § 1036.1, *provided*, the carrier has in the same calendar year built, leased, purchased, nonequity leased, or rebuilt its 1964–68 average number of such boxcars and made up any arrearage in having failed to maintain such average each year this order is in effect. A carrier may, as an alternative to the 1964–68 test period average, draw down earmarked funds in whole or in part, to build, lease, equivalent of purchase, purchase, or nonequity lease new unequipped boxcars for general service or rebuild unequipped boxcars for general service *provided*, as a minimum, it matches the earmarked funds it will use to obtain these boxcars with an equal amount of its own funds. Where matching funds are to be used to acquire boxcars, such matching funds may not include funds derived from the increases authorized in Ex Parte No. 305 without specific authority from the Commission. Net balances on Canadian-owned cars may be drawn down without regard to prior acquisitions, but where the designee is a class I United States carrier such drawdowns shall not affect that carrier's accumulation of arrearages. A carrier using earmarked funds, in whole or in part, to build, rebuild, lease, purchase or nonequity lease general service, unequipped boxcars of the XF designation, shall only be required, as a minimum, to match the earmarked funds it will use to obtain these XF boxcars with an equal amount of its own funds. Nonequity leases for unequipped boxcars for general service and XF boxcars must be at least 10 years in duration and, in connection with such leases, earmarked funds must not be used for the cost of maintenance nor on leases entered into prior to January 1, 1975. All earmarked funds that have accrued since the inception of the incentive per diem program must be put to use within 18 months after the end of the calendar year in which the funds are collected and result in a net credit balance for the building, rebuilding, leasing, purchasing or nonequity leasing of general service, unequipped boxcars described in § 1036.1 for addition to such carrier's or designee's fleet in accordance with this part. Upon a showing of good cause an application, including a showing that the parties to the proceeding herein have been notified by the carrier of such application, may be made to the Commission for waiver of the said 18-month period, which may, in the Commission's discretion, be granted after consideration of all views regarding the application. If the earmarked funds are not used within the 18-month period, they may be voluntarily surrendered to Rail Box whose establishment and operation was approved in *American Rail Box Car Co.—Pooling*, 347 I.C.C. 862. If the carrier fails within the stated period to put to use collected earmarked funds which result in a net credit balance, has not obtained relief from that requirement, and has not surrendered such funds to Rail Box, the Commission will investigate the matter to determine what, if any, corrective action is warranted. Appropriate corrective action would include section 16(12) remedies among others. Carriers may make temporary investment of unexpended funds in Government bonds or other liquid securities. Such securities must be readily convertible to cash so that funds remain available for boxcar purchases. Interest earned must become part of the earmarked fund. As used in this section, "build," "rebuild," "lease," or "purchase" refer to a commitment to build, rebuild, lease, or purchase which results in the acquisition of a car on line ready for use within 10 months from the date of commitment, except that in extraordinary cases beyond the control of the carrier or the car supplier, a car that is delivered after 10 months from the date of commitment may qualify if approved by the Bureau of Accounts of this Commission.

[FR Doc.77-4344 Filed 2-9-77;8:45 am]

SUBCHAPTER C—ACCOUNTS, REPORTS AND RECORDS

[Formal Doc. No. 36366]

PART 1201—RAILROAD COMPANIES

Subpart B—Branch Line Accounting System

REPORT AND ORDER

In its Report and Order, published November 5, 1976, (41 FR 48972), the Rail Services Planning Office (the Office) of the Interstate Commerce Commission (the Commission) promulgated branch line accounting system regulations pursuant to section 205(e)(1)(A) of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 701).

By its petition, filed November 24, 1976, the Association of American Railroads (AAR) seeks reconsideration of these regulations and the implementation of two changes.

First, AAR seeks modification of the rule set forth in subsection (a)(1) of § 1201.92 Collection of Data "* * * to the extent that the rule requires the accumulation of data on lines for which an application to abandon was pending on October 31, 1976, (Category 3) before [the] Commission where no shipper or receiver has filed a protest." AAR argues that in uncontested circumstances no useful purpose would be served by requiring the applicant railroad to incur the time-consuming and expensive process of collecting data which the statute does not require and which, by the very nature of the proceeding, will not be used.

Second, AAR seeks the addition to the regulations of a provision for the waiver of branch line accounting data collection. AAR argues that there will be circumstances such as coordination of duplicate facilities, or situations of relocation or general housekeeping, that may technically involve an abandonment. AAR contends that public agencies and other interested parties would most likely support such projects and that requiring data collection or accounting in such circumstances would serve no useful purpose.

With regard to AAR's first proposal, the Office estimates that approximately 55 abandonment applications fall into the category of concern to AAR, an average of less than one such application per Class I railroad in the Nation. Furthermore, in all probability there will be little or no data to collect on lines where no protests have been filed. The Office is not, therefore, convinced that the process of collecting data for such lines would be either an expensive or a time-consuming process for the railroads involved. However, the Office does believe that the proper way to deal with this problem is on a line-by-line basis. The Office proposes, therefore, to accept AAR's second proposal and to incorporate into the regulations a provision that will permit a railroad to seek a waiver or modification from the Office in circumstances where it can demonstrate to the Office's satisfaction that its continued compliance with the regulations for a particular branch will not serve a useful purpose. This provision will permit railroads to seek a waiver in the future, should the circumstances envisioned by AAR arise, and it will also permit them to seek a waiver immediately in pending abandonment case where no opposition has been filed. The Office will decide applications made under the new provision on a case-by-case basis and, before making its decision, will consult with parties that will be affected by it.

In light of the foregoing considerations:

It is ordered, That the proceeding to formulate a branch line accounting system pursuant to section 205(e)(1)(A) of the Regional Rail Reorganization Act of 1973, as amended, is hereby reopened for the purpose of amending the regulations

It is further ordered, That Subpart B of Part 1201 of Subchapter C of Chapter X of Title 49 of the Code of Federal Regulations be amended by making the change set forth below to the regulations adopted on October 29, 1976.

And, it is further ordered, That this order shall become effective March 14, 1977.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Issued February 7, 1977, by Alan M. Fitzwater, Director, Rail Services Planning Office.

ROBERT L. OSWALD,
Secretary.

Section 1201.920 is amended by the addition of the following new paragraph (e):

§ 1201.920 Collection of data.

* * * * *

(e) *Waivers and modifications.* The Office may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this section not required by law.

[FR Doc.77-4343 Filed 2-9-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13241; File S7-667]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Temporary Schedule of Transaction Fees Payable on Over-the-Counter Sales of Listed Securities

The Securities and Exchange Commission today announced the adoption of a Temporary Schedule of Transaction Fees Payable on Over-the-Counter Sales of Listed Securities ("Schedule T") to Form X-17A-10 [17 CFR 249.618] effective immediately. Schedule T is designed to assess fees on over-the-counter sales of listed securities from broker-dealers mandated by Sec. 31 of the Act as amended by the Securities Acts Amendments of 1975 ("1975 Act"). Schedule T consists of two line items and will be used only for calendar year 1976 since it is proposed to be incorporated into the Form X-17A-5 [17 CFR 249.617] Income Statement commencing in calendar year 1977.[1]

BACKGROUND

Sec. 31 of the Act was amended by the 1975 Act to require for the first time that the Commission collect fees on over-the-counter sales of listed securities commencing in calendar year 1976.

Prior to the January 1, 1976 effective date of the amendments to Section 31 of the Act,[2] the payment of a transaction fee on the sale of securities was required only for transactions effected on a national securities exchange. In order to ensure "even-handed treatment," however, for transactions in exchange-listed securities occurring on national securities exchanges and in the over-the-counter market, the 1975 Act expanded the scope of Section 31 of the Act to encompass transactions in securities registered on any national exchange, which transactions are effected by a registered broker or dealer otherwise than on such an exchange.[3]

Because Sec. 31 of the Act requires the subject fee to be assessed for calendar year 1976 it is desirable that a Schedule T to Form X-17A-10 [17 CFR 249.618] be adopted and declared effective immediately so that its distribution and processing may be integrated with the other parts of Form X-17A-10 [17 CFR 249.-618] for calendar year 1976.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Schedule T to Form X-17A-10 [17 CFR 249.618] is adopted as described pursuant to the authority conferred on the Securities and Exchange Commission by the Securities Exchange Act of 1934, particularly Sections 17(a), 23(a) and 31 thereof. The Commission has determined that Schedule T of Form X-17A-10 [17 CFR 249.618] imposes no burden on competition not necessary or appropriate in furtherance of the purposes of the Act and is not inconsistent with the public interest or the protection of investors. This determination is based on the reason that the adopted Schedule T imposes a minimal burden for the purpose of effectuating the mandate of Section 31 of the Act.

WAIVER OF NOTICE AND PROCEDURE

In view of the specific statutory mandate to collect such a transaction fee for calendar year 1976 and the imminent distribution to broker-dealers of other parts of Form X-71A-10 [17 CFR 249.-618] for calendar year 1976, the Commission for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.[4] Therefore, effective immediately, 17 CFR Part 249 is amended by adding Schedule T to § 249.618.

PLACE OF FILING

Schedule T need not be initially[5] filed directly with the Commission by those broker-dealers which are members of an exchange or association which has filed an appropriate plan declared effective by the Commission pursuant to paragraph (b) of Rule 17a-10 [17 CFR 240.17a-10]. The American Stock Exchange, Boston Stock Exchange, Chicago Board Options Exchange, Midwest Stock Exchange, National Association of Securities Dealers, New York Stock Exchange, Pacific Stock Exchange, and Philadelphia Stock Exchange have plans in effect which will eliminate for their firms an initial direct filing requirement with the Commission. SECO firms will file directly with the Commission.

REQUEST FOR PUBLIC COMMENT

Although Schedule T is temporary for calendar year 1976 only and requires only 2 line items of information, the Commission welcomes any suggestions or comments which members of the public may wish to make. Such comments should be submitted in triplicate on as timely a basis as possible and be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All such communications should refer to File No. S7-667 and will be available for public inspection.

AVAILABILITY OF SCHEDULE T

A copy of Schedule T to Form X-17A-10 [17 CFR 249.618] is attached[6] and further copies thereof may be obtained on request for the Securities and Exchange Commission, Washington, D.C. 20549.

(Secs. 17, 23, 31, 48 Stat. 897, 901, 904 (15 U.S.C. 78q, 78w, 78ee).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 3, 1977.

[FR Doc.77-4349 Filed 2-9-77;8:45 am]

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[1] See Securities Exchange Act Release No. 13100/December 22, 1976, 42 Fed. Reg. 782 (January 4, 1977) for proposed modifications to Form X-17A-5 [17 CFR 249.617] Income Statement; see also Securities Exchange Act Release No. 12614/July 14, 1976, 41 Fed. Reg. 30587 (July 26, 1976) in which the Commission noted that it was "considering making minor amendments to SEC Form X-17A-10 to allow for the reporting and payment of the fee on an annual basis only."

[2] 89 Stat. 170 (1975).

[3] 89 Stat. 162 (1975); *See* S. Rep. No. 94-75, 94th Cong., 1st Sess. 139-40. The text of Section 31 of the Act, as amended, is: "Every national securities exchange shall pay to the Commission on or before March 15 of each calendar year a fee in an amount equal to one three-hundredths of 1 per centum of the aggregate dollar amount of the sales of securities (other than bonds, debentures, and other evidences of indebtednesss) transacted on such national securities exchange during each preceding calendar year to which this section applies. Every registered broker and dealer shall pay to the Commission on or before March 15 of each calendar year a fee in an amount equal to one three-hundredths of 1 per centum of the aggregate dollar amount of the sales of securities registered on a national securities exchange (other than bonds, debentures, and other evidences of indebtedness) transacted by such broker or dealer otherwise than on such an exchange during each preceding calendar year: Provided, however, that no payment shall be required for any calendar year in which such payment would be less than one hundred dollars. The Commission, by rule, may exempt any sale of securities or any class of sales of securities from any fee imposed by this section, if the Commission finds that such exemption is consistent with the public interest, the equal regulation of markets and brokers and dealers, and the development of a national market system."

[4] 5 U.S.C. 553(b)(B) provides that general notice of proposed rulemaking in the Federal Register is not required when the agency for good cause finds that it is "impracticable, unnecessary or contrary to the public interest." 5 U.S.C. 553(d) (3) provides that an adopted rule becomes effective 30 days after publication except "as otherwise provided by the agency for good cause found and published with the rule."

[5] Athough the initial filing of Schedule T, due along with the rest of Form X-17A-10 [17 CFR 249. 618] 45 days after the end of calendar year 1976, will be, in most instances, with the self-regulatory organizations, a copy of that Schedule T filing along with a certified check or bank money order, if a fee is due, must be submitted directly to the Commission no later than March 15, 1977.

[6] Filed as part of the original document.

proposed rules

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 73]

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Guard Force Response to an Alarm

The Nuclear Regulatory Commission has under consideration amendments to its regulations in 10 CFR Part 73, "Physical Protection of Plants and Materials" which would clarify the responsibilities of the onsite guards for the protection of special nuclear material from theft and licensed plants from industrial sabotage, and would assure uniformity in the application of regulatory requirements in this important area.

The present regulations require that, in response to an alarm, guards determine if a threat exists and, if so, assess the level of threat, call for assistance from local law enforcement authorities, and initiate measures against the threat. There has been some misunderstanding by licensees concerning the relative priority of the need for personal action by guards and the need to obtain assistance from local authorities.

The proposed amendment would eliminate this misunderstanding. It would establish that the onsite security force's first priority is to assess the level of a threat and convey the nature of that threat to the proper law enforcement authorities, in accord with prearranged security plans. The proposed amendment would also establish that the second priority is to take action to protect special nuclear material from theft and the plant from sabotage. In such instances, the security force would be expected to take appropriate delaying action while awaiting assistance. It is also made clear that the use of deadly force by guards should not exceed normally justifiable limits.

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 73 of the Code of Federal Regulations is contemplated. All interested persons who desire to submit written comments or suggestions with respect to the proposed amendment, or any other matter pertinent to the subject of this notice, should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by April 11, 1977. Copies of comments on the proposed amendment may be examined in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

1. Paragraph (g)(2) of § 73.50 is amended to read as follows:

§ 73.50 Requirements for physical protection of licensed activities.

* * * * *

(g) *Response requirement.** * *

(2) Upon detection of abnormal presence or activity of persons or vehicles within an isolation zone, a protected area, a material access area or a vital area, or upon evidence of intrusion into a protected area, a material access area or a vital area, the licensee security organization shall:

(i) Determine whether or not a threat exists,

(ii) Assess the extent of the threat, if any,

(iii) Inform local law enforcement agencies of the threat and request assistance, if necessary,

(iv) Require guards to interpose themselves between the special nuclear material and any person attempting entry for purposes of industrial sabotage or theft, and to intercept any person exiting with special nuclear material, and

(v) Instruct guards to prevent or delay the theft or industrial sabotage by using a sufficient degree of force to counter that degree of force directed at them including the use of deadly force when there is reasonable belief it is necessary in self-defense or in the defense of others.

(Sec. 1611., Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 475; Sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 2201, 5841))

Dated at Washington, D.C. this 4th day of February, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-4165 Filed 2-9-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

CONFORMING AMENDMENTS TO ENTITLEMENTS PROGRAM TO IMPLEMENT PURCHASE AUTHORITY FOR STRATEGIC PETROLEUM RESERVE

Proposed Rulemaking and Public Hearing

Title I, Part B of the Energy Policy and Conservation Act ("EPCA"), enacted on December 22, 1975, set forth new requirements for the Federal Energy Administration ("FEA") to acquire up to one billion barrels of crude oil and refined pertoleum products for storage in a Strategic Petroleum Reserve ("SPR"). On December 15, 1976, in accordance with the EPCA, FEA submitted to Congress an SPR Plan detailing FEA's proposals for designing, constructing, and filling the storage and related facilities of the SPR. This Plan, which will take effect following forty-five calendar days of continuous session of Congress, unless disapproved or accelerated by Congress, provides for the storage of 150 million barrels of crude oil by December 22, 1978, 325 million by December 22, 1980, and 500 million by December 22, 1982. If the SPR Plan has not taken effect, the EPCA requires that the SPR contain not less than 150 million barrels of petroleum products, including crude oil, by December 22, 1978. To meet these goals, FEA must commence crude oil acquisition activities in the near future.

In the SPR Plan, FEA stated its intention to propose use of the authorities granted in the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA"), to allow the Government to obtain the benefits of domestic crude oil price controls for imported crude oil for the SPR to the same extent that refiners receive such benefits under the entitlements program for processing imported crude oil. The plan also provided that a final choice among several options being considered by FEA, including amendments to the entitlements program, would be made following completion of the review process, including consideration of the requirements of the National Environmental Policy Act of 1969.

As part of the review process, FEA is issuing this notice of proposed rulemaking to elicit public comments on FEA's current domestic crude oil allocation program (the "entitlements program") as it is proposed to be modified with respect to FEA's proposed procedures for acquisition of crude oil for the SPR. FEA will shortly issue a notice of proposed rulemaking which will set forth conforming amendments to the price regulations for these acquisition procedures.

FEA has determined that the crude oil for the SPR will be acquired in accordance with applicable Federal procurement laws and regulations. FEA proposes, in conducting such procurement, to allow a class of suppliers to participate in the entitlements program in connection with sales for the SPR under procedures similar to those described below, which would call for certain modifications to FEA's entitlements program and price regulations. These procedures should not be taken as representing the exact form of the final procedures FEA will utilize for SPR acquisitions, and

comments are specifically invited as to their workability, as well as to their proposed interaction with FEA's entitlements program.

Proposed Procedures for SPR Acquisitions

FEA would commence its acquisition process by soliciting offers from refiners and other offerors in a class yet to be defined for the volumes of crude oil to be purchased for the SPR. In its requests for proposals ("RFP's"), or invitations for bids ("IFB's"), FEA would specify, in the maximum possible detail, the total volumes of the various types of crude oils required, the delivery points (i.e., the specific storage sites or other locations), the dates for deliveries of specified volumes at each delivery point, and the criteria for contract awards. In response to these RFP's or IFB's, domestic refiners and crude oil resellers, for example, could submit offers specifying sale prices to the Government at the point of delivery, which prices would be subject to subsequent automatic adjustments, as described below. Under these procedures, refiners or other firms whose offers were accepted could specify in their proposals whether imported or domestic crude oil would be delivered, and would indicate the applicable ceiling prices for any domestic crude oils that would be so delivered. The proposed prices would include amounts for transportation and handling, plus, if applicable, the allowable profit margin under FEA's price regulations governing crude oil resales.

Each refiner that sold crude oil to the Federal Government for the SPR would be required to include the volumes delivered in its crude oil runs to stills and its crude oil receipts for purposes of the entitlements program in the month in which delivery to the Government took place, i.e. entitlements would be issued and applied just as if the crude oil had been run in a refinery. Firms other than refiners that made sales to the SPR would be considered as refiners for purposes of the entitlements program and their sale volumes would be required to be reported as crude oil runs and, in the case of domestic crude oil, also as crude oil receipts. Thus, for example, if a refiner delivered 100,000 barrels of imported crude oil to a particular SPR storage site in the month of October 1977, that refiner's crude oil runs for that month would be increased by those 100,000 barrels, and it would be awarded entitlements with reference to the national domestic crude oil supply ratio, without giving effect to the small refiner bias. If the crude oil delivered were domestic crude oil subject to a first sale ceiling price, the refiner would further have an entitlement obligation, since the crude oil would be included in its crude oil receipts. In other words, acquisitions for the SPR would be subject to the same cost equalization that applies when crude oil is refined domestically.

Obviously, at the time price proposals are submitted, refiners and other firms would not know the amount of the per barrel entitlement value and of the entitlement obligations associated with lower and upper tier crude oils, and the appropriate adjustment to the contract price would therefore have to be determined subsequent to the actual delivery. Final entitlement values are currently not known until two months after the month in which the crude oil is included in the refiners' runs to stills.

To avoid creating uncertainties because of this delay, all price proposals (whether for domestic or imported crude oil) would be couched in terms of a fully delivered price to the Government. The payment obligation of the Government would be that fully delivered price adjusted downward by the value of an entitlement on an uncontrolled barrel of crude oil in the month of delivery. Thus, persons offering imported crude oil or uncontrolled crude oil would calculate their offers without any reference to price controls or the entitlements program, i.e., their offers would be at prices equivalent to those in effect for comparable imports or uncontrolled domestic crude oils. Persons providing domestic crude oil subject to a first sale ceiling price would therefore have to take account of the relative values of controlled and uncontrolled crude oils and the amount of any disincentive for imported crude oil built into the program (now 21 cents per barrel). In all cases the Government could compare price offers directly.

FEA is contemplating two alternative methods of payment. First, persons delivering crude oil for the SPR could be paid two months after delivery, payment being the contract price less the per barrel entitlement value for an uncontrolled barrel of crude oil for the month of delivery. Secondly, such persons could be paid the contract price less the Government's estimate of net entitlement value at the time of delivery, any differences between estimated and actual net values being accounted for two months later when the entitlement value and associated entitlement obligations are finally determined. FEA solicits comments on which of these alternatives would be most appropriate and feasible, and on any other possible methods of payment which would be more appropriate than either of the alternatives described.

The contractual situation of two different firms, one offering old oil and one offering uncontrolled oil, is illustrated in the following table.

Table

	Refiner A (old oil)	Refiner B (uncontrolled oil)
Cost to Government		
a. Offer price	$13.25	$13.25
b. Net entitlement value [1]	2.35	2.35
c. Net cost to Government (a. minus b.)	10.90	10.90
Net Return to Refiner		
d. Government payment to refiner (c.)	10.90	10.90
e. Value of entitlement received (b.) [1]	2.35	2.35
f. Entitlement purchase required [1]	7.84	0
g. Net return to refiner (d. plus e. minus f.)	5.41	13.25

[1] Assumes entitlement value of $7.84 and domestic crude oil supply ratio of 0.3.

It should be noted that, if Refiner A's net return for old oil were to exceed the applicable first sale ceiling price under the price regulations, these regulations would provide for a further adjustment in the sale price.

Proposed Modifications to Entitlements Program

To implement the procedures described above, the entitlements program is proposed to be amended as follows. First, a new § 211.67(d)(6) would be added to provide for inclusion within the volume of a refiner's crude oil runs to stills of the volumes delivered by that refiner to the Federal Government for storage in the SPR. These volumes would be an adjustment to a refiner's crude oil runs based on the actual volumes delivered to the Government for the SPR in the particular month, and the date of contract award would not be the controlling factor. Similarly, for firms other than refiners (except producers of controlled domestic crude oil) a new § 211.67(d)(7) provides that sales to the SPR would render these firms eligible for entitlement issuances on the same basis as is provided for refiners.

The amendments to the entitlements program proposed hereby also include modifications to the definition of crude oil receipts in § 211.62 to provide that, with respect to domestic crude oil sold to the Federal Government for storage in the SPR, refiners would be required to include the volumes thereof in their crude oil receipts in the month in which delivery thereof was made to the storage site. Under these modifications, firms other than refiners would also be deemed to have crude oil receipts for purposes of the program with regard to their sales to the SPR. A refiner's crude oil receipts would be so adjusted regardless of whether the volumes delivered were properly includable in that refiner's crude oil receipts at some earlier date, or whether such volumes were never properly includable therein at all, due perhaps to the sale having been made by the production or transportation department of an integrated company, where the crude oil would not have been included in its refining department's inventories.

Comments are invited generally as to the practicability of these procedures; and specifically as to what class of suppliers of crude oil for the SPR should be allowed to participate in the entitlements program; whether, and in what

manner, domestic producers should participate; and whether refiners should have the ability to spread the effect of these adjustments over a longer period than otherwise would be the case under the assumptions outlined above.

WRITTEN COMMENT AND PUBLIC HEARING PROCEDURES

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box KF, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Strategic Petroleum Reserve—Conforming Amendments to Domestic Crude Oil Allocation Program." Fifteen copies should be submitted. All comments received by February 25, 1977, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public hearing in this proceeding will be held at 9:30 a.m., e.s.t., February 23, 1977, in Room 2105, 2000 M Street, N.W., Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., on February 14, 1977. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through February 21, 1977. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., February 15, 1977 and must submit 100 copies of his or her statement to Allocation Regulation Development Office, Room 2214, 2000 M Street, N.W., Washington, D.C., before 4:30 p.m., e.s.t., on February 18, 1977.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.t., February 18, 1977. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and has been determined to be of a nature that requires an evaluation of its inflationary impact. Notice of the availability of the related economic impact analysis will be published shortly in the FEDERAL REGISTER, and interested parties will be afforded an opportunity to comment on this analysis.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 30 FR 23185.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., February 5, 1977.

DAVID G. WILSON,
Acting General Counsel.

1. Section 211.62 is amended in the definition of "crude oil receipts" by adding two sentences at the end of that definition to read as follows:

§ 211.62 Definitions.

* * * * *

"Crude oil receipts" means * * * The volumes of crude oil included in a refiner's crude oil receipts shall also include any volumes of crude oil sold and delivered to the United States Government for storage in the Strategic Petroleum Reserve mandated by Title I, Part B, of the Energy Policy and Conservation Act (Pub. L. 94-163), such volumes to be included in that refiner's crude oil receipts for the month in which delivery of that crude oil is made to the United States Government. Any firm other than a refiner that is eligible to receive entitlement issuances under paragraph (d)(7) of § 211.67 of this subpart shall be deemed to have crude oil receipts on the same basis as if it were a refiner with respect to any volumes of crude oil so sold and delivered to the United States Government for storage in the Strategic Petroleum Reserve.

* * * * *

2. Section 211.67 is amended by adding new paragraphs (d) (6) and (7) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(d) * * *

(6) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio (without giving effect to the provisions of paragraph (e) of § 211.67) shall include the total number of barrels of crude oil delivered to the United States Government in that month for storage in the Strategic Petroleum Reserve mandated by Title I, Part B, of the Energy Policy and Conservation Act (Pub. L. 94-163).

(7) Notwithstanding any other provisions of this section, a firm other than a refiner (except for a producer as to a first sale by it of domestic crude oil subject to a ceiling price under Part 212 of this chapter) shall be eligible for entitlement issuances on the same basis as a refiner under paragraph (d)(6) of this section with respect to deliveries of crude oil to the United States Government for storage in the Strategic Petroleum Reserve manded by Title I, Part B, of the Energy Policy and Conservation Act (Pub. L. 94-163).

[FR Doc.77-4226 Filed 2-7-77,12:28 pm]

CENTRAL INTELLIGENCE AGENCY

[32 CFR Part 1900]

FREEDOM OF INFORMATION

Public Access to Documents and Records and Declassification Requests

The Central Intelligence Agency is considering amending its rules for access to records under the Freedom of Information Act to clarify and update the definition of "records" so that it includes machine readable materials and those documents and records furnished by other agencies, foreign governments, or international organizations and held by the CIA. Also, under the proposed amendment, a request under the Act for documents or records originated by CIA, which is referred to CIA by another agency, shall be considered a Freedom of Information request to the CIA. It will be processed in accordance with CIA regulations, as of the time that it is received by CIA, and CIA will respond directly to the requester, making it unnecessary for a requester to submit requests to both agencies. Similarly, a request directed to CIA that concerns documents or records originated by another agency will be transferred by CIA to the originating agency for their determination and direct response to the requester.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire to: Chief, Information and Privacy Staff, Central Intelligence Agency. Washington, D.C. 20505. All communications received on or before March 18, 1977, will be considered by CIA before taking action on the proposed rule.

These amendments are proposed under the authority of section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 11652, as amended (3 CFR revised as of January 1, 1974, p. 339), the Freedom of Information Act, as amended (5 U.S.C. 552), and the Federal Records Management Amendments of 1976 (Sec. 4, Pub. L. 94-575, 90 Stat. 2723).

In consideration of the foregoing, it is proposed to amend 32 CFR Part 1900 as follows:

§ 1900.3 [Amended]

1. In § 1900.3 paragraph (g) is amended by inserting the words "machine readable materials" between the word "photographs" and the words "and other documentary materials" and by deleting paragraphs (4) and (5).

2. Section 1900.11 is amended by revising paragraph (d) to read as follows:

§ 1900.11 Freedom of information communications; requirements as to form.

* * * * *

(d) Any request or communication to an agency other than the Central Intelligence Agency which requests or concerns documents or records originated by the CIA, and which is transferred by that agency to the CIA, shall be considered a Freedom of Information request to the CIA for that referred document as of date of receipt by the CIA of the referral, and shall be processed pursuant to regulations. CIA will respond directly to the requester.

* * * * *

3. In § 1900.43 a new paragraph (c) is added to read as follows:

§ 1900.43 Reviewing records.

* * * * *

(c) In the event located records are determined to have originated with another government agency, the Coordinator shall notify the requester of such fact and shall expeditiously forward such records or a description thereof to the originating agency for their determination and direct response to the requester.

* * * * *

Dated: February 3, 1977.

JOHN F. BLAKE,
Deputy Director for Administration, Central Intelligence Agency.

[FR Doc.77-4296 Filed 2-9-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 76-230]

SARASOTA COUNTY, FLORIDA

Proposed Drawbridge Operation Regulations

The Commandant has authorized a public hearing to be held by the Commander, Seventh Coast Guard District. The hearing will be held at the Sarasota City Mobile Home Park Auditorium, 2100 East Laurel Street, Sarasota, Florida 33577, at 7:00 p.m. on Thursday, March 17, 1977. The purpose of the hearing is to gather information and data necessary to attempt to resolve the differences between various factions who support or oppose the proposed regulations governing the operation of these drawbridges. Approximately 600 replies have been received, of these about 400 generally supported the proposal while 200 opposed it. These proposals were published in the FEDERAL REGISTER of December 23, 1976 (41 FR 55897) and distributed as a public notice by the Commander, Seventh Coast Guard District, on December 23, 1976.

The proposed regulations are shown below:

§ 117.462a Sarasota County, bridges.

(a) Hatchett Creek, U.S. Highway 41, Gulf Intracoastal Waterway, Venice, Florida; and Ringling Causeway, State Road 780, Gulf Intracoastal Waterway, Sarasota, Florida. The draws shall open on signal from 6:00 p.m. to 7:30 a.m. From 7:30 a.m. to 6:00 p.m., the draws need not open except on the hour and half-hour and except as provided in paragraph (c) of this section.

(b) Siesta Key, State Road 789, Gulf Intracoastal Waterway, Sarasota, Florida; and New Pass, State Road 789, Sarasota, Florida. The draws shall open on signal from 6:00 p.m. to 7:30 a.m. From 7:30 a.m. to 6:00 p.m., the draws need not open except on the quarter and three-quarter hour and except as provided in paragraph (c) of this section.

(c) The draws of each bridge in this section shall open at any time for the passage of public vessels of the United States, tugs with tows, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(d) The owner of or agency controlling each bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

The hearing will be informal. Coast Guard representatives will preside at the hearing, make a brief opening statement describing the proposed drawbridge regulations, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (oan), Seventh Coast Guard District, 51 S.W. First Avenue, Miami, Florida 33130. Such notification should include the approximate time required to make the presentation. A transcript will be made of the hearing and may be purchased by the public. Interested persons who are unable to attend this hearing may also participate in the consideration of these proposed regulations by submitting their comments in writing on or before April 19, 1977, to the Commander (oan), Seventh Coast Guard District. Each comment should state the reasons for support or opposition or proposed changes to the regulations and the name and address of the persons or organization submitting the comment.

Copies of all written communications will be available for examination by interested persons at the office of the Commander (oan), Seventh Coast Guard District. All comments received will be considered before final action is taken on the proposed drawbridge regulations. After the time set for the submission of comments, the Commander (oan), Seventh Coast Guard District, will forward the record, including all written comments and his recommendations, to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard, Washington, D.C. 20590, who will make the final determination on this matter.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

Dated: February 7, 1977.

D. J. RILEY,
Acting Chief, Office of Marine Environment and Systems.

[FR Doc.77-4249 Filed 2-9-77;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Parts 16 and 17]

RETAINED RIGHTS OF USE AND OCCUPANCY OF SINGLE FAMILY NONCOMMERCIAL RESIDENTIAL PROPERTY

Conveyance of Freehold and Leasehold Interests on Lands of National Park System; Extension of Comment Period

Notice was given in the January 4, 1977 FEDERAL REGISTER, 42 FR 812 to 815, that the National Park Service is proposing the establishment of regulations governing the criteria for retention of estates, the procedures under which such retained estates would be created, the rights and obligations of holders of retained estates, the amount to be charged for them, the criteria for conveyances of freehold or leasehold interests in lands within the National Park System to private parties of freehold or leasehold interests in lands within units of the National Park System and the procedures under which such conveyance would be made, and written comments were solicited from all interested parties on or before February 3, 1977. However, it has been determined that it would be in the best interest of all interested parties and the United States to provide an additional period of time of 60 days from February 3, 1977 within which to submit written comments. Accordingly, written comments on the proposed regulations must be received on or before April 3, 1977, addressed to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240.

WILLIAM J. BRIGGLE,
Deputy Director,
National Park Service.

[FR Doc.77-4316 Filed 2-9-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 20907]

DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

One-Way Signaling on a Primary Basis; Order Extending Time for Filing Comments

Adopted: February 3, 1977.

Released: February 4, 1977.

In the matter of amendment to Part 21 of the Commission's rules to extend parts of § 21.501(a), (b) and (c) to permit one-way signaling on a primary basis.

1. Presently before the Chief, Common Carrier Bureau is a letter from Frank Taubes, dated January 18, 1977, requesting a further extension of time from February 1, 1977 to November 30, 1977, in order to file reply comments to the above referenced docket.

2. By Order, adopted on December 3, 1976 and released December 7, 1976, the Bureau partially granted a request for an extension of time that was filed by Mr. Taubes. Mr. Taubes' request for an extension of time from December 1, 1976 to September 30, 1977 was considered inconsistent with the public interest because much of the material submitted by Mr. Taubes, in support of the request for an extension of time, had already been received by petitions from other concerned parties of interest. The latest extension request by Mr. Taubes does not offer any additional support for a further extension of time to file reply comments. Therefore Mr. Taubes request for a further extension of time to November 30, 1977 has been rejected. However, since we have just received this matter before us at this late date, we will further extend the time for which to file comments to March 1, 1977 in order not to prejudice Mr. Taubes.

3. Accordingly, it is ordered, pursuant to delegated authority under § 0.303 of the Commission's rules, that the time to file reply comments to the docket referenced above has been extended from February 1, 1977 to March 1, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALTER HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-4237 Filed 2-9-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 192]

[Notice 77-1; Docket No. OPSO-42]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Design of Plastic Pipelines

The Materials Transportation Bureau (MTB) is considering amendments to the requirements of §§ 192.121 and 192.123(b)(2) which prescribe the design pressure and maximum allowable operating temperature of plastic pipe used in gas pipelines. The amendment to § 192.121 would establish (1) for thermoplastic pipe, alternative temperature bases for determining the long-term hydrostatic strength used in computing pipe design pressure, and (2) a single design factor for use in the design formula for plastic pipe. The amendment to § 192.123(b)(2) would prohibit the use of thermoplastic pipe where operating temperature of the pipe will exceed the temperature used as a basis for determining long-term strength under § 192.121. In addition, the marking requirements of § 192.63 would be amended to require that thermoplastic pipe be marked to state its long-term hydrostatic strength and related temperature basis.

The existing § 192.121 prescribes a formula for determining the design pressure of plastic pipe. Design pressure is determined in part as a function of the pipe's design strength reduced by a "design factor" equal to 0.32 for Class 1 locations, 0.25 for Classes 2 and 3 locations; and 0.20 for Class 4 locations. For thermoplastic pipe, design strength is defined as the pipe's long-term hydrostatic strength in pounds per square inch as stated in the "listed specification," which is ASTM Specification D2513. Section 192.123(b)(2) now prohibits the use of thermoplastic pipe where operating temperature of the pipe will exceed 100° F.

A petition for rulemaking filed by the American Society of Mechanical Engineers (ASME) (Docket No. Pet. 75-3) identifies three problem areas in the existing §§ 192.121 and 192.123(b)(2):

(1) The low maximum allowable operating temperature (100° F) for thermoplastic pipe; (2) the disparity between the temperature (73.4° F) at which the long-term hydrostatic strength of thermoplastic pipe is determined under ASTM D2513 and the maximum allowable operating temperature of the pipe; and (3) the conservative "design factors" used to determine design pressure for plastic pipe in Classes 2, 3, and 4 locations.

MAXIMUM ALLOWABLE OPERATING TEMPERATURE

The ASME's concern over the present 100° F maximum allowable operating temperature for thermoplastic pipe relates mainly to the use of plastic service risers installed aboveground in metal casings. (Metal casings serve to physically protect plastic service risers from damage and deterioration.) Research performed by the Dupont Company, based on tests at many locations in the U.S., indicates that when ambient air temperature exceeds 80° F, the temperature measured by thermocouples at midwall of plastic pipe in metal casings exposed to direct sunlight will probably rise about 100° F. The research also shows that pipe temperatures as high as 125° F may occur when ambient air temperatures reach 109° F. Because of the widespread demand for aboveground plastic service risers encased in metal, ASME suggests that increasing the maximum allowable operating temperature could provide for more efficient construction, operation, and use of materials and thereby be economically advantageous. Moreover, ASME states that because of the improved characteristics of thermoplastic materials and with a precise correlation between design temperature and operating temperature (as discussed hereinafter), an operating temperature as high as 140° F would not result in a reduction in safety.

MTB has reviewed the results of Dupont's research and finds that at most locations in the U.S., the temperature of plastic service risers installed aboveground in metal casings will not reach 120° F. The research shows that an ambient air temperature of 100° F is the threshold for 120° F pipe temperatures for metal encased plastic service risers installed in direct sunlight. For example, an air temperature between 100° F and 102° F for three hours caused the temperature of plastic pipe to rise above 102° F for one hour. The research further shows that even in the hottest areas of the U.S., pipe temperatures would exceed 120° F only a very small percent of the time.

A review of U.S. Weather Bureau data for 21 cities across the U.S. for the summers of 1971-1974 shows that air temperatures above 80° F can occur any-

where in the country. Thus according to Dupont's research, temperatures of aboveground plastic service risers in metal casings would readily exceed the present 100° F limitation. This eventuality indicates a need to raise the 100° F operating temperature limitation if aboveground plastic service risers in metal casings are to be acceptable for use under ordinary summertime conditions.

Although aboveground plastic service risers could probably be used in shaded conditions without exceeding the present 100° F temperature limitation, MTB believes that this restriction on installation is not only impractical but also unnecessary for safety in view of the improved physical characteristics of thermoplastic pipe. Research data obtained from the American Gas Association sponsored research at Battelle Columbus Laboratories and from the Plastic Pipe Institute indicate that the thermoplastic materials now available for gas pipelines can be used at temperatures above 120° F without risk or failure.

However, MTB finds that some uncertainties still exist in predicting the minimum long-term strength of certain thermoplastic materials at temperatures above 120° F. For this reason, MTB proposes that the maximum allowable operating temperature under § 192.123(b)(2) be increased to only 120° F rather than 140° F as suggested by ASME in its petition. This proposed temperature limit is consistent with the majority of operating conditions that may be encountered and is supported by Dupont's research which shows that only in the Southwestern desert regions (e.g., Phoenix, Arizona; Borrego Springs, California) does the temperature of plastic in service risers normally exceed 120° F. Thus a 120° F maximum allowable operating temperature would appear to be high enough to permit the use of aboveground plastic service risers in direct sunlight in all areas of the country except for some Southwestern locations. As for those areas, MTB expects that future developments in the design of encased plastic service risers could assure that the plastic pipe temperatures will not exceed 120° F.

Temperature Disparity

In general, as the operating temperature increases, the long-term strength of thermoplastic pipe decreases. Section 192.121 now requires that the long-term strength of thermoplastic pipe be determined at 73.4° F, while § 192.123(b)(2) permits the pipe to be operated at temperatures up to 100° F. This temperature disparity also existed under comparable provisions of the 1968 edition of the American National Standards Institute (ANSI) B31.8 Code which served as a basis for §§ 192.121 and 192.123(b)(2).

Between 73.4° F and 100° F, thermoplastic materials now in use for gas piping lose about 20 percent of their long-term strength. Under both the B31.8 Code and § 192.121, this loss in strength, or "derating," is offset by applying conservative design factors in the design formula for plastic pipe. The prescribed design factors do not, however, proportionally compensate for derating, especially at temperatures above 100° F, because the long-term strength of thermoplastic materials varies widely among the basic types of material and the various families within each type.

Because of this variable relation between strength and temperature in thermoplastic material and the possible adverse consequences on pipe made of that material, ASME suggested that applicable standards be amended to require that in computing design pressure, the long-term hydrostatic strength of thermoplastic pipe be determined by testing at a temperature which is equal to or greater than the anticipated operating temperature of the pipe. MTB concurs with this suggested rule change and believes that if adopted it would increase safety by bringing the design pressure of thermoplastic pipe into accord with the actual operating strength of the pipe. Also, the safety of gas distribution would be enhanced by disqualifying for use thermoplastic pipe which cannot withstand the design pressure at high operating temperatures.

To minimize the additional testing of thermoplastic pipe which would be necessary under the proposed requirement, MTB proposes that § 192.121 be amended to establish three temperature levels as bases for determining long-term hydrostatic strength: 73.4° F (the level presently required), 100° F., and 120° F. Thermoplastic pipe would be tested at one or all three temperature levels to determine a strength value for use in computing pipe design pressure. The strength at any temperature level would be determined by the procedures presently required in the referenced specification ASTM D2513.

To provide for consistency between the temperature basis used in computing design pressure and the anticipated operating temperature of thermoplastic pipe, MTB further proposes that § 192.123(b)(2) be amended to provide that for thermoplastic pipe the temperature at which long-term hydrostatic strength is determined under §192.121 be the maximum allowable operating temperature for the pipe. This amendment would be consistent with and subsume the previously discussed proposal to increase the present maximum allowable operating temperature of thermoplastic pipe from 100° F to 120° F since 120° F is the highest temperature level proposed for use in § 192.121.

As a result of the proposed amendments to §§ 192.121 and 192.123(b)(2), the strength value selected for use in the design formula would have to be determined at a temperature equal to or higher than the pipe's anticipated operating temperature. For example, thermoplastic pipe which is intended to operate at temperatures above 100° F but less than 120° F would have to be hydrostatically tested to determine its long-term strength at 120° F. The 120° F temperature would then become the maximum allowable operating temperature of the pipe.

Design Factors

The ASME petition recommends that a single design factor equal to 0.32 be used in the design formula for plastic piping. Section 192.121(b) now prescribes different factors depending on the class location of the pipeline. ASME's rationale for this proposal includes the following:

1. The existing design factors were developed when cellulose acetate butyrate was the plastic generally used for gas piping. This plastic was adversely affected by natural gas. The materials which have now replaced it in general use, polyethylene and polyvinyl chloride, are more chemically inert. Thus, there is less need for conservative design factors to compensate for the effects of gas on plastic.

2. The prescribed minimum wall thicknesses for plastic pipe (§ 192.123 (c) and (d)) and maximum limit on operating pressure (§ 192.123(a)) provide additional safeguards against the potential for failure of plastic pipe that are not similarly provided in the case of metallic pipe. In the absence of failure data showing a need for more stringent safeguards, the additional restrictions provided by design factors lower than 0.32 for Classes 2, 3, and 4 could be safely eliminated.

3. The "specified wall thickness" required by § 192.121 for use in the design formula for plastic pipe is normally less than the actual wall thickness of plastic pipe. This extra wall thickness, which results from the pipe manufacturing process, adds to the safety provided by the existing rules.

4. The water pipeline transportation industry uses a design factor equal to 0.50 in the design formula for plastic pipe, and the operating record of that industry does not indicate that a lower factor is needed for safety. At the same time, approximately 16 years of research by the Battelle Columbus Laboratories shows that the long-term strength of plastic pipe has proved essentially the same in tests with gas and water media.

Additionally, prior to the inclusion of the gas design factors in the B31.8 Code, a factor equal to 0.40 was used by industry for gas piping in areas equivalent to Classes 2 and 3 locations. There has not been any adverse report concerning the performance of this piping.

5. At a typical aboveground plastic service riser installation, the maximum allowable operating temperature would occur for only a few hours a day during part of a year. In contrast, the long-term strength of thermoplastic pipe used in calculating design pressure under § 192.121(a) is determined by testing at a constant temperature for a period of 10,000 or more hours and extrapolating this data to 100,000 hours. This "long-term" testing at a constant temperature provides an additional safeguard against failure due to stress at high temperatures.

The design factors required for use in the design formula for plastic pipe under § 192.121 are identical to the factors

recommended for use in the ANSI B31.8 Code. After the advent of the use of plastic pipe in gas piping, the gas industry adopted a conservative design strength, approximately equal to one-half the design strength then in use for plastic water piping. Since the design strength used by the water industry incorporated a design factor of 0.50, the basic gas industry design factor became 0.25, with variations for piping near high and low population densities.

As previously stated, design factors originally were intended in part to compensate for the uncertainties involved in strength-versus-temperature derating. About a 20 percent loss in long-term strength is estimated to occur in plastic pipe designed on the basis of strength determined at 73.4°F but which is operated at 100°F. Also, the design factors were intended to compensate for the possible unknown effects of natural gas on plastic. MTB believes, however, that the proposed amendments to §§ 192.121 and 192.123(b)(2) which would remove the existing disparity between the design strength temperature basis and the maximum allowable operating temperature should remove the need for an ultra conservative design factor to compensate for derating. Further, the tests performed at Battelle and many years of operating experience in the gas industry without adverse consequences show that ultra conservative design factors are no longer necesary to compensate for unknown effects of gas on plastic. For these reasons and because of the other safeguards which the rules now provide (as outlined by ASME), MTB proposes that § 192.121 be amended to prescribe a single design factor for plastic piping in all class locations.

While MTB believes that only a single design factor is needed for safety, the evidence appears to indicate that a factor of 0.32 may be too conservative. The history of design, testing, and operation of plastic pipelines indicates that a factor as high as 0.50 might be sufficient for use in the design formula. MTB is especially interested in receiving comments from interested persons on what should be the numerical value of a single design factor. In the interest of comprehension, a value of 0.32 has been included as the design factor in the proposed amendment to the design formula set forth hereafter under item 2. However, as a result of the comments received on this proposal and the report by the Technical Pipeline Safety Standards Committee, the final rule may be changed to prescribe a design factor within the range from 0.32 to 0.50.

Marking

Section 192.63 now requires that thermoplastic pipe be marked as prescribed by the specification to which it was manufactured, or ASTM D2513. Among other things, the required marking enables an observer to determine the long-term strength of the pipe by referring to a table of strength values in ASTM D2513. This information provides a final check in the field that pipe ready for installation meets the design specification. At present, the strength values shown in ASTM D2513 are determined by hydrostatic testing at 73.4°F. Strength values for thermoplastic pipe tested at temperatures of 100°F or 120°F are not indicated. If §§ 192.121 and 192.123(b)(2) are amended as proposed to allow testing and operation of thermoplastic pipe at these higher temperatures, the present marking requirements would not indicate whether field pipe meets design specifications based on the higher temperatures. Because of this possible inconsistency, MTB believes that thermoplastic pipe tested at any temperature should be marked to state its strength and the associated test temperature. It is proposed, therefore, that § 192.63 be amended to require that thermoplastic pipe be marked accordingly.

Under the proposed amendment to § 192.63, all thermoplastic pipe, including pipe tested at 73.4°F, would have to be marked to directly state its strength and associated temperature data. MTB is interested in receiving comments on the possible difficulty that this proposed marking requirement might cause with regard to marking space and legibility. MTB welcomes any alternative marking suggestions which would yield the same information.

Impact Evaluation

MTB has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Effective Date

MTB is considering making these proposed amendments effective upon their publication as final rules. This would allow operators to take immediate advantage of the proposed relaxation of existing standards. MTB recognizes, however, that without an appropriate exception, the proposed amendment to § 192.123(a)(2) could prohibit the use of some thermoplastic pipe tested at 73.4°F which is now installed and operating at temperatures between 73.4°F and 100°F, or which has been inventoried for future use at those temperatures. Prohibiting the use of this pipe does not appear warranted for public safety, and to do so could also unnecessarily block the use of inventoried thermoplastic pipe in certain situations pending the availability of pipe tested at 100°F. Therefore, a "grandfather" clause has been included in the proposed amendment to § 192.123(a)(2) to permit the use at operating temperatures up to 100°F of thermoplastic pipe tested at 73.4° F which is manufactured before the effective date of the final rules. Similarly, it is proposed that the proposed amendment to the marking requirements of § 192.63 not apply to thermoplastic pipe manufactured before the effective date.

In consideration of the foregoing, MTB proposes that Part 192 of Title 49 of the Code of Federal Regulations be amended as follows:

1. By amending § 192.63(a) to read as follows:

§ 192.63 Marking of materials.

(a) Except as provided in paragraph (d) of this section, each valve, fitting, length of pipe, and other component must be marked as prescribed in—

(1) The specification or standard to which it was manufactured; or

(2) MSS Standard Practice, SP-25.

However, the marking on thermoplastic pipe manufactured after (one day before effective date) must show the long-term hydrostatic strength of the pipe and the temperature at which that strength was determined.

* * * * *

2. By amending § 192.121 to read as follows:

§ 192.121 Design of plastic pipe.

The design pressure for plastic pipe is determined in accordance with the following formula, subject to the limitations in § 192.123:

$$P = 2S \frac{t}{(D-t)} \times 0.32$$

P=Design pressure in pounds per square inch gauge

S=For thermoplastic pipe, the long-term hydrostatic strength in pounds per square inch determined in accordance with ASTM D2513 at a temperature equal to 73.4°F, 100°F, or 120°F; for reinforced thermosetting plastic pipe, 11,000 p.s.i.

t=Specified wall thickness in inches

D=Specified outside diameter in inches.

3. By amending § 192.123(b)(2) to read as follows:

§ 192.123 Design limitations for plastic pipe.

* * * * *

(b) * * *

(2) For thermoplastic pipe manufactured before (effective date), above 100°F, for thermoplastic pipe manufactured after (one day before effective date), above the temperature at which the long-term hydrostatic strength used in the design formula under § 192.121 is determined; or for reinforced thermosetting plastic pipe, above 150°F.

* * * * *

Interested persons are invited to participate in this rulemaking action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in triplicate to the Director, Office of Pipeline Safety Operations, Department of Transportation, 2100 Second Street, S.W., Washington, D.C. 20590. All communications received by March 28, 1977, will be considered before final action is taken on the notice. Late filed comments will be considered so far as practicable. All comments will be available for examination by interested persons at the Docket Room, Materials Transportation Bureau, before and after the closing date for comments. The proposal contained in this notice may be

changed in the light of comments received.

(Sec. 3, Pub. L. 90-481, 82 Stat. 721 (49 U.S.C. 1672); 40 FR 43901, 49 CFR 1.53(a) and paragraph (b)(2) of Appendix A to Part 102.)

Issued in Washington, D.C. on February 4, 1977.

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

[FR Doc.77-4251 Filed 2-9-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 251]

FISHERY FOR SURF CLAMS

Financial Aid Program Procedures

Notice is hereby given that the Director, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), has under consideration an amendment to Financial Aid Program Procedures (50 CFR Part 251) to incorporate in Subpart B of Part 251 a new section to adopt the "fishery for surf clams" as a Conditional Fishery.

Subpart A of 50 CFR Part 251 sets forth the general policy under which financial assistance programs for the commercial fisheries will be administered and establishes the procedure to be used in proposing and adopting a fishery as a Conditional Fishery. Each fishery adopted as a Conditional Fishery will be enumerated under Subpart B of 50 CFR Part 251. The terms under which financial assistance related to a Conditional Fishery may be approved are set forth in the regulations on procedures and administration of each financial assistance program. Consequently, in considering the adoption of a Conditional Fishery, the terms and conditions of regulations for administering the Fishing Vessel Obligation Guarantee Program (50 CFR Part 255) and the Fishing Vessel Capital Construction Fund Program (50 CFR Part 259) are reviewed to assure that due consideration is afforded to participants in these programs.

It is the intent of the conditional fisheries regulatory mechanism as set forth in Part 251 of this chapter that NMFS financial assistance activities will be consistent with the wise use of the fisheries resources and with their development, advancement, management, conservation, and protection. When, upon review and evaluation of situations and conditions in a fishery, it is determined that certain fisheries demonstrably do not need additional harvesting capacity to meet management needs and objectives, those fisheries may be adopted as conditional fisheries.

Fisheries adopted as conditional fisheries will be those in which application of NMFS financial assistance activities will be controlled in a manner which, on balance, will be consistent with the needs and objectives of management. Consequently, NMFS financial assistance programs will not be used to worsen conditions in those fisheries adopted as conditional fisheries. To the contrary, these programs may then be more effectively and efficiently used to assist established fishermen in all fisheries including conditional fisheries, under terms and conditions as set forth in the cross-referenced regulations for each financial assistance program. However, this regulatory mechanism (50 CFR Part 251) is not viewed as a substitute for sound fisheries management practices at the international, national, and state levels.

The proposed amendment, as set forth below, would incorporate in Subpart B of the regulations a new § 251.25 to classify the "fishery for surf clams" as a Conditional Fishery as the term is defined in § 251.1(i).

The principal situations and conditions under consideration for determining that the "fishery for surf clams" is in need of regulation under Part 251 of this chapter are described in the following Explanatory Statement.

Federal and State agencies as well as the public will be given time and opportunity to comment on this proposed amendment.

Comments that are received will be evaluated giving full consideration to the national interest and the multiplicity of environmental, biological, economic, social, and other situations and conditions as the Director may deem relevant. Upon evaluation of all comments and available information, the Director will take action as may be appropriate and will continue to monitor and assess situations and conditions related to the "fishery for surf clams" to determine the continued need for regulation. This proposed amendment is published pursuant to the authority contained in section 4 of the Fish and Wildlife Act of 1956, as amended; Title XI of the Merchant Marine Act, 1936, as amended; section 607 of the Merchant Marine Act, 1936, as amended; the National Environmental Policy Act; and Reorganization Plan No. 4 of 1970.

Written views, data, or arguments on this proposed amendment should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All communications received on or before May 11, 1977, will be considered before action is taken with respect to adoption of the proposed amendment. No public hearing is contemplated at this time; however, any persons desiring a public hearing may request such a hearing by writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235. In the event that a public hearing is found necessary an appropriate notice to that effect will be published in the FEDERAL REGISTER.

By order of the Administrator, National Oceanic and Atmospheric Administration.

Dated: February 4, 1977.

ROBERT M. WHITE,
Administrator.

Explanatory Statement. The Director considers it necessary to classify the "fishery for surf clams" as a Conditional Fishery for regulation under Part 251 of this chapter. For the purposes of this regulation, surf clams are identified as the species *Spisula solidissima*, and the geographic area of the fishery is taken to be the continental shelf of the United States including the territorial sea adjacent to the coastal States from Maine to Cape Hatteras, North Carolina. The necessary situations and conditions for such classification follow.

Since 1973, the States of New York, New Jersey, Delaware, Maryland, and Virginia, the National Marine Fisheries Service, and fishing industry representatives have coordinated efforts directed toward the management objectives of assuring the conservation of the surf clam resource and protecting the industry dependent thereon. Through these coordinated efforts relevant information about the fishery has been assembled and assessed, the need to obtain additional information has been recognized, studies of the fishery have been initiated, and some of the conservation and management measures that may help achieve management objectives have been identified. Historically the surf clam fishery developed by expanding southward from New England, first to New York, then to New Jersey, and more recently to Delaware, Maryland, and Virginia, as concentrations of surf clams were discovered. This development was made possible by technological improvements in both harvesting and processing techniques which improved the economic efficiencies in both sectors. This led to an expansion onto known resource beds previously economically unavailable. As a result, surf clam leadings increased from about 8 million pounds of meats in 1950 to levels of about 96 million pounds in 1974, and 86 million pounds in 1975. Preliminary data show that landings through September 1976 amount to 37.6 million pounds. During the past decade there has been an increase of about 50 percent in the total number of vessels, and an increase in the average size, harvesting capability, and mobility of the newer vessels added to the fleet.

During the development of this fishery, assessment surveys of the surf clam resource were made by the States and the National Marine Fisheries Service to identify the general areas of surf clam abundance and to obtain information which might be used to make estimates of the standing stock and of the annual recruitment rate of surf clams to the harvestable population. In addition, recent scientific research conducted off the New Jersey coast identified transient environmental changes which has caused significant surf clam mortalities over an extensive area. It is estimated that during recent years, the surf clam fishing fleet has harvested the resource at annual levels exceeding those which can be produced by the resource on a sustained basis. In the first half of 1976, the size of the fleet has been augmented by an additional number of large vessels. The National Marine Fisheries Service

estimates that the level of fishing power for the surf clam fleet is now the highest ever recorded. Notwithstanding the increase in total fleet harvesting capacity, landings during the first half of 1976 were 50 percent less than for the equivalent time period in 1975, and it is estimated that total 1976 landings will be about 50 percent below the 1975 landings total.

In view of the above conditions and situations, it appears that there now exists sufficient fleet capacity to harvest the resource at an annual rate equal to or above that which the scientists believe can be sustained annually. Consequently, the Director is considering that the "fishery for surf clams" should be a Conditional Fishery in accordance with Part 251 of this chapter.

It is proposed to amend Part 251 of this chapter, Subpart B—Conditional Fisheries to add a new § 251.25 as follows:

§ 251.25 Fishery for surf clams.

[FR Doc.77-4297 Filed 2-9-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 25]

[Docket No. 16280; Notice No. 76-25A]

TRANSPORT CATEGORY AIRPLANE FATIGUE REGULATORY REVIEW PROGRAM

Availability of Conference Agenda

On November 15, 1976, the FAA issued an invitation to all interested persons to submit proposals for consideration during its Transport Category Airplane Fatigue Regulatory Review Program (Ref. Notice 76-25, 41 FR 50956; November 18, 1976). In that Notice, the FAA announced that a Conference would be held during March 15–17, 1977 at the Sheraton-National Hotel, Arlington, Virginia 22204 in connection with the program and that the FAA would prepare a Conference Agenda (containing a compilation of the proposals submitted) which would be distributed to interested persons.

The FAA hereby announces the availability of the Agenda for its Transport Category Airplane Fatigue Regulatory Review Conference. Copies are being distributed to each person who submitted a proposal and to others who have expressed an interest in this Regulatory Review Program. Other interested persons may obtain a copy (while the supply lasts) by contacting the Federal Aviation Administration, Flight Standards Service, Attention: Airworthiness Review Branch, AFS-910, 800 Independence Avenue, SW, Washington, D.C. 20591, Telephone 202-426-8128.

The Conference Agenda contains, in addition to a compilation of the proposals submitted, information on advance registration for the Conference, hotel accommodations, and participation in FAA's rule-making activities.

The proposals submitted in response to Notice 76-25 are scheduled for consideration as follows:

TUESDAY, MARCH 15, 1977

Morning. Opening session and NASA presentation.

Afternoon. Presentation of proposals by FAA, the Aerospace Industries Association, and the Air Transport Association.

WEDNESDAY, MARCH 16, 1977

Morning. Presentation of proposals by the Joint Airworthiness Requirements Committee, the General Aviation Manufacturers Association, Mr. Jurg Branger, and the Australian Department of Transportation.

Afternoon. Discussion of proposals.

THURSDAY, MARCH 17, 1977

Morning. Discussion of proposals.

Afternoon. Discussion of proposals and closing statements.

Persons who plan to attend the Conference should be aware of the following procedures that have been established to facilitate the workings of the Conference. These procedures expand upon those announced in Notice 76-25:

1. The Conference will begin at 9 a.m. on the morning of March 15, 1977 in the south ballroom of the Sheraton-National Hotel, Arlington, Virginia. There will be no admission fee or other charge to attend and participate. All Conference sessions will be open, on a space available basis, to all persons who registered to attend. If necessary to complete the Conference Agenda, sessions may be extended to evenings. If practicable, the conference Agenda may be accelerated to enable adjournment in less than the three days scheduled.

2. The Conference will be chaired by the FAA. It will convene and remain in plenary session to discuss the proposals in the Conference Agenda. If the need arises to resolve a specific issue, the Conference Chairpersons may form a special committee, identifying its various members. The Chairperson of this committee will be an FAA representative, who will report the committee's recommendations to the Conference Chairpersons.

3. Each proposal will be presented by its proponent, who will answer questions (for clarification only) immediately after his presentation. Discussion will begin after all proposals have been presented.

4. All Conference sessions will be tape-recorded. Copies of the tapes may be purchased, at fees determined in accordance with 49 CFR 7.95(j), from the Office of the Chief Counsel, AGC-24, Federal Aviation Administration, 800 Independence Avenue SW, Washington, D.C. 20591. In addition, the sessions will be recorded by a court reporter. Anyone interested in purchasing the court reporter's transcript should contact him directly. A copy of the court reporter's transcript will be docketed. A Conference Summary will not be prepared for this Conference.

5. The FAA will not consider material presented at the Conference by participants on any issue is not contained in the Conference Agenda. Position papers or clarification of language in the proposals may be accepted at the discretion of the Committee Chairpersons.

6. Proposals appearing in the compilation will not necessarily be included in a notice of proposed rule making. Statements made by FAA participants at the Conference should not be taken as expressing a final FAA position. The FAA will decide, after post-Conference analysis, which proposals will be revised, expanded, or accepted without change, for inclusion in a notice of proposed rule making, and which will be deferred or rejected.

This notice is issued under the authority of Section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on February 9, 1977.

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

[FR Doc.77-4508 Filed 2-9-77;11:17 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WE-30]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Oxnard and Santa Barbara, Calif., transition areas.

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 March 14, 1977 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, S.W., 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-430, 800 Independence Avenue, S.W., Washington, D.C. 20591. The FAA has determined that this document does not

contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on International air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would:

1. Amend the dimensions of the Oxnard, Calif., 5000 feet MSL Transition Area by inserting "Lat. 34°08'00" N." in lieu of "Lat. 34°15'00" N."

2. Amend the dimensions of the Santa Barbara, Calif., 1200 feet AGL Transition Area by inserting "Lat. 34°08'00" N., Long. 120° 00'00" W., to Lat. 34°08'00" N., Long. 120° 26'00" W.," in lieu of "Lat. 34°15'00" N., Long. 120°00'00" W., to Lat. 34°15'00" N., Long. 120°10'30" W.,"

The primary area of Santa Barbara Instrument Approach Procedure, South Terminal Routes overlies a portion of the 5000 foot Oxnard, Calif., Transition Area. The minimum altitude for this portion of the approach is 3500 feet MSL. In order to provide controlled airspace for the procedure, it is necessary to lower the floor of the transition area to 1200 feet AGL. This action necessitates a change to both the Oxnard and Santa Barbara, Calif., Transition Areas.

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

Issued in Washington, D.C., on February 3, 1977.

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

[FR Doc.77-4216 Filed 2-9-77;8:45 am]

[14 CFR Part 71]

[Airspace Doc. No. 77-NE-1]

VOR FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would incorporate the Navy Brunswick, Maine, VOR into the low altitude en route structure.

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 on or before March 14, 1977 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, S.W., 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-430, 800 Independence Avenue, S.W., Washington, D.C. 20591. The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

The FAA proposes to amend Part 71 as follows:

In § 71.123 (42 FR 307) V-93 would be amended by deleting "Kennebunk, Maine; INT Kennebunk 045° and Bangor, Maine, 220° radials; Bangor," and substituting "Kennebunk, Maine; Navy Brunswick, Maine; Bangor, Maine;" therefor.

Incorporation of the Navy Brunswick VOR into the low altitude en route structure will enhance the utilization of airspace, flight operations, and the control of air traffic on that segment of V-93 between Kennebunk and Bangor VORs. The Navy Brunswick VOR is certified and classified in the common system and provides transition privileges to several public standard instrument approach procedures.

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

Issued in Washington, D.C., on February 2, 1977.

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

[FR Doc.77-4208 Filed 2-9-77;8:45 am]

[14 CFR Part 71]

[Airspace Doc. No. 77-SO-1]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an airway from LaBelle, Fla., via Sebring, Fla., to Lakeland, Fla.

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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All comunications received on or before March 14, 1977 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, 800 Independence Avenue, S.W., 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 rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591. The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

The proposed amendment would designate an east alternate airway to V-157 from LaBelle via intersection of LaBelle 004°T (004°M) and Lakeland 132°T (132°M) radials; to Lakeland. The intersection of these LaBelle and Lakeland radials overlies the Sebring Airport. Designation of this airway

would provide more accurate navigational guidance for flight into Sebring, and would help general aviation pilots to avoid Restricted Area R-2901A. R-2901A would be excluded from the airway.

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

Issued in Washington, D.C., on February 2, 1977.

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

[FR Doc. 77-4206 Filed 2-9-77; 8:45am]

[14 CFR Part 71]

[Airspace Doc. No. 77-NE-3]

TRANSITION AREA

Proposed Establishment

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to establish a 700-foot Transition Area at Lyndonville, Vermont.

The establishment of this transition area is proposed to provide controlled airspace protection for aircraft executing a new Instrument Approach Procedure (NDB Runway 2) being established to serve the Caledonia County Airport, Lyndonville, Vermont.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before March 14, 1977 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, Operations, Procedures and Airspace Branch, New England 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 persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lyndonville, Vermont, proposes the airspace action hereinafter set forth:

LYNDONVILLE, VERMONT, 700-FOOT TRANSITION AREA

§ 71.181 [Amended]

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to add the following 700-foot Transition Area:

That airspace extending upward from 700 feet above the surface within a 16.5 mile radius of the center (latitude 44°34'09"N., longitude 72°01'09"W.) of the Caledonia County Airport, Lyndonville, Vermont.

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Burlington, Massachusetts, on January 31, 1977.

QUENTIN S. TAYLOR,
Director, New England Region.

[FRDoc.77-4207 Filed 2-9-77; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-318, Docket No. 26578; Dated: February 4, 1977]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Disclosure Standards for Lease Transactions

The Board, by circulation of Notice of Proposed Rule Making EDR-266, dated April 5, 1974, gave notice that it had under consideration the adoption of amendments to Part 241 of the Economic Regulations (14 CFR Part 241) so as to establish disclosure standards for lease transactions. After an evaluation of the comments received from interested parties, the Board modified the original proposal and issued a Supplemental Notice of Proposed Rule Making, EDR-266B, dated October 22, 1974.

A majority of those who responded to EDR-266B urged that the Board await the outcome of deliberations by the Financial Accounting Standards Board (FASB), an authoritative professional body which was, at that time, in the process of developing standards on accounting for leases. As a result of these suggestions and because the FASB deliberations were in a relatively advanced stage, it was decided to defer finalization of the proposed rule pending the promulgation of new standards by the FASB.[1]

In November 1976, the FASB established the long-awaited new standards of accounting for lease transactions by lessors and lessees in its Statement of Financial Accounting Standards No. 13 (FASB-13). Among other things, the FASB established criteria for determining the types of leases which should be capitalized by lessees and the disclosure requirements for both capital leases and other types of leases. It also permitted business entities to apply the new standards to all leases in effect regardless of when they were entered into or phase in the new standards through December 31, 1980; for leases entered into after January 1, 1977, FASB-13 is mandatory.

When viewed as a whole, the standards set forth in FASB-13 appear sound and should achieve wide acceptance in the business community. This acceptance will be even more likely when it is considered that FASB standards such as this are routinely incorporated into Securities and Exchange Commission (SEC) disclosure requirements.

The accounting for leases to be capitalized by lessees is similar in concept to the Board's original proposal. For example, the new standards exclude terminal and other airport facilities from capitalization, a provision contained in the Board's original proposal and recommended to the FASB by the Board's Director, Bureau of Accounts and Statistics in written comments on the FASB Exposure Draft dated July 22, 1976. On the other hand, despite certain similarities, the FASB-13 applies to lessors as well as lessees, and this provides the FASB Standard with a symmetry which the Board had not sought to impose in its own proposal.

In view of the fact that FASB-13 should resolve the concerns which prompted the Board to issue EDR-266 and will be widely accepted in the business community, there is no longer any need to further pursue the establishment of separate standards for lease accounting in the air transport industry which differ in any way from the FASB standards. Accordingly, it is now the Board's intention to incorporate the provisions of FASB-13 into the current regulations so that the CAB/SEC single reporting system will remain viable.

In sum, therefore, the Board's current regulations will be amended in the following manner: (1) CAB Form 41 schedules and related reporting instructions will be amended to provide for reporting of capitalized leases and property under operating-type leases to others; (2) to provide a mechanism for reporting the amounts of rent expense which would have been recorded if capitalized leases had not been capitalized; (3) to provide for the termination of Schedule B-14, "Summary of Proprty Obtained Under Long-Term Leases"; (4) to provide for expanded annual footnote disclosure of data relating to both capital leases and operating-type leases; and (5) to provide for the annual reporting of complete cost data with respect to capital leases of airframes and aircraft engines on Schedule B-43, "Inventory of Airframes and Aircraft Engines."

The net result will be the addition of new lease terms in section 03, the creation of a new section 2-20 entitled "Accounting for Leases" and the addition of eight new balance sheet accounts and two new expense accounts. The new section 2-20 will set forth the criteria for determining which leases should be capitalized by lessees and the detailed ac-

[1] Carriers were informed of this decision by the Director, Bureau of Accounts and Statistics in an Observation of the Director dated May 2, 1975.

counting procedures to be followed by both lessees and lessors for all classifications of leases established in FASB–13. The proposed account numbers and titles are as follows:

1280 [1]	Net investment in direct financing and sales-type leases—current.
1580 [1]	Net investment in direct financing and sales-type leases—noncurrent.
1695	Leased property under capital leases.
1696	Leased property under capital leases — accumulated amortization.
1795	Property on operating-type lease to others and property held for lease.
1796	Property on operating-type lease to others and property held for lease—accumulated depreciation.
2080	Current obligations under capital leases.
2280	Noncurrent obligations under capital leases.
7076	Amortization expense—capital leases.
8181.2	Interest expense—capital leases.

[1] This account will include subaccounts for minimum lease payments receivable (Dr) and unearned income (Cr).

The impact of FASB–13 will not become fully effective until December 31, 1980, but the new standards may be used before that date. Accordingly, in order to enable carriers to utilize the new standards, it will be necessary to advise them of how they can comply with the Board's existing regulations as they were amended by ER–980. ER–980, adopted December 23, 1976, implemented a CAB/SEC Single Reporting System and updated the accounting and reporting provisions. In order to provide this guidance, the Director, Bureau of Accounts and Statistics is contemporaneously herewith issuing the necessary detailed instructions in an Accounting and Reporting Directive.

The Board anticipates that if it finally adopts the new standards, it will also permit the same staggered implementation which the new FASB standards permit. In other words, as previously stated, the standards will not become fully effective until December 31, 1980; however, carriers would be able to adopt the new standards before that date, if they choose.

Persons responding to this Supplemental Notice should confine themselves to the matters discussed herein. The Board will not entertain comments with respect to issues raised in EDR–226 or ERD–266B that have now been superseded.

Interested persons may participate in this proceeding through submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before March 14, 1977, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–4331 Filed 2–9–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A432]

ALABAMA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Alabama Counties as a result of various adverse weather conditions shown in the following chart:

Blount: *Wet weather*, May 1 through July 31, 1976. *Cool weather*, April 1 through June 30, and Sept. 1 through Oct. 31, with *freeze* on Oct. 22, 23, 29 and 30, 1976.

Cullman: *Wet, cold weather*, May 1 through May 31, 1976. *Early frost*, October 29, 1976. *Early freeze*, November 5, 1976.

De Kalb: *Cold weather*, April 1 through May 31, 1976. *Freeze*, October 26 and 28, 1976.

Fayette: *Cool weather*, April 15 to June 15, 1976. *Excessive rain*, April 12 to 15, April 25 to May 17, 1976.

Franklin: *Cool weather*, April 26, 27, 28 and May 4, 19, 20 and 21, 1976. *Frost* and *freeze*, October 21, 22 and 28, 1976.

Hale: *Wet* and *cold*, April 1 through June 30, 1976. *Above normal temperature*, July 9 through July 27, 1976. *Frost*, October 21 and 27, 1976. *Freeze*, November 1, 2 and 3, 1976.

Jackson: *Excessive cool weather*, April 1 through August 29. *Excessive rain with flooding*, May 14, June 2 and 29, July 6, 1976. *Freezing temperatures*, October 22 and 28, 1976.

Lauderdale: *Cool weather*, April 1 through June 15, 1976. *Low temperature*, October 15 to October 31, 1976. *Freeze*, October 18, 1976.

Lawrence: *Cold weather*, April 1 through May 31, 1976. *Wet weather*, May 1 through May 31, 1976. *Freeze*, October 21, 1976.

Madison: *Cool wet weather*, May 1 through June 30, and September 15 through October 29, 1976. *Freeze*, October 29, 1976.

Talladega: *Cool weather*, April 15 through June 15, 1976. *Drought*, July 10 through September 15, 1976. *Freeze*, October 12, 1976.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1823.3 (b) including the recommendation of Governor George C. Wallace that such designation be made.

Applications for emergency loans must be received by this Department no later than March 24, 1977, for physical losses and October 21, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 1st day of February 1977.

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

[FR Doc.77–4121 Filed 2–9–77;8:45 am]

Forest Service

GRAZING ADVISORY BOARD

Meeting

The San Juan Section of the San Juan National Forest Grazing Advisory Board will meet at 1:30 p.m., March 14, 1977, at the La Plata Electric Company Building located two miles south of Durango, Colorado on Highway 160.

The purpose of this meeting is to give permittees an opportunity to advise the Forest Service in matters relating to grazing.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor, San Juan National Forest, telephone number 303–247–4874. Written statements may be filed with the board before or after the meeting.

D. D. WESTERBERG,
Forest Supervisor.

FEBRUARY 4, 1977.

[FR Doc.77–4292 Filed 2–9–77;8:45 am]

GRAZING ADVISORY BOARD

Meeting

The Montezuma Section of the San Juan National Forest Grazing Advisory Board will meet at 1:30 p.m., March 15, 1977, in the Grace Speck Room of the City Building, 210 East Main, Cortez, Colorado.

The purpose of this meeting is to give permittees an opportunity to advise the Forest Service in matters relating to grazing.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor, San Juan National Forest, telephone number 303–247–4874. Written statements may be filed with the board before or after the meeting.

D. D. WESTERBERG,
Forest Supervisor.

FEBRUARY 4, 1977.

[FR Doc.77–4293 Filed 2–9–77;8:45 am]

LAND MANAGEMENT PLAN BEAVERHEAD NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Management Plan—Beaverhead National Forest, Forest Service Report Number USDA–FS–R1(02)–DES–ADM–77–5.

The environmental statement concerns a proposed land management plan for the Beaverhead National Forest and portions of the Deerlodge National Forest, located in Beaverhead, Madison, Gallatin, Silver Bow, and Deer Lodge Counties, State of Montana. The action affects 2,161,989 acres of National Forest lands. This plan will provide management guidance and direction for management of the affected National Forest lands. The plan covers seven planning units containing 52 management units.

This draft environmental statement was transmitted to CEQ on February 2, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th & Independence Ave., S.W., Washington D.C. 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, Montana 59801.

USDA, Forest Service, Beaverhead National Forest, Corner Highway 41 and Skihi St., Box 1258, Dillon, Montana 59725.

A limited number of single copies are available upon request to Robert W. Williams, Forest Supervisor, Beaverhead National Forest, Box 1258, Dillon, Montana 59725.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and

from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Robert W. Williams, Beaverhead National Forest, Box 1258, Dillon, MT 59725. Comments must be received by April 4, 1977, in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

FEBRUARY 2, 1977.

[FR Doc.77-4294 Filed 2-9-77;8:45 am]

LAND USE PLAN SIWASH PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan—Siwash Planning Unit Forest Service Report Number USDA-FS-R1 (04)-FES-Adm-76-14.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Siwash Planning Unit, Avery Ranger District, Idaho Panhandle National Forests, Shoshone County, Idaho. About 29,100 acres of National Forest land are affected. The planning unit is divided into eight 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 February 2, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA Forest Service, Avery Ranger District, Avery, ID 83802.
Public Library, 703 Lakeside Ave, Coeur d'Alene, ID 83814.
Public Library, 110 So., Jefferson, Moscow, ID 83843.
Public Library, Wallace, ID 83873.
USDA, Forest Service, Idaho Panhandle National Forests, 218 North 23rd Street, Coeur d'Alene, ID 83814.
USDA Forest Service, St. Maries Ranger District, Federal Building, St. Maries, ID 83861.
Public Library, West 906 Main, Spokane, WA 99201.
Public Library, 16 W. Market Avenue, Kellogg, ID 83837.
Public Library, St. Maries, ID 83861.

A limited number of single copies are available upon request to:

USDA, Forest Service, St. Maries Planning Team, P.O. Box 407, St. Maries, ID 83861.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

RALPH D. KIZER,
Forest Supervisor, Idaho Panhandle National Forests, Northern Region, Forest Service.

FEBRUARY 2, 1977.

[FR Doc.77-4295 Filed 2-9-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26603; Order 77-2-36]

AMERICAN AIRLINES, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of February, 1977.

By tariff revisions [1] issued December 3, 1976, and marked to become effective February 14, 1977, American Airlines, Inc. (American) proposes to increase general and specific commodity bulk and container rates between U.S. points, on the one hand, and San Juan, St. Croix, and St. Thomas, on the other hand, and between the latter three points, generally as follows:

1. Bulk minimum charges by $1.00 per shipment in all markets;

2. Bulk general and specific commodity rates by 6 percent; and

3. Regular and daylight container general and specific commodity rates by 12 percent.

American contends that the proposal, which is expected to yield an additional $1.2 million revenue annually, is necessary to reduce freight losses in these markets from $1.9 million to $710,000 annually.

All the proposed rates come within the scope of the investigation in Puerto Rico/Virgin Islands Freight Rates, Docket 26603, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposed rates or to permit them to become effective pending investigation.

Upon consideration of all relevant factors, the Board concludes that a substantial number of bulk minimum charges, as well as a limited number of bulk general commodity rates, should be suspended, because they exceed the industry-average costs (including a return on investment) of carrying air freight.[2] Furthermore, all rate increases applicable to exception-rated commodities will be suspended because they would exceed costs.[3] The remaining increases do not appear excessive and the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof, *It is ordered*, That: 1. Pending hearing and decision by the Board, the increased rates, charges and provisions described in Appendix A [4] hereto are suspended and their use deferred to and including May 14, 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; and

2. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-4327 Filed 2-9-77;8:45 am]

[Docket 29481; Order 77-2-11]

EASTERN AIR LINES, INC.

Order Granting Temporary Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of February, 1977.

By Order 76-9-36, September 8, 1976, the Board directed all interested parties to show cause why the certificate of Eastern Air Lines, Inc., for Route 6 should not be amended by deleting Augusta, Ga., therefrom. The order also authorized Eastern to suspend service at Augusta.

Eastern has filed a statement of objection, contending that it is not possible at this time to conclude that the circumstances warranting suspension will prevail on a permanent basis; that Eastern would be willing to limit its suspension period at Augusta to two years; [1] that the situation warrants some reasonable period for Eastern and the community to assess the matter; and that if the Board intends to proceed, Eastern requests and reserves its right to a full hearing under section 401 of the Act.

The Augusta Parties [2] filed an answer

[1] Revisions to Air Tariffs Corporation, Agent, Tariffs C.A.B. Nos. 38 and 57.

[2] Industry-average costs, as adopted by the administrative law judge in the Domestic Air Freight Rate Investigation, Docket 22859, and updated for cost increases during the 12-month period ended September 30, 1976. See Orders 76-11-146, 76-10-71, and 76-10-70.

[3] Exception-rated commodities are charged percentages of the general commodity rate. Exception rates which are suspended, together with the current exception rate stated as a percentage of the general commodity rate, are as follows:

Commodity	*Percentage*
Live animals	125 pct.
Uncremated human remains.	100 pct of the under 100 lb rate.
Articles of extraordinary value.	200 pct of the under 100 lb rate.

[4] Appendix filed as part of the original document.

[1] In Docket 29481 Eastern applied for a five-year suspension of service at Augusta.

[2] The City and Chamber of Commerce of Augusta, Georgia, and the Aviation Department of Augusta, Georgia.

in opposition to Eastern's statement of objection, stating that Eastern has not only been less than enthusiastic about making full and effective use of its present August authoriy but also has ignored opportunities to improve that authority; that the preservation of inchoate operating authority for Eastern during an extended period of suspension would have a chilling effect upon other carriers who might be interested in satisfying the service needs of Augusta; [3] that Eastern's offer to limit its suspension to two years is of little comfort; and that Eastern's statement of objection and request for a hearing is clearly deficient and must be rejected. The Augusta Parties add that although they support the Board's order to delete Augusta authority from Eastern's route, they do not agree with the Board's conclusions in that order that presently available service represents an acceptable alternative to Eastern's service. Nevertheless, the Augusta Parties agree with the Board that other carriers serving their city, rather than Eastern, should be relied upon to satisfy the city's future service requirements.

In view of the objection raised by Eastern to the show-cause order, it would be inappropriate to finalize that order herein. Therefore, Order 76–9–36 will be vacated, and we will authorize Eastern to suspend its services temporarily at Augusta for a period of five years, subject to the condition that it may not resume service at the point without prior Board approval. We have already found that Eastern's service at Augusta is not required in the public interest, and that finding has not been contested. Eastern's argument refers to whether its service should be deleted. Thus, a five-year suspension as originally requested by the carrier will comply with the Board's findings in Order 76–9–36 and will be in the public interest. We have taken into account the civic parties' reluctance to participate in a formal hearing, given the expense involved and the expenditure of time required to process such an investigation. We wish to point out that our decision herein will in no way limit the alternatives available to the Board should an interested carrier apply to provide new service at Augusta. The fact that Eastern's service is temporarily suspended at the point will not hamper the Board from authorizing new air service at Augusta should a willing carrier make the necessary showing of public need for its services. For these reasons, Eastern's suspension at Augusta will be conditioned as stated above.

We also wish to point out that if the situation were different in that there were already on file with the Board an application or applications for certificate authority to provide new service at Augusta, then the Board might have reached a different result, i.e., the institution of an investigation might have been appropriate. The question of deletion of Eastern's services at Augusta could be at issue in such a proceeding. However, since that is not the case, we believe that the best interests of Augusta will be served by approving a five-year suspension of Eastern's services, with the understanding that the Board will entertain applications for new service at the point should a willing carrier or carriers indicate an interest in providing such service. We appreciate Augusta's concern that Eastern's dormancy at Augusta may discourage the filing of applications by other carriers. We do not intend to create any such disincentive and would consider in appropriate circumstances including the issue of deletion of Eastern's authority should a case be set down for hearing involving new service to Augusta.

Finally, with regard to Eastern's argument that it should not be required to file the environmental evaluation specified in Order 76–9–36, we would emphasize that regardless of its position on deletion, the fact remains that its service has been suspended, and the number of departures and arrivals involved is not inconsequential relative to the total number of operations at Augusta. We, therefore, reiterate our earlier directive that Eastern file the environmental evaluation required by Part 312 of the Board's Regulations as to the discontinuations of its service at Augusta within 30 days of the date of this order.

Accordingly, *It is ordered that:* 1. Order 76–9–36, dated September 8, 1976, be and it hereby is vacated;

2. Eastern Air Lines, Inc., be and it hereby is authorized to suspend service temporarily at Augusta, Ga., for a period of five years, subject to the condition that it may not resume service at the point during this period without prior Board approval;

3. Eastern Air Lines, Inc., shall file an environmental evaluation pursuant to Part 312 of the Board's Procedural Regulations within 30 days of this order;

4. A copy of this order shall be served upon Eastern Air Lines, Inc.; Delta Air Lines, Inc. Piedmont Aviation, Inc.; Mayor, City of Augusta; the Augusta Chamber of Commerce; the Augusta Aviation Department; Manager, Bush Field Airport; State of Georgia Transportation Department; and the Postmaster General; and

5. This order may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–4323 Filed 2–9–77;8:45 am]

[3] The Parties state that they are at this time discussing the possibility of entry by other carriers into some of the markets sought to be abandoned by Eastern, and that such discussions will be less productive if Eastern is permitted to merely suspend service at Augusta rather than be deleted.

[Docket 27540; Order 77–2–28]

FRONTIER AIRLINES, INC.

Order Instituting Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of February, 1977.

On February 21, 1975, Frontier Airlines filed an application for amendment of its certificate for Route 73 so as to redesignate the separate intermediate points Grand Island, Hastings and Kearney, Nebraska, [1] as the hyphenated point Grand Island-Hastings-Kearney, to be served through the Grand Island Municipal Airport. The application was accompanied by a motion for an order to show cause why the requested relief should not be granted, to which were appended some 52 exhibits.

In support of its application and motion, Frontier alleges, inter alia, that the area will receive improved air service; that the carrier will experience a reduction in its subsidy need of $211,000; that there will be little, if any, inconvenience for the majority of passengers now using the airports at Hastings and Kearney; [2] and that communities east and west of the area will receive improved service as a result of the streamlining of the carrier's Central Nebraska service pattern. Grand Island is chosen as the airport to be served because it is the only one of the three presently capable of accommodating Frontier's B–737 jet aircraft and because it is a far larger generator of traffic than either of the other two.[3]

Answers in support of the application have been filed by the Grand Island Parties (the City of Grand Island, the Hall County Board of Supervisors, the Hall County Airport Authority and the Grand Island Chamber of Commerce), the City of Grand Island, the City of Central City, Nebraska, the St. Paul, Nebraska Area Chamber of Commerce and the Scottsbluff County Airport, and

[1] At the time that the application was filed, Grand Island appeared as an intermediate point on segment 10 while Hastings and Kearney appeared as intermediate points on segment 9. By Order 75–7–5, July 1, 1975, the Board finalized Frontier's route realignment (Docket 25214) thereby consolidating Route 73 into a single segment. Contemporaneously, Frontier was granted authority to overfly Hastings and Kearney after providing a single daily round trip for two years or until 60 days after final decision on Frontier's application in the instant docket. Order 75–7–6, July 1, 1975.

[2] In this regard, Frontier states that 30 percent of passengers originating or terminating in the Hastings and Kearney areas now use the Grand Island Airport because of its superior service.

[3] In 1975 Frontier enplaned 80 passengers per day at Grand Island but only 12 per day each at Hastings and Kearney. It must be noted, however, that Grand Island received superior service—nine daily through flights compared with two daily through flights at each of the other two points. OAG, December 1, 1975.

the Scottsbluff-Gering United Chamber of Commerce.

A joint answer in opposition has been filed by the Cities of Hastings and Kearney and the Hastings Airport Authority. These communities allege that Frontier is undertaking a deliberate program of eliminating service at smaller communities in Nebraska in contravention of its obligations under the Federal Aviation Act. They view Frontier's application as an attempted deletion rather than as a consolidation of service and they argue that the two cities are far too large to be candidates for deletion; that service has been—and will continue to be—profitable for the carrier; and that consolidation at Grand Island would engender substantial inconvenience with no offsetting improvements in service. They conclude that, at the very least, a formal hearing is required but that an expedited hearing—much less an order to show cause—cannot be justified.

Frontier filed a reply to this answer together with a motion for leave to file the otherwise unauthorized document. Hastings and Kearney then filed an answer to Frontier's motion together with their own motion for leave to file that unauthorized document. Both motions will be granted.

On April 30, 1976, prior to any formal Board action on Frontier's motion and application, the Cities of Kearney and Hastings requested the Board to further defer procedural steps until September 1, 1976. The communities claimed that, among other things, they were engaged in an evaluation of the possibility of scheduled air taxi service in lieu of Frontier's service and that the outcome of that evaluation would have a material bearing on their position with regard to the consolidation question.

By Order 76–6–2, the Board granted the deferment and directed the parties to submit a progress report on or before September 1, 1976.

In a letter dated September 3, 1976, the communities reported that, despite their vigorous efforts, attempts to secure a replacement air taxi had not yet been successful, but that, in view of the communities' continuing efforts and the Board's heavy workload, the case should be further deferred. In a letter dated September 14, 1976, Frontier opposed the suggestion to continue the deferment and requested immediate consideration of its application.

Upon consideration of the pleadings and all the relevant facts, we have decided to proceed with our consideration of Frontier's application,[4] to deny Frontier's motion for an order to show cause, and to set the carrier's application for hearing. Over the years the Board has encouraged the consolidation of service at a single airport when two or more separately certificated points could be served conveniently and economically in such a manner.[5] Here, however, two of the three affected communities have opposed the application and have presented arguments to the effect that substantial inconvenience will result and that financial improvements to the carrier will not be forthcoming. In these circumstances, it is appropriate to consider the conflicting contentions of the parties after a full evidentiary hearing.[6] In addition, in view of its material bearing on the position of the communities and in order to afford the Board maximum flexibility in reaching its ultimate conclusion, we will specifically include the issue of air taxi replacement service in lieu of Frontier's service at Kearney and Hastings.

Finally, we have determined that the proceeding instituted herein by its very nature is not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2) (C) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one, all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion with regard to the environment is largely based, therefore, upon our findings that there are likely to be no environmentally significant changes in such schedules and service levels regardless of the outcome of this proceeding. Should Frontier's application ultimately be denied, the status quo will be maintained with no environmental changes whatsoever. On the other hand, should the application be granted, certificated large aircraft service will be eliminated at Hastings and Kearney and reduced slightly (in terms of total takeoff and landing cycles) at Grand Island. Hence, there would be some beneficial impact in the second case which would be offset to a degree by increases in surface vehicular traffic between the Hastings and Kearney areas and the Grand Island airport. It is unreasonable to suppose on the face of the matter that any action which the Board may take upon Frontier's application will lead, at worst, to more than very minor environmental changes.[7]

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, though of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, *It is ordered*, That:

1. The application of Frontier Airlines, Inc. in Docket 27540 be and it hereby is set for hearing as the *Central Nebraska Airport Consolidation Case* before an administrative law judge of the Board at a time and place to be hereafter designated as the orderly administration of the Board's docket permits;

2. The motion of Frontier Airlines, Inc. for an order to show cause be and it hereby is denied; and

3. The motions of Frontier Airlines, Inc. and the Cities of Hasting and Kearney, Nebraska, for leave to file otherwise unauthorized documents be and they hereby are granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–4326 Filed 2–9–77;8:45 am]

[Order 77–2–29; Dockets 29123, 30024, 30026; Agreement C.A.B. 26305]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of February, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement proposes new U.S.-Colombia group inclusive tour (GIT) fares for groups of 40, with a 3/14-day minimum/maximum stay, and a minimum tour price of $50 for the minimum stay period and $10 per day thereafter. One stopover within Colombia would be permitted, and the fares are proposed at levels of $233, $269, $293, and $306 from New York to Barranquilla, Medellin, Bogota, and Cali, respectively.

The Board has concluded to approve the instant agreement. Although the proposed U.S.-Colombia GIT fares ap-

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[4] Frontier's application has been on file for nearly two years and the communities have been granted a formal 120-day deferment. Because of the importance of the questions presented to the affected communities, we feel that further delay is unwarranted.

[5] See, *e.g.*, North Central Consolidation of Service to Rhinelander and Land O'Lakes, Order 71–12–1, December 1, 1971; *North Central Area Airport Investigation*, 41 C.A.B. 326 (1964); and *Greensboro/High Point/Winston-Salem Redesignation*, 34 C.A.B. 227 (1961).

[6] See *Bridgeport Service Case*, Order 73–12–47, December 12, 1973, and Frontier Airlines, Service to Paris, Muskogee and McAlester, Order 73–7–66, July 13, 1973.

[7] We are unable to reach similar conclusions with respect to the possible operation of air taxi replacement service at Kearney and Hastings in view of the absence of any factual material bearing upon the operation of such service at those points. However, it is worth noting that our experience has been that the operation of air taxi replacement service in similar situations has not heretofore resulted in adverse environmental effects.

pear rather low in relation to carrier costs, they would produce yields comparable to other, existing GIT fares in TC1-long haul (U.S.-Central/South America) markets which have been approved by the Board.[1] Also, the fares do not appear out of line with other U.S.-Colombia promotional fares in terms of their conditions of travel and probable usage, considering the existence of 150-day excursion fares and group-5 fares which are considerably less restrictive albeit at higher levels.

We note that the agreement is marked to expire April 30, 1977, and that the IATA agreement now before the Board to establish U.S.-Central/South America fares from May 1, 1977, does not include U.S.-Colombia fares. As indicated in procedural Order 76–11–141, November 29, 1976, most TC1 long-haul promotional fares, including GIT's are proposed to be increased, and we would expect the carriers to apply similar increases to the U.S.-Colombia GIT fares in the event they are to be revalidated beyond April 30, 1977, as part of an overall agreement on U.S.-Colombia fares.

We will also dismiss the outstanding Braniff and Aerocondor complaints against Avianca's original filing. As indicated, Braniff's discontent has been removed by the increase in level agreed to by Avianca. Aerocondor, which does not serve New York, was concerned with fares from Miami which were not included in the instant IATA agreement. The Miami-Colombia GIT fares filed by Avianca, with the same conditions as the New York fares, i.e., group of 40, 3/14 day validity, and $50 plus $10/day minimum tour price, merely match the level of much less restrictive fares offered by Aerocondor such as a 0/30 day GIT for groups of 4, and an unlimited nonaffinity fare for groups of 25 which allows individual return travel. Accordingly, the Board finds that Aerocondor's complaint is without merit and should be dismissed.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find Resolution 100(Mail 62)084oo, incorporated in Agreement C.A.B. 26305, to be adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter imposed.

[1] The proposed fares would yield 5.63–5.90 cents per revenue passenger-mile RPM); data submitted by Pan American and Braniff in support of a new, overall TC1 long haul fare structure agreement adopted by IATA show GIT yields averaging 5.76 and 5.99 cents per RPM, respectively, during the year ended September 30, 1976. The U.S.-Colombia GIT fares were originally proposed within IATA by Avianca at levels 5–17 percent lower than those finally adopted, and due to Braniff's opposition the carriers were unable to secure agreement. Avianca, however, agreed to increase the proposed fares' levels resulting in adoption of the instant agreement. Braniff and Aerocondor, a non-IATA Colombian carrier, had filed complaints at the time of the original Avianca filing, contending that the proposed fares would be unreasonable, diversionary, and dilutionary.

Accordingly, it is ordered That: 1. Agreement C.A.B. 26305 be and hereby is approved, provided that:

1. The provisions which at departure would permit a lesser number of passengers than that prescribed by the Resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost.

2. In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated for the original point of origin. Similar credit towards the purchase of transportation at applicable fares may be made for other members of the fare group who belong to the immediate family of such passenger.

3. Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

4. The amount of forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

2. Except to the extent granted herein, the complaints of Braniff Airways, Inc. and Aerovias Condor de Colombia, S.A., in Dockets 30026 and 30024, respectively, be and hereby are dismissed; and

3. Copies of this order shall be served upon Braniff Airways, Inc., Aerovias Nacionales de Colombia, S.A., and Aerovias Condor de Colombia, S.A.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–4328 Filed 2–9–77;8:45 am]

[Order 77–2–22; Docket No. 29123, etc.]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements on Passenger Fares and Currency Matters; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of February 1977.

In the matter of agreements adopted by the Traffic Conferences of the International Air Transport Association relating to passenger fare and currency matters; Order 77–2–22; Docket No. 29123, Agreement C.A.B. 26234, R–1 through R–7; Agreement C.A.B. 26351, R–1 through R–3; Docket No. 27592, Agreement C.A.B. 26321, R–1 and R–2; Agreement C.A.B. 26322; Agreement C.A.B. 26323, R–1 through R–16.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at either the Composite Passenger and Cargo Traffic Conference-Currency held in Geneva during December 1976, or the Composite Passenger Traffic Conference held in Miami during September-October 1976.

The bulk of the resolutions incorporated in these agreements involve fares and currency-related adjustments between foreign points, and thus affect air transportation as defined by the Act only insofar as such fares are combinable with fares to/from U.S. points. Those resolutions which directly affect air transportation primarily involve amendments to currency-related surcharges from foreign points which are intended to relate local currency selling fares more closely to fluctuating foreign exchange values.

The Board will herein approve the subject agreements, which generally amend resolutions previously approved; or will disclaim jurisdiction where the resolutions involve transportation solely between foreign points. We will, however, place a condition on IATA Resolution 001—Permanent Effectiveness Resolution—to cover all IATA resolutions setting forth rounding procedures, to provide for normal rounding up or down. Most IATA resolutions defining rounding procedures for any purpose, such as the currency surcharge resolutions, state that all amounts shall be rounded up to the next higher unit. The Board has previously conditioned individual IATA resolutions to provide for rounding up or down,[1] and our similar action herein will result in uniformity for all areas where fares and rates to/from U.S. points are involved.

We will also condition Resolution 021LL (Special Rules for Currency Adjustments—Cargo Rates) to provide for conversion of U.S.-dollar cargo rates at the market rate of exchange, for U.S.-originating cargo shipments. It is evident from a reading of subparagraph (7)(b)(ii)(aa) of the Resolution that its effect is to permit charges for U.S.-originating transportation in excess of the rates stated in tariffs on file with the Board, when such transportation is paid for in U.S. dollars in a foreign country. These provisions state that for U.S.-originating shipments, the U.S.-dollar amount stated on the airway bill shall be converted into the currency of the country of payment and then reconverted into U.S. dollars at the market rate of exchange or the IATA Resolution 021b rate, whichever produces the higher amount.[2] Our condition will pro-

[1] See Orders 76–11–33, November 5, 1976, and 76–3–76, March 11, 1976.

[2] The Resolution 021b rates reflect the parity of the U.S. dollar with other currencies prior to the February 1973 devaluation of the dollar. Under the relevant provisions of Resolution 021LL described above, a tariff rate of $1.00 per kg., New York-London, would be raised to $1.53 per kg. for collect shipments in London, even though paid in U.S. dollars. The obvious effect of such procedures is to discourage collect shipments.

vide for use of the market rate of exchange to insure the integrity of the U.S. dollar-rates filed in official tariffs for such shipments, as well as equity between prepaid and collect shipments.

Finally, the Board will place an additional condition on Resolution 001 to provide for use of market exchange rates in refunds and reroutings. This condition was originally imposed on Resolutions 021f (Special Conversion Rates) and 021L (Special Rules for Fares Currency Adjustments), which set out the conversion procedures for refunds and reroutings, in Order 75-6-46, June 10, 1975. Resolution 022g JT12) approved herein, however, includes as a footnote the old language previously conditioned, and our action herein will assure uniformity for all such provisions affecting transportation involving U.S. points.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
26234:			
R-1	002p	Expedited—Special Amending Resolution	1/2 (North)
R-2	002q	Expedited—Special Amending Resolution	3/1 (South)
R-4	275d	Expedited—Tickets: Alterations to Flight Coupons (Amending)	1, 2, 3
R-5	281b	Expedited—Sale of Air Transportation/Inclusive Tours Under Installment Plans in Local Currency in Brazil (Amending).	1
R-6	308	Expedited—Restricted Articles in Passengers Baggage (Amending)	1, 2, 3
R-7	1275	Expedited—Lining Out Entries on Tickets (New)	1, 2, 3
26321:			
R-2	022i	Expedited—JT12/JT123 (South Atlantic) Adjustment Factors for Sales of Passenger Air Transportation (Amending).	1/2, 1/2/3
26323:			
R-1	021b	Expedited—Rates of Exchange (Amending)	1, 2, 3
R-2	021bb	Expedited—Special Conversion Rates (TC1) (Amending)	1
R-3	022f	Expedited—JT31 (South Pacific) Adjustment Factors for Sales of Passenger Air Transportation (Amending).	3/1
R-4	022g	Expedited—JT31 (North and Central Pacific) Special Rules for Sales of Passenger Air Transportation (Amending).	3/1
R-5	022i	Expedited—JT12 and JT123 (North Atlantic) Special Rules for Sales of Passenger Air Transportation (Amending).	1/2, 1/2/3
R-6	022b	Expedited—JT23/123 Special Rules for Sales of Cargo Air Transportation (Amending).	2/3, 1/2/3
R-7	022c	Expedited—JT31 (South Pacific) Special Rules for Sales of Cargo Air Transportation (Amending).	3/1, 1/2/3
R-8	022ii	Expedited—JT12 (Mid and South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2
R-9	022j	Expedited—JT12 (North Atlantic) Rules for Sales of Cargo Air Transportation (Amending).	1/2
R-10	022jj	Expedited—JT12 (North Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2
R-11	022k	Expedited—JT12 (Mid Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2
R-12	022kk	Expedited—TC2 Special Rules for Sales of Cargo Air Transportation (Amending).	2
R-13	022L	Expedited—JT12 (South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2
R-14	022m	Expedited—TC2 Special Rules for Sales of Cargo Air Transportation (Amending).	2
R-15	022mm	Expedited—JT23/JT123 Special Rules for Sales of Cargo Air Transportation (Amending).	2/3, 1/2/3
R-16	022p	Expedited—JT31 (North and Central Pacific) Special Rules for Sales of Cargo Air Transportation (Amending).	3/1, 1/2/3
26322	022m	Expedited—TC2 Special Rules for Sales of Cargo Air Transportation (Amending).	2

Agreement CAB	IATA Resolution
26351:	
R-1	300 (Mail 86) 053.
R-2	300 (Mail 86) 063.

2. It is not found that the following resolutions, incorporated in the agreements indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26234:			
R-3	092	Expedited—Student Fares (Amending)	2

Agreement CAB	IATA Resolution
26351:	
R-3	300 (Mail 86) 084kk.

3. It is not found that the following resolution, incorporated in Agreement C.A.B. 26321 as indicated, is adverse to the public interest or in violation of the Act provided that approval is subject to the condition herein after stated:

Agreement CAB	IATA No.	Title	Application
26321: R-1	022g	JT12/123 (North Atlantic) Adjustment Factors for Sales of Passenger Air Transportation (New).	1/2, 1/2/3. (Canada/2/3).

Provided that: Where an additional collection is made as a result of rerouting the total amount collected (Original fare plus additional collection) shall not be greater than the fare published in the currency of the country of transportation origination for the transportation actually used. Where payment is made in another currency, conversion shall take place at the local banker's buying rate at the time and place of rerouting.

Accordingly, *it is ordered*, That:

1. Those portions of Agreements C.A.B. 26234, C.A.B. 26321, C.A.B. 26323, C.A.B. 26322, and C.A.B. 26351 set forth in finding paragraph one above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreements C.A.B. 26234 and C.A.B. 26351 set forth in finding paragraph 2 above;

3. That portion of Agreement C.A.B. 26321 set forth in finding paragraph 3 above be and hereby is approved subject to the condition set forth therein;

4. The Board's outstanding approval of Resolution 021LL is subject to the following additional condition:

For all sales of U.S.-orginating cargo air transportation, rates and charges shall not exceed the U.S. dollar amounts published in the carrier's official tariff on file with the Board; where payment is made in another currency, the stated U.S.-dollar rates and charges shall be converted into the currency of payment at the local banker's buying rate of exchange.

5. Resolution 001 is subject to the following additional conditions:

(a) Notwithstanding the provisions of any IATA resolution, the following procedures shall apply effective April 1, 1977, for rounding off all fares, rates and charges, and all currency conversions and adjustments, in air transportation as defined by the Act: The figure to be rounded shall be rounded up only when the extra digit is 5 or more; otherwise it shall be rounded down.

(b) Notwithstanding the provisions of any IATA resolution, the following procedures shall apply for refunds and reroutings in air transportation as defined by the Act:

1. The remaining unused value of any transportation document for refund or rerouting purposes shall be calculated in terms of the local currency of the country of transportation origination, and such value refunded to the passenger in the same currency or other currencies converted at the banker's buying rate at the time of refund in the country of refund; and

2. Where an additional collection is made as a result of rerouting the total amount collected (original fare plus additional collection) shall not be greater than the fare published in the currency of the country of transportation origination for the transportation actually used. Where payment is made in another currency, conversion shall take place at the local banker's buying rate at the time and place of rerouting.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-4135 Filed 2-9-77;8:45 am]

[Docket 29773; Docket 77-2-27]

PAN AMERICAN WORLD AIRWAYS, INC. TRANS WORLD AIRLINES, INC.

Order Denying Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of February, 1977.

By Order 76-9-128, effective September 24, 1976, the Board suspended, pending investigation, new tariff rules filed by Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA) which would have permitted charter groups to transfer, at prevailing mileage-based charter rates, to the economy-class section of scheduled flights.

By telex dated October 5, 1976, Pan American petitioned the Board for reconsideration of the order and filed a supplement dated October 6, 1976, to its petition stating the grounds for the requested reconsideration. Pan American alleges that the critical issue in the investigation is the generative and diversionary impact of the proposed part-charter service on existing scheduled and charter services. There is no way to assess this issue absent actual experience with the concept, according to Pan American, and the carrier claims that its charter transfer tariff is the proper vehicle for conducting a part-charter experiment. Pan American requests that the suspension of the charter transfer tariff be rescinded so that a reliable factual basis can be developed for resolving the critical issues in the investigation.

In an answer filed October 15, 1976, by member carriers of the National Air Carrier Association (NACA), it is argued that the petition should be dismissed as untimely and, in any event, should be denied since the contentions made by Pan American were fully considered by the Board in the original order and were rejected. NACA states that Pan American's petition was late filed by at least one day, and possibly two, and that Pan American did not file a motion for leave to file an untimely document.

As to the substance of the petition, NACA claims that the Board clearly addressed and rejected the idea of an experiment during the pendency of the investigation. NACA argues that such an experiment would result in severe injury to charter-only carriers because the experiment would be conducted in a market in which they are particularly dependent—the North Atlantic—and that the capacity of the scheduled carriers available for part charters is, in NACA's words, enormous. In addition, NACA claims that both scheduled carriers and the traveling public would be injured by a part-charter experiment.

Upon full consideration of Pan American's petition, NACA's answer, and other relevant matters, the Board has decided to deny the petition. Although Pan American's petition is procedurally defective as it was not timely filed and no explanation was offered for this inadvertence, we will consider the petition on its merits as a matter of discretion. Pan American has presented no new issues in its petition that have not been previously considered by the Board and the petition will therefore be denied.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: The petition for reconsideration of Order 76-9-128, filed by Pan American World Airways, Inc. be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-4324 Filed 2-9-77;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE OF THE AMERICAN STATISTICAL ASSOCIATION

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I (1974)), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on March 3 and 4, 1977 at 9:00 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association.

The agenda for the March 3 meeting is: (1) Topics of current interest at the Bureau of the Census, (2) coverage evaluation plans for the 1980 census, (3) evaluation program for the 1977 economic census, (4) a new approach to measuring inventory change, and (5) Committee meeting to develop recommendations.

The agenda for the March 4 meeting, which will adjourn at 12:30 p.m. is: (1) Discussion of Committee recommendations, (2) current state of research on 1980 census income testing, (3) 1980 census progress report, and (4) discussion by the Committee and Census Bureau Staff of Bureau responses to prior Committee recommendations, and the status of specific Bureau activities described at earlier Committee meetings.

The meeting will be open to the public, and a brief period will be set aside on March 4 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. James L. O'Brien, Assistant Chief, Statistical Research Division, Bureau of the Census, Room 3573, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5350.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

FEBRUARY 7, 1977.

[FR Doc.77-4315 Filed 2-9-77;8:45 am]

Domestic and International Business Administration

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975) notice is hereby given that a meeting of the Exporters' Textile Advisory Committee will be held at 10:00 a.m., on March 15, 1977 in Room 5611, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 28 members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Data
2. Report on Conditions in the Export Market
3. Recent Foreign Restrictions Affecting Textiles
4. Other Business

A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: February 4, 1977.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.77-4228 Filed 2-9-77;8:45 am]

UNIVERSITY OF CALIFORNIA, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 76-00233. Applicant: University of California, San Diego, Marine Physical Laboratory of the Scripps Institution of Oceanography, San Diego, California 92132. Article: Ocean Bottom Seismograph Katsujima Model CJ-1B without Pressure Case and (3) sets Cassette Tape Deck. Date of denial without prejudice to resubmission: August 30, 1976.

Docket number: 76-00285. Applicant: University of Illinois Urbana-Champaign Campus, Purchasing Division, 223 Admin. Bldg .Urbana, Illinois 61801. Article. Dynamic Mechanical Elastometer .Date of denial without prejudice to resubmission: August 13, 1976.

Docket number: 76-00328. Applicant: University of Rhode Island, Graduate School of Oceanography, Kingston, R.I. 02881. Article: Mass Spectrometer, Model 602C. Date of denial without prejudice to resubmission: August 17, 1976.

Docket number: 76-00383. Applicant: University of Rochester, Rochester, N.Y. 14627. Article: 4 (Four) Joulemeters, and 1 (One) Digital Readout. Date of denial without prejudice to resubmission: August 13, 1976.

Docket number: 76-00384. Applicant: New York State Department of Health, Division of Laboratories and Research, New Scotland Avenue, Albany, N.Y. 12201. Article: MS30 double Beam Mass Spectrometer. Date of denial without prejudice to resubmission: September 1, 1976.

Docket number: 76-00401. Applicant: Washington University School of Medicine, 660 South Euclid Avenue, St. Louis, Missouri 63110. Article: Electron Microscope, Model EM 201C and Accessories. Date of denial without prejudice to resubmission: September 9, 1976.

Docket number: 76-00406. Applicant: S.I.U. School of Medicine, Box 3926, Springfield, Illinois 62708. Article: Electron Microscope, Model EM 201 and accessories. Date of denial without prejudice to resubmission: September 9, 1976.

Docket number: 76-00543. Applicant: Walter Reed Army Medical Center, Department of Pathology, Washington, D.C. 20012. Article: Electron Mieroscope, Model EM 10A. Date of denial without prejudice to resubmission: September 30, 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.77-4230 Filed 2-9-77;8:45 am]

UNIVERSITY OF ILLINOIS AND UNIVERSITY OF CALIFORNIA

Consolidated Decision on Applications for Duty-Free Entry of Circular Dichroism Spectropolarimeters

The following is a consolidated decision on applications for duty-free entry of Circular Dichroism Spectropolarimeters 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). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Program, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00494. Applicant: University of Illinois at the Medical Center, 833 South Wood Street, Chicago, Illinois 60680. Article: Model J-40A Automatic Recording Spectropolarimeter with Alternate Measurement accessory. Manufacturer: Japan Spectroscopic Co. Ltd., Japan. Intended use of article: The article is intended to be used for investigations of the circular dichroism spectra of the peptides and proteins and their complexes with non-covalently bonded molecules. Experiments will be conducted to relate the circular dichroism spectra to the arrangement of molecular groups in three-dimensional space. In turn, the three-dimensional arrangement of molecular groups will be used to derive the basic molecular forces which stabilize the arrangement and the relationships between colecular arrangement and effect of the molecules on biological systems. Application received by Commissioner of Customs: July 27, 1976. Advice submitted by the Department of Health, Education. and Welfare on: December 10, 1976.

Docket number: 76-00516. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Circular Dichroism Spectropolarimeter, Model J-40C. Manufacturer: Japan Spectroscopic Co. Ltd., Japan. Intended use of article: The article is intended to be used to study biological materials including chromatin, DNA, structural proteins, biological dyes, carcinogens, synthetic polynucleotides chlorophyll and chloroplasts. The property of the compounds to be measured is circular dichroism (CD), the differential absorbence of left and right circularly polarized light. The research to be conducted will include:

(1) Experiments on histones, other chromosomal proteins and chromatin to relate protein metabolism to chromosomal structure and function.

(2) Chlorophyll experiments to correlate the CD spectrum of different relative orientations of chlorophyll.

(3) CD measurements of carcinogens, DNA, and chromatin to ascertain if the carcinogen is intimately associated with DNA base.

(4) CD measurements of polynucleotides to make available further information that is important to the structural interpretation of polynucleotide CD structure.

Application received by Commissioner of Customs: August 20, 1976. Advice submitted by the Department of Health, Education, and Welfare on: December 10, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a sensitivity limit at 185 nanometers (nm), 200nm, 500nm, 700nm of 8 millidegrees (m°) noise, 3m° noise, 0.5m° noise, and 1.5m° noise respectively. The Department of Health, Education, and Welfare (HEW) advises in its respectively cited memoranda that the best sensitivity is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which is being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-4229 Filed 2-9-77;8:45 am]

NATIONAL INDUSTRIAL ENERGY COUNCIL SUB-COUNCILS ON BUSINESS AWARENESS

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975) notice is hereby given that the meeting of the National Industrial Energy Council Sub-Councils on Business Awareness, Industry Programs and Program Development will be held on Wednesday, March 2, 1977, from 2 to 4:30 p.m. in Conference Room 4830, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Sub-Councils will meet to discuss their progress toward meeting their objectives and to prepare a report to be submitted at the next full Council meeting.

The meeting is open to public attendance and a limited number of seats will be available on a first-come, first-serve basis. To the extent that time permits, members of the public may present oral statements to the Sub-Council. Interested persons are also invited to file written statements with the Sub-Council before or after the meeting. Minutes of the meeting will be available for inspection in the Executive Director's office 30 days after the meeting. Copies of the minutes will be available at the cost of reproduction at the same time upon written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Inquiries should be addressed to Ms. Evelyn McKessey, Office of Energy Programs, DIBA, Room 2203, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230 Telephone 202-377-5001.

Dated: February 9, 1977.

R. DENNIS O'CONNELL,
Executive Director, National Industrial Energy Council.

[FR Doc.77-4524 Filed 2-9-77;12:22 am]

National Oceanic and Atmospheric Administration

JAMES H. W. HAIN

Marine Mammals and Endangered Species Permit

On November 3, 1976, notice was published in the FEDERAL REGISTER (41 FR 48390) that Dr. James H. W. Hain, Sea Education Association, Box 6, Woods Hole, Massachusetts 02543, submitted a request to supplement his Permit so as to include the bowhead whale (*Balaena mysticetus*), an endangered species, in order to conduct the same research activities on that species as currently authorized by the Permit he now holds.

Notice is hereby given that on February 4, 1977, the National Marine Fisheries Service issued a Permit to include the bowhead whale in the previous authorized activities as authorized by the Marine Mammal Protection Act of 1972,

and for Scientific Purposes as authorized by the Endangered Species Act of 1973, to Dr. James H. W. Hain subject to certain conditions set forth therein. Issuance of the Permit is based, as required by the Endangered Species Act of 1973, on a finding that such Permit (1) was applied for in good faith; (2) if granted and exercised, will not operate to the disadvantage of the endangered species sited under the Permit Application; and (3) will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973.

This Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702;
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: February 4, 1977.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77-4340 Filed 2-9-77;8:45 am]

LOUIS SCARPUZZI

Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Louis Scarpuzzi Enterprises, Inc., 339 Riverside Drive, Fort Myers, Florida 33905, to take five (5) California sea lions (*Zalophus californianus*) for public display.

The requested animals will be captured by a professional collector on or near Santa Cruz or San Miguel Islands off Santa Barbara, California, with a modified gill net in the water. The animals will be maintained in a holding facility near the capture site for acclimation before being transported to the Applicant's display facilities by commercial air-freight and truck.

The Applicant states that the five animals requested are needed to increase his present stock of two animals and to assure animals adequate enough both for his facility in Cape Coral, Florida, and his new location in Maryville, Tennessee.

At the Florida facility the animals will be displayed in a circular pool, 30 feet in diameter by 12 feet deep, with two additional pools connecting with the main pool.

During the summer months, two of the seven animals will be on display at the Tennessee facility in a pool, 56 feet by 30 feet, with depths from 5 to 12 feet. Both facilities provide haul-out areas for the animals.

The displays are for profit, open daily to the public with an estimated 70,000 annual visitors to the Florida facility, and an estimated 150,000 seasonal visitors to the Tennessee facility.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Gandy Boulevard, Duval Building, St. Petersburg, Florida 33702; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or request for a public hearing on this application, should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washintgon, D.C. 20235, on or before March 14, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 4, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-4339 Filed 2-9-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL ADVISORY COMMITTEE

Meeting

FEBRUARY 8, 1977.

Pursuant to provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), in accordance with the purpose of Section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036) and Section 104(d) of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), notice is hereby given that the General Advisory Committee will hold a meeting on March 1 and 2, 1977, in Washington, D.C. The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public. These sessions will be held on March 1 and 2 in the Congressional Room, Quality Inn Motel, 415 New Jersey Avenue, N.W., Washington, D.C.

MARCH 1

10:30-11:30 a.m.—Energy Demand Estimates
11:30-12:30 p.m.—Compilation of Electric Power Demand in the Year 2000
2:00-3:00 p.m.—Follow-up on Field Laboratory (FLU) Study (1975)
3:00-3:30 p.m.—GAC's Solar Study

MARCH 2

9:00-10:00 a.m.—ERDA's Patent Policy
10:00-11:30 a.m.—ERDA's University Programs
11:30-12:30 p.m.—ERDA's FY 1978 Budget

In addition to the above agenda items, the Committee will meet with ERDA Headquarters staff, and hold executive sessions not open to the public under the authority of section 10(d) of Pub. L. 92-463 as follows:

MARCH 1

9:00 a.m.—Ford Foundation Study on Nuclear Energy Policy (Exemption 4)
3:00 p.m.—Discuss and exchange views on major policy concerns raised during the open sessions (Exemption 5)

MARCH 2

2:00 p.m.—Discuss and exchange views on major policy concerns raised during the open sessions (Exemption 5)

Those sessions will involve the discussion of proprietary information with Ford Foundation representatives and therefore, exempt from disclosure under 5 U.S.C. 552(b)(4), and the exchange of opinions and formulation of recommendations on the above agenda topics exempt from disclosure under 5 U.S.C. 552(b)(5).

I have determined that it is necessary to close these portions of the meeting to exchange opinions and formulate recommendations, the discussion of which, if written would fall within exemptions (4) and (5) of 5 U.S.C. 552(b). Any nonexempt material that may be discussed at these sessions will be inextricably intertwined with the discussion of exempt material and no further separation is practical. It is essential to close such portions of the meeting to protect such privileged information to protect the free interchange of internal views and avoid undue interference with Administration and Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 13 copies thereof, postmarked no later than February 21, 1977, to the Secretary, General Advisory Committee, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be based on the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on February 28, 1977, to the office of the Secretary of the Committee on (202) 376-4678 between 8:30 a.m. and 5:00 p.m., eastern time.

(c) Questions at the meeting may be propounded only by members of the General Advisory Committee.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of the minutes will be made available for copying. following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77-4445 Filed 2-9-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 684-7]

AIR QUALITY STANDARDS; REVIEW OF NEW SOURCES

Availability of Support Document and Extension of Comment Period

On December 21, 1976, the Environmental Protection Agency published at 41 FR 55524 an Interpretative Ruling on the preconstruction review requirements for stationary sources of air pollution under 40 CFR 51.18. The Ruling provides that a major new source may locate in an area violating a national ambient air quality standard only if stringent conditions can be met. These conditions are designed to insure that the new source's emissions will be controlled to the greatest degree possible; that more than equivalent offsetting emission reductions ("emission offsets") will be obtained from existing sources; and that there will be progress toward achievement of such ambient standard. While the ruling was made immediately effective, public comments were solicited, with the comment period closing February 15, 1977.

Also on December 21, 1976, EPA published an advance notice of proposed rulemaking (41 FR 55558) dealing with revisions to the requirements for preconstruction review of new or modified air pollution sources set forth under EPA's Regulations for Preparation, Adoption, and Submittal of Implementation Plans (40 CFR Part 51). The proposals in the ANPRM were closely related to above Interpretative Ruling and both notices encouraged commentors to submit a single set of comments.

Several requests to extend the comment period have been received. Since EPA will be holding hearings on the Interpretative Ruling through March 17, 1977 (see 41 FR 3888), the written comment period will therefore be extended through March 17, 1977.

The December 21, 1976, ANPRM also discussed a draft report concerning the geographic areas where hydrocarbon control programs, including emission offset requirements, would be most effective in reducing ambient levels of photochemical oxidant. This draft report entitled "Effectiveness of Organic Emission Control Programs as a Function of Geographic Location" is now availabile at the Public Information Center (PM-215), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Comments on this report should be submitted as part of the comments on the ANPRM.

Dated: February 3, 1977.

EDWARD T. TVERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-4182 Filed 2-9-77;8:45 am]

[FRL 685-2; OPP-180110]

DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Naled To Control the Oriental Fruit Fly in California

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 (7 U.S.C. 136(a) et seq.)), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, of the U.S. Department of Agriculture (hereafter referred to as "USDA") to use 22,400 grams of active Naled to eradicate small populations of the Oriental Fruit Fly in California; recently established infestations have been discovered in Los Angeles and San Diego Counties. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460.

According to the USDA, this recent infestation of the Oriental Fruit Fly (*Dacus dorsalis* Hendel) was first confirmed in the Beverly Hills area, Los Angeles County, on August 2, 1976. Naled eradication treatments began on August 23, 1976, under a crisis exemption promulgated by USDA on that date. Notice of the crisis exemption was published in the FEDERAL REGISTER on October 1, 1976 (41 FR 43445). In addition, USDA submitted a request for a specific exemption to use Naled to control the oriental fruit fly in Los Angeles County. Since that request, another infestation of the pest was confirmed in San Diego; treatment of that infestation was conducted by USDA by authority of a specific exemption which was issued on October 22, 1975, for that use. However, that specific exemption expired on October 21, 1976; accordingly, the USDA amended its request for a specific exemption, asking that San Diego County be added to the treatment area.

There are no pesticides registered specifically to control the oriental fruit fly because the pest is not endemic to the continental United States. This insect is one of the most destructive pests of fruits and vegetables, the USDA stated. The oriental fruit fly attacks over 150 crop species, including apricots, avocados, citrus, figs, mangoes, papayas, peaches, pears, peppers, and tomatoes, as well as ornamental plants. This insect thus poses a serious economic threat to the fruit and vegetable industries in the United States. The pest has been detected numerous times in the last 13 years, but eradication has nearly always been possible in the past by male annihilation techniques.

The USDA proposed to use a toxicant, viscid bait consisting of 88 percent methyl eugenol, five (5) percent Naled, and seven (7) percent Thixcin-E. Each bait spot or station (6-inch diameter spot) will require approximately 0.25 gram of Naled applied by hand equipment to telephone poles, other inanimate objects, and host trees in the infested area. All baits will be placed out of the normal reach of children and pets. Applications will be made at least four (4) times at two-week intervals, with 600 stations per square mile. A maximum of 22,400 grams of Naled will be applied, 17,000 grams in Los Angeles County, and 5,400 grams in San Diego County. The Naled toxicant bait treatment is a male oriental fruit fly annihilation technique; it is not effective for control of females of this species. During the recent infestation, females have not been discovered.

Naled (Dibrom) is registered for use on citrus crops as a foliage application at a rate of application considerably higher

than the rate of application to be used in the USDA control program. Methyl eugenol is an attractant and Thixcin-E is a thickening agent, both of which pose no known threat to man or the environment. The controls proposed will be adequate to prevent misuse of the pesticides and prevent any serious short- or long-term adverse environmental effects.

It should be noted that the specific exemption granted in 1975 to the USDA permitted the use of Diozinon, malathion, and Naled for eradication of this pest in San Diego County. In that specific exemption request, USDA agreed to provide the additional data required for registration of Diazinon, malathion bait, and a Naled bait identical to the one to be used now, for control of the oriental fruit fly. The USDA further agreed to carry out one of the three following courses of action regarding these pesticides: (1) submit an application for registration; (2) ensure that an application for registration is submitted by another party; or (3) withdraw the use of these pesticides no later than October 21, 1976, provided, however, that there were no external conditions which disrupted the planned research or methods development program, making it impossible to obtain the data that are necessary for registration. External conditions shall not include the lack of the necessary personnel or funds. When the EPA requested information concerning USDA's progress in complying with these provisions of the 1975 exemption (published in the FEDERAL REGISTER on November 12, 1975 (40 FR 52758)), the USDA stated that the eradication program in California for the oriental fruit fly does not readily lend itself to the collection of data to support the minimum effective dosage and effective dosage range as specified in the final section 3 regulations (published July 3, 1975); the primary reason for this, USDA stated, is that populations have not been allowed to become established in the continental United States. Thus, USDA asserts, data to provide the information required for registration must be developed outside the continental United States. However, USDA has determined that data available may support a claim for the aerial application of malathion bait spray for use in these programs, including control of the Mediterranean fruit fly. The USDA stated, however, that data to support the use of Naled in a bait lure were totally insufficient to support any claims. USDA is currently in the process of compiling additional data in the form of field reports and other laboratory information which it feels may support the use of the Naled bait lure formulation for ground application. Further information will not be collected on Diazinon as a soil drench, as this was determined to be insufficiently efficacious against larvae.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of the oriental fruit fly has occurred; (b) there is no pesticide presently registered and available for use to control this pest in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the oriental fruit fly is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the USDA has been granted a specific exemption to use the pesticides noted above until November 1, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The treatment area is limited to Los Angeles and San Diego Counties;

2. The toxicant, viscid bait shall be applied as discussed above;

3. A maximum of 22.400 grams of active Naled will be applied;

4. All applications will be made by trained personnel of the USDA and the California Department of Food and Agriculture; and

5. Data must be collected during this exemption period and registration of Naled for this use must be pursued.

Dated: February 3, 1977.

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

[FR Doc.77-4184 Filed 2-9-77;8:45 am]

[FRL 684-8]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Temporary Class Deviation

Notice is hereby given by the Environmental Protection Agency of the issuance of a temporary class deviation from 40 CFR 35.925-18(a)(3).

The purpose of issuing this deviation is to provide assistance to States confronted with the problem of moving construction grant projects from planning to design to the initiation of construction rapidly enough so as not to lose FY-76 allotments—the initial obligation of which expires on September 30, 1977.

The deviation memorandum reads as follows:

Date: January 28, 1977.
Subject: Temporary Class Deviation from 40 CFR 35.925-18(a)(3).
From: Alexander J. Greene, Director, Grants Administration Division (PM-216)
To: Regional Administrators.

The purpose of this memorandum is to provide a class deviation from the 40 CFR 35.925-18(a)(3) requirement precluding grant eligibility of preaward Step 2 work.

The time required between the completion of a facilities plan by the engineer and final approval and award of a Step 2 grant is frequently three to six months. The tasks which must be completed in this period usually include public participation, A-95 review, acceptance by implementing governmental units, State review and certification and EPA review and award of a Step 2 grant. The provisions of 40 CFR 35.925-18(a)(3) do not permit the grantee to begin Step 2 design work prior to approval of a Step 2 grant, and as a consequence progress on a project is frequently slowed or halted. Accordingly, construction of new facilities and attendant pollution control benefits are delayed.

A class deviation from the requirements of 40 CFR 35.925-18(a)(3) is hereby granted. The Regional Administrator may authorize preaward Step 2 work on a case-by-case basis after determination that the following conditions are met:

1. The grantee has requested in writing authorization to proceed with Step 2 work at his own risk.

2. The grantee is prepared to begin Step 2 work prior to the anticipated date of the Step 2 grant and will save a significant amount of time in doing so.

3. Based on a review of a draft facility plan, environmental assessment and other documentation it is determined that the entire project or the portion of the project for which preaward work is authorized is likely to be the most cost-effective alternative and without significant adverse environmental impacts.

4. Sufficient funds are available in the existing State allotment to cover the prospective Step 2 grant should the grantee later become eligible for a Step 2 award. Such funds must be formally encumbered by the State, using the State Priority Certificate (Form 5700-28), and must be reserved by the Regional Administrator and hence not available for other use

5. The costs of the authorized preaward work will not exceed 30 percent of the estimated total Step 2 eligible costs which will result from the Step 1 plan.

6. The Step 2 and Step 3 grants for the project are on the approved FY 77 priority list and a grant award for the Step 3 project is necessary to prevent a portion of the State's FY 76 construction grant allotment from being reallotted at the close of the initial allotment period, and the Region fully expects to award the Step 2 and Step 3 grants by September 30, 1977.

The authority to make the determination required above and to authorize preaward Step 2 work may not be delegated by the grant approving official.

Authorizations granted under this deviation are to contian the following provisions:

1. A clear description of the preaward work covered by the authorization including eligible costs to be incurred.

2. A statement that the grantee undertakes the preaward work at his own risk and that the authorization does not in any manner commit the Agency to reimburse for this work in the future. Such work, later found not in conformance with the recommendations of the finally approved facility plan (including the environmental review) will be ineligible for grant funds and, therefore, the cost of such work would have to be borne by this grantee.

3. A statement that procurement of the preaward work must conform fully with the requirements of 40 CFR Parts 30 and 35, especially §§ 35.936 and 35.937

This class deviation expires on September 30, 1977.

Dated: February 1, 1977

Concurrence:

RICHARD REDENIUS,
Acting Assistant Administrator for Planning and Management (PM-208)

Dated: February 1, 1977.

Concurrence:

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials (WH-556).

Dated: February 1, 1977.

RICHARD REDENIUS,
Acting Assistant Administrator for Planning and Management.

Dated: February 4, 1977.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77-4183 Filed 2-9-77;8:45 am]

[FRL 685-3]

MANAGEMENT ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

Notice of Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Management Advisory Group to the Municipal Construction Division will be held at 9:00 a.m. on March 10-11, 1977. On March 10 the meeting will be held at Crystal Mall No. 2, Room 1112, Conference Room A, 1901 Jefferson Davis Highway, Arlington, Virginia. On March 11 the meeting will be held at Waterside Mall, Room 3906-3908, 401 M Street, S.W., Washington, D.C.

The purpose of the meeting is to develop the advice and comment of the Management Advisory Group on proposed amendments to the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500), especially the recommendations of the National Commission on Water Quality. Other matters of urgency will also be on the agenda.

The meeting will be open to the public. Any member of the public wishing to attend should contact the Executive Secretary, Mr. Harold Cahill, Director, Municipal Construction Division, EPA, Washington, D.C. 20460. The telephone number is area code 202-426-8986.

Dated: February 3, 1977.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77-4186 Filed 2-9-77;8:45 am]

[FRL 685-1; OPP-66024]

PESTICIDE PROGRAMS

Cancellation of Registration of Pesticide Products Containing Benzene Hexachloride (BHC)

Pursuant to section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, U.S.C. 136(a) et seq.), on October 27, 1976, Chapman Chemical Co., PO Box 9158, Memphis TN 38109 requested that the Environmental Protection Agency (EPA) cancel its registration for BHC 1 EMULSIFIABLE CONCENTRATE (EPA Registration No. 1022-144). On the same date, the Quantex Corporation, a subsidiary of Chapman Chemical Co., also requested that the Agency cancel its registration for QUANTEX-BHC (EPA Registration No. 30940-3).

Cancellation shall be effective March 14, 1977 unless the registrants, or an interested person with the concurrence of the registrants, request that the registrations be continued in effect.

Requests concurred in by the registrants that the registration of these products be continued, and any comments concerning this action, may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Rm. 401, 401 M St. SW., Washington, D.C. 20460. Any such submissions should bear a notation indicating both the subject and the OPP document control number (OPP-66024). Any comments or other documents filed regarding this notice of cancellations 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: February 9, 1977.

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

[FR Doc.77-4185 Filed 2-9-77;8:45 am]

[FRL 667-6; FIFRA Doc. No. 382; OPP-00035]

REGISTRATION OF M-44 SODIUM CYANIDE CAPSULES TO CONTROL PREDATORS

Modification of Order To Include Indian Governing Authorities

Notice is hereby given that the Administrator of the Environmental Protection Agency (EPA) intends to modify Restrictions No. 3 and 4 in the Order dated September 16, 1975 (published in the FEDERAL REGISTER September 29, 1975, 40 FR 44726), regarding registration of sodium cyanide capsules to be used in the M-44 device for predator control. The pertinent part of Restrictions No. 3 and 4 provides that only State and Federal registrants may purchase sodium cyanide capsules for use in the M-44 device. The Administrator proposes to include the governing authorities of Indian reservations not subject to State jurisdiction as eligible registrants. The reasons for proposing this modification are explained below.

BACKGROUND

EPA registrations of sodium cyanide for use in predator control were suspended and cancelled March 9, 1972 (37 FR 5718), by Order of the Administrator. On August 12-15, 1975, pursuant to a notice published in the FEDERAL REGISTER (40 FR 29755), public hearings were held in Washington DC, with respect to applications for registration of sodium cyanide capsules for use in the M-44 device for predator control. The hearings were called in accordance with 40 CFR 164, Subpart D, on the basis of a finding by the Administrator that there appeared to be substantial new evidence which might materially affect, and justify reconsideration of, the prior suspension and cancellation Order. On September 16, 1975, the Administrator issued his decision and Order modifying the prior suspension and cancellation Order to allow registration of sodium cyanide capsules for use in the M-44 device for predator control subject to certain enumerated restrictions; these documents were published September 29, 1975 (40 FR 44726). in the FEDERAL REGISTER.

Although several parties to the hearings sought to modify the initial Restriction No. 18 to prohibit the use of sodium cyanide capsules by private applicators, the Administrator declined to do so. The restriction was incorporated into the September 16, 1975, Order as follows:

3. Registrations for sodium cyanide capsules to be used in the M-44 device may be granted to persons other than State and Federal agencies; provided, that such persons shall be authorized to sell sodium cyanide capsules only to State and Federal registrants. Only State and Federal registrants shall be permitted to sell, give, or distribute sodium cyanide capsules to individual applicators. State and Federal registrants may authorize or license private applicators to use the M-44 device pursuant to an approved plan for the certification of private applicators in accordance with Section 4 of FIFRA if such private applicators have completed the training program set forth herein. However, prior to the approval of such plans, State and Federal registrants may authorize or license private applicators to use the M-44 device, under State or Federal supervision and control, after the completion of the training program as set forth herein. Federal and State registrants shall train all individual applicators, and such training shall include, but need not be limited to: (1) Training in safe handling of the capsules and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device; and (4) Instructions in recordkeeping. Federal and State registrants shall be responsible for insuring that the restrictions set forth herein are observed by all individual applicators to whom such registrants sell, give, or distribute sodium cyanide capsules and/or M-44 devices.

Additionally, Restriction No. 4 forbids the handling, sale or transfer of sodium cyanide capsules and M-44 devices by anyone not authorized by State or Federal registrants to do so:

4. M-44 devices and sodium cyanide capsules shall not be sold or transferred to, or entrusted to the care of, any person not authorized or licensed by, or under the supervision or control of a Federal or State registrant.

With this past few weeks, the Navajo Nation, which was a party to the M-44 proceedings, has informed the Agency of certain facts which were not presented at the public hearings in August 1975. In particular, federal law and treaties between the Navajo Nation and the United

States provide that there shall be no State jurisdiction over the Navajo reservation. In addition, lands subject to Navajo authority are not under the direct control of the Federal Government. The Navajos, like many other Indian tribes, govern themselves and exercise jurisdiction over tribal lands.

It is apparent that since the Order of September 16, 1975 refers only to State and Federal registrants the Navajos cannot avail themselves of the provisions of that Order. If autonomous Indian tribes are to receive the same relief from predators granted other bodies politic, they, as governing authorities, must be granted an opportunity to register and use sodium cyanide capsules in the M–44 device[1]. Therefore, the following modifications to the September 16, 1975, Order are proposed:

3. Registration for sodium cyanide capsules to be used in the M–44 device may be granted to persons other than State and Federal agencies; provided, that such persons shall be authorized to sell said capsules only to State and Federal registrants except that Indian governing auhorities ond reservations not subject to State jurisdiction are also eligible to obtain registrations. Only State, Federal and Indian registrants shall be permitted to sell, give, or otherwise distribute sodium cyanide capsules to individual applicators. Such State, Federal or Indian registrants of sodium cyanide capsules shall be responsible for insuring that the restrictions set forth herein are observed by individual applicators to whom such registrants sell or distribute such capsules and/or M–44 devices. State, Federal and Indian registrants shall train applicators, and such training shall include, but need not be limited to: (1) Training in safe handling of the capsules and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device, and (4) Instructions in recordkeeping.

4. M–44 devices and sodium cyanide capsules shall not be sold or transferred to, or entrusted to the care, any person not authorized or licensed by, or under the supervision or control of a Federal, Indian or State registrant.

Public Hearing

The public hearings culminating in the Administrator's Decision and Order of September 16, 1975, which modified the 1972 cancellation and suspension Order were called in accordance with 40 CFR 164, Subpart D, when an applicant for registration of M–44 sodium cyanide capsules presented substantial new evidence which warranted reconsideration of the 1972 Order. Under the Subpart D rules, the application to register the previously cancelled and suspended pesticide constituted a petition for reconsideration of the 1972 cancellation and suspension Order. The test prescribed by Subpart D required the Administrator to make an initial finding as to whether the applicant presented substantial new evidence which would materially affect the 1972 Order, and which was not available at the time the prior determination was made, or which could not have been presented during the original proceedings. After this finding was made, Subpart D required the Administrator to convene a hearing to determine whether such evidence did in fact exist and whether it required modification of the 1972 Order. The final determination to modify the 1972 Order was made by the Administrator on the basis of record at the hearing and the recommendations of the administrative law judge who presided over the hearing.

The Subpart D requirement to hold a public hearing before changing a prior cancellation or suspension order is designed to protect the procedural rights of affected persons. The hearing opportunities and other procedural protections afforded to such persons under FIFRA and the Administrative Procedure Act in connection with the original decision to cancel or suspend a pesticide registration would be rendered meaningless if similar procedural rights were not granted to those persons in connection with a decision to modify or rescind a prior cancellation or suspension order.

The proposed modification of Restrictions No. 3 and 4 involves a reconsideration of the September 16, 1975 Order; it does not involve a reconsideration of the 1972 cancellation and suspension Order itself. Thus, the Subpart D rules do not apply to this proposed modification. However, it is obvious that the procedural safeguards established by Subpart D would be rendered meaningless if the September 16, 1975, Order resulting from the Subpart D hearings were subsequently modified without providing similar protections to persons who might be adversely affected by such a modification.

Therefore, any person who may be adversely affected by this proposed modification to Restrictions Nos. 3 and 4 may request that a formal public hearing be held. Such requests shall set forth with specificity the factual and/or legal issues which the requesting party proposes for consideration at such a hearing. Such requests should be submitted in quintuplicate and addressed to the Hearing Clerk, Rm. 1019, East Tower, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. If no such request is received on or before March 14, 1977, the proposed modification will be made final and effective on March 15, 1977 without any further notification in the Federal Register. If a timely request for a hearing is received, a notice will be published in the Federal Register specifying: (1) the date on which the hearing will begin and end, (2) the issues of fact and law to be adjudicated at the hearing, (3) the date on which the presiding officer shall submit his recommendations, including findings of fact and conclusions, to the Administrator, and (4) the date on which a decision by the Administrator is anticipated. The procedures at the hearing shall follow the Rules of Practice, set forth in Subparts A and B of 40 CFR 164, as determined by the presiding officer.

All published reports, letters, and other documents cited herein are available for public inspection in the Office of the Hearing Clerk from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: February 4, 1977.

John Quarles,
Acting Administrator.

Proposed Findings and Order

Before the Administrator, U.S. Environmental Protection Agency, Washington, D.C., In the Matter of: Applications to register sodium cyanide for use in the M–44 device to control predators, FIFRA Docket No. 382.

In the Order of the Administrator dated September 16, 1975, regarding applications to register sodium cyanide for use in the M–44 device to control predators, Restrictions No. 3 and 4 are superseded and modified as set forth herein.

The Order of September 16, 1975, contained the following restriction to which all registration applications for use of sodium cyanide in the M–44 device to control predators are subject:

3. Registrations for sodium cyanide capsules to be used in the M–44 device may be granted to persons other than State and Federal agencies; provided, that such persons shall be authorized to sell sodium cyanide capsules only to State and Federal registrants. Only State and Federal registrants shall be permitted to sell, give, or distribute sodium cyanide capsules to individual applicators. State and Federal registrants may authorize or license private applicators to use the M–44 device pursuant to an approved plan for the certification of private applicators in accordance with Section 4 of FIFRA if such private applicators have completed the training program set forth herein. However, prior to the approval of such plans, State and Federal registrants may authorize or license private applicators to use the M–44 device, under State or Federal supervision and control, after the completion of the training program as set forth herein. Federal and State registrants shall train all individual applicators, and such training shall include, but need not be limited to: (1) Training in safe handling of the capsules and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device; and (4) Instructions in recordkeeping. Federal and State registrants shall be responsible for insuring that the restrictions set forth herein are observed by all individual applicators to whom such registrants sell, give, or distribute sodium cyanide capsules and/or M–44 devices.

4. M–44 devices and sodium cyanide capsules shall not be sold or transferred to, or entrusted to the care of, any person not authorized or licensed by, or under the supervision or control of a Federal or State registrant.

It is proposed that these restrictions be amended. The Decision of the Admin-

[1] The concept of treating Indian reservations not subject to State jurisdiction as separate government entities in administering the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.) is not without precedent in Agency practice. 40 CFR 171.10 provides that thet governing authority of an Indian reservation not subject to State jurisdiction may elect to adopt the adjacent State's program for certification of commercial and private applicators, or it may develop and implement its own plan.

istrator is based on the following findings of fact:

Under the terms of the September 16, 1975, Order pertaining to sodium cyanide capsules for use in the M–44 device for predator control, no provision for the registrations, purchase, and use of such devices is made for Indian governing authorities on reservations not subject to State jurisdiction.

PROPOSED ORDER

Restrictions No. 3 and 4 in the Order of September 16, 1975, are hereby amended by this Order to read as follows:

3. Registrations for sodium cyanide capsules to be used in the M–44 device may be granted to persons other than State and Federal agencies; provided, that such persons shall be authorized to sell said capsules only to State and Federal registrants, except that Indian governing authorities on reservations not subject to State jurisdiction are also eligible to obtain registrations. Only State, Federal and Indian registrants shall be permitted to sell, give, or otherwise distribute sodium cyanide capsules to individual applicators. Such State, Federal and Indian registrants of sodium cyanide capsules shall be responsible for insuring that the restrictions set forth herein are observed by individual applicators to whom such registrants sell or distribute such capsules and/or M–44 devices. State, Federal and Indian registrants shall train applicators, and such training shall include, but need not be limited to: (1) Training in safe handling of the capsules and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device; and (4) Instructions in recordkeeping.

4. M–44 devices and sodium cyanide capsules shall not be sold or transferred to, or entrusted to the care of, any person not authorized or licensed by, or under the supervision or control of a Federal, Indian or State registrant.

[FR Doc.77–4181 Filed 2–9–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21074, 21075; File Nos. 7406–CM–P–72; 9446–CM–P–72]

AMERICAN TELEVISION AND COMMUNICATIONS CORP. AND PENNA. RADIO TELEPHONE CORP.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 12, 1977.

Released: February 4, 1977.

In re applications of American Television and Communications Corporation and Penna. Radio Telephone Corp. For construction permits in the multipoint distribution service for a new station at Reading, Pennsylvania.

1. The Commission has before it the above-referenced applications of American Television and Communications Corporation (ATC), filed on April 14, 1972 and Penna. Radio Telephone Corp. (PRT), filed on June 20, 1972. Both applications propose Channel 1 operation in the Reading, Pennsylvania area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. ATC holds several point-to-point and CARS licenses and has interests in several others. ATC also has sixteen MDS construction permit applications pending and has been granted permits in four cities, including Monroe, Louisiana and Savannah, Georgia. PRT, a licensee in business and DPLMR services, has only the above-referenced application before the Commission.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, it is hereby ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Reading, Pennsylvania area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That American Television and Communications Corporation, Penna. Radio Telephone Corp., and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

JOSEPH A. MARINO,
Deputy Chief for Chief,
Common Carrier Bureau.

[FR Doc.77–4240 Filed 2–9–77;8:45 am]

[1] Consideration of these factors shall be made in light of the Commission's discussion in *Peabody Telephone Answering Service*, et al., 55 F.C.C. 2d 626 (1975).

[Docket Nos. 21076; 21077; File Nos. 3453–CM–P–73; 7094–CM–P–73]

AMERICAN TELEVISION AND COMMUNICATIONS CORP. AND RCC OF VA., INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of American Television & Communications Corporation and RCC of Virginia, Inc.; for construction Permits in the multipoint distribution service for a new station at Lynchburg, Virginia.

Adopted: January 12, 1977.

Released: February 4, 1977.

1. The Commission has before it the above-referenced applications of American Television and Communications Corporation (ATC), filed on November 9, 1972 and RCC of Virginia, Inc. (RCC), filed on January 22, 1973. Both applications propose Channel 1 operation in the Lynchburg, Virginia area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. ATC, which holds licenses in point-to-point, DPLMRS, CATV and CARS services, has fifteen MDS construction permit applications pending and has been granted permits for four cities, including Charleston, West Virginia. RCC, which is a DPLMRS licensee in Virginia, also has MDS construction permits for Norfolk, Roanoke and Charlottesville, Virginia.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Lynchburg, Virginia area;

[1] Consideration of these factors shall be made in light of the Commission's discussion in *Peabody Telephone Answering Service*, et. al., 55 F.C.C. 2d 626 (1975).

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That American Television and Communications Corporation, RCC of Virginia, Inc., and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

JOSEPH A. MARINO,
Deputy Chief for Chief,
Common Carrier Bureau.

[FR Doc.77-4239 Filed 2-9-77;8:45 am]

[Docket Nos. 21071, etc.; File Nos. 359-CM-P-73, etc.]

A. MICHAEL LIPPER, ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 12, 1977.

Released: February 4, 1977.

In re applications of A. Michael Lipper; Docket No. 21071, File No. 359-CM-P-73; and International Television Corp.; Docket No. 21072, File No. 1976-CM-P-73; and Stockton Mobilphone, Inc.; Docket No. 21073, File No. 1977-CM-P-73; for construction permits in the multipoint distribution service for a new station at Stockton, California.

1. The Commission has before it the above-referenced applications of A. Michael Lipper (Lipper) (File No. 359-CM-P-73), filed on July 20, 1972; International Television Corp. (ITC) (File No. 1976-CM-P-73), filed on September 22, 1972; and Stockton Mobilphone, Inc. (Stockton) (File No. 1977-CM-P-73), filed on September 26, 1972. All three applications propose Channel 1 operation in the Stockton, California area, and thus are mutually exclusive and require comparative consideration. All three applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Lipper has MDS construction permit applications pending before the Commission for four other cities, including Monterey, California and has been granted permits in Long Island, New York and So. Lake Tahoe, California. ITC has applications pending in six cities, including Santa Barbara and Bakersfield, California, and has been granted permits in Oxnard, California and Lincoln, Nebraska. Stockton, solely held by Knox LaRue, has only the above-referenced MDS application before the Commission. Mr. LaRue has interests in broadcast and DPLMRS operations in California.

3. Upon review of the captioned applications, we find that the three applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, it is hereby ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Stockton, California area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance;

(d) The charges, regulation and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That A. Michael Lipper, International Television Corp., Stockton Mobilphone, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

JOSEPH A. MARINO,
Deputy Chief for Chief,
Common Carrier Bureau.

[FR Doc.77-4241 Filed 2-9-77;8:45 am]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

The following is a list of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian list No. 361, Jan. 19, 1977

Call letters	Location	Power (in kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		550 kHz							
CHNO (correction to class, PO 550 kHz, 10 kWD/2.5 kWN, DA-2).	Sudbury, Ontario, N. 46°26'10", W. 80°58'30".	10	DA-2	U	III				EIO Nov. 19, 1977
		560 kHz							
CHCM (Temporary nighttime operation from that notified in list No. 352, dated Feb. 25, 1976, PO N. 47°10'25", W. 55°-08'51", 560 kHz, 1 kWD/0.5 KWN, ND-178, U, 111, 300, 120, 701.)	Marystown, Newfoundland, N. 47°09'26", W. 55°14'37".	10D/5N	DA-N ND-D-180.5	U	III				EIO Jan. 19, 1978.
		620 kHz							
CFRP (assignment of call letters).	Forestville, Quebec, N. 48°38'23", W. 69°05'13".	1	DA-1	U	III				EIO June 4, 1977.
		1230 kHz							
CJLP (assignment of call letters).	Disraeli, Quebec, N. 45°54'28", W. 71°20'33".	1D/0.25N	ND-176	U	IV	133	120	425	EIO June 24, 1977.
		1240 kHz							
(New)	Meadow Lake, Alberta, N. 54°05'-30", W. 108°27'08".	1D/0.25N	ND-182	U	IV	150	120	317(ave)	EIO Jan. 19, 1978.
		1240 kHz							
(New)	Lac Etchemin, Quebec, N. 46°23'-04", W. 70°27'07".	1D/0.25N	ND-185	U	IV	160	120	317	Do.
		1280 kHz							
(New) (delete immediately)	Calgary, Alberta, N. 50°54'21" W. 114°12'36".	10	DA-2	U	III				
		1280 kHz							
(New)	High River, Alberta, N. 50°29'12", W. 113°51'04".	10	DA-2	U	III				EIO Jan. 19, 1978.
		1280 kHz							
CJSL (increase in power, PO 1280 kHz, 1 kW, DA-1).	Estevan, Saskatchewan, N. 49°-03'26", W. 102°55'20".	10	DA-2	U	III				Do.
		1290 kHz							
CFRW (change in proposed day and night patterns from that notified List 354 dated May 12, 1976, PO 1470 kHz, 10 kW, DA-1).	Winnipeg, Manitoba, N. 49°47'58", W. 97°16'29".	10	DA-2	U	III				Do.
		1400 khz							
CHOA (now in operation)	Stettler, Alberta, N. 52°18'48", W. 112°37'19".	1D/0.25N	ND-190	U	IV	176	120	280	
		1400 kHz							
CFLD (now in operation)	Burns Lake, British Columbia, N. 54°15'20", W. 125°45'24".	1D/0.25N	ND-181	U	IV	120	120	281	
		1460 kHz							
(New)	Medicine Hat, Alberta, N. 49°58'-35" W. 110°36'45".	10	DA-N ND-D-195	U	III				EIO Jan. 19, 1978.

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

[FR Doc.77-4154 Filed 2-9-77;8:45 am]

[Report No. 844]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

FEBURARY 7, 1977.

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 and 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, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's rules.]

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20702-CD-P-77 AAA Telephone Answering Service and Medical Exchange, Inc. (New), C.P. for a new 1-way station to operate on 35.22 MHz to be located at Rt. 1, 0.6 miles of Texas and Pacific R.R. Crossing, Donaldsonville, Louisiana.

20703-CD-P-77 Two-Way Radio Communications Company of Kansas, Inc. (KUS221), C.P. to change frequency from 152.18 to 152.09 MHz to be located at 200' West of City limits, Elkhart, Kansas.

20704-CD-P-77 Pocono Mobile Radio Telephone Co., (New), C.P. for a new station to operate on 454.075 MHz to be located at Kittatinny Mt. Range at Fox Gap, Stroudsburg, Pennsylvania.

20705–CD–P–77 Communications Equipment and Service Company (KWA632), C.P. for additional facilities to operate on 152.21 MHz to be located at Ester Dome, Fairbanks, Alaska (Loc. No. 1).

20706–CD–P–77 Mobilphone Paging Radio Corporation (KRS653), resubmitted, C.P. for additional facilities to operate on 152.24 MHz to be located at 314 St. Louis Avenue, East Woonsocket, Rhode Island (Loc. No. 2).

20708–CD–P–77 Palmerton Telephone Company (KGC403), C.P. for a additional facilities to operate on 454.425 MHz to be located, Near Rt. No. 13038, 3 miles South East of Palmerton, Pennsylvania.

20709–CD–P–77 General Telephone Company of the Southeast (KSV896), C.P. for additional facilities to operate on 152.84 MHz at a new site described as Loc. No. 2 to be located at 214 Freeze Street, Cookeville, Tennessee.

20710–CD–P–77 Mobilefone Northwest (KOP 261), C.P. for additional facilities to operate on 454.225 and 454.325 MHz to be located at a new site described as Loc. No. 7: Rattlesnake Ridge 16.5 miles WNW of Richland; 454.150 MHz to be located at a new site described as Loc. No. 8: Wahatis Peak 18 miles west of Othello, Washington.

20711–CD–P–77 Answer, Inc. of San Antonio (KKG559), C.P. to change antenna system operating on 454.250 MHz to be located 411 E. Durango, San Antonio, Texas.

20712–CD–P–77 Martin J. Nunn (KWU294), C.P. to relocate facilities operating on 35.58 MHz (Base) to be located at Smith Hill, 1.8 miles NE of Utica, New York (Loc. No. 2).

20713–CD–P–77 Willis B. Johnson d/b as Telanswer Radiophone Service (KUC853), C.P. to change antenna system and relocate facilities operating on 158.70 MHz to be located East Butte, 31 miles west of Idaho Falls, Idaho.

20714–CD–P–(2)–77 Canaveral Communications, Inc. (KFL867), C.P. to relocate, change antenna system and replace transmitter operating on 152.03 and 152.18 MHz to be located at 3554 Ocean Drive, Vero Beach, Florida.

20715–CD–P–77 Canaveral Communications, Inc. (KUO561), C.P. to relocate, replace transmitter and change antenna system operating on 152.24 MHz to be located 3554 Ocean Drive, Vero Beach, Florida.

20716–CD–P–(9)–77 San Juan Radiotelephone Corporation (WWA311), C.P. to relocate, change antenna system and replace transmitter operating on 152.03, 152.21, 152.09, and 152.15 MHz; and additional facilities to operate on 152.12, 454.025, 454.050, 454.075 and 454.100 MHz: Cerro de Punta, 3 miles South of Jayuya, Puerto Rico (Loc. No. 2).

20717–CD–P–(2)–77 Mobile Phone of Texas, Inc. (KWH316), C.P. for additional facilities to operate on 2129.0 MHz Repeater to be located 6.8 miles SW of Merkel, Texas and delete 459.350 MHz Repeater at the same location; and 2179.0 MHz Control facilities (Loc. No. 2) to be located 1129 ½ North Second Street, Morris Building, Albine, Texas and delete 454.350 MHz Control at the same location.

20718–CD–P–(2)–77 Telpage, Ltd. (New), C.P. for a new station to operate on 454.050 and 454.150 MHz to be located at 2323 Tyler Road, Birmingham, Alabama.

20719–CD–P–77 United Telephone Company of Florida (New), C.P. for a new station to operate on 152.60 MHz to be located 124 North Seventh Avenue, Wauchula, Florida.

20720–CD–P–77 United Telephone Company of Florida (New), C.P. for a new station to operate on 152.51 MHz to be located 790 South Access Road, Port Charlotte, Florida.

20721–CD–P–77 United Telephone Company of Florida (New), C.P. for a new station to operate on 152.69 MHz to be located at 115 S. Parrott Avenue, Okeechobee, Florida.

20722–CD–P–(2)–77 Tel-Illinois, Inc. (KUC 987), C.P. to replace transmitter, change antenna system and relocated facilities operating on 158.70 MHz at Loc. No. 1 to be located 1.5 miles South of LaSalle city center, LaSalle, Illinois; and to replace transmitter operating on 158.70 MHz at Loc. No. 2· Existing water tank, 1.6 miles South of Ottawa City Center, Ottawa, Illinois.

20723–CD–P–(2)–77 RAM Broadcasting of Missouri, Inc. (KUO566), C.P. for additional facilities to operate on 43.58 MHz at two new sites described as Loc. No. 2: KSHE–FM Tower, 9434 Watson Road, Crestwood, Missouri and Loc. No. 3: 314 North Broadway, St. Louis, Missouri.

CORRECTION

20660–CD–P–77 AAA Telephone Answering Service (New), Correct applicant name to read: AAA Telephone Answering Service and Medical Exchange, Inc. All other particulars remain the same as reported on PN No. 843 dated January 31, 1977.

20012–CD–P–(2)–77 Telpage Corporation (KUO590), correct C.P. to read: to change frequency from 454.100 to 454.075 MHz. All other particulars as reported on PN No. 828 remain the same dated October 18, 1976.

20344–CD–P–(3)–77 Knox La Rue, d/b as Atlas Radiophone (KMM360), Tracey, California, correct frequency 152.15 MHz to read 152.12 MHz. All other particulars remain as reported on PN No. 836, dated December 13, 1976.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reason of economic competition or potential electrical interference.

NEW YORK

AAA Mobilfone Service Company Inc. (KEJ 884), 20188–CD–P–(3)–77.

Beep Communications, System, Inc. (New), 20576–CD–P–(3)–77.

RURAL RADIO

60140–CR–P–77 Wyoming Telephone Co., Inc., (New), C.P. for a new Subscriber-Fixed station to operate on 157.80 and 157.92 MHz to be located at 9.2 miles (14 Km) NE of Pinedale, Wyoming.

POINT TO POINT MICROWAVE RADIO SERVICE

1309–CF–P–77 New York Telephone Company (KEF76), 413 E Fayette Street, Syracuse, New York (lat. 43°02'55" N., long. 76°08'51" W.): C.P. to add frequencies 11485V, 11325H MHz toward Van Buren.

1310–CF–P–77 Same (K9F75), 2 miles NW of Warners Van Buren, New York (lat. 43°-06'19" N., long. 76°21'31" W.): C.P. to add frequencies 11035V, 10875H MHz toward Syracuse, New York and 11155V, 10995H MHz toward Fort Hill, New York.

1311–CF–P–77 Same (WBB395), 1.1 miles SSE of Savannah, New York (lat. 43°03'10" N., long. 76°45'11" W.): C.P. to add a new point of communication on frequencies 11485H, 11325V, 11485V MHz toward Jackson Hill on azimuth 23.6 degrees and to add frequencies 11605V, 11445H MHz toward Van Buren.

1312–CF–P–77 Same (New), Jackson Hill Miller Rd. 3.3 miles ESE of Newark, New York (lat. 43°01'22" N., long. 77°02'22" W.): C.P. for a new station on frequencies 10835H, 10915V MHz toward Geneva on azimuth 165.5 degrees and 11035H, 10875V, 11035V MHz toward Fort Hill on azimuth 81.8 degrees.

1313–CF–P–77 Same (New), 121 Castle Street, Geneva, New York (lat. 42°52'04" N., long. 76°59'07" W.): C.P. for a new station on frequencies 11285H, 11365V MHz toward Jackson Hill on azimuth 345.6 degrees.

1397–CF–P–77 The Mountain State Telephone and Telegraph Company (KPN84), Oatman Mtn. 5 miles ESE of Montezuma, Arizona (lat. 33°03'50" N., long. 113°08'10" W.): C.P. to add a new point of communication on frequency 2170.0H MHz toward Hyder, Arizona.

1380–CF–P–77 Same (KPX68), Mt. Ord 23 miles SSW of Payson, Arizona (lat. 33°54'-18" N., long. 111°24'28" W.): C.P. to add a new point of communication on frequencies 2170.0H MHz toward Roosevelt, Arizona on azimuth 136.3 degrees and 2178.0V MHz toward Tonto, Basin on azimuth 123.1 degrees.

1412–CF–P–77 American Telephone and Telegraph Company (KSA43), 1.2 miles SW of Mishawaka, Indiana (lat. 41°38'00" N., long. 86°11'53" W.): C.P. to add frequency 3910.0H toward Goshen, Indiana.

1413–CF–P–77 American Telephone and Telegraph Company (KSA42), 4.25 miles East of Goshen, Indiana (lat. 41°34'48" N., long. 85°43'40" W.): C.P. to add frequencies 3870.0H MHz toward Mishawaka and 4070.0H MHz toward Albion.

1414–CF–P–77 Same (KSG74), 2.0 miles SW of Albion, Indiana (lat. 41°22'02" N., long. 85°27'22" W.): C.P. to add frequencies 3870.0H MHz toward Goshen and 4030.0H MHz toward Leo.

1415–CF–P–77 Same (KSF29), 4.0 miles NW of Leo, Indiana (lat. 41°15'55" N., long. 85°04'35" W.): C.P. to add frequencies 3910.0H MHz toward Albion and 3890.0H MHz toward Ft. Wayne.

1191–CF–MP–77 Pacific Teletronics, Inc. (KTG39), Horse Mountain, 7.0 miles SW of Willow Creek, California (lat. 40°52'20" N, long. 123°44'08" W.): Modification of construction permit to add 6056.4H and 6212.0H MHz toward Crescent City, via passive repeater located at Red Mountain (lat. 41°47' N., long. 123°54'21" W.), both in California, on azimuth 348.9 and 317.3 degrees, respectively.

1209–CF–MP–77 Microvideo, Inc. (KLU60), SE Edge of Childress, Texas (lat. 34°24'25" N., long. 100°12'05" W.): Modification of construction permit to replace transmitter—6241.7V, 6301.1V and 6360.3V MHz toward Paducah & Quanah, bith in Texas.

1215–CF–P–77 Eastern Microwave, Inc (WQR73), 2850 Berthoud Street, Pittsburgh, Pennsylvania (lat. 40°26'46" N., long. 79°57'51" W.): Construction permit to add 11545.0H MHz toward North Braddock, Pennsylvania, via power split, on azimuth 115.1 degrees.

1217–CF–P–77 Newhouse Alabama Microwave, Inc. (WBB359), Red Mountain, Vulcan Parkway, Birmingham, Alabama (lat 33°29'25" N., long. 86°47'53" W.): Construction permit to change frequency to 6078.6V MHz toward Woodstock, Alabama.

1315–CF–R–77 CPI Microwave, Inc. (WAH 466), Temporary—fixed—Developmental. Received application for renewal of radio station license.

1398–CF–P–77 MCI Telecommunications Corporation (KPV31), Tunk Mountain, 4.6 miles ENE of Synarep Washington (lat. 48°32'47" N., long. 119°14'07" W.): Construction permit to add (reinstate) 6115.7H and 6278.8H MHz toward Omah and Tonasket, Washington, on azimuths 241.7 and 319.4 degrees, respectively

1376–CF–P–77 Southern Pacific Communications Company (WAS426), 3.7 miles NW of Woodworth, IL (lat. 40°40'55" W., long. 87°54'32" W): Construction permit to add frequency—6256.5H MHz towards St. Anne, Illinois.

1377–CF–P–77 Same (WAS427), 4.8 miles NE of St. Anne, Illinois (lat. 40°04'38" N., long. 87°39'00" W.): Construction permit to add frequencies—6063.8H MHz towards Brunswick and 6004.5H MHz towards Woodworth, both in Illinois.

1378–CF–P–77 Same (WAS428), 1 mile West of Brunswick, Illinois (lat. 41°22'42" N., long. 87°31'35" W.): Construction permit to add frequency—6315.9H MHz towards St. Anne, Illinois.

783–CF–ML–77 Northwestern Bell Telephone Company (KSA89), 1 mile South of Little Rock, Minnesota. Mod. of License to correct coordinates from lat. 45°48'48" N., long. 94°05'32" W. to read lat. 45°48'50" N., long. 94°05'42" W.; correct path distances and azimuths, and delete the 11 GHz frequencies toward Freedhem and St. Cloud, Minnesota.

CORRECTION

611–CF–P–77 New Jersey Bell Telephone Company (KLK85), corrected polarization to read 3970.0H MHz toward Opelus. All other particulars are to remain as reported on PN no 837 dated 12–20–76.

617–CF–P–77 South Central Bell Telephone Company (KLW25), corrected station location to read Ringgold, Louisiana and frequency 3770.0H MHz toward Freeport. All other particulars are to remain as reported on PN no 837 dated 12–20–76.

618–CF–P–77 Same (KIW27), corrected coordinate to read lat. 32°30'27" N. All other particulars are to remain as reported on PN no 837 dated 12–20–76.

696–CF–P–77 Same (KLK84), corrected coordinate to read long. 92°01'10" W. All other particulars are to remain as reported on PN no 838 dated 12–27–76.

697–CF–P–77 Same (WHB42), corrected coordinate to read long. 91°49'00" W. All other particulars are to remain as reported on PN no 838 dated 12–27–76.

1043–CF–P–77 The Bell Telephone Company of Pennsylvania (KIL58), corrected company name. All other particulars are to remain as reported on PN no 842 dated 1–24–77.

1080–CF–P–77 Southern Bell Telephone and Telegraph Company (KJA97), corrected file number. All other particulars are to remain as reported on PN no 842 dated 1–24–77.

1120–CF–P–77 The Mountain State Telephone and Telegraph Company (KCO84), corrected receive station on frequency 6256.5V MHz toward Greely Jct. All other particulars are to remain as reported on PN no 842 dated 1–24–77.

1119–CF–P–77 Same (KCO85), Fort Collins 124 West of Magonollia Street, Collins, Colorado, corrected station location. All other particulars are to remain as reported on PN no 842 dated 1–24–77.

870–CF–P–77 Michigan Bell Telephone Company (KZI65), corrected to read delete frequency 3730.0V. All other particulars remain as reported on PN no 840 dated 1–10–77.

871–CF–P–77 Same (KQI62), corrected to read delete frequency 3850.0H. All other particulars remain as reported on PN no 840 dated 1–10–77.

914–CF–P–77 Michigan Bell Telephone Company (KKU78), 8.0 miles WNW of Wensover, Wyoming (lat. 42°20'46" N., long. 105°02'05" W.): C.P. to add a new point communication on frequency 2128.0V MHz toward Glendo PR on azimuth 0.8 degrees and from passive reflector to Glendo, Wyoming.

[FR Doc.77-4245 Filed 2-9-77;8:45 am]

[FCC 77-69; RM-2257]

FIRE RADIO SERVICE

Memorandum Opinion and Order Denying Petition for Rulemaking

Adopted: January 26, 1977.

Released: February 4, 1977.

In the matter of amendment of Part 89 of the Commission's rules to provide for voice communications between fire radio call boxes and fire stations in the Fire Radio Service in the 450 MHz band.

1. The Commission has under consideration a petition in the above-entitled matter filed by the International Municipal Signal Association, Inc. (IMSA). Petitioner asks that we amend Part 89 of the Rules to allocate four pairs of 450 MHz band frequencies to the Fire Radio Service for use as voice fire radio call box channels.

2. Timely comments as to this petition were submitted by the American Association of State Highway Officials, Inc. (AASHO) and the Associated Public-Safety Communications Officers, Inc. (APCO). IMSA and the Minnesota Mining and Manufacturing Company (3M) submitted reply comments.[1]

3. The frequencies that IMSA seeks to have allocated for fire radio voice call box operations are the paired channels 453.025/458.025, 453.075/458.075, 453.125/458.125 and 453.175/458.175 MHz. These frequencies are allocated for highway radio call box voice and non-voice uses in the Local Government Radio Service with the 453 MHz band channels utilized for fixed station transmissions by motorists from call boxes installed along limited access highways. On the 458 MHz band side, the channels are designated "central control, fixed" for acknowledgement and response transmissions to the incoming calls, and to transmit instructional road side display messages to motorists as to highway, climate, and traffice conditions. In addition, subsequent to the receipt of IMSA's petition, these 458 MHz band frequencies were also allocated to the Special Emergency Radio Service for bio-medical telemetry communications between portable units and medical-care facilities.[2] IMSA's proposal is that these frequency pairs be additionally allocated to the Fire Radio Service for fire emergencies.

4. To support its petition, IMSA notes the benefits it feels would result in fire alarm signalling procedures by "the ability to have voice communications between fire call box systems and fire communications control centers." The use of voice fire alarm boxes, Petitioner contends, would "maximize information as to the nature and extent of the fire, its location and duration," would provide "some kind of assurance to the caller that his message is being received," and "may well reduce the amazing percentage of false alarms that are occurring throughout the country."

5. The advantages described by the Petitioner from two-way voice fire alarm communications appear significant. Benefits of this nature were the basis for the present allocation of these 450 MHz band channels for highway voice radio call box operations. On the other hand, there are practical limitations on the types of operations that only four frequency pairs can accommodate. The comments refer to this aspect. APCO notes:

> In APCO's view, the Commission's carefully considered decision to allocate these frequencies for the long-term development of sophisticated highway safety communications systems was entirely sound * * * Although IMSA has identified another important public safety need for additional spectrum, it would serve no useful purpose to meet this need by drawing upon the limited spectrum set aside for highway safety communications.

In its reply comments, 3M agrees and states:

> This [fire call box] need should be met but we submit it would be counter-productive to meet it by impairing the long-term utility of the limited spectrum set aside for highway communications.

AASHO urges consideration of still another problem—the compatibility issue:

> A sensible balance must be maintained in frequency assignment * * * The four pairs of 453 MHz Highway Safety Frequencies must NOT be reassigned on an urban or rural basis because the interstate and other limited access highways traverse both urban and rural areas.

6. As indicated, the important issue being raised is whether use of the four frequency pairs at 450 MHz for the pervasive fire radio alarm function is feasible. In examining this issue, we recognize that to date there has not been extensive development of the use of these frequencies for highway radio call box systems. This factor was one of the major considerations involved in our determination to permit additional use of these frequencies for bio-medical telemetry operations. This problem also indicates that the allocation of these frequencies for highway call boxes may require re-examination. However, it does not follow that the frequencies should be allocated for fire radio call box operations. In our view, the limited spectrum involved would not be adequate to accommodate the proposed fire alarm voice function. This is so regardless of whether there are other uses authorized on these 450 MHz band frequencies since the operation of fire call boxes in most communities that would likely employ such radio systems could be expected to

[1] The State of Colorado also submitted comments but they were received too late for formal consideration.

[2] This was a part of our overall program to provide for effective radio communication facilities for emergency medical systems. See Report and Order adopted July 2, 1974, in Docket 19880 for Amendment of Parts 2 and 89 of the Commission's Rules and Regulations Relating to Communications for Emergency Medical Services (39 F.R. 137, July 16, 1974).

involve many hundreds, and even thousands, of call box installations. Obviously, such two-way voice transmission requirements are beyond the capacity of the four frequency pairs.

7. There is also the compatibility problem with respect to bio-medical telemetry operations. The usual use of the 450 MHz band frequencies for these medical applications is in connection with the need for extended portable capability. This commonly occurs when a patient must be treated away from the ambulance vehicle and a radio capability is required to transmit from the patient's location, through the ambulance vehicle in the repeater mode, to the hospital-based physician. Requirements for operations of this nature usually develop in business offices, homes, factories, etc., where the ambulance vehicle cannot go. Thus, the medical operations are normally conducted in the same areas where there would be heavy concentration of fire radio call boxes. At the same time, the medical telemetry function often requires continuous or extended emergency transmit and cannot tolerate the interference from voice radio that would likely be generated by the fire emergency transmissions.

8. For the foregoing reasons, we do not find that allowing use of the 450 MHz band frequencies for fire radio call boxes systems is feasible. In fact, we seriously doubt whether city governments ought to look for radio for replacement of existing fire call box systems because the amount of spectrum that would be needed for voice operations is very large and is simply not readily assignable.

9. Accordingly, the Commission concludes that reallocation of the frequencies involved in the Petitioner's request is not in the public interest and *it is ordered* That the Petition (RM-2257) of the International Municipal Signal Association is denied.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-4238 Filed 2-9-77;8:45 am]

[Docket Nos. 21078; 21079; File Nos. 2434-CM-P-73; 2435-CM-P-73]

MULTI-COMMUNICATIONS SERVICES, INC. AND PEORIA SIGNAL CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 12, 1977.

Released: February 4, 1977.

In reapplications of Multi-Communication Services, Inc., and Peoria Signal Company, for construction permits in the Multipoint Distribution Service for a new station at Peoria, Illinois.

1. The Commission has before it the above-referenced applications of Multi-Communication Services, Inc. (Multi), filed on October 6, 1972 and Peoria Signal Company (Peoria), filed on October 6, 1972. Both applicationse propose Channel 1 operation in the Peoria, Illinois area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Multi has twenty-three MDS construction permit applications pending. Several of its officers have interests in broadcasting and CATV operations in Florida and Georgia. Peoria, owned by Signal Engineering and Sales, Inc., and National Telecommunications Associates, Inc. (principals of which have interests in other MDS applications, including Birmingham, Alabama), has only this MDS construction permit application before the Commission.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, *it is hereby ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Peoria, Illinois area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered*, That Multi-Communication Services, Inc., Peoria Signal Company, and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules.

JOSEPH A. MARINO,
Deputy Chief for Chief, Common Carrier Bureau.

[FR Doc.77-4243 Filed 2-9-77;8:45 am]

[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et. al., 55 F.C.C. 2d 626 (1975).

[Docket Nos. 21083; 21084; File Nos. 1967-CM-P-73; 3992-CM-P-73]

MULTIPOINT INFORMATION SYSTEMS, INC. AND OHIO MDS CORP.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 12, 1977.

Released: February 4, 1977.

In re applications of Multipoint Information Systems, Inc., and Ohio MDS Corp. for construction permits in the Multipoint Distribution Service for a new station at Youngstown, Ohio.

1. The Commission has before it the above-referenced applications of Multipoint Information Systems, Inc. (MIS), filed on September 21, 1972 and Ohio MDS Corp. (Ohio), filed on December 1, 1972. Both applications propose Channel 1 operation in the Youngstown, Ohio area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. MIS, a principal of which holds interests in broadcast licenses in Cleveland, Ohio and McKeesport, Pennsylvania, has thirteen applications for MDS construction permits pending before the Commission and has been granted a permit for Canton, Ohio. Ohio (formerly Dayton Communications Corporation) has construction permit applications pending for six other cities, including Youngstown, Akron, and Toledo, Ohio, has been granted four construction permits and is licensed and providing service in Cincinnati and Dayton, Ohio.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, *it is hereby ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determina-

tion, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Youngstown, Ohio area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered,* That Multipoint Information Systems, Inc., Ohio MDS Corp., and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with provisions of § 1.221 of the Commission's Rules.

JOSEPH A. MARINO,
Deputy Chief for Chief, Common Carrier Bureau.

[FR Doc.77-4242 Filed 2-9-77;8:45 am]

[Docket Nos. 21095: 20080; FCC 77-72]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

Adopted: January 26, 1977.

Released: February 4, 1977.

In the matter of the Western Union Telegraph Company charges for private line services, revisions of Tariff F.C.C. No. 254, filed in Transmittal No. 7223 (Series 2000/3000).

1. The Western Union Telegraph Company (Western Union) filed the captioned tariff revisions for its Series 2000/3000 private line channel services to become effective February 1, 1977. The filing embodies Western Union's Multi-Schedule Private Line (MPL) rate schedule, which is to replace its existing Hi-Lo rates.[2] The MPL rate structure is comprised of category "A" and "B" rate centers, with three separate intercity channel mileage rate schedules (services between A rate centers, between an A and B rate center, and between B rate centers). Each of the three schedules imposes a fixed charge for the first mile of service which is significantly greater than the charge for additional miles. The rate structure consists of two rate elements: station terminal charges and interchange channel charges.

2. Western Union states that its tariff filing is made out of competitive necessity to AT&T's MPL rate structure, which is currently under investigation in Docket No. 20814, 59 FCC 2d 428 (1976); FCC 76-1123 (released December 17, 1976). Western Union further states that absent effectuation of the matched AT&T rates, it would suffer a "significant diversion" of voice-grade channel service revenues to the virtually identical AT&T MPL services.

3. No petitions for suspension and investigation or rejection have been filed against Western Union's revisions. However, we find that this filing raises the same questions of lawfulness that are at issue in the investigation of AT&T's MPL rate structure in Docket No. 20814. Therefore, we are setting the subject Western Union filing for investigation, issuing an accounting order, and holding the hearings herein in abeyance pending a resolution of the issues in Docket No. 20814.

4. Accordingly, *it is ordered,* That, pursuant to the provisions of sections 4(i), 4(j), 201-205 and 403 of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 201-205, 403, an investigation is instituted into the lawfulness of the revisions to Western Union's Tariff F.C.C. No. 254, filed under Transmittal No. 7223.

5. *It is further ordered,* That, pursuant to sections 4(i), 4(j) and 204 of the Communications Act, the tariff revisions filed by Western Union under Transmittal No. 7223 are suspended until February 2, 1977.

6. *It is further ordered,* That Western Union shall, in the case of all increased charges made pursuant to the tariff revisions filed with Transmittal No. 7223, until further order of this Commission, keep accurate account of all monies received by reason of such increases, specifying by whom and in whose behalf such amounts are paid.

7. *It is further ordered,* That the issues to be included in the investigation and the procedures to be followed herein will be set forth in a subsequent order of the Commission and that pending such order, the proceedings herein shall be held in abeyance.

8. *It is further ordered,* That Docket No. 20080 is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-4244 Filed 2-9-77;8:45 am]

[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et. al., 55 F.C.C. 2d 626 (1975).

[2] We ordered an investigation into the lawfulness of Western Union's Hi-Lo rate structure in Docket No. 20080, 47 FCC 2d 440 (1974). That proceeding was held in abeyance pending the resolution of Docket No. 19919 (AT&T's Hi-Lo rate structure). Since Western Union's Hi-Lo rate structure is superseded by the MPL rate structure, no purpose would be served in pursuing the investigation designated in Docket No. 20080. Therefore, that proceeding is being terminated herein.

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF/WEST COAST OF CENTRAL AMERICA AND MEXICO CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by March 2, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accomplished by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed:

Wade S. Hooker, Jr., Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

Agreement No. 8300-14, by and among the member lines of the above-named conference, amends the basic organic agreement by (1) increasing the admission fee thereto to $5,000, and (2) providing for the Chairman and the Vice Chairman of the Conference to be each member line's attorney-in-fact and representative authorized to execute and file each amendment to the conference agreement.

By Order of the Federal Maritime Commission.

Dated: February 4, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-4336 Filed 2-9-77;8:45 am]

GERMANY—NORTH ATLANTIC PORTS RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to

section 15 of the Shipping Act, 1916, as amended (39 Stat. 7333, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by March 2, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to aduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004

Agreement No. 9427–5, among the members of the above-named rate agreement; adds traffic from or via ports in France other than Mediterranean ports to the scope of the agreement.

By Order of the Federal Maritime Commission.

Dated: February 4, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–4335 Filed 2–9–77;8:45 am]

LYKES BROS. STEAMSHIP CO., INC., AND DAVIES MARINE AGENCIES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by March 2, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Pricing Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10283, between the above named parties, is an agency agreement whereby Lykes appoints Davies Marine Agencies to act as its husbanding agent at ports of Hawaii on the terms and conditions and to the extent set forth therein.

By Order of the Federal Maritime Commission.

Dated: February 4, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–4337 Filed 2–9–77;8:45 am]

NORTH ATLANTIC SPAIN RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by March 2, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

David C. Jorden, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Agreement No. 10117–2, among the members of the above-named agreement, extends the term of the agreement indefinitely.

By Order of the Federal Maritime Commission.

Dated: February 4, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–4334 Filed 2–9–77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77–169]

ARKANSAS POWER & LIGHT CO.

Amendment to Agreement

FEBRUARY 7, 1977.

Take notice that on January 25, 1977, Arkansas Power & Light Company (Company) tendered for filing proposed changes in two of the Company's rate schedules.

1. Arkansas Power & Light Company Rate Schedule FPC No. 67.
2. Arkansas Power & Light Company Rate Schedule FPC No. 52.

Both of these schedules are contracts between the Company and the Arkansas Electric Cooperative Corporation (AECC). The changes in FPC No. 67 include the addition of three points of delivery, the abandonment of two points of delivery, and an increase in capacity at ten other points of delivery. The changes in FPC No. 52 include the deletion of two points of delivery, an increase in capacity at one point of delivery, and a decrease in capacity at one other point of delivery. Some of the changes are not proposed to take effect until June 1, 1977, or July 1, 1977. For these reasons, the Company requests waiver of the Commission's ninety day rule on filings. The Company states that due to difficulty in making accurate estimates on the billing effect of these changes, no billing data was filed. The Company states that there will be no changes in rates or provisions in the two schedules other than those noted above. The Company requests waiver of the Commission's Regulations concerning this proposed filing.

A copy of the filing has been mailed to AECC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 17, 1977. 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4262 Filed 2-7-77;2:53 pm]

[Docket No. CP77-159]

COLUMBIA GULF TRANSMISSION CO.

Application

FEBRUARY 7, 1977.

Take notice that on January 28, 1977, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP77-159 an application pursuant to section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Wolverine Division of UOP, Inc. (Wolverine), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Wolverine up to 600 Mcf of natural gas per day for a period of two years for use by Wolverine at its manufacturing facility in the City of Decatur, Alabama. It is stated that the subject gas would be received by Applicant at an existing point of delivery in Sec. 11, T. 9 S., R. 1 E., Acadia Parish, Louisiana, from Franks Petroleum, Inc., and Arkla Exploration Company (Sellers) and redelivered to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), for the account of Wolverine at Egan, Acadia Parish, Louisiana. The subject gas, before being delivered to Wolverine by the City of Decatur, Alabama, a gas distribution utility which serves Wolverine, would be transported by Tennessee to Alabama-Tennessee Natural Gas Company which in turn would redeliver the gas to the City of Decatur.

It is indicated that pursuant to a gas sales contract[1] between Wolverine and Sellers dated October 4, 1976, Wolverine would purchase natural gas produced at Sellers' North Crowley Field in Acadia Parish, Louisiana, in the amount of at least 75 percent of the contract volume of 500 Mcf per day. Additional volumes in excess of the daily contract volume might be taken by Wolverine if, in the Sellers' judgment, such deliveries could be made in accordance with good operating practice and without injury to the wells or reservoir, it is indicated. It is further stated that the price in the first year of the two-year agreement is $1.55 per Mcf and would increase to $1.65 per Mcf in the second year.

Applicant states that it would retain 2.5 percent of the volume received for transportation as make-up for line loss and compression fuel and that the initial transportation charge would be 0.3 cent per Mcf of natural gas. Applicant asserts that the proposed service would have no impact on its ability to deliver to Priority 1 markets. The subject natural gas supply is said not to be available for purchase by Applicant since by the time Applicant became aware of its existence it was already under contract to Wolverine.

It is stated that Wolverine requires natural gas in its manufacturing processes because of its precise temperature and flame characteristics. Wolverine is a manufacturer of non-ferrous, seamless copper, copper alloy and aluminum tubing, it is indicated. Due to the inability of the plant to use fuel oil, substantial gas curtailments would affect the security of employees and the community.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4265 Filed 2-7-77;2:53 pm]

[Docket No. CP77-170]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Request for Temporary Certificate of Public Convenience and Necessity

FEBRUARY 7, 1977.

Take notice that on February 1, 1977, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25315, filed a telegraphic request in Docket No. CP77-170 pursuant to section 7(c) of the Natural Gas Act for a temporary certificate of public convenience and necessity authorizing for a 60-day period the interstate transportation of up to 175 Mcf of natural gas per day for Procter & Gamble Company (Procter & Gamble), an existing industrial customer of Columbia Gas of Kentucky, Inc. (Columbia of Kentucky), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia Gulf and Columbia Gas propose to transport up to 175 Mcf of natural gas per day for Procter & Gamble, which gas has been purchased by the latter from Louisiana Intrastate Gas Company (LIG), an intrastate pipeline, for use in its Lexington, Kentucky, plant. It is stated that the gas to be transported would be delivered to Columbia Gulf by LIG at an existing point of delivery which would deliver the gas to Columbia Gas at an existing point of delivery in Madison County, Kentucky. It is stated that Columbia Gas would then transport and deliver such gas to Columbia of Kentucky at an existing point of delivery in Lexington, Kentucky, which will in turn deliver the gas to Procter & Gamble for use in its Lexington, Kentucky, plant to offset curtailments of supply available for Priority 2 purposes.

It is stated that Columbia Gulf will charge a transportation rate of 29.34 cents per Mcf for all volumes of gas delivered by LIG for the account of Procter & Gamble and will retain for company-use and unaccounted-for gas 2.5 percent of said volumes. It is further stated that Columbia Gas will charge a transportation rate of 22.21 cents per Mcf for all gas delivered to it by Columbia Gulf and will retain for company-use and unaccounted-for gas 3.1 percent of said volumes.

Columbia Gulf and Columbia Gas state that a formal application for a certificate of public convenience and necessity will be filed as soon as possible, Columbia Gulf and Columbia Gas state that they realize that the requested authorization cannot be granted by the Commission pursuant to § 2.68 or § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.68; 18 CFR 2.79) because the facts of the proposal do not meet the requirements of those rules.

Any person desiring to be heard or to make any protest with reference to said request should on or before February 16, 1977, 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 pro-

[1] Submitted by Alabama-Tennessee Natural Gas Company in its application filed December 1, 1976, in Docket No. CP77-76. See notice published December 17, 1976 (41 FR 55230).

testants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4260 Filed 2-7-77;2:53 pm]

[Docket No. RP75-8 (PGA77-3)]

COMMERCIAL PIPELINE COMPANY, INC.

PGA Filing

FEBRUARY 7, 1977.

Take notice that on January 21, 1977, Commercial Pipeline Company, Inc. (Commercial) tendered for filing Seventeenth Revised Sheets No. 3A reflecting Purchased Gas Adjustments and effective dates as set out below:

Sheet Number	Current adjustments	Cumulative adjustments	Effective date
17th 3A revised	$0.0112	$0.5586	Feb. 23, 1977

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before February 18, 1977. Protests will be considered by the Commission in determining the appropriate action be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4257 Filed 2-7-77;2:52 pm]

[Docket No. RP72-134, (PGA77-3a)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

FEBRUARY 7, 1977.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on January 21, 1977, tendered for filing Revised Thirty-Eighth Revised Sheet No. 3A Superseding Thirty-Sixth Revised Sheet No. 3A and Revised Thirty-Eighth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective January 1, 1977, are submitted in order to back out the rate increase which was reflected by Eastern Shore's general rate increase filing of November 24, 1976, during the period that such rates are under suspension pursuant to Commission Order of December 29, 1976.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of January 1, 1977, to reflect the suspension of Eastern Shore's general rate increase pursuant to the Commission's Order.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (10 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 18, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4261 Filed 2-7-77;2:53 pm]

[Docket No. CP77-156]

NATURAL GAS PIPELINE OF AMERICA

Application

FEBRUARY 7, 1977.

Take notice that on January 27, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-156 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Nabisco, Inc. (Nabisco), for 60 days, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Nabisco up to 500 Mcf of natural gas per day for 60 days for use at Nabisco's Chicago, Illinois, bakery. It is stated that the subject gas would be delivered to Applicant by Transcontinental Gas Pipe Line Corporation (Transco) by displacement at the tailgate of the La Gloria plant in Jim Wells County, Texas, and redelivered by Applicant to The Peoples Gas Light and Coke Company (Peoples) at existing points of delivery for the account of Nabisco. It is stated that Peoples, a natural gas distribution company and resale customer of Applicant, serves Nabisco's Chicago, Illinois, bakery. The volumes to be transported for Nabisco would be limited to the volume required to offset curtailments affecting the bakery.

It is indicated that pursuant to authority granted by the Commission's order issued May 24, 1976 in Docket Nos. CP76-241, et al., Nabisco purchases an average of approximately 900 Mcf and up to 1,125 Mcf of natural gas per day from Edwin L. Cox and Emerald Exploration from production wells located in Bayou Bouillon Field, Iberville and St. Martin Parishes, Louisiana. The subject gas is transported through the facilities of The Stone Energy Corporation, Southern Natural Gas Company and Gas Gathering Corporation to Transco which redelivers the gas to Public Service Electric and Gas Company and to Commonwealth Natural Gas Corporation for further delivery to Nabisco's bakeries in Fairlawn, New Jersey, and Richmond, Virginia, respectively. It is indicated that the volume of gas proposed to be transported for use at the Chicago, Illinois, bakery would be diverted from the New Jersey and Virginia bakeries.

Applicant states that it would retain 5 percent of the volume received for transportation as make-up for line loss and compression fuel and that the transportation charge would be 30 cents per Mcf of natural gas. Applicant asserts that the proposed transportation service would have no impact on its ability to deliver to Priority 1 markets because of the small quantity involved and Applicant's spare pipeline capacity.

It is indicated that Peoples is curtailing deliveries of natural gas to Nabisco's Chicago bakery by 25 percent of its process needs; that about 300 employees have been laid off; that a gaseous fuel is required for baking ovens which produce food for human consumption; and, that Nabisco has no standby propane facilities at its Chicago bakery.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on

this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4259 Filed 2-7-77;2:53 pm]

[Docket No. CP77-162]

PELTO OIL CO.

Request for Waiver

FEBRUARY 7, 1977.

Take notice that on January 28, 1977, Pelto Oil Company (Pelto), c/o Thomas B. Hudson, Jr., 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20006, filed in Docket No. CP77-162 a request for waiver of the provisions of Section 157.29(c) of the Regulations under the Natural Gas Act (18 CFR 157.29(c)) to permit Pelto to make a second 60-day emergency sale of natural gas from the Ray P. Oden Sr. #1 Well (Oden Well) in DeSoto Parish, Louisiana, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is stated that the proposed emergency sale would be made, commencing February 1, 1977, to Alabama-Tennessee Natural Gas Company (Ala-Tenn) to assist that pipeline company in coping with the emergency situation currently existing on its system. Pelto states that the emergency sale gas would be transported from the Oden Well by United Gas Pipe Line Company (United) and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), pursuant to § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22) and delivered to Ala-Tenn at an interconnection between its line and that of Tennessee.

It is stated that Pelto, operator and partial owner of the Oden Well has made a 60-day emergency sale, which terminated October 10, 1976, to United from the Oden Well. It is further stated that since termination of that emergency sale the Oden Well has been shut in. Pelto now proposes to make another emergency sale from the Oden Well and accordingly requests that § 157.29(c) of the Commission's regulations, insofar as it limits an independent producer to a single 60-day sale from any particular well, be waived so Pelto can make an emergency sale of gas from the Oden Well to Ala-Tenn to assist Ala-Tenn during its present emergency.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 16, 1977, 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 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. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4256 Filed 2-7-77;2:52 pm]

[Docket No. CP77-175]

TENNESSEE GAS PIPELINE CO. AND TENNECO INC.

Application

FEBRUARY 7, 1977.

Take notice that on February 1, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP77-175 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretation (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Wolverine Division of UOP, Inc. (Wolverine), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Wolverine up to 600 Mcf of natural gas per day for two years for use by Wolverine at its manufacturing facility in the City of Decatur, Alabama. It is stated that the subject gas would be received by Applicant from Columbia Gulf Transmission Company (Columbia) for the account of Wolverine at the interconnection of Applicant's and Columbia's facilities at Applicant's Egan "B" delivery point, Acadia Parish, Louisiana, and redelivered to Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) at the existing Barton sales delivery point located in Colbert County, Alabama.

It is indicated that pursuant to a gas sales contract[1] between Wolverine and Franks Petroleum, Inc., and Arkla Exploration Company (Sellers), dated October 4, 1976, Wolverine would purchase natural gas produced at Sellers' North Crowley Field in Acadia Parish, Louisiana, in the amount of at least 75 percent of the contract volume of 500 Mcf per day. Additional volumes in excess of the daily contract volume might be taken by Wolverine if, in the Sellers' judgment, such deliveries could be made in accordance with good operating practice and without injury to the wells or reservoir, it is indicated. It is further stated that the price in the first year of the two-year agreement is $1.55 per Mcf and would increase to $1.65 per Mcf in the second year. Delivery under the terms of the sales contract would be made at a point on Columbia's pipeline in Acadia Parish, Louisiana. It is indicated that Columbia would transport the gas for delivery to Applicant which in turn would transport the gas for delivery to Alabama-Tennessee as described above. Alabama-Tennessee, in turn, would further deliver the subject gas volumes to the City of Decatur, Alabama, a distribution utility which is a resale customer of Alabama-Tennessee and serves Wolverine, for final delivery to Wolverine.

Applicant states that it would retain 3.45 percent of the volume received for transportation as make-up for line loss and compression fuel. Wolverine would be charged by Applicant on a two-part tariff including a monthly demand charge of $1.34 per Mcf of daily contract quantity (600 Mcf) and a monthly volume charge of 17.93 cents per (a) each Mcf delivered during the month, or (b) the number of days in the month multiplied by 66.66 percent of the daily contract quantity, whichever is greater. These charges are subject to minimum bill and demand charge credits. Applicant asserts that the proposed service would have no impact on its ability to deliver to Priority 1 markets since service would be extended only when operating conditions permit. The subject natural gas is said not to be available for purchase by Applicant since, absent the proposed arrangements, the gas would have been sold in intrastate markets.

It is stated that Wolverine requires natural gas in its manufacturing processes because of its precise temperature and flame characteristics. Wolverine is a manufacturer of nonferrous, seamless copper, copper alloy and aluminum tubing, it is indicated. Due to the inability of the plant to use fuel oil, substantial gas curtailments would affect the security of employees and the community.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1977 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 on any hearing therein must file a petition to intervene in accordance with the Commission's rules.

[1] Submitted y Alabama-Tennessee in its application filed December 1, 1976, in Docket No. CP77-76. See notice published December 17, 1976 (41 FR 55230).

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4264 Filed 2-7-77;2:53 pm]

[Docket No. CP76-242]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition to Amend

FEBRUARY 7, 1977.

Take notice that on February 1, 1977, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP 76-242 a petition to amend the Commission's order of May 24, 1976, (55 FPC ____, issued in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the delivery of certain volumes of natural gas to Carolina Pipeline Company (Carolina) for ultimate delivery to the facilities of Cone Mills Corporation (Cone Mills) located in Cheraw and Carlisle, South Carolina, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized to transport up to 1,875 Mcf of gas per day on an interruptible basis for Cone Mills, an existing industrial customer of Public Service Company of North Carolina, Inc. (Public Service) and Piedmont Natural Gas Company (Piedmont), two of Petitioner's resale customers served under its Rate Schedule CD.

Petitioner also states that the transportation, which began on June 24, 1976, for a term of two years, takes place between Petitioner's Courtney-Happytown Meter Station in Pointe Coupee Parish, Louisiana, where the gas is delivered to Petitioner, and existing delivery points to Public Service and Piedmont where Petitioner delivers the gas for ultimate use in several Cone Mills facilities in North and South Carolina. It is asserted that Petitioner collects an initial charge of 22.0 cents per Mcf for all quantities transported and delivered to Public Service or Piedmont for Cone Mills' account, and retains 3.8 percent of the volumes received for transportation to Public Service or Piedmont as makeup for compressor fuel and line loss.

Petitioner proposes in this instant petition to amend to deliver natural gas to two additional Cone Mills facilities at Cheraw and Carlisle, South Carolina. Petitioner states that these additional facilities would be served from the same 1,875 Mcf of gas per day already authorized.

Petitioner proposes to deliver up to 825 Mcf per day on a peak day for the Carlisle plant and up to 300 Mcf per day on a peak day for the Cheraw plant, as needed, to Carolina, an existing customer of Petitioner under its Rate Schedule CD-2, at existing points of delivery. It is stated that a transportation agreement would be entered into among Petitioner, Carolina and Cone Mills covering the proposed realignment of existing transportation volumes.

It is asserted that the Cheraw and Carlisle plants require such gas for Priority 2 uses to offset 100 percent curtailment by Carolina.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 16, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4263 Filed 2-7-77;2:53 pm]

[Docket No. ER77-100]

TUCSON GAS & ELECTRIC CO.

Filing of Amendment No. 1 to 1976-1978 Energy Sale Agreement

FEBRUARY 7, 1977.

Take notice that Tucson Gas & Electric Company ("Tucson") tendered for filing an Amendment No. 1 to the 1976-1978 Energy Sale Agreement between Tucson and Southern California Edison Company ("Edison"). Copies of the filing were served upon Edison on November 30, 1976.

The primary purpose of Amendment No. 1 is to increase the maximum contract amount to megawatt hours of energy available to Edison under the terms of the Agreement from 900,000 megawatt hours to 1,200,000 megawatt hours and to increase the amount of energy available to Edison during any hour from 110 megawatt hours to 125 megawatt hours. This change will have no effect upon the rate in the schedule as originally filed and will not require modification of facilities.

A copy of this transmittal letter and its attachments has been mailed to Edison at P.O. Box 800, Rosemead, California 91770.

Any person desiring to be heard or to make any application with reference to said Amendment No. 1 should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Amendment No. 1 are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4258 Filed 2-7-77;2:53 pm]

[Docket Nos. ER76-854 and ER77-84]

BOSTON EDISON CO.

Order Permitting Interventions

FEBRUARY 3, 1977.

By order issued December 27, 1976, we, inter alia, permitted the rate schedule tendered by Boston Edison Company (Edison) in Docket No. ER77-84 to become effective November 1, 1976, subject to refund. Said rate schedule was for non-firm transmission service for the purchase by the Town of Reading, Massachusetts (Reading) of unit power from Edison's Pilgrim nuclear unit.

On December 20, 1976, timely petitions to intervene in Docket No. ER77-84 were filed by Cambridge Electric Light Company (Cambridge) and Reading. In each petition, Petitioner asserts that it has an interest in the proceeding that cannot adequately be represented by any other party. Additionally, each states that it may be bound by the Commission's action in the proceeding. It appears that each Petitioner may have sufficient interest to warrant intervention in this proceeding and, therefore, we will permit each to intervene as hereinafter ordered.

In addition to its request to intervene, Reading protested Edison's filing and requested the Commission to suspend the filing for one day and permit it to become effective subject to refund on November 1, 1976. In addition, Reading's filing requested the Commission to consolidate for hearing Edison's filing with the proceeding in Docket No. ER76-854. Our order of December 27, 1976, granted all of Reading's requests (except for intervention which is granted by this order). Accordingly, no further Commission action is required on those requests by Reading.

The Commission finds. Participation by Cambridge and Reading in the Docket No. ER77–84 proceeding may be in the public interest.

The Commission orders. (A) Cambridge and Reading are hereby permitted to intervene in the Docket No. ER77–84 proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervent; and, *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or either of them might be aggrieved by any orders entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–4282 Filed 2–9–77;8:45 am]

[Docket No. ER77–174]

COMMONWEALTH EDISON COMPANY OF INDIANA, INC.

Notice of Tariff Change

FEBRUARY 2, 1977.

Take notice that Commonwealth Edison Company of Indiana, Inc., on January 28, 1977, tendered for filing proposed changes in its FPC Electric Service Tariffs, EPC Nos. 7, 8, and 9. The proposed changes would increase revenues from jurisdictional sales and services by $2,798,046.00 based on the 12 month period ending February 28, 1977.

The Company claims that the proposed changes would increase the rate of return earned by Commonwealth Edison Company of Indiana, Inc. to a level more nearly reflecting the current cost of money.

Copies of the filing were served upon Edison of Indiana's jurisdictional customers and the Illinois Commerce Commission and Indiana Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20246, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–4285 Filed 2–9–77;8:45 am]

[Docket No. RP77–18]

EL PASO NATURAL GAS CO.

Order Granting Petitions To Intervene

FEBRUARY 2, 1977.

On November 30, 1976, El Paso Natural Gas Company (El Paso) tendered for filing a change in rates for its interstate pipeline system. Public notice of this submittal was issued on December 8, 1976, with comments, protests or petitions to intervene due on or before December 21, 1976. An order accepting for filing and suspending the proposed rate increase was issued on December 29, 1976.

Timely petitions to intervene were filed by Arizona Public Service Company on December 21, 1976; Asarco, Inc. and Kennecott Corporation on December 20, 1976; the People of the State of California and the Public Utilities Commission of the State of California on December 20, 1976; Citizens Utilities Company on December 9, 1976; Navajo Tribal Utility Authority on December 20, 1976; Pacific Gas and Electric Company of December 21, 1976; Southern California Gas Company on December 21, 1976; Southern Union Company on December 21, 1976; and Tuscon Gas & Electric Company on December 20, 1976. Untimely petitions to intervene were filed by the California Gas Producers Association on December 27, 1976; Salt River Project Agricultural Improvement and Power District on December 23, 1976; San Diego Gas & Electric Company on December 27, 1976; and, Southwest Gas Corporation on December 23, 1976.

Each petitioning party, except as noted hereinafter, states that it purchases natural gas directly or indirectly from El Paso. All parties state that they have direct economic or legal interests in this proceeding which will not be represented adequately by any other party. California in its Notice of Intervention requests the Commission to proceed to resolution of the special overriding royalities issue on the El Paso system "without further delay." The California Gas Producers Association "seek intervention in this proceeding in order to protect their interest as competing suppliers of natural gas in the California area."

The Commission finds. Good cause exists to grant intervention to each party listed herein because each has an economic or legal interest which cannot be represented adequately by any other party.

The Commission orders. (A) All the above-listed petitions to intervene are hereby granted subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in each petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication to this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–4283 Filed 2–9–77;8:45 am]

[Docket No. CP77–151]

EL PASO NATURAL GAS CO.

Notice of Application

FEBRUARY 2, 1977.

Take notice that on January 26, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77–151 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery by Applicant of certain quantities of natural gas produced in the Northwest Glazier Field supply area of the Hugoton-Anadarko Basin, Hemphill County, Texas, to Phillips Petroleum Company (Phillips), on an exchange basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has contracted to purchase from Philcon Development Company (Philcon) certain quantities of casinghead gas not to exceed 2,000 Mcf per day attributable to Philcon's interest in production from the Kelley No. 2 Well located in the Northwest Glazier Field, Hemphill County, Texas. It is stated that Applicant has agreed to pay Philcon 143 cents per Mcf for the period ending December 31, 1976, and has agreed to pay an increase of one cent per Mcf each quarter commencing on January 1, 1977, and on the first days of April, July, October and January of every year thereafter.

It is stated that pursuant to a gas exchange agreement dated November 15, 1976, between Applicant and Phillips, Phillips has agreed to accept for the account of Applicant such quantities of casinghead gas acquired by Applicant from the Northwest Glazier Field and has agreed to deliver to Applicant at its Dumas Plant, Moore County, Texas, a quantity of gas equal to 90 percent of the volume received therefrom. It is further stated that Phillips would retain 10 percent of the volumes of gas tendered to it each day in consideration of the transportation service provided. Such service, it is stated, would commence on the date of first delivery and would continue for a period of 10 years and from year to year thereafter.

It is asserted that Phillips has agreed to construct, own and operate the facilities necessary to accomplish the receipt of Applicant's gas into its gathering sys-

tem at mutually agreeable points on Phillips' gathering system.

Applicant proposes to include the exchange of gas from any additional wells which are to be attached to Phillips' gathering system as they become available, from Applicant's area of interest in Hemphill County, Texas.

Applicant also states that it requests the above described exchange of gas be accomplished under its proposed initial special Rate Schedule X–38, FPC Gas Tariff Revised Volume No. 2, which rate schedule is comprised of the Gas Exchange Agreement dated November 15, 1976.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–4276 Filed 2–9–77;8:45 am]

[Docket No. RI76–130]

ESTATE OF A. O. PHILLIPS

Notice of Amended Petition for Special Relief

FEBRUARY 3, 1977.

Take notice that on January 21, 1977, that Gruy Management Service Co., 2501 Cedar Springs Road, Dallas, Texas 75201, as agent for that Estate of A. O. Phillips filed an amended petition for special relief pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76). Petitioner seeks authorization to charge 107.86 cents per Mcf for the sale of gas from the Frederickson-Drlik Unit, Englehart Field, Colorado County, Texas (Texas Gulf Coast) to Texas Eastern Transmission Corporation, Box 2521, Houston, Texas 77001. In Petitioner's original May 25, 1976, petition in the captioned docket, it requested 111 cents/Mcf for the same gas which has a current base price of 68.90 cents/Mcf.

Petitioner bases its request on the remedial work performed on the well during 1975 and 1976. As a result of the workover the previously non-producing well, Petitioner estimates, has remaining recoverable reserves of 500 Mmcf of natural gas and 2,381 Bbls of liquids.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commissions' Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–4278 Filed 2–9–77;8:45 am]

[Docket No. ER77–172]

ILLINOIS POWER CO.

Notice of Filing of Revised Schedules A and B to Agreements for Purchase of Power

FEBRUARY 3, 1977.

Take notice that Illinois Power Company ("Illinois Power") on January 27, 1977 tendered for filing proposed revisions of Schedules A and B to the Agreements for Purchase of Power (the "Agreement") dated March 25, 1971, by certain electric cooperatives from Illinois Power.

Illinois Power states that pursuant to Section 1.01(5)(b) of the Agreements, Schedule A has been revised to include additional points of delivery at which electric energy is being supplied to three (3) electric cooperatives who purchase power from Illinois Power. All service taken at said delivery points will be under the rates and terms of the agreements on file with the Commission.

Illinois Power requests the Commission to waive the prior notice requirements and accept the filing with retroactive effective dates on the dates that service commenced at the various delivery points.

Illinois Power states that copies of the filing have been served upon Clinton County Electric Cooperative, Inc., Corn Belt Electric Cooperative, Inc., and Illinois Valley Electric Cooperative, Inc. In addition, the revisions to Schedule A and B to the Agreements are being sent to the Illinois Commerce Commission, Springfield, Illinois.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–4280 Filed 2–9–77;8:45 am]

[Docket No. RI77–26]

J & J ENTERPRISES, INC., ET AL.

Notice of Petition for Special Relief

JANUARY 31, 1977.

Take notice that on January 17, 1977, J & J Enterprises, Inc. (J&J) P.O. Box 754, Indiana, Pennsylvania 15701, Fairman Drilling Company, Box 228, DuBois, Pennsylvania 15801 (Fairman), and Castle Gas Company, Inc., P.O. Box 10396, Pittsburgh, Pennsylvania 15234 (Castle), which shall all be referred to collectively as J & J, et al., filed a petition for Special Relief pursuant to § 2.56a(g) and § 2.76 of the Commission's General Policy and Interpretations, and § 154.107 (e) of the Commission's Regulations on behalf of themselves and other similarly situated small producers having jurisdictional sales of natural gas in Pennsylvania. J & J, et al. seek special relief from the area rates for the Appalachian Basin Area prescribed in Order No. 411, as amended, to collect a rate of 55.02 cents per Mcf at 14.73 psia for pre-January 1, 1973, sales and from the national rates prescribed by Opinion No. 699–H, as amended, and Opinion Nos. 770 and 770–A to collect a rate of $177.99 per Mcf at 14.73 psia for post-January 1, 1973, sales.

J & J and Fairman state they collectively own interests in or operate 298 wells within Pennsylvania from which they make jurisdictional sales to Consolidated Gas Supply Corporation (Consolidated). Castle operates 49 wells within Pennsylvania from which it makes jurisdictional sales to Columbus Gas Transmission Corporation (Columbia). J & J et al. assert that Columbia, has accepted the proposed contract rates but that, while Consolidated has not so accepted yet, it is expected to do so supplementally.

J & J, et al. style themselves as an ad hoc group allied in order to present a

reliable and representative sample of Pennsylvania small producer production. J & J, et al. state their belief that the filing of this petition will encourage other small producers in Pennsylvania to intervene in the present proceeding. J & J, et al. assert that the Commission's granting of the rates sought will greatly encourage additional supplies of gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 18, 1977, file with the Federal Power Commission, Washington, D.C. 20246, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4275 Filed 2-9-77;8:45 am]

[Docket No. CP76-492]

NATIONAL FUEL GAS SUPPLY CORP. AND NATIONAL FUEL GAS STORAGE CORP.

Order Denying Application for Rehearing and Petition for Reconsideration of Denial of Temporary Authority, Vacating Informal Conference, Scheduling Formal Hearing, and Granting Petitions to Intervene

FEBRUARY 1, 1977.

National Fuel Gas Supply Corporation (Supply Corporation) and National Fuel Gas Storage Corporation (Storage Corporation)[1] filed, on December 2, 1976, pursuant to Section 19(a) of the Natural Gas Act (15 U.S.C. 717r(b)), an application for rehearing of the November 2, 1976 order in this proceeding insofar as the order denied Applicants' request for a temporary certificate authorizing immediate construction of certain facilities at the proposed West Independence storage field. On December 10, 1976, denial of the request for temporary authority and a request for temporary authority to construct and operate the enlarged compressor station at the East Independence storage field and an early conference to discuss procedures to obtain final approval of the application by March 15, 1977.

For the reasons set forth below, it is in the public interest to deny the application for rehearing and the petition for reconsideration, vacate the informal conference schedule for February 8, 1977, schedule a formal hearing, and grant all petitions to intervene.

On August 20, 1976 Applicants filed, pursuant to Section 7(b) and (c) of the Natural Gas Act,[2] an application for certificates of public convenience and necessity authorizing the construction, acquisition, and operation of facilities, and for permission and approval to abandon certain facilities, in order to develop and operate underground gas storage and related facilities in Allegany County, New York, and adjoining Potter County, Pennsylvania. Storage Corporation proposes to develop two separate storage fields, and acquire an existing field from Supply Corporation, in order to render underground gas storage service to nonaffiliated customer utilities[3] in an aggregate amount expected to reach 22,000,000 Mcf per year upon completion of construction in June 1979. The three storage pools are the East Independence, West Independence, and Beech Hill pools, located in Allegany County, New York. The fields are to be connected by 17.7 miles of new pipeline to the interstate transmission facilities of Supply Corporation near Ellisburg in Potter County, Pennsylvania. The total estimated cost of development over a three-year period for the three fields is $49,618,051. An amendment regarding the Beech Hill facilities was filed December 23, 1976.

The subject application is part of a larger project whereby the Storage Customers propose to divert gas from low-priority uses to storage in the summer for redelivery in the winter to high-priority customers. However, there are no applications (even pro forma applications) for the transportation of the gas to and from the storage facilities; there are no filings which indicate that the Storage Customers will have sufficient gas supplies to inject into storage during the summer months; the environmental problems have not been resolved; the proposed rate level and rate form have not been demonstrated to be just and reasonable or required the public convenience and necessity, particularly as to the proposed rate of return and depreciation rate; the conditions, if any, to be included in any certificates authorizing the construction and operation of the proposed facilities; and the feasibility, suitability and adequacy of the proposed financing. Furthermore, any applications for the transportation of the subject gas volumes may present additional issues.

If the proposed projects are found to be required by the public convenience and necessity, then the expansion of the East Independence compressor station will be necessary. However, absent approval of the proposed storage projects, there is no need for such expansion. Therefore, we have determined that a temporary certificate authorizing these facilities should not be issued at this time.

We have also determined that the informal conference scheduled for February 8, 1977 should be vacated and a prehearing conference scheduled for Wednesday, February 9, 1977. The informal conference is not likely to resolve the issues presented in this proceeding. Therefore, a prehearing conference should be promptly scheduled in order to expedite the resolution of this proceeding.

Notice of this application was issued September 15, 1976 and published September 22, 1976 (41 FR 41470). Petitions to intervene were filed jointly by Howard Barney, Clifford J. Nye and Hollis Peckham (Landowners) and by Lowell, Elizabethtown, UGI, Delmarva, Orange & Rockland, and Central Hudson. A notice of intervention was filed by the Public Service Commission of the State of New York (New York); this notice was amended to state that New York's request for a hearing concerned the need to establish a separate corporation to conduct the storage operations. It is in the public interest to grant these requests to intervene.

The Commission finds: (1) Applicants' December 2, 1976 Application for Rehearing and December 10, 1976 Petition for Reconsideration should be denied.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and the issues presented in this proceeding.

(3) Participation in this proceeding by all petitioners to intervene in this docket may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure (18 C.F.R. Part 1), and the Regulations under the Natural Gas Act (18 C.F.R. Chapter I, Subchapter E), a prehearing conference shall be held on February 9, 1977, commencing at 9:30 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to discuss procedural issues and the clarification of issues.

(B) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5 (d)), shall preside at the prehearing conference in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(C) The above-mentioned intervenors are permitted to intervene in the instant consolidated proceeding subject to the

[1] Hereinafter sometimes referred to collectively as "Applicants". Applicants are both affiliates of National Fuel Gas Company. (National Fuel), a registered holding company under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79, et seq.). At the present time, Storage Corporation has no outstanding securities or debt. Any issued securities or debt of Storage Corporation will be held by National Fuel upon approval by the Securities and Exchange Commission.

[2] 15 U.S.C. 717f (b), (c).

[3] Central Hudson Gas & Electric Co. (Central Hudson); Delmarva Power & Light Company (Delmarva); Elizabethtown Gas Company (Lowell); Orange and Rockland Utilities, Inc. (Orange and Rockland); and UGI Corporation (UGI). These companies will be referred to collectively as the "Storage Customers."

rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in the proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4290 Filed 2-9-77;8:45 am]

[Docket Nos. CP76-313, et al.]

NATIONAL FUEL GAS SUPPLY CORP. ET AL.

Notice of Extension of Time

FEBRUARY 1, 1977.

On January 25, 1977, National Fuel Gas Supply Corporation and National Fuel Gas Distribution Corporation filed a motion to extend the date for filing their testimony in the above-designated proceeding. The motion states that parties to the proceeding have been contacted and have no objection to the extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including March 1, 1977, for filing testimony.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4288 Filed 2-9-77;8:45 am]

[Docket No. CP77-157]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Certificate Application

FEBRUARY 2, 1977.

Take notice that on January 28, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-157 a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order that Applicant can transport, on an emergency basis, under the contemplation of Section 157.22 of the Regulations under the Natural Gas Act (18 CFR 157.22) up to 30,000 barrels per day of ethane which has been purchased by certain of its customers at a location near Applicant's pipeline, all as more fully set forth in the petition which is to be construed as an application pursuant to Section 7(c) of the Natural Gas Act and which is on file with the Commission and open to public inspection.

It is stated that certain of Applicant's customers have an opportunity to purchase ethane from Mobil Oil Corporation, Amoco Oil Corporation, and possibly others. It is further stated that the customers have requested Applicant to transport the ethane, commingled with natural gas from a delivery point in Liberty County, Texas, to existing points of delivery to the customers. Applicant estimates that approximately 4,500 feet of 6-inch pipeline would be required for transportation of ethane to its transmission pipeline.

Applicant states that it proposes to transport up to approximately 30,000 barrels, equivalent to approximately 90 billion Btu's of ethane per day to the following customers in the following proportions:

	Percent
Illinois Power Company	3.906
Interstate Power Company	1.472
Laclede Gas Company[1]	2.247
North Shore Gas Company	4.500
Northern Illinois Gas Company	40.834
Northern Indiana Public Service Company	15.586
The Peoples Gas Light & Coke Company	31.455

[1] Indirect customer of Applicant.

Applicant states that it would redeliver the thermal equivalent of the ethane to participating customers at existing delivery points, less 5 percent for fuel, and would charge 30 cents per Mcf for transportation. It is stated that revenues collected would be credited back to all customers in relation to their contract demand, and would be reflected for participating customers in the bill for transportation. It is further stated it would be reflected on the next gas bill for nonparticipants, after the revenues are received. It is asserted that participating customers would reimburse Applicant for any expenses incurred by it in constructing and operating or causing others to construct and operate, facilities to receive the ethane.

Applicant proposes to transport the ethane on an emergency basis in response to requests from its customers, which are experiencing the severest winter of the century.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4284 Filed 2-9-77;8:45 am]

[Docket No. CP77-158]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Certificate Application

FEBRUARY 2, 1977.

Take notice that on January 28, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-158 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of a combined ethane-propane stream (approximately 75 percent ethane-25 percent propane) for a period not to exceed 60 days for an existing customer, The Peoples Gas Light & Coke Company (Peoples), all as more fully set forth in the application which is on file with the Commission and open to public inspection.[1]

Applicant states that it is advised by Peoples that due to operating problems, Peoples is in danger of losing deliveries from its Manlove storage field of up to approximately 500,000 Mcf per day thereby endangering Peoples' ability to maintain pressures in its distribution system and its ability to render service to Priority 1 customers in the City of Chicago. It is further stated that Peoples is taking all necessary steps to reduce service to all large Priority 2 industrial customers to plant protection levels, and that the ethane-propane supply is essential to help Peoples maintain ability to meet peak day demands on its system.

It is asserted that the ethane-propane supply is being purchased by Peoples from Mid-America Pipeline Company (Mid-America) at a price of approximately 15.5 cents per gallon for the ethane portion of the stream, with the propane to be repaid in kind. Applicant states that the combined stream would be delivered into Applicant's system in Beaver County, Oklahoma, and would be transported and redelivered by Applicant at existing delivery points to Peoples.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1977, 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.

[1] The subject filing was an emergency request for an interpretation of § 157.22 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.22) that Applicant may undertake the proposed transportation service. However, the filing shall be construed as an application for a certificate under Section 7(c) of the Natural Gas Act.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4287 Filed 2-9-77;8:45 am]

[Docket No. CP73-219]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Tariff Sheet Filing

JANUARY 31, 1977.

Take notice that on January 17, 1977, Natural Gas Pipeline Company of America tendered for filing initial Rate Schedule X-76, consisting of Original Sheet Nos. 784 through 794, Second Revised Sheet No. 426, and First Revised Sheet No. 429, to be a part of its FPC Gas Tariff, Second Revised Volume No. 2. An effective date of October 22, 1976 was requested under waiver of the Commission's Regulations.

Natural stated that the filing was made in compliance with the provisions of a temporary certificate authorization issued by the Commission on October 22, 1976, to transport additional volumes of gas for United Gas Pipe Line Company (United) and Trunkline Gas Company (Trunkline) as proposed in its petition to amend filed on July 19, 1976, in Docket No. CP73-219. By its "Notice of Commencement of Service" filed January 5, 1977, Natural notified the Commission that transportation of the additional volumes of gas commenced as of October 22, 1976.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 18, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4277 Filed 2-9-77;8:45 am]

[Docket No. RP76-52, et al.]

NORTHERN NATURAL GAS CO.

Notice of Certification of Motions

FEBRUARY 1, 1977.

On January 27, 1977, Presiding Administrative Law Judge Isaac D. Benkin certified to the Commission for disposition several motions made by Minnesota Gas Company orally upon the record during the January 26, 1977, hearing session. These motions pertain to the Commission's order of January 19, 1977, which required a separate hearing and accelerated decision on whether a fixed base period should be established for the administration of Northern Natural Gas Company's curtailment plan.

Notice is hereby given that the time to file comments to these motions shall be filed by February 14, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4271 Filed 2-9-77;8:45 am]

[Docket No. RP75-84]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

FEBRUARY 3, 1977.

Take notice that Southern Natural Gas Company (Southern), on January 25, 1977, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, consisting of the following:

Twenty-Third Revised Sheet No. 4A, effective February 1, 1977.
First Revised Sheet No. 40C.1, effective November 28, 1975.
Third Revised Sheet No. 45A, effective December 1, 1976.
First Revised Sheet No. 45B, effective December 1, 1976.
Second Revised Sheet No. 45E, effective December 1, 1976.

These revisions are filed in compliance with Ordering Paragraph (C) of the Commission's Order Approving Rate Settlement, issued January 11, 1977 in Docket No. RP75-84. The above described tariff sheets reflect new Base Tariff Rates and modification of Section 9.6, Demand Charge Credits and Surcharge Adjustments, and Section 17, Purchased Gas Adjustment Clause, of the General Terms and Conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1. These changes are in accordance with Articles II, VII and VIII of the Stipulation and Agreement approved by the Commission's January 11, 1977 order.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 February 18, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4284 Filed 2-9-77;8:45 am]

[Docket No. CP77-38]

TENNESSEE GAS PIPELINE CO. AND NATIONAL FUEL GAS SUPPLY CORP.

Notice of Amendment to Application

JANUARY 31, 1977.

Take notice that on January 14, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Tenneco Building, Houston, Texas 77002, and National Fuel Gas Supply Corporation (Supply), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP77-38 an amendment to their application filed in said docket pursuant to Section 7 of the Natural Gas Act by which amendment Tennessee deletes the request for permission for and approval to abandon the Sherman Sales Meter Station (Sherman) delivery point, located in Chautaugua County, New York, and deletes its request for authorization to terminate deliveries to supply at Sherman, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In the initial application, Applicants requested authorization for a limited term transportation service for National Fuel Gas Distribution Corporation (Distribution), with a request that such authorization automatically terminate on November 1, 1981. In addition, Tennessee requested, pursuant to Section 7(b) of the Natural Gas Act, permission for and approval to abandon its existing Sherman Sales Meter Station and to terminate the deliveries of natural gas to Supply at said point. Tennessee stated that Supply had requested such abandonment since the customers presently served by Distribution by means of gas purchased by Supply from Tennessee at Sherman and delivered by Supply to Distribution can be supplied by Distribution from gas produced in western New York and sold to Distribution by other parties.

By its amendment, Tennessee proposes to delete its request for abandonment of Sherman and to delete its request for authorization to terminate deliveries to Supply at Sherman. The instant amendment states that to serve the requirements of the Town of Sherman, New York, would require construction by Distribution of a 0.3 mile lateral from the point where the volumes of local production purchased by Distribution would be delivered to Tennessee, north to the vicinity of Sherman. It is further stated that construction of such lateral would be so much more costly and would involve so much more local regulatory delays than was originally anticipated that such plan to serve the Sherman, New York, area is no longer feasible. Hence, Supply states that it desires Tennessee to continue to make deliveries to it at Sherman so that such deliveries can continue to be used to serve the requirements in the vicinity of Sherman, New York.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 18, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a pro-

test 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. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4274 Filed 2-9-77;8:45 am]

[Docket No. CP77-144]

TEXAS GAS TRANSMISSION CORP. AND CONSOLIDATED GAS SUPPLY CORP.

Notice of Joint Application

FEBRUARY 3, 1977.

Take notice that on January 25, 1977, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42301, and Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP77-144 a joint application for a certificate of public convenience and necessity and request for temporary certificate of public convenience and necessity for exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Under the proposal therein, Texas Gas and Consolidated seek authorization to exchange volumes of natural gas at two points of delivery in accordance with an agreement between them, dated November 17, 1976. Texas Gas will deliver volumes of natural gas to Consolidated at a valve on the inlet side of Consolidated's meter located on the Vermilion Block 256 "E" Platform, Offshore Louisiana. Consolidated will redeliver volumes of natural gas to Texas Gas at a valve located on the inlet side of Texas Gas's meter located on the Eugene Island Block 309 "G" Platform, Offshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said application, on or before February 25, 1977, should file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice, that, pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4281 Filed 2-9-77;8:45 am]

[Docket No. G-11138]

TEXAS GAS TRANSMISSION CORP. AND SOUTHERN NATURAL GAS COMPANY

Notice of Petition To Amend

FEBRUARY 2, 1977.

Take notice that on January 24, 1977, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, and Southern Natural Gas Company (Southern) P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. G-11138 a petition to amend the Commission's order issued pursuant to Section 7(c) of the Natural Gas Act on December 27, 1956 (16 FPC 1393), in the instant docket so as to authorize the establishment of three additional points of delivery between Texas Gas and Southern, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that on December 27, 1956, the Commission authorized the exchange of natural gas at two permanent points of delivery pursuant to an exchange agreement between Texas Gas and Southern dated September 5, 1956.

Pursuant to an amended exchange agreement dated December 1, 1976, Texas Gas and Southern propose to add three additional points of delivery as follows:

(1) At Southern's existing meter station located in East Bayou Postillion Field, Section 36, Township 12 South, Range 11 East, Iberia Parish, Louisiana.

(2) At a meter station to be constructed by Texas Gas at the intersection of Southern's 16-inch pipeline and Texas Gas' 8-inch pipeline in Section 12, Township 12 South, Range 10 East, Iberia Parish, Louisiana.

(3) By dispatching arrangement with the Texaco-Henry Gasoline Plant in Vermilion Parish, Louisiana, where Texas Gas has facilities and where Texaco can deliver gas to Texas Gas for the account of Southern.

It is stated that Texas Gas has contracted to purchase volumes of natural gas from Union Oil Company of California (Union) which would come from the East Bayou Postillion Field, Iberia Parish, Louisiana, where Texas Gas has no facilities but where Southern is presently purchasing gas from Chevron Oil Company. It is stated further that the first two proposed exchange points would allow Texas Gas to deliver to Southern the volumes purchased from Union, while simultaneously allowing Southern to deliver equivalent volumes to Texas Gas. It is asserted that the third exchange point described above is proposed to allow either Texas Gas or Southern to assist the other party in its system operations.

It is stated that Texas Gas would be required to install a dual 6-inch run meter station side valve and related equipment between its East Bayou Pigeon-Gulf 8-inch pipeline and an existing 6-inch valve connected to Southern's 16-inch pipeline, Iberia Parish, Louisiana, at an estimated cost of $178,000. Southern, it is stated, would require no new facilities. It is further stated that the proposed facilities would be operated by Texas Gas.

Applicants state that the amended gas exchange agreement would permit them to make deliveries to each other when such deliveries can assist the other in fulfilling its system obligation, and would permit added flexibility of operation. It is further stated that such agreement would enable Texas Gas to receive its gas from Union without having to construct facilities in the East Bayou Postillion Feld, hence saving Texas Gas approximately $193,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 23, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4277 Filed 2-9-77;8:45 am]

[Docket No. CP76-241]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

FEBRUARY 2, 1977.

Take notice that on January 27, 1977, Transcontinental Gas Pipe Line Corpo-

ration (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-241 a petition to amend the Commission's order of May 24, 1976 (55 FPC ____), issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the delivery of certain volumes of natural gas to Natural Gas Pipeline Company of America (Natural) for ultimate delivery to Nabisco Inc's. (Nabisco), Chicago, Illinois, facility, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized to transport up to 1,125 Mcf of gas per day on an interruptible basis for Nabisco, an existing industrial customer of Public Service Electric and Gas Company (PSE&G) and the City of Richmond (City), which is a customer of Commonwealth Natural Gas Corporation (Commonwealth). It is further stated that PSE&G and Commonwealth are resale customers of Petitioner served under Petitioner's CD Rate Schedules.

Petitioner states that the transportation, which began on June 24, 1976, for a term of two years, takes place between Petitioner's Courtney Happytown Meter Station in Pointe Coupee Parish, Louisiana, where the gas is delivered to Petitioner, and existing delivery points to PSE&G and Commonwealth where Petitioner delivers the gas for ultimate use in two Nabisco facilities in Fairlawn, New Jersey and Richmond, Virginia. It is asserted that Petitioner collects an initial charge of 22.0 cents per Mcf for all quantities delivered and retains 3.8 percent of the volumes received for transportation to Commonwealth and 4.4 percent of the volumes received for transportation to PSE&G as makeup for compressor fuel and line loss.

Petitioner proposes in this instant petition to amend to provide for the delivery of certain Nabisco volumes to Natural for ultimate delivery to an additional Nabisco facility at Chicago, Illinois. It is stated that Nabisco's Chicago bakery is being curtailed by Peoples Gas Light & Coke Company (Peoples), an existing customer of Natural. It is asserted that Nabisco's Chicago bakery requires up to 2.072 Mcf of gas on a peak day for Priority 2 uses, but 445 Mcf per day is being curtailed by Peoples. Petitioner states that it would deliver gas as needed, during the remaining term of the authorization, to Nabisco's Chicago plant from the same 1,125 Mcf per day presently authorized through existing points of interconnection with Natural.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4289 Filed 2-9-77;8:45 am]

[Docket No. CP77-136]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 31, 1977.

Take notice that on January 21, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-136 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by sale certain sections of its pipeline in Jefferson and Orleans Parishes, Louisiana, to Louisiana Gas Service Company (Louisiana Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon and sell 146 feet of 8-inch pipeline and 534 feet of 4-inch pipeline, including all rights-of-way and easements, downstream of Applicant's Metairie Town Border Station located in Orleans Parish, Louisiana. Applicant states that these pipelines have been used to provide service to residential customers of Louisiana Gas, and as such, they function as a part of Louisiana Gas' distribution system and should be owned by Louisiana Gas.

Applicant also proposes to abandon and sell its 4-inch Westwego line in Jefferson Parish, Louisiana, which line consists of approximately 1.3 miles of 4-inch pipeline which was formerly utilized to connect production in the Westwego Field to Applicants' system in the New Orleans area. Applicant states that the line is no longer required by it, and Louisiana Gas has agreed to purchase the line for use as a part of its system in the New Orleans area.

It is stated that Louisiana Gas would pay Applicant $8,300 for the above described facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4273 Filed 2-9-77;8:45 am]

[Docket Nos. CP77-139; CP77-138]

UNITED GAS PIPELINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Extension of Time

JANUARY 31, 1977.

On January 29, 1977, Pennzoil Producing Company, et al., filed a request for an extension of time to comply with ordering paragraph (D) to the Commission's order issued January 27, 1977, in the above-designated proceeding. The motion states that United and Southern support the requested extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including February 4, 1977, to comply with ordering paragraph (D).

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-4270 Filed 2-5-77;8:45 am]

[Docket No. ID-1605]

RICHARD M. WILSON

Notice of Application

FEBRUARY 3, 1977.

Take notice that on January 21, 1976, Richard M. Wilson, Senior Vice President of Atlantic City Electric Company, filed a supplemental application pursuant to Section 305(b) of the Federal Power Act, to hold the following interlocking positions:

Positions	Name of corporation	Classification
Director [1] and senior vice president.[2]	Atlantic City Electric Co.	Public utility.
Director [1] and vice president.[2]	Deepwater Operating Co.	Do.

[1] To be elected to this position on Apr. 12, 1977.
[2] Positions previously authorized.

Atlantic City Electric Company (Atlantic) is in the business of generating, transmitting and distributing electric energy throughout the southern part of New Jersey. Deepwater Operating Company is a wholly owned subsidiary of Atlantic, engaged in the operation of electric generating stations in Deepwater and Gibbstown, New Jersey.

Any person desiring to be heard or to make protest with reference to this application should, on or before March 1, 1977, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4279 Filed 2-9-77;8:45 am]

[Docket No. E77-10]

COLUMBIA GAS TRANSMISSION CORP. AND PACIFIC LIGHTING SERVICE CO.

Emergency Natural Gas Act of 1977; Emergency Order

Columbia Gas Transmission Corporation (Columbia) has entered into an oral agreement with Pacific Lighting Service Company (Pacific) for the sale of an average of 60,000 Mcf of natural gas per day delivered on a best efforts basis for the period during which section 6 of Pub. L. 95-2 is in effect. During the period in which Columbia receives gas, it will incur an obligation of 37.5 cents per MMBtu for general storage to Pacific. In further payment thereof, Columbia on an Mcf-per-Mcf basis will deliver during the summer months to Pacific a thermally equivalent volume of gas. Columbia requests authorization to make the purchase. The proposed terms of the sale are identical to the terms of a similar transaction between Pacific Lighting and El Paso Natural Gas Company that is subject to temporary certificates issued by the Federal Power Commission in Docket Nos. CP74-289 and CP75-360. The terms are hereby found to be fair and equitable under the Emergency Natural Gas Act of 1977.

Columbia advises that a series of arrangements have been made to transport such gas to Columbia in Southern Louisiana. Initially, Pacific will make the subject gas available through Transwestern Pipeline Company to El Paso Natural Gas Company (El Paso) which will deliver said gas at the Waha Field, Texas, to Delhi Gas Pipeline Corporation's (Delhi) Pecos Gas Gathering System. Delhi will deliver said volume to LoVaca Gas Gathering Company's (LoVaca) 36-inch West Texas Pipeline. (LoVaca will deliver an equivalent volume to Delhi's Blessing-Victoria System and Delhi will deliver gas for the account of Columbia to United Gas Pipe Line Company (United) in Victoria County, Texas, for delivery in Southern Louisiana to Columbia Gulf Transmission Company, an affiliate of Columbia. The transportation charge for delivery of the gas sold pursuant to the agreement between Pacific and Columbia and for which authorization is sought herein will be as follows: United will charge 20.5 cents per Mcf and LoVaca and Delhi will have a combined charge in the range of approximately 35 to 40 cents per Mcf, all subject to additional fuel charges, if applicable, and the mutual agreement of the parties. If the transportation network herein proposed and authorized becomes inadequate at any time during this transportation, the parties are hereby authorized to make shifts and notify the Administrator as soon as possible.

Pursuant to delegated authority of the President, Executive Order No. 11969, dated February 2, 1977, I have determined that Columbia's request to obtain an average of 60,000 Mcf per day from Pacific and the transportation arrangements agreed to in connection therewith should be ordered. Accordingly, such acquisition is authorized and the transportation is hereby ordered pursuant to section 6 of Pub. L. 95-2.

LoVaca and Delhi have agreed to transport this gas and advised that the deliveries can be accomplished through existing intrastate pipeline facilities. Thus, there is no reason to require the construction and operation of facilities as permitted under section 6(c)(1) of the Act.

Columbia is ordered to make a weekly report pursuant to Section 12 of Pub. L. 95-2, commencing on February 14, 1977. The report shall set forth the costs and volumes of natural gas delivered, transported or contracted for pursuant to this order and the transportation costs (including fuel or shrinkage) incurred in transporting those volumes.

Data from the files of the Federal Power Commission show that contractual provisions between LoVaca and Delhi and their producers prohibit the sale of natural gas in interstate commerce and commingling of LoVaca's and Delhi's general system gas supply with gas moving in interstate commerce. The physical movement of gas for which Columbia seeks approval will result in some commingling of interstate natural gas with LoVaca's and Delhi's normal system gas supply.

The contractual provisions referred to above fall within the terms of section 9 of Pub. L. 95-2. That section provides that such terms are not enforceable by reason of the transportation of natural gas volumes pursuant to an authorization granted pursuant to section 6(a). Therefore, LoVaca's and Delhi's producers may not terminate existing contracts with LoVaca and Delhi, and LoVaca and Delhi shall refer to the Administrator all relevant information relating to any such attempt for such action as the Administrator finds appropriate.

According to the official files of the Federal Power Commission, LoVaca and Delhi are not classified as natural gas companies within the meaning of the Natural Gas Act. Section 6(c)(2) of Pub. L. 95-2 provides:

> Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of State law.

This order shall be served upon Columbia, Pacific, Transwestern Pipeline Company, El Paso, Delhi, LoVaca, United and Columbia Gulf Transmission Company.

This order and the authorization herein granted are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

Dated: February 6, 1977.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77-4393 Filed 2-8-77;12:30 pm]

LOVACA GAS GATHERING CO., ET AL.

Emergency Natural Gas Act of 1977; Supplemental Emergency Authorization

This authorization supplements an order issued today in this matter.

Counsel for LoVaca Gas Gathering (LoVaca) has advised that in addition to LoVaca's transportation of emergency gas for Transcontinental Gas Pipeline Company (Transco), it is also necessary to use the facilities of South Texas Natural Gas Gathering Company (South Texas) to move such gas supplies from LoVaca to Transco. The emergency order issued February 3, 1977 to which this order is a supplement, authorized and directed LoVaca to move such gas for Transco. The intent of that order was that the gas be delivered to Transco.

In view of the foregoing representation by LoVaca that it is necessary to use the facilities of South Texas to effect such movement, the aforementioned order is hereby supplemented to authorize the use of South Texas' facilities to transport such gas for delivery to Transco.

Counsel for Texas Utilities Fuel Company and Counsel for LoVaca have advised that LoVaca's transportation of these supplies may result in the commingling of interstate natural gas with gas owned by other companies, as well as gas owned by LoVaca. Depending upon the physical operation of LoVaca's system, gas to be delivered to Transco may be commingled with gas owned by Texas Utilities Fuel Company and Texas Electric Service Company. I have been advised that these companies have contracts similar to LoVaca's contracts which prohibit the commingling of their gas with gas flowing in interstate commerce. In the course of such transportation, from point of origin to destination, there may be commingled with gas to be delivered to Transco, volumes of gas owned by parties other than LoVaca. This order shall be considered as applying to all such commingled gas and under the provisions of Pub. L. 95-2 the pro-

ducers of such gas which is so commingled, may not terminate existing contracts with such other parties, nor shall such other parties thereby become subject to the Natural Gas Act or to regulation as a common carrier under any provision of state law. These contractual termination or prohibition conditions are not enforceable by reason of section 9 of Pub. L. 95–2 since LoVaca is transporting gas for Transco pursuant to an authorization granted pursuant to section 6(a) thereof.

It should also be noted, on February 3, Transco filed a certification statement in response to the aforementioned order.

This order shall be served upon Transco, LoVaca, Northwest Pipeline Corporation, South Texas, Texas Utilities Fuel Company and Texas Electric Service Company. It shall be published in the FEDERAL REGISTER.

This authorization is subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

FEBRUARY 3, 1977.

[FR Doc.77-4394 Filed 2-8-77;12:39 pm]

[Docket No. E77-4]

SOUTHERN NATURAL GAS CO. AND EL PASO ELECTRIC CO.

Emergency Natural Gas Act of 1977; Emergency Order

Southern Natural Gas Company (Southern) has filed an emergency petition requesting authorization to purchase natural gas from El Paso Electric Company. The gas is divided into two categories by Southern. Category I gas is said to be surplus to El Paso Electric and will be sold at $2.10 cents per Mcf for the first 30 days and $2.12 for the second sixty days. Category I gas is being sold below the permissible Ceiling Price established by Order No. 2. No prior authorization is required but will be given as requested.

Category II gas would be priced at $3.25 to $3.50. This gas would be made available by El Paso Electric switching to an alternate fuel by reducing the output of a gas-fired plant in Texas and increasing the electrical output of an oil-fired plant in New Mexico. Southern states that the conversion would result in increased costs by El Paso of three types:

(1) The switching to the less efficient oil-fired plants would result in thermal efficiency losses of 10% to 15%.
(2) New Mexico imposes a generating tax.
(3) The oil-fired plant has higher operating and maintenance expenses.

El Paso Electric proposes to compute the precise impact of these factors after commencement of the transaction and to establish the price within the range of $3.25 to $3.50 per Mcf.

The proposed transaction is within the scope of the Order No. 2 in that it involves conversion to alternate fuels. Order No. 2 authorizes the addition of a seven percent factor that was intended to compensate sellers for increased operating and maintenance costs and decreased thermal efficiency. Under that standard, the authorized price would be $2.90 per Mcf. I find also that the buyer is authorized to compensate the seller for increased taxes resulting from the conversion. Therefore, I authorize the sale of Category II gas at $2.90 per Mcf plus increased generation taxes.

If, after operational experience, El Paso Electric verifies by affidavit costs in excess of the rates permitted herein, an application for a prospective rate increase would be considered at that time.

Southern further requests that LoVaca Pipeline Company be authorized and ordered to transport the natural gas through its intrastate facilities. LoVaca is hereby ordered pursuant to Section 6 (a) of Public Law 95–2 to transport for Southern up to 45,000 Mcf per day from the Knight Gas Treating Plant in Reeves County, Texas, to a mutually agreeable point. If the parties are unable to agree upon the amount of compensation for the transportation service, a rate shall be established after hearing subsequent to the rendition of service.

Data from the files of the Federal Power Commission show that contractual provisions between LoVaca and its producers prohibit the sale of natural gas in interstate commerce and commingling of LoVaca's general system gas supply with gas moving in interstate commerce. The physical movement of gas for which Transco seeks approval will result in some commingling of interstate natural gas with LoVaca's normal system gas supply.

The contractual provisions referred to above fall within the terms of section 9 of Pub. L. 95–2. That section provides that such terms are not enforceable by reason of the transportation of natural gas volumes pursuant to an authorization granted pursuant to section 6(a). Therefore, LoVaca's producers may not terminate existing contracts with LoVaca, and LoVaca shall refer to the Administrator all relevant information relating to any such attempt for such action as the Administrator finds appropriate.

According to the official files of the Federal Power Commission, LoVaca is not classified as a natural gas company within the meaning of the Natural Gas Act. Section 6(c)(2) of Pub. L. 95–2 provides:

Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of State law.

Southern is ordered to make a weekly report pursuant to section 12 of Public Law 95–2, commencing on February 14, 1977. The report shall set forth the costs and volumes of natural gas delivered, transported or contracted for pursuant to this order and the transportation costs (including fuel or shrinkage) incurred in transporting those volumes.

This order shall be served on Southern, El Paso Electric and LoVaca. It shall be published in the FEDERAL REGISTER.

This order and the authorization herein granted is subject to the continuing authority of the Administrator under Pub. L. 95–2, orders, rules and regulations heretofore or hereafter issued.

RICHARD L. DUNHAM,
Administrator.

FEBRUARY 4, 1977.

[FR Doc.77-4395 Filed 2-8-77;12:39 pm]

[Docket No. E77-5]

SOUTHERN NATURAL GAS CO. AND PACIFIC GAS AND ELECTRIC OF CALIFORNIA

Emergency Natural Gas Act of 1977; Emergency Order

Southern Natural Gas Company (Southern) has filed a petition requesting the Administrator to authorize a transaction by which Southern would currently receive from Pacific Gas & Electric of California approximately 100,000 Mcf per day of natural gas for a period of thirty days. In exchange for the delivery, Southern has agreed to return to PG&E during the following summer one and one-half times the volumes received by Southern. Southern states that the return of 50 percent more volumes that were received is intended to compensate PG&E for costs of storage, plus any transportation costs incurred by PG&E. Southern further states that its system average cost of natural gas is 65 cents per Mcf and that payback would equate to a cost of only 98 cents per Mcf.

I find that the transaction should not be authorized as requested. The requirement that the purchaser pay back increased volumes at a later time would not serve the public interest. Therefore, I find that the transaction could be authorized only under the terms of a one-for-one payback. In addition, the purchaser would be authorized to compensate the seller by payment in money of reasonable charges for storage or transportation service rendered by the seller.

This order shall be served upon Southern and PG&E. It shall be published in the FEDERAL REGISTER.

This order and the authorization herein granted is subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

FEBRUARY 4, 1977.

[FR Doc. 77-4396 Filed 2-8-77;12:39 pm]

[Docket No. CI77-240]

VICTORY PETROLEUM CO.

Application

FEBRUARY 8, 1977.

Take notice that on January 24, 1977, Victory Petroleum Company (Applicant),

P.O. Box 36666, Houston, Texas, 77036, filed in Docket No. CI77-240 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from certain leases in the Minden Prospect, Webster Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to Texas Gas on January 12, 1977 within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29). Applicant and Texas Gas have entered into a contract dated October 11, 1976, for a three-year limited-term sale. Applicant is informed that Texas Gas has been granted the requisite authority to construct the facilities necessary to take deliveries of gas from Applicant.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-4397 Filed 2-8-77;12:39 pm]

FEDERAL RESERVE SYSTEM

COUNTRY BANK SHARES CORP.

Acquisition of Bank

FEBRUARY 4, 1977.

Country Bank Shares Corporation, Janesville, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 72.8 percent or more of the voting shares of State Bank of Argyle, Argyle, Wisconsin. The factors that are considered in acting on the application are set forth in section 3 (c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 4, 1977.

Board of Governors of the Federal Reserve System, February 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-4298 Filed 2-9-77;8:45 am]

EQUIMARK CORP.

Order Granting Determination Under Bank Holding Company Act

Equimark Corporation, Pittsburgh, Pennsylvania ("Equimark"), which has transferred all of its stockholdings, in Lombard-Wall Incorporated ("Lombard"), dealer in short-term instruments and federal government securities, to H-K Enterprises, Inc., New York, New York ("H-K"), has requested a determination, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)) ("the Act"), that Equimark is not in fact capable of controlling H-K, notwithstanding the fact that a portion of the purchase price was paid by H-K in the form of a note, said note being secured by a pledge of 19.9 per cent of the shares sold.

Under the provisions of section 2(g)(3) of the Act, shares transferred after January 1, 1966, by any bank holding company to a transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, are deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

Notice of an opportunity for hearing with respect to Equimark's request for a determination under section 2(g)(3) was published in the FEDERAL REGISTER on July 29, 1976 (41 FR 31618). The time provided for requesting a hearing expired on August 23, 1976. No such request has been received by the Board, nor has any evidence been received to show that Equimark is in fact capable of controlling H-K.

The aggregate amount of debt owed by H-K to Equimark does not constitute a significant portion of the debt or assets of H-K or Lombard, and the number of shares pledged is less than 20 percent. H-K is a closely-held corporation which was formed for the purpose of purchasing Lombard, and none of its shareholders are related to Equimark. There are no common directors or officers between Equimark and H-K, and there are only minimal transactions between Equimark and Lombard, conducted in the ordinary course of business. It appears that the sale of Lombard was negotiated at arm's length. The terms of the Pledge Agreement give Equimark no right to vote, transfer or sell the shares of Lombard during th term of the indebtedness unless H-K should default on the indebtedness. Equimark's Board of Directors adopted a resolution to the effect that Equimark does not, and will not attempt to, exercise a controlling influence over H-K and that Equimark will immediately notify the Board should it exercise its right to vote, transfer or sell the shares of Lombard in the event of a default. The boards of directors of H-K and Lombard have adopted resolutions to the effect that they are not and will not be controlled by Equimark. H-K's principal shareholder has made an affidavit that he is not subject to Equimark's control.

Based on these and other facts of record, it is hereby determined that Equimark is not in fact capable of controlling H-K.

Accordingly it is ordered, That the request of Equimark for a determination pursuant to section 2(g)(3) be and hereby is granted. Any material change in the facts or circumstances relied upon in making this determination or any material breach of any of the commitments upon which the decision is based could result in reconsideration of the determination made herein.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(1)), effective February 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-4299 Filed 2-9-77;8:45 am]

GREAT SOUTHWEST BAN CORP., INC.

Order Denying Formation of Bank Holding Company

Great Southwest Ban Corp., Inc., Dodge City, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company by acquiring 80 per cent or more of the voting shares of Bank of the Southwest, Dodge City, Kansas ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4 (b)(2) of the Board's regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage on Bank's premises in the sale of credit life, accident, and health insurance. The activities that Applicant proposes to engage in have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(ii)).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act. (41 FR 52530 (1976)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, a Kansas corporation, was incorporated in early 1975 at which time

its shareholders purchased the majority interest in Bank. In March 1975, Applicant purchased from Bank's former principal shareholder 100 percent of the stock of two corporations, Wes Kan Insurance Limited, which was engaged in the sale of credit-related insurance on Bank's premises, and First Management, Inc., which owned and leased to Bank certain bank facilities.[1] Applicant caused both corporations to be liquidated, assumed their liabilities, and acquired their assets.

Bank ($10.9 million in deposits) ranks 228th in size among 616 banks in the State and holds 0.12 percent of total deposits in Kansas.[2] Bank is the third largest of seven banks operating in the relevant banking market[3] and controls 10.25 percent of total market deposits. Applicant currently controls no banks. One of Applicant's principals is also principal shareholder of a bank holding company that controls Hanston State Bank, Hanston, Kansas, which does not compete in the relevant market area served by Bank.[4] Inasmuch as the proposed transaction appears to be primarily a change to corporate ownership, it is unlikely that the proposal would have a significant effect on competition.

The Board has indicated on previous occasions that a holding company should constitute a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of the applicant in each case with this consideration in mind. While the Board considers the managerial resources of Applicant and Bank to be generally satisfactory, the Board notes that Applicant will incur a sizable amount of debt[5] in connection with the acquisition of shares of Bank. Applicant proposes to repay that debt over an eleven-year period through dividends on Bank stock, insurance commissions, and rental income from Bank. Although Bank, which commenced business on May 22, 1972, has never paid cash dividends, its asset growth has outpaced the growth of its capital account.[6] Payment by Bank of dividends sufficient to enable Applicant to service its debt would decrease the amount of Bank's capital that would otherwise be available to support its operations. Under the instant proposal, it does not appear that an adequate level of capital would be maintained throughout the debt retirement period.

Applicant's projections of Bank's asset growth and earnings over the debt retirement period, on their face, suggest that Bank's capital structure will not be adversely affected by the dividend payout requirement over the debt retirement period. Should Bank's assets grow faster than Applicant projects or if Bank's earnings fail to meet the levels projected by Applicant, dividend payouts necessary to service Applicant's debt would decrease Bank's capital to amounts below acceptable levels. In such event, Applicant's ability to serve as a source of financial strength to Bank would be in serious doubt. Accordingly, the reliability of Applicant's projections of Bank's asset and earnings growth, which bear directly on Bank's future capital needs, is of considerable importance.

The financial projections submitted by Applicant are not substantiated by Bank's growth and earnings record. In view of Bank's brief operating history since 1972, it is difficult to project Bank's rate of growth and earnings on the basis of its past record. The Board notes, however, that Bank is located in an expanding suburban area, and its rapid growth to date and its small size relative to the two competing banks in Dodge City suggest that Bank's growth rate is likely to remain high for the next several years.[7] While Bank's earnings improved in the first half of 1976, it does not appear, in the absence of a proven past record of earnings, that Applicant's projections of Bank's earnings can be realized. This is particularly true for the later years of the debt retirement period, during which more than 75 per cent of the acquisition debt is to be retired. In conclusion, the proposal would not provide Applicant the necessary financial flexibility to service its debt while maintaining adequate capital in Bank, and therefore Applicant's and Bank's financial resources and future prospects weigh against approval of the application.

No significant changes in Bank's operations or in the services offered to customers of Bank are anticipated to follow from consummation of the proposed acquisition. Consequently, convenience and needs factors lend no weight toward approval.

On the basis of the circumstances concerning the application to become a bank holding company, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial resources and future prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects, the managerial resources of Applicant or Bank, or benefits that better satisfy the convenience and needs of the community to be served. Accordingly, it is the Board's judgment that approval of the application to become a bank holding company would not be in the public interest and that the application should be denied.

On the basis of the facts of record, the application to become a bank holding company is denied for the reasons summarized above.[8]

By order of the Board of Governors,[9] effective February 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-4300 Filed 2-9-77;8:45 am]

[1] Under sec. 4(c)(1)(A) of the Act, Applicant's continued ownership of the bank facilities would be exempt from the prohibitions of sec. 4 were Applicant to become a bank holding company.

[2] All banking data are as of December 31, 1975.

[3] The relevant banking market is approximated by Ford County, Kansas.

[4] Hanston State Bank is located in Hodgeman County, Kansas, outside the Ford County market area.

[5] In addition to this debt, the proposal contemplates Applicant's issuance of a class of cumulative preferred stock that may be expected to constitute an additional indirect drain on Bank's capital.

[6] The need for Bank's capital accounts to support Bank's rapid deposit growth is heightened by Bank's high ratio of loans to deposits.

[7] The deposit size of all banks in the County increased at an average annual rate of 15 per cent in the years 1970 through 1975. During this period the two other banks operating in Dodge City (deposits of $41.9 million and $34.0 million at year-end 1975), both of which are older, established banks, grew at annual average rates of 14 per cent and 10 per cent, respectively. Applicant projects that Bank, which has grown since it commenced operations in 1972 to its current size of more than $10 million in deposits, will experience only a 10 per cent annual growth rate during the debt servicing period.

[8] In view of the Board's action with respect to the application to become a bank holding company, consideration of Applicant's application to retain insurance sales activities becomes moot.

[9] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Advisory Council on the Education of Disadvantaged Children

NOTICE OF MEETINGS

Amendment

This notice is an amendment to the January 4, 1977 notice of the meetings of the NACEDC, which listed all planned meeting dates of the NACEDC for the entire year.

The meetings scheduled for February 25–26 has been postponed to March 4–5, 1977. This two-day meeting will be held in Los Angeles, California on Friday, March 4 from 9:00 a.m.–5:00 p.m., and on Saturday, March 5 from 9:00 a.m.–4:00 p.m. for Council to review the final draft of their 1977 Annual Report. (The meeting place will be announced at a later date.)

Also, the March 11 Editing Committee meeting has been rescheduled to March 18 from 9:00 a.m.–4:00 p.m. in Washington, D.C. The Committee will edit the 1977 Final Draft.

The National Advisory Council on the Education of Disadvantaged Children is established under Section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

All meetings of the Council are open to the public. Because of limited space, all persons wishing to attend should call for reservations by February 24, 1977 at Area Code 202/ 382–6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the

National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on February 7, 1977.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.77-4102 Filed 2-9-77;8:45 am]

Public Health Service Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Immunization Practices Advisory Committee scheduled for February 10–11, 1977, in Atlanta, Georgia, is hereby cancelled. Notice of this meeting was announced in FEDERAL REGISTER, Vol. 42, page 5761, January 31, 1977.

Dated: February 7, 1977.

WILLIAM C. WATSON, Jr.,
Acting Director,
Center for Disease Control.

[FR Doc.77-4460 Filed 2-9-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-413; FDAA-3019-EM]

ARKANSAS

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Arkansas, dated December 3, 1976, and amended on January 6, 1977, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of December 3, 1976:

The County of:
White

The purpose of this designation is to provide hay transportation assistance only in the aforementioned affected area effective the date of this amended notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: February 2, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.77-4222 Filed 2-9-77;8:45 am]

[Doc. No. Nfd-414, FDAA-3023-EM]

CALIFORNIA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of California, dated January 20, 1977, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 20, 1977:

The Counties of:

Alameda	San Benito
Contra Costa	San Mateo
Fresno	Santa Clara
Inyo	Sierra
Madera	Solano
Marin	Sonoma
Napa	Tulare

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: February 2, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.77-4223 Filed 2-9-77;8:45 am]

[Docket No. NFD-411; FDAA-3028-EM]

INDIANA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Indiana dated February 2, 1977, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of February 2, 1977:

The Counties of:
Boone
Benton
Tipton

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

February 2, 1977:

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.77-4220 Filed 2-9-77;8:45 am]

[Docket No. NFD-412; FDAA-3028-EM]

INDIANA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Indiana dated February 2, 1977, and amended February 3, 1977, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of February 2, 1977:

The counties of:

Carroll	Perry
Clay	Pike
Fayette	Posey
Franklin	Pulaski
Harrison	Starke
Henry	Steuben
Madison	Sullivan
Monroe	Vigo
Newton	Wells
Parke	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: February 3, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.77-4221 Filed 2-9-77;8:45 am]

[Docket No. NFD-409; (FDAA-3029-EM)]

OHIO

Notice of an Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development Delegation of Authority, ecutive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 2, 1977, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow and ice resulting from a series of blizzards and snowstorms in the State of Ohio is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Ohio.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert E. Connor, FDAA Region V, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency:

The Counties of:

Fayette	Putnam
Hancock	Paulding
Highland	Van Wert

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: February 3, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.77-4218 Filed 2-9-77;8:45 am]

[Docket No. NFD-410; FDAA-3026-EM]

PENNSYLVANIA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Pennsylvania dated January 29, 1977, and amended on February 2, 1977, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 29, 1977:

The Counties of:
Fayette
Mercer
Westmoreland

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: February 3, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-4219 Filed 2-9-77;8:45 am]

Office of Interstate Land Sales Registration Office

[Doc. No. N-77-706; OILSR Nos. 76-249-IS; O-1102-04-186(A)—(D)]

LAKE CAMANCHE VILLAGE, UNIT SIX

Hearing

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Lake Camanche Village, Unit Six, Marcus R. Hickerson, President and Great Lakes Development Company, authorized agents and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued September 1, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Lake Camanche located in Amador County, California, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received January 18, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1720.160(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street, S.W., Washington, D.C. on March 10, 1977 at 2:00 p.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before February 17, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 2, 1977.

By the Secretary.

JAMES W. MAST,
Chief, Administration Law Judge.

[FR Doc.77-4224 Filed 2-9-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 1491]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

FEBRUARY 4, 1977.

The Sacramento District Corps of Engineers, Department of the Army, Sacramento, California, filed an application for withdrawal of the lands described below from all forms of appropriation for use in connection with the New Mellones Lake Project as authorized by the Act of December 23, 1962 (76 Stat. 1191):

MOUNT DIABLO MERIDIAN, CALIFORNIA

PUBLIC LAND

T. 1 N., R. 13 E.,
Sec. 1, Lots 1 to 5, inclusive, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼, and NE¼SE¼;
Sec. 2, Lots 1 and 2, SW¼NE¼, S½NW¼, and W½NW¼SW¼;
Sec. 4, SW¼SE¼;
Sec. 8, NE¼SE¼;
Sec. 9, NW¼NE¼, NW¼SE¼, and S½SE¼;
Sec. 11, NW¼SW¼ and S½SW¼SW¼;
Sec. 12, Lot 1, NW¼NE¼, NE¼NW¼, and NE¼SW¼;
Sec. 15, NW¼NE¼NW¼;
Sec. 23, SW¼SW¼;
Sec. 24, S½SW¼;
Sec. 25, E½NE¼.

T. 2N., R. 13 E.,
Sec. 9, NW¼SW¼;
Sec. 21, Lot 1;
Sec. 23, Lots 1 and 2 (except portion M.S. 5189A and M.S. 4192);
Sec. 24, Lots 13, 17, and 19, S½ Lot 22, and unpatented fractional portion of Lot 23 in W½SE¼SE¼;
Sec. 25, Lot 5, E½SE¼NW¼, NW¼SE¼, and E½SW¼;
Sec. 26, Lots 1 and 2 and N½NE¼ (except portion M.S. 5189A and B).

T. 1 N., R. 14 E.,
Sec. 6, Lots 8 and 9 and Lots 25 to 34, inclusive;
Sec. 7, Lot 1 and SE¼NE¼ (except portion M.S. 5001);
Sec. 18, Lots 5 and 6 and W½SE¼;
Sec. 19, NW¼NE¼, SE¼NE¼, W½SE¼, and NE¼SE¼;
Sec. 20, SW¼SW¼NE¼, SW¼NW¼, S½SE¼NW¼, and N½SW¼.

T. 2 N., R. 14 E.,
Sec. 4, Lots 1 and 2, W½ Lot 7, Lot 9, NW¼ Lot 10, Lots 11, 12, and 13, E½E½ Lot 14, Lots 15 and 16, and SE¼NE¼;
Sec. 8, Lots 1, 3, and 5, N½ Lot 10, and SW¼ Lot 10;
Sec. 9, Lots 1 to 4, inclusive;
Sec. 17, W½ Lot 1, N½ Lot 5, SW¼ Lot 5, SE¼ Lot 6, E½NE¼, W½SW¼, W½NE¼SW¼, NW¼SE¼SW¼, W½SE¼, N½NE¼SE¼, and SW¼NE¼SE¼;
Sec. 19, Lot 3 (except M.S. 5028), Lot 4 (except M.S. 5068), Lots 7 and 12, S½NE¼SW¼, S½NW¼SE¼, and N½N½NE¼SE¼;
Sec. 20, Lots 2, 3, and 4 (except M.E. 167 and M.S. 3987), Lots 5, 6, and 7, and S½SE¼NW¼;
Sec. 30, Lots 3 and 20 and M.S. 6307 in Lot 24;
Sec. 31, SE¼ Lot 1, E½E½SW¼ Lot 1, South 330 feet Lot 16, Lots 17, 18, 23, and NW¼ Lot 24, S½S½NE¼NW¼, N½SW¼NE¼, N½S½SW¼NE¼, N½SE¼NW¼, and N½S½SE¼NW¼.

T. 3 N., R. 14 E.,
Sec. 1, South 330 feet Lot 8;
Sec. 12, Lot 4, Lot 5 (except M.S. 4500), SE¼NE¼SW¼ (except M.S. 4602), E½SE¼SW¼, SE¼SW¼SE¼SW¼, NW¼NE¼SE¼, N½NE¼NE¼SE¼, SW¼NE¼NE¼SE¼, NW¼SW¼NE¼SE¼, NW¼SE¼ lying Southeast of M.S. 4602, W½SW¼SE¼, W½E½SW¼SE¼, and E½NE¼SW¼SE¼;
Sec. 13, W½W½NE¼, E½NE¼NW¼, E½W½NE¼NW¼, SE¼SW¼NW¼, SE¼NW¼, N½SW¼, SW¼SW¼, N½N½SE¼SW¼, SW¼SW¼SE¼SW¼, and W½NW¼NW¼SE¼;
Sec. 14, S½SE¼, SE¼NE¼SE¼, and S½SW¼NE¼SE¼;
Sec. 22, SE¼ Lot 2;
Sec. 23, Lots 1 and 2, S½ Lot 3, E½ Lot 5, N½ Lot 6, SW¼ Lot 6, W½ Lot 11, Lots 12 and 13, and W½ Lot 14;
Sec. 24, W½W½ Lot 1, Lot 2, N½ Lot 3, and NW¼ Lot 4;
Sec. 26, Lots 2 and 3, W½ Lot 7, and Lot 9;
Sec. 27, E½ Lot 1, Lots 3 and 7;
Sec. 33, SE¼SE¼;
Sec. 34, N½NE¼NE¼, E½NW¼NE¼, SW¼NW¼NE¼, W½NE¼NW¼, and NW¼NW¼;
Sec. 35, Lot 7, SE¼NE¼ lying South and West of M.S. 5677, N½NE¼SE¼, and unnumbered segregation survey of mineral land in N½;
Sec. 36, S½SW¼NW¼ (except M.S. 5677) and N½NW¼SW¼.

The area described aggregates 5,105 acres in Calaveras and Tuolumne Counties.

MOUNT DIABLO MERIDIAN

(NATIONAL FOREST LAND)

T. 3, N., R. 15 E.,
Sec. 6, Lot 2, S½ Lot 7, S½NE¼ Lot 7, and SE¼NW¼ Lot 7;
Sec. 7, N½ Lot 1, W½W½ Lot 2, and NW¼NW¼NE¼NW¼.

The area described aggregates 107.50 acres in Calaveras and Tuolumne Counties.

MOUNT DIABLO MERIDIAN

(PATENTED LAND WITH MINERALS RESERVED TO THE UNITED STATES)

T. 1 N., R. 13 E.,
Sec. 14, W½NW¼;
Sec. 15, E½NE¼, S½NW¼NE¼, SW¼NE¼, S½NE¼SW¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 22, E½NE¼NW¼, E½W½NE¼NW¼, and N½SE¼NW¼.

The above described area aggregates 450 acres in Calaveras and Tuolumne Counties.

The applicant desires the above described land for the construction, operation, and maintenance of the New Melones Reservoir on the Stanislaus River, which provides for flood control, irrigation, power generating, recreation, fish and wildlife enhancement, and water quality control.

A notice of proposed withdrawal and reservation of lands was published in the FEDERAL REGISTER on May 9, 1968, pages 6992 and 6993, Document No. 68-5541.

Pursuant to section 204(h) of the "Federal Land Policy and Management Act of 1976," notice is hereby given that an opportunity for a public hearing is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, by March 16, 1977.

Upon determination by the State Director that a public hearing will be held, the time and place will be announced. All previous comments submitted in connection with the withdrawal proposal have been included in the case file record and will be considered in making a final determination on the proposal.

WALTER F. HOLMES,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.77-4304 Filed 2-9-77;8:45 am]

CALIFORNIA

Designation of Indian Creek Recreation Lands

FEBRUARY 4, 1977.

Pursuant to the authority in 43 CFR Subpart 2070, and authorization from the Director dated January 5, 1977, I hereby designate the national resource lands in the following described areas as the Indian Creek Recreation lands.

MT. DIABLO MERIDIAN, CALIFORNIA

T. 10 N., R. 20 E.,
Sec. 3 Lots 1, 2, 3, 4, 5, 6, 7, E½W½ Lot 8, E½ Lot 8, W½ Lot 9, W½E½ Lot 9, Lots 10, 11, 12, 13, 14, 15, 16, W½SW¼, W½E½SW¼, E½SE¼ E½W½SE¼;
Sec. 4 Lots 1, 2, 3, E½ Lot 4, Lots 5, 6, 7, 8, 9, E½ Lot 10, E½ Lot 11 E½ Lot 14, Lots 15, 16, 17, 18, SW¼, S½SE¼;
Sec. 5 W½ Lot 6, Lots 7, 8, SE¼SW¼;
Sec. 8 NE¼, E½NW¼, NE¼SE¼, N½SE¼ SE¼, SE¼SE¼SE¼;
Sec. 9 E½E½, SW¼NE¼, NE¼NW¼, SW¼, NW¼SE¼;
Sec. 10 E½E½, E½W½NE¼, W½W½, SE¼SW¼, E½NW¼SE¼, SW¼SE¼;
Sec. 11 W½NW¼, NW¼SW¼, Those portions of SW¼SW¼, NE¼NW¼ west of the East Fork Carson River;
Sec. 15 Lots 3, 4 (N½SW¼), NW¼, SW¼ SW¼, NW¼NE¼, That portion of the NE¼NE¼ west of the East Fork Carson River.

T. 11 N., R. 20 E.,
Sec. 20 SE¼NE¼, N½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 21 Lots 1, 2, 6, 7, 8, NE¼NE¼, SE¼ SE¼, SE¼NW¼, W½W½;
Sec. 22 Lots 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, SW¼SE¼, NE¼SW¼;
Sec. 23 Lots 5 and 6;
Sec. 28 E½, E½SW¼, SE¼NW¼;
Sec. 29 NW¼NE¼, NE¼NW¼, SW¼NW¼, SW¼, NW¼SE¼;
Sec. 30 Lots 1, 2, 3, E½NW¼, W½NE¼, SE¼NE¼, N½SE¼, SE¼SE¼, NE¼-SW¼;
Sec. 31 S½SE¼;
Sec. 32 S½, S½NE¼, NE¼NE¼.

The area described aggregates about 7043.96 acres of national resource lands located in Alpine County, California.

The Indian Creek recreation lands contain "Class II general outdoor recreation areas "and" Class III natural environment areas" under the Bureau of Outdoor Recreation Systems of classifications.

EDWARD L. HASTEY,
California State Director.

[FR Doc.77-4303 Filed 2-9-77;8:45 am]

[NM 29659, 29660, 29676, and 29677]

NEW MEXICO

Applications

FEBRUARY 4, 1977.

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), Northwest Pipeline Corporation has applied for two 4½-inch natural gas pipelines and two cathodic protection station rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 6 W.,
Sec. 17, SW¼NE¼.
T. 29 N., R. 6 W.,
Sec. 20, SE¼NE¼.
T. 32 N., R. 8 W.,
Sec. 14, N½SW¼;
Sec. 15, N½S½;
Sec. 26, NW¼SE¼.

The pipeline and cathodic protection stations will be used in connection with natural gas operations and will cross 1.489 miles of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.77-4306 Filed 2-9-77;8:45 am]

[NM 29713]

NEW MEXICO

Application

FEBRUARY 4, 1977.

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), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 35, S½NW¼.

This pipeline will convey natural gas across 0.147 miles of national resource land in Rio Arriba 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.

RAUL E. MARTINEZ,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.77-4306 Filed 2-9-77;8:45 am]

[NM 29663 and 29711]

NEW MEXICO

Applications

FEBRUARY 4, 1977.

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 two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 26 N., R. 12 W.,
Sec. 27, E½SE¼.
T. 28 N., R. 13 W.,
Sec. 12, SW¼SW¼;
Sec. 13, N½NW¼.

These pipelines will convey natural gas across 0.353 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.77-4307 Filed 2-9-77;8:45 am]

[NM 29661]

NEW MEXICO

Application

FEBRUARY 4, 1977.

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), TUCO, Inc., has applied for a one 3-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 12 S., R. 31 E.,
Sec. 20, N½NE¼ and NE¼NW¼.

This pipeline will convey natural gas across 0.627 of a mile of natural 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.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Mineral Operations.

[FR Doc. 77-4308 Filed 2-9-77;8:45 am]

[M 141]

NORTH DAKOTA AND SOUTH DAKOTA

Transfer of Submarginal Lands Standing Rock Indian Reservation

FEBRUARY 3, 1977.

1. Pursuant to Pub. L. 94-114 (89 Stat. 577) and Sec. 2 thereof the land described in paragraphs 3 and 4 of this notice, together with all minerals underlying this land, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the use and benefit of the Standing Rock Sioux Tribe of North Dakota and South Dakota. The land shall be a part of the established Standing Rock Indian Reservation. These lands were submarginal lands acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781). This notice is issued under the authority delegated to me by Bureau Order No. 701, dated July 23, 1946, as amended.

2. All existing mineral leases, including oil and gas leases, which have been issued on this land will remain in force and effect in accordance with the terms and provisions of the Act under which the leases were issued. The lease files will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. Future rentals for these leases will be paid to and collected by that office. Jurisdiction of these mineral leases is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Standing Rock Sioux Tribe.

3. FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 132 N., R. 79 W.,
Sec. 17, E½SE¼.
T. 133 N., R. 79 W.;
T. 122 N., R. 79 W.,
Sec. 10, NE¼.
T. 130 N., R. 80 W.,
Sec. 22, NW¼; and
Sec. 28, NE¼.
T. 131 N., R. 80 W.,
Sec. 15, NE¼NW¼, NE¼NW¼NW¼, NE¼SE¼NW¼, and SW¼SW¼;
Sec. 16, SW¼NE¼SE¼, W½SE¼NE¼SE¼, W½NW¼NE¼SE¼, SE¼NW¼NE¼SE¼, W½SE¼, and SE¼SE¼; and
Sec. 29, N½.
T. 130 N., R. 81 W.,
Sec. 2, Lots 1 and 2, and S½NE¼; and
Sec. 6, SE¼.
T. 131 N., R. 81 W.,
Sec. 4, Lots 3 and 4, and S½NW¼;
Sec. 21, N½; and
Sec. 28, NW¼.
T. 132 N., R. 81 W.,
Sec. 17, E½ and SW¼;
Sec. 19, Lots 3 and 4, and E½SW¼;
Sec. 20, NE¼;
Sec. 21, All;
Sec. 28, NE¼; and
Sec. 33, NW¼.
T. 132 N., R. 82 W.,
Sec. 5, W½ of Lot 1.

The areas described aggregate 3,848.28 acres.

4. BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 20 N., R. 20 E.,
Sec. 25, W½; and
Sec. 35, NW¼.
T. 21 N., R. 23 E.,
Sec. 27, N½; and
Sec. 29, SE¼.
T. 20 N., R. 24 E.,
Sec. 5, Lots 6, 7, 8, 9, and 12, and NE¼SW¼;
Sec. 6, Lot 16;
Sec. 8, Lots 1, 2, and 4, S½NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 15, NW¼; and
Sec. 17, All.
T. 21 N., R. 24 E.,
Sec. 22, SW¼;
Sec. 25, Lot 10;
Sec. 27, NW¼;
Sec. 35, Lot 1; and
Sec. 36, Lots 3 and 4.
T. 20 N., R. 27 E.,
Sec. 13, W½;
Sec. 22, Lots 5, 6, and 7; and
Sec. 27, N½NE¼.
T. 19 N., R. 28 E.,
Sec. 13, NW¼.
T. 20 N., R. 28 E.,
Sec. 20, SE¼; and
Sec. 22, E½.
T. 19 N., R. 29 E.,
Sec. 7, The south 26.98 acres of Lot 3, Lot 4, SE¼SW¼, NE¼NE¼SE¼, and SW¼SW¼SE¼.
T. 22 N., R. 29 E.,
Sec. 9, All;
Sec. 10, W½ and SE¼;
Sec. 21, NW¼; and
Sec. 27, N½NW¼ and N½SE¼.
T. 20 N., R. 30 E.,
Sec. 10, NE¼.
T. 21 N., R. 30 E.,
Sec. 26, W½W½NE¼, S½SW¼SE¼NE¼, SE¼SW¼NE¼, and that portion of the N½SW¼SE¼NE¼ bounded on the south and west sides and a line extending from the northwest corner to the southeast corner thereof, and NW¼.
T. 20 N., R. 31 E.,
Sec. 20, W½E½NE¼, W½NE¼, and NW¼.

The areas described aggregate 6,406.28 acres.

K. RICHARDS,
Acting State Director.

[FR Doc.77-4309 Filed 2-9-77;8:45 am]

[OR 9605]

OREGON

Opportunity for Public Hearing and Re-Publication of Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 4, 1977.

The Department of Agriculture on behalf of the Forest Service on June 22, 1972, filed application, Serial No. OR 9605, for the withdrawal of 2,400 acres of national forest lands from nonmetalliferous location and entry under the general mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights. The Department of Agriculture has requested that the withdrawal be granted for a permanent duration. The Department of Agriculture filed an amended application on October 21, 1976 for withdrawal of the 2,400 acres in the prior application and an additional 3,800 acres, from location and entry for all minerals under the general mining laws, but not from leasing under the mineral leasing laws.

The Forest Service desires these lands for the purpose of preserving them for their geologic, scientific and scenic interest. Included in the application is the area known as Rock Mesa, in the Three Sisters Wilderness.

A notice of proposed withdrawal and reservation of lands was published on March 1, 1973 in the FEDERAL REGISTER (38 FR 5484) and a notice of the amended application was published on November 23, 1976 in the FEDERAL REGISTER (41 FR 51663).

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, by March 12, 1977. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

All previous comments submitted in connection with the withdrawal proposal have been included in the case file record and will be considered in making a final determination on the proposal.

The lands involved in the amended application are:

WILLAMETTE MERIDIAN, OREGON

DESCHUTES AND WILLAMETTE NATIONAL FORESTS

Obsidian Flows and Dacite Domes Area

T. 17 S., R. 8 E., Unsurveyed,
Sec. 22, S½;
Sec. 23, S½;
Secs. 26 and 27;
Sec. 28, W½;
Sec. 29;
Sec. 30, E½;
Sec. 31, E½;
Sec. 32;
Sec. 33, W½;
Sec. 34;
Sec. 35, N½.

T. 18 S., R. R. 8 E.,
Sec. 3, except Cascade Lakes Road Zone—Forest Road No. 46, withdrawn by PLO 2751, 8/13/62;
Sec. 10, NE¼, except Cascade Lakes Road Zone—Forest Road No. 46, withdrawn by PLO 2751, 8/13/62.

The areas described aggregate approximately 4,580 acres in the Deschutes National Forest in Deschutes County and 1,620 acres in the Willamette National Forest in Lane County, for a total of 6,200 acres.

For a period of two years from November 23, 1976, the lands described above will be segregated from location and entry for all minerals under the general mining laws, unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, the lands will remain segregated to the extent specified in the withdrawal order.

All communications in connection with this withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-4310 Filed 2-9-77;8:45 am]

[Wyoming 56834]

WYOMING

Application

FEBRUARY 3, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Phillips Petroleum Company of Denver, Colorado filed an application for a right-of-way to construct a 6 inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 77 W.,
Sec. 3, NW¼SW¼ and S½S½;
Sec. 4, lots 3 and 4, S½NE¼, SE¼NW¼, and NE¼SE¼;
Sec. 5, lot 1;
Sec. 10, NE¼NE¼;
Sec. 11, W½NW¼, N½SW¼, and SE¼SW¼;
Sec. 23, W½NE¼, SE¼NE¼, and NE¼SE¼.
T. 47 N., R. 77 W.,
Sec. 32, N½SW¼, SE¼SW¼, and S½SE¼.
T. 47 N., R. 78 W.,
Sec. 4, SW¼NW¼ and W½SW¼;
Sec. 9, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 10, SW¼SW¼;
Sec. 14, S½SW¼;
Sec. 15, SW¼NE¼, E½NW¼, NW¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 23, NE¼NW¼.

The pipeline will transport natural gas from a point in the SE¼NE¼ of sec. 32, T. 48 N., R. 78 W., to a point in the NW¼SE¼ of sec. 36, T. 46 N., R. 77 W., Johnson County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 100 East "B" Street, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-4311 Filed 2-9-77;8:45 am]

National Park Service

ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE/JOHNSTOWN FLOOD NATIONAL MEMORIAL

Availability of Draft General Management and Development Plan and Environmental Assessment

The National Park Service has prepared a Draft General Management and Development Plan and Environmental Assessment for Allegheny Portage Railroad National Historic Site/Johnstown Flood National Memorial.

The Plan discusses proposals for future development and management of Allegheny Portage Railroad National Historic Site/Johnstown Flood National Memorial. The Environmental Assessment analyzes the impacts on the resources, visitors and the region that would be associated with the actions proposed in the Plan.

Written comments on the Plan and the Environmental Assessment are invited and will be accepted for a period on or before March 31, 1977. Comments should be addressed to the Regional Director, Mid-Atlantic Region, or the General Superintendent, Western Pennsylvania Group at the addresses given below.

Copies are available from or for inspection at the following locations:

Mid-Atlantic Regional Office, National Park Service, 143 S. Third Street, Philadelphia, Pennsylvania 19106.
General Superintendent, Western Pennsylvania Group, P.O. Box 247, Cresson, Pennsylvania 16630.

Dated: January 26, 1977.

BENJAMIN J. ZERBEY,
Acting Regional Director, Mid-Atlantic Region.

[FR Doc.77-4317 Filed 2-9-77;8:45 am]

Office of the Secretary

[INT FES 77-3]

EL PASO COAL GASIFICATION PROJECT, NEW MEXICO

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement in two volumes for the proposed El Paso Coal Gasification Project and associated coal mines in New Mexico.

The El Paso Natural Gas Company plans to construct and operate one coal gasification plant, a surface coal mine and support facilities on the Navajo Indian Reservation, 35 miles southwest of Farmington, New Mexico.

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.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234-3022.
Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84111. Telephone (801) 524-5580.
Project Construction Engineer, P.O. Box 28, 1006 Municipal Drive, Farmington, New Mexico 87401. Telephone (505) 325-1704.

Single copies of the final statement may be obtained on request from the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: February 18, 1977.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-4375 Filed 2-9-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-6]

LYNNFIELD DRUG, INC.

Revocation of Registration

On February 5, 1976, the then-Acting Administrator of the Drug Enforcement Administration (DEA) directed to Lynnfield Drug, Inc. [hereinafter, "Respondent"], of Lynnfield, Massachusetts, an Order to Show Cause as to why DEA Registration AL5912111, previously issued to Respondent, should not be revoked for reason that on November 24, 1975, in the Essex County Superior Court, Lawrence, Massachusetts, the then managing pharmacist and President of Respondent, Mr. Stanley J. Sokolowski, was convicted of four counts of unlawful distribution of controlled substances, felony violations of the Massachusetts Controlled Substances Act.

On February 24, 1976, Respondent, through counsel, requested a hearing on the Order to Show Cause. Following the filing of written prehearing statements, and a prehearing conference by telephone on April 1, 1976, the requested hearing was scheduled to be held in Boston, Massachusetts in late June, 1976. The hearing was postponed due to the illness of Respondent's counsel. On September 28, 1976, the hearing was held in Washington, D.C., before the Honorable Francis L. Young, Administrative Law Judge.

On January 19, 1977, Judge Young certified to the Administrator, pursuant to 21 CFR 1316.65, the record of the proceedings in this matter, together with his recommended findings of fact and conclusions of law, and a recommended

decision. Pursuant to 21 CFR 1316.66, the Administrator hereby publishes his final order in this proceeding, based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found, inter alia, that Mr. Sokolowski sold controlled substances from Respondent's inventory to an agent of the DEA who approached Mr. Sokolowski in an undercover capacity and represented himself to be the person who had provided the funds for drugs previously purchased from Mr. Sokolowski by an informant. At no time did the agent present Mr. Sokolowski with a prescription for the drugs he sought and received. As a result of his distribution of controlled substances to the undercover agent, Mr. Sokolowski was indicted on seven counts of unlawful distribution of controlled substances and, in November, 1975, upon his pleas of guilty, was convicted of four of these counts. The Administrative Law Judge further found that an audit of Respondent's controlled substance inventory and records conducted by the Massachusetts State Police Diversion Investigative Unit revealed substantial overages in each of the drugs audited. The audit resulted in Mr. Sokolowski being charged with two counts of failing to maintain records in violation of Section 25 of Chapter 94C, Massachusetts General Laws.

Judge Young found that Mr. Sokolowski purchased the pharmacy in early 1974 and caused it to be incorporated, retaining for himself 50 or 51 percent of the stock of the Respondent corporation, Lynnfield Drug, Inc. Mr. Sokolowski served as Respondent's sole pharmacist, its President, its Treasurer, and as a member of its Board of Directors until about two months after his conviction. A Mr. Harold Zide loaned Mr. Sokolowski some $7500, which the latter applied toward the purchase price of the pharmacy, remaining liable to Mr. Zide for the unpaid balance of the personal loan. Mr. Zide became the holder of approximately forty percent of the stock of Respondent corporation and one Mr. Bob Levine received the remaining ten percent. There is no evidence in the record tending to show the giving of any legal consideration for any of these shares.

Mr. Sokolowski received no compensation for the shares he turned over to the new managing pharmacist when, in January, 1976, he resigned his various positions and offices in the Respondent corporation and pharmacy. The Respondent corporation paid for Mr. Sokolowski's criminal defense. Judge Young further observed that the Respondent made no effort to dispute Mr. Sokolowski's conviction but maintained that its DEA registration should not be revoked because it was Mr. Sokolowski, a natural person, and not the corporation, which was convicted in the Massachusetts court, urging the conclusion that there was no lawful basis for revoking the subject registration.

Judge Young found that the thrust of all of the evidence in this case "is to the effect that the corporate registrant, Lynnfield Drug, Inc., was organized and created by, or at the instance of, Mr. Sokolowski, and that Mr. Sokolowski was the manager of the business and the only pharmacist employed there." Judge Young further observed that although the Respondent attempted to show that other natural persons owned interests in the Respondent corporation, its attempts to demonstrate a bona fide equity interest in the corporation by Mr. Zide [and presumably Mr. Levine] were "considerably less than crystal clear." The Administrator concurs in the findings of the Administrative Law Judge.

Judge Young concluded that there is a lawful basis for the revocation sought by the Order to Show Cause. After citing the general principles of law with respect to corporate liability for the acts of officers and agents, Judge Young found that the case at hand was analogous to that in *Arenstein* v. *California State Board of Pharmacy*, 71 Cal. Rptr. 357, 265 C.A. 179 (1968), wherein the State board disciplined the corporate holder of a pharmacy permit on the basis of illegal acts committed by the corporation's officers and employees and done in the course of the licensed business. The Administrative Law Judge quoted the California court, saying, "If a licensee elects to operate his business through employees he must be responsible to the licensing authority for their conduct in the exercise of his license and he is responsible for the acts of his agents or employees done in the course of his business in the operation of the license." Hence, Judge Young concluded that the Administrator could lawfully revoke this corporation's registration and that, since the record did not clearly show the presence of mitigating circumstances, the registration should be revoked.

Judge Young's conclusion follows well-established precedent with respect to the responsibility of corporate registrants for the acts of their officers, agents and employees. See, for example, Matter of Four Corners Pharmacy, Inc., 38 FR 30890; and Matter of Serling Drug Company, Inc., 40 FR 11918, affirmed without written opinion by the United States Court of Appeals for the Sixth Circuit at 524 F. 2d 1406 (1975). To hold otherwise would result in the revocation of the registration of a feloniously violative sole proprietor while denying the same sanction to an equally violative registrant, merely because the latter had adopted a corporate or partnership form. Such a result would not only be not equitable, but would be contrary to the legislative intent behind the enactment of sections 303 and 304 of the Controlled Substances Act.

Having reviewed the record of this proceeding in its entirety, and pursuant to 21 CFR 1316.66, the Administrator adopts the findings, conclusions and recommended decision of the Administrative Law Judge.

Accordingly, under the authority vested in the Attorney General by Section 304 of the Controlled Substances Act (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by 28 CFR § 0.100, as amended, the Administrator hereby orders that the registration of Lynnfield Drug, Inc., AL5912111, be, and it hereby is, revoked, effective thirty days from the date of publication of this Final Order.

Dated: February 2, 1977.

PETER B. BENSINGER,
Administrator.

[FR Doc.77-4350 Filed 2-9-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 77-7]

SPACE PROGRAM ADVISORY COUNCIL (SPAC); APPLICATIONS COMMITTEE

Meeting

The ad hoc informal Subcommittee on Satellite Telecommunications of the SPAC Applications Committee will meet on February 28, 1977, at NASA Headquarters, Federal Office Building 10B, Room 226A, 600 Independence Avenue SW., Washington, D.C. Members of the public will be admitted to the meeting at 10:00 a.m. on a first-come, first-served basis. The seating capacity of the room is 35 people. Visitors will be requested to sign a visitor's register.

This Subcommittee, comprised of 6 members including the Chairman, Mr. Thomas Rogers, serves in an advisory capacity only and will recommend a satellite telecommunications program to NASA.

For further information regarding the meeting, please contact Mr. Louis B. C. Fong, (202) 755-8617. The approved agenda for the meeting on February 28, 1977, is as follows:

Time	*Topic*
10:00 a.m.----	Opening Remarks by Chairman.
10:30 a.m.----	Satellite Telecommunications Program. The report of the National Research Council-Space Applications Board Committee on Satellite Communications (CSC) will be reviewed and discussed and a plan evolved on how the Subcommittee will proceed to formulate a recommended Satellite Telecomunications Program for NASA.
3:30 p.m.----	Adjourn.

Dated: February 4, 1977.

JOHN M. COULTER,
Acting Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.77-4192 Filed 2-9-77;8:45 am]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

COMPUTER PROGRAMS AND DATA BASES, AND PHOTOCOPYING

Meeting

A meeting of the National Commission on New Technological Uses of Copy-

righted Works will be held at 10:00 a.m. on February 24 and 25 in Room 209 of the McGraw-Hill Building, 1221 Avenue of the Americas, New York, New York. The proceedings will be devoted to consideration of preliminary reports prepared by Commission subcommittees concerned with copyright protection for computer programs and computer data bases, and with the impact of photocopying on copyright. The meeting will be opened to the public.

Full transcripts of the meeting will be available for purchase from National Technical Information Service in April 1977; information can be obtained from the Commission.

All members of the public, including representatives of groups concerned, are invited to submit written comments relating to any matters under the Commission's consideration.

All such comments should be addressed to Mrs. Dee Dougherty, Administrative Officer, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558.

ARTHUR J. LEVINE,
Executive Director, CONTU.

[FR Doc.77-4321 Filed 2-9-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR REGULATORY BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Regulatory Biology.

Date and Time: February 28, March 1 and 2, 1977, 9 a.m. to 6 p.m. each day.

Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of Meeting: Closed.

Contact Person: Dr. Nancy B. Clark, Program Director, Regulatory Biology Program, Room 333, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4298.

Purpose of Panel: To provide advice and recommendations concerning support for research in Regulatory Biology.

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 Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: February 2, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-4193 Filed 2-9-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Changed Meeting

Revised notice of meeting on February 10 through 12, 1977. The agenda for this meeting will be revised as noted below.

THURSDAY, FEBRUARY 10, 1977

8:45 a.m.-9:45 a.m.—Executive Session (Open): The Committee will hear and discuss the reports of ACRS Subcommittees and consultants who may be present regarding the evaluation of selected safety issues and generic matters related to light-water reactors. Portions will be closed if necessary to discuss proprietary material or intra-agency memoranda prepared for internal use only.

9:45 a.m.-12:45 p.m. and 1:45 p.m.-5:45 p.m.—Meeting on Evaluation of Selected Safety Issues and Generic Matters related to Light-Water Reactors (Open): The Committee will hear presentations and hold discussions regarding evaluation of selected safety issues and generic matters related to light-water reactors. Portions of this session will be closed if necessary to receive reports from individual NRC employees who will present their personal opinions and recommendations only in confidence. Portions will also be closed if required to review Proprietary Information related to the matters being considered and intra-agency memoranda prepared for internal use only.

5:45 p.m.-6:30 p.m.: Executive Session (Open): The Committee will hear and discuss reports of ACRS Subcommittees regarding proposed Regulatory Guides and regulatory activities related to the practices and policies for correction of ECCS errors for operating power plants.

FRIDAY, FEBRUARY 11, 1977

8:30 a.m.-12:30 p.m.—Meeting With Members of the NRC Staff (Open/Closed): This portion of the meeting will include sessions with the Executive Director for Operations and other members of the NRC Staff related to current reactor operating experience and licensing actions; evaluation of specific generic matters related to lightwater reactors, including performance of steam generator tubes in pressurized water reactors and evaluation of fuel handling accidents inside containment; and evaluation of safety research data and regulatory requirements of the Federal Republic of Germany. The future schedule for ACRS activities will be discussed. Reports will be made to the Committee regarding the NRC program to evaluate integrity of reactor pressure vessels designed and fabricated to the ASME Boiler and Pressure Vessel Code Sections I and VIII and the NRC program to review environmental phenomena at sites with facilities for processing and fabricating plutonium. A portion of this session will be closed to members of the public to provide for a report on and discussion of information related to reactor operations provided in confidence by a foreign government and classified under the provisions of Executive Order No. 11652.

NOTE.—Subsequent portions of the meeting on February 11, 1977, will be delayed by 45 minutes to provide for the discussion noted above.

In addition to minor alternations in the scheduling of the sessions set forth, this revised agenda contains the addition of one item not previously noticed—a closed session at which classified information supplied in confidence by a foreign government will be discussed. This matter was not previously noticed because it did not come to the attention of the Advisory Committee on Reactor Safeguards' Office until February 4, 1977.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close this portion of the meeting to protect material which has been classified under Executive Order No. 11652 (5 U.S.C. 552(b)(1) and that separation nonexempt from exempt material during this session is not considered practical.

NOTE: This document is reprinted without change from the issue of Tuesday, February 8, 1977.

Dated: February 4, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-4187 Filed 2-7-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.68, "Initial Test Programs for Water-Cooled Reactor Power Plants," describes the general scope and depth of initial test programs acceptable to the NRC staff for water-cooled reactor power plants. Separate regulatory guides providing more detailed guidance in the conduct of initial test programs for specific systems are developed as considered necessary. Such guides are now being designated Regulatory Guide 1.68.X series guides.

Regulatory Guide 1.68.2, "Initial Startup Test Program to Demonstrate Remote Shutdown Capability for Water-Cooled Nuclear Power Plants," amplifies the guidance provided in Regulatory Guide 1.68. It describes in more detail an initial startup test program acceptable to the

NRC staff for demonstrating hot shutdown capability and the potential for cold shutdown from outside the control room. This guide applies to water-cooled nuclear power plants.

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 1.68.2 will, however, be particularly useful in evaluating the need for an early revision if received by April 8, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 2nd day of February 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.77-4191 Filed 2-9-77;8:45 am]

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 37 and 35 to Facility Operating License Nos. DPR-29 and DPR-30 (respectively) issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of the Quad Cities Unit Nos. 1 and 2 (the facilities) located in Rock Island County, Illinois. These amendments are effective 30 days after the date of issuance.

The amendments incorporate into the Technical Specifications provisions for spent fuel cask handling and approves the overhead crane handling system for Quad Cities Unit Nos. 1 and 2.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for these amendments dated March 2, 1976, and related filings dated November 8, 1974, June 10, 1975, December 8, 1975, February 9, 1976 and March 29, 1976; (2) Amendment Nos. 37 and 35 to License Nos. DPR-29 and DPR-30; and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Moline Public Library, at 504 17th Street in Moline, Illinois 60265.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of January, 1977.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-3916 Filed 2-9-77;8:45 am]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 25 and 22 to Facility Operating Licenses Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of the Zion Station Units Nos. 1 and 2 (the facility) located in Zion, Illinois. The amendments are effective as of the date of issuance.

These amendments (1) delete the requirement to perform thermal plume discharge studies with Zion Unit No. 1 at full power operation, (2) revise the instrumentation requirements for the measurement of dissolved oxygen, and (3) revise the requirements for the measurment of circulating water ΔT.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this section, see (1) the applications for amendments dated September 23 and December 16, 1976, and (2) Amendments Nos. 25 and 22 to Licenses Nos. DPR-39 and DPR-48. 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 Waukegan Public Library, 128 North County Street, Waukegan, Illinois, 60685. 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, Maryland, this 24th day of January 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-3917 Filed 2-9-77;8:45 am]

[Docket No. 50-564]

EXXON NUCLEAR CO., INC.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Exxon Nuclear Company, Inc., has filed an environmental report, docketed December 16, 1976, in support of their application to construct and operate the Nuclear Fuel Recovery and Recycling Center to be located in Roane County, Tennessee. The report, which discusses environmental considerations related to the construction and operation of the proposed facility, is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Oak Ridge Public Library, Civic Center, Oak Ridge, Tennessee. Copies of the report are also being made available at the State Clearinghouse, Director, Office of Urban and Federal Affairs, 108 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee, and at the East Tennessee Development District, 1810 Lake Avenue, Knoxville, Tennessee 37916.

After the environmental report has been analyzed by the staff, a draft envi-

ronmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmnetal statement, the staff will prepare a final environmnetal statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Silver Spring, Maryland, this 27th day of January, 1977.

For the Nuclear Regulatory Commission.

ROBERT M. BERNERO,
Chief, Fuel Reprocessing and Recycle Branch Division of Fuel Cycle and Material Safety.

[FR Doc.77-3912 Filed 2-9-77;8:45 am]

[Docket No. 50-564]

EXXON NUCLEAR CO., INC.

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by Exxon Nuclear Company, Inc. (the applicant), for a construction permit for a reprocessing plant designated as the Nuclear Fuel Recovery and Recycling Center (the facility), which will have the capacity to store up to approximately 7000 tonnes of irradiated nuclear fuel and to process 2100 tonnes of fuel per year. The proposed facility is to be located in Roane County, Tennessee.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facility, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Dr. Oscar H. Paris, member; Dr. Hugh C. Paxton, member; and Sheldon J. Wolfe, Esq., Chairman.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Material Safety and Safeguards will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicant. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters for consideration.

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR § 50.35(a): (a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permit should be issued as proposed.

ISSUES PURSUANT TO CFR § 2.761a, (LIMITED WORK AUTHORIZATION)

6. Pursuant to 1p CFR 2.761a, a separate hearing and partial decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Material Safety and Safeguards may, pursuant to 10 CFR 50.10(e) authorize the applicant to conduct certain onsite work entirely at its own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine without conducting a de novo evaluation of the application: (1) whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Material Safety and Safeguards on Items 1-4 above, and to support, insofar as the Commission's license requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Nuclear Material Safety and Safeguards; and (2) whether the NEPA review conducted by the Commission's staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether a construction permit should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) determine whether the requirements of section 102(2) (A), (C), and (D) of NEPA and Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permit with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether a construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their conusel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be premitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by April 11, 1977. The presiding Atomic Safety and Licensing Board may make further provision with respect to limited appearances subsequently during the course of this proceeding.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding, (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (2) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limtations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by March 14, 1977. A petition for leave to intervene which is not timely will not be entertained absent a determination by the Board that the petitioner, in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a)(1)–(4) shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by March 2, 1977.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to LeBoeuf, Lamb, Leiby & MacRae, 1757 N St. NW., Washington, D.C. 20036, Attention: Mr. L. M. Trosten, Attorney for the applicant.

For further details, see the partial application for a construction permit dated January 28 and June 12, 1976, and the applicant's environmental report docketed December 16, 1976, which, along with any amendments or supplements thereto are or will be available as noted above for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of these documents will also be available at the Oak Ridge Public Library, Civic Center, Oak Ridge, Tennessee, for inspection by members of the public between the hours of 10 a.m. to 9 p.m., Monday through Thursday; 10 a.m. to 6 p.m. Friday; 9 a.m. to 6 p.m. Saturday; and 2 p.m. to 6 p.m. Sunday. As they become available, a copy of the safety evaluation report by the Commission's Office of Nuclear Material Safety and Safeguards, the draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permit and the ACRS report may be obtained, when available, by request to the Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, United States Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Material Safety and Safeguard's safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Washington, D.C. this 27th day of January, 1977.

United States Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary to the Commission.

[FR Doc.77-3913 Filed 2-9-77;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR–50, issued to Metropolitan Edison Company, Jersey Central Power & Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the provisions in the Technical Specifications relating to the frequency at which a cow census will be performed and the location of one sampling station.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environment impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 4, 1975 and November 22, 1976, and (2) Amendment No. 23 to License No. DPR–50. Both 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 Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

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, Maryland, this 17th day of January 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-3918 Filed 2-9-77;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Notice of Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 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, for operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the technical specifications to provide for installation and operation of an interim off-gas treatment system (IOGS) for Millstone Unit No. 1. Specifically, technical specification 3.8.A.3 has been revised to lower the noble gas in-process activity inventory of the IOGS from 2.48 to 1.37 c1/sec.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on September 13, 1976 (41 FR 38831). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an invironmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 20, 1976. (2) Amendment No. 35 to License No. DPR-21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of February 1977.

For the Nuclear Regulatory Commission.

JAMES J. SHEA,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-3919 Filed 2-9-77;8:45 am]

[Docket Nos. 50-390 and 50-391]

TENNESSEE VALLEY AUTHORITY

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

TENNESSEE VALLEY AUTHORITY

(Watts Bar Nuclear Plant, Units 1 and 2) Construction Permits Nos. CPPR-91 and CPPR-92.

This action is in reference to a notice published by the Commission on December 27, 1976, in the FEDERAL REGISTER (41 FR 56244) entitled "Receipt of Application for Facility Licenses; Consideration of Issuance of Facility Operating Licenses and Opportunity for Hearing".

The members of the Board and address are as follows:

Marshall E. Miller Esq., Chairman
Dr. Richard F. Cole, Member
Lester Kornblith, Member

The address for all the Board Members is:

Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 2nd day of February 1977.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Chairman

[FR Doc.77-3926 Filed 2-9-77;8:45 am]

[Docket Nos. STN-50-566; STN-50-567]

TENNESSEE VALLEY AUTHORITY (YELLOW CREEK NUCLEAR PLANT, UNITS 1 AND 2)

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board, to consider the application filed under the Act by the Tennessee Valley Authority (the applicant) for construction permits for two pressurized water nuclear reactors designated as the Yellow Creek Nuclear Plant, Units 1 and 2 (the facilities), each of which will be designed for operation at 3800 megawatts core thermal power with a net electrical output of approximately 1300 megawatts. The proposed facilities are to be located in Tishomingo County, Mississippi.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Lester Kornblith, Dr. Oscar H. Paris, and John M. Frysiak, Esquire, Chairman.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters for consideration.

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a): (a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

ISSUES PURSUANT TO 10 CFR 2.761a (LIMITED WORK AUTHORIZATION)

6. Pursuant to 10 CFR § 2.761a, a separate hearing and partial decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR § 50.10(e) authorize the applicant to conduct certain onsite work entirely at its own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine without conducting a de novo evaluation of the application: (1) whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission's staff has been adequate.

In the event that this proceeding becomes a contested proceeding the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) determine whether the requirements of section 102(2) (A), (C), and (D) of NEPA and Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by April 12, 1977. The presiding Atomic Safety and Licensing Board may make further provisions with respect to limited appearances subsequently during the course of this proceeding.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by March 14, 1977. A petition for leave to intervene which is not timely will not be entertained absent a determination by the Board that the petitioner, in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a) (1)–(4) shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by March 2, 1977.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Herbert S. Sanger, Jr. Esq., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, Knoxville, Tennessee 37902, attorney for the applicant.

For further details see the application for construction permits dated July 16, 1976, including site suitability information, the applicant's full preliminary safety analysis report, and the applicant's environmental report dated December 17, 1976, which, along with any amendments or supplements thereto, are or will be available as noted above for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be available at the Corinth Public Library, 1023 Fillmore Street, Corinth, Mississippi 38834, for inspection by members of the public between the hours of 9 a.m. and 8 p.m., Monday through Thursday, and 9 a.m. and 5 p.m., Friday and Saturday.

As they become available a copy of the safety evaluation report by the Commission's Office of Nuclear Reactor Regulation, the draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permits and the ACRS report may be obtained, when available, by request to the Director, Division of Project Management, Office of Nuclear Reactor Regulation, United States Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Washington, D.C., this 1st day of February, 1977.

United States Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-3914 Filed 2-9-77;8:45 am]

DRAFT ENVIRONMENTAL STANDARD REVIEW PLANS, PART I

Availability of Draft for Public Comment

The Nuclear Regulatory Commission is developing Environmental Standard Review Plans (ESRPs) for the purpose of directing the NRC staff's environmental review of applications for nuclear power plant construction permits. When completed, these plans will serve to inform interested parties of the nature of the technical portion of the environmental review and the basis for the various technical conclusions made.

Draft Environmental Standard Review Plans, Part I, covers approximately one-third of the total plans to be completed. The remaining plans will be issued later in 1977.

Interested persons may submit comments on the Draft ESRP, Part I, for the Commission's consideration. Comments are due by May 15, 1977.

The Draft Environmental Standard Review Plans, Part I, (NUREG-0158) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Requests for single copies should be addressed to the Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Rockville, Maryland this 1st day of February 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-3915 Filed 2-9-77;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT STATION, UNIT NO. 2)

Order Convening Evidentiary Hearing

In the matter of extension of interim operation period.

The Atomic Safety and Licensing Board has considered with the attorneys for the several parties in this proceeding the selection of a date convenient for resuming the hearings to consider the items unfinished at the December 1976 sessions and also to receive from the Regulatory Staff and the Applicant the cost-benefit analyses prepared in the recess since December. The date of February 23rd is convenient to all parties.

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 hearing in this proceeding shall convene at 9:00 a.m. on Wednesday, February 23, 1977 in the Ceremonial Courtroom of the Westchester County Courthouse, 111 Grove Street, White Plains, New York 10601.

Issued: February 3, 1977, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.77-4166 Filed 2-9-77;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT 1)

Order Convening Evidentiary Hearing

The Atomic Safety and Licensing Board by separate determination and Order has considered the motion to reopen this proceeding filed by Mid-America Coalition for Energy Alternatives. The Board has granted the motion for the reasons stated in a seven-page Order to consider the financial capability of the Kansas Gas and Electric Company and Kansas City Power and Light Company (Applicants) to construct and operate the proposed nuclear power generating station identified as Wolf Creek, Unit No. 1.

This Order is the abbreviated form of the seven-page Order and determination reopening the proceeding for reasons shown therein and to which reference is made.

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 hearing shall convene at 9:00 a.m. on Tuesday, March 22, 1977, in Room 205, Legislative Chambers, Jackson County Courthouse, 415 East 12th Street, Kansas City, Missouri 64106.

Issued: February 4, 1977, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.77-4167 Filed 2-9-77;8:45 am]

[Docket No. 27-39]

NUCLEAR ENGINEERING CO., INC.

Amendment of Byproduct, Source and Special Nuclear Material License; Correction

FEBRUARY 2, 1977.

In FR Doc. 77-1480 appearing at page 3228 in the FEDERAL REGISTER of January 17, 1977 the last paragraph is corrected to read as follows:

The Commission determined that prior public notice of proposed issuance of this amendment was not required since the amendment does not involve hazard considerations different from those previously evaluated.

For the Nuclear Regulatory Commission.

BERNARD SINGER,
Chief, Radioisotopes Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77-4168 Filed 2-9-77;8:45 am]

[Docket Nos. STN 50-556 and STN 50-557]

PUBLIC SERVICE CO. OF OKLAHOMA AND ASSOCIATED ELECTRIC COOPERATIVE, INC.

Availability of Final Environmental Statement for the Black Fox 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 prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed con-

struction of the Black Fox Station, Unit Nos. 1 and 2, to be located in Rogers County, Oklahoma, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in the Tulsa City-County Library, Tulsa, Oklahoma. The Final Environmental Statement is also being made available at the Office of Community Affairs and Planning, State Grant-in-Aid Clearinghouse, 4901 North Lincoln Boulevard, Oklahoma City, Oklahoma, and at the Northeast Counties of Oklahoma Economic Development District, 215 South Wilson, Vinita, Oklahoma.

The notice of availability of the Draft Environmental Statement for the Black Fox Station, Unit Nos. 1 and 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on July 15, 1976 (41 FR 29231). The comments received from Federal, State and local agencies, and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0176) may be purchased, at $12.00 for printed copies and $3.00 for microfiche, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Rockville, Maryland, this 2nd day of February 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-4188 Filed 2-9-77;8:45 am]

[Docket Nos. STN 50-546; STN 50-547]

PUBLIC SERVICE CO. OF INDIANA, INC. (MARBLE HILL NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Postponing Evidentiary Hearing

This order will not be serviced on all parties since a long order was serviced to all parties which contained this information.

The evidentiary hearing scheduled for February 15, 1977 is postponed and will be rescheduled at a later date. This action was taken because the Licensing Board determined that an amended notice of hearing would be issued due to the fact that there are two new co-applicants (co-owners) for the facility.

It is so ordered.

Dated at Bethesda, Maryland this 3rd day of February, 1977.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.77-4169 Filed 2-9-77;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to provide for specific surveillance and testing of the reactor building crane prior to fuel cask handling.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 8, 1976, (2) Amendment No. 29 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of January 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-4189 Filed 2-9-77;8:45 am]

[Docket No. STN 50-572]

WESTINGHOUSE ELECTRIC CORP.

Receipt of Standard Safety Analysis Report; Correction

In FR Doc. 77-2765 appearing on page 5156 of the issue for Thursday, January 27, 1977, the comment date which was omitted should read February 28, 1977.

Dated at Bethesda, Maryland, this 3rd day of February 1977.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch No. 4, Division of Project Management.

[FR Doc.77-4190 Filed 2-9-77;8:45 am]

[Doc. Nos. 50-546A and 50-547A]

PUBLIC SERVICE CO. OF INDIANA, INC. AND EAST KENTUCKY RURAL ELECTRIC COOPERATIVE

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated February 1, 1977.

You have requested our advice pursuant to section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application. We have examined the information submitted by applicant in connection with the present application, as well as other pertinent information with respect to applicant's competitive relationships which is available to the Department.

You should be aware that in the course of our antitrust review of this application, the City of Frankfort, Kentucky, contended that license conditions are necessary to remedy a situation allegedly inconsistent with the antitrust laws. Frankfort complains that East Kentucky Rural Electric Cooperative "(while not having) pursued such a policy on its own, • • • has been the subject of implicit and explicit actions of neighboring privately-owned systems to assure that [East Kentucky] does not provide Frankfort with an opportunity to enter the bulk power supply market." This allegation, if supported by evidence, could raise substantial antitrust questions. However, a provision of Kentucky's legislation authorizing rural electric cooperatives prohibits such entities from transmitting, distributing or furnishing electric energy for resale, either directly or indirectly, to municipal electric systems except any to which the cooperative's electric facilities were physically connected on the effective date of the statute. Frankfort was not interconnected with East Kentucky on such date. East Kentucky thus appears to be barred from engaging with Frankfort in the activities specified in the statute. It is our view that the Nuclear Commission would be unable to remedy an anticompetitive situation which is in effect mandated by the State of Kentucky as sovereign, see *Goldfarb* v. *Virginia State Bar*, 421 U.S. 773 (1975), as opposed to one initiated by the utility and approved by the state, *Cantor* v. *Detroit Edison Co.*, 96 S. Ct. 3110 (1976). Here the situation is mandated by what we assume to be a constitutional state law. Accordingly, we conclude that no antitrust hearing is required in connection with the instant application.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to inter-

vene and requests for hearing shall be filed by March 12, 1977, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW, Washington, D.C., or (2) by mail or telegram addressed to the Secretary, US Nuclear Regulatory Commission, Washington, D.C. 20555, Attn.: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group, Nuclear Reactor Regulation.

[FR Doc.77-4436 Filed 2-9-77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-6]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Pipeline Accident Report and Safety Recommendations.—Following investigation, the National Transportation Safety Board has released its report on a gasoline pipeline fire which last June 16 killed nine persons in Los Angeles, California. The report, No. NTSB-PAR-76-8, was released January 31.

The accident occurred when an 8-inch pipeline owned by Standard Oil Company of California was struck and ruptured by excavation equipment which was being used on a road-widening project. The escaping gasoline sprayed on nearby buildings and ignited 90 seconds later.

The Safety Board determined that the probable cause of the accident was the rupture of the pipeline by the excavation equipment, whose operator was unaware of the pipeline's precise depth and location. Although the line was known to exist, its precise depth and location were not known by the pipeline operator, the construction contractor, the subcontractor, or the California Department of Transportation.

Incorporated in its report, and the subject of four separate recommendation letters also issued January 31, are the following safety recommendations to State and industry organizations to improve coordination of safety efforts in construction projects of this type:

To the Standard Oil Company of California—

Submit precise, accurate data concerning the depth and location of your pipelines for all future construction projects. (Recommendation P-76-87.)

Conduct inspections of operations along your pipelines to insure that construction does not risk pipeline integrity. (P-76-88)

Insure adequate communications with contractors and other parties through written substantiated means during excavation work, including more testhole verification for the depth and location of pipelines. (P-76-89)

Join any "one-call" systems in areas where pipelines operate and help to organize systems where they do not exist. (P-76-90)

To the California Department of Transportation—

Develop guidelines for preconstruction meetings, which should include methods of preventing damage to underground utilities to be encountered during the proposed construction work. Such preconstruction meetings should be attended by all operators whose facilities are involved. (P-76-91) (The Safety Board made this recommendation to the American Public Works Association on February 2, 1973.)

Cooperate and coordinate with those groups attempting to establish a "one-call" notification system in southern California and other areas of the State where none exist, and work with systems already in existence. (P-76-92)

Require, as a prerequisite of a contract award, that the contractor be in contact with the "one-call" notification system or the individual facilities operators to determine the precise depth and location of any underground facilities before beginning the project. (P-76-93)

To the Interstate Natural Gas Association of America, to the American Gas Association, and to the American Petroleum Institute—

Advise member companies whose facilities are exposed to excavation construction projects to take immediate action to mark and locate their facilities accurately. (P-76-94)

To the Griffith Company of Long Beach, California, the prime contractor for the project, and to C. W. Poss, Inc., of Huntington Beach, California, the subcontractor—

Cooperate and coordinate with those groups attempting to establish a "one-call" system in areas in which they conduct excavation activities. (P-76-95)

Each of these nine recommendations is designated "Class II, Priority Followup."

Railroad Safety Recommendations.—Early investigation of the derailment last month of an Amtrak train near Birmingham, Alabama, has prompted the Safety Board to urge the Federal Railroad Administration to take prompt corrective action. The subject accident occurred January 16 on the Louisville and Nashville Railroad Company track. The train, with SDP-40F-type locomotive units, was moving at a speed of 43 mph around a 5° curve; the superelevation of the curve was 4 inches, and the maximum allowable speed was 40 mph.

Accompanying the Safety Board's recommendation letter issued February 3 to the FRA is a listing of 17 trains with either the SDP-40F-type or the P-30CH-type locomotive which have derailed since January 14, 1974. Preliminary investigations of these accidents indicate that on curves which exceed 1°30′ and which have certain deviations in track geometry, passenger train locomotives of the SDP-40F and P-30CH-types with 6-wheel trucks and which travel at speeds above 48 mph cause the outside rail to either move laterally or to tip outward. This permits the wheels of the locomotive and following cars to derail. The gage widens even though the 6-wheel truck locomotives do not deviate from design standards, and inspections of the track indicate that it generally complies with the Federal Track Standard for the authorized speeds of the trains, according to the Safety Board.

In light of these findings, the Safety Board now recommends that FRA—

Investigate immediately the interaction between SDP-40F and P-30CH locomotives of passenger trains and track conditions to determine the causes for the widening of the track gage and act to correct the causes. (R-77-1)

Until such investigation and corrections are completed, restrict passenger trains with SDP-40F or P-30CH locomotives to speeds that will permit safe operation around curves of 1°30′ or more on Class 4 or less track. The speeds should not exceed the equilibrium speed on such curves. (R-77-2)

Both recommendations are designated "Class I, Urgent Followup."

Responses to Safety Board Recommendations.—Received during the past week were letters from the following addressees of earlier Board recommendations:

Federal Aviation Administration. Letter of January 19 responds to recommendations A-76-132 and A-76-133 which asked FAA to take rulemaking action concerning the carriage of mental patients who are potentially dangerous to themselves and to others. (See 41 FR 45073, October 14, 1976.)

In response to A-76-132, FAA indicates that analysis of alternative methods, including rulemaking, to solve this problem leads to the conclusion that the preparation and dissemination of advisory material would be the best course of action. According to FAA, the specific type of incident which led to these two recommendations is "an isolated one and thus does not in itself justify the development of a rule."

Further, FAA states, "During our study of this recommendation, we have had discussions with the principal groups who transport patients by air and they are very much interested in retaining this right and will work closely with us in developing guidelines and insuring they are followed. We have also met with the Air Transport Association, National Air Transportation Associations, Inc., and Commuter Airlines Association of America which have also expressed a willingness to cooperate. The possibility exists that if we undertook rulemaking, some carriers would file a no-carriage tariff, thereby preventing program administrators from transporting mental patients."

In answer to A-76-133 FAA plans to issue by the end of June an advisory circular which will be forwarded to the aviation industry and those institutions engaged in transporting mental patients by air.

U.S. Coast Guard. Letter of January 31 updates Coast Guard's response of last March 9 to recommendation M-74-25 which followed investigation into the death of three ship's officers aboard the *SS William T. Steele* on 18 November 1972. (See 41 FR 12361, March 25, 1976.) The recommendation asked Coast Guard review and revision of the requirements regarding the responsibility of owners/masters to indoctrinate crews in the safe use of emergency equipment on tank vessels. Coast Guard indicates that new

tankerman regulations are now in the final stages of preparation and will be published as a proposed rulemaking next July.

Federal Railroad Administration. Letter of January 31 concerns recommendation R–76–58 which asked FRA to restrict the maximum authorized train speed over the Chessie System, New River Subdivision, to 30 mph until the track is safe for higher operating speeds. (See 42 FR 2732, January 13, 1977.) FRA notes that a meeting was held on January 6, 1976, between representatives of FRA and the Safety Board when it was agreed that before acting to reduce the maximum authorized speed a joint FRA/NTSB on-the-ground inspection should be made to determine if track conditions warrant the 30 mph show order. The inspection, scheduled to begin January 10, was postponed because of weather conditions. FRA states that until such time as the inspection is made FRA will, as part of its regular inspection program, continue to monitor the carrier's compliance activities on the New River Subdivision.

Also received from FRA is a letter dated February 3 regarding recommendations R–77–1 and R–77–2 (see above) attaching copies of the following correspondence which relates to these recommendations and to actions which FRA indicates have been initiated to develop solutions to the problems:

1. A press release recently issued by Amtrak announcing a four-party test program to determine the cause of passenger train derailments involving the SDP–40–F locomotives.

2. Amtrak instructions issued to all operations' officers enumerating action items to be implemented immediately with Amtrak SDP–40–F locomotives dated January 27, 1977. FRA notes that these items are the result of FRA's recommendations submitted to Amtrak on January 21.

3. Amtrak's response, dated January 25, to FRA's recommendations.

Although FRA's recommendations to Amtrak contained no reference to P–30–CH locomotives, FRA states that it intends to participate with Amtrak in further testing of the P–30–CH locomotives and to include the same tests to which the SDP–40–F units are subjected.

American Petroleum Institute, one of three recipients of recommendation P–76–94 issued January 31, indicates by letter of February 1 that copies of the recommendation, as well as the related report of the June 16, 1976, Los Angeles gasoline pipeline explosion (see above), have been distributed to Institute members who operate petroleum and natural gas pipelines. The Institute states that for many years it has supported the permanent marking of pipelines and in 1971 published a recommended practice on this subject. Also, the Institute supported efforts to improve liaison between the owners of underground structures and excavators and the establishment of effective "one-call" excavation alerting systems in areas where such operations are useful. In noting that the petroleum pipeline industry has long supported effective temporary marking of pipelines and their proper location during construction activity, the Institute states, "Pipeline operators routinely follow good practice in these regards in their daily operations."

The American Society of Mechanical Engineers. Letter of January 26 responds to recommendation P–76–102 which asked for revision of Appendix G–11 of the ASME Guide to Gas Transmission and Distribution Systems to include information appropriate to heavier-than-air systems. (See 42 FR 5158, January 27, 1977.) ASME informs the Board that as a result of an internal Committee recommendation made last summer, a major program was initiated to develop Guideline material for the inclusion of heavier-than-air systems in Appendix G–11; also, the Leakage Control Task Group of the Committee has already generated several pages of material pertinent to heavier-than-air systems. ASME states that this Guideline material has been developed by personnel well experienced in all types of gas leakage surveys and leakage controls for both lighter and heavier-than-air systems. The material is expected to be approved in 1977.

The accident report and the safety recommendations are available to the general public; single copies may be obained without charge. Copies of the letters responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquires to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the pipeline 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) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

FEBRUARY 7, 1977.

[FR Doc.77–4319 Filed 2–9–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

DIVERSIFIED EARTH SCIENCES, INC.

Suspension of Trading

FEBRUARY 4, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Diversified Earth Sciences, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 11:15 a.m. (EST) February 4, 1977 through February 13, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–4348 Filed 2–9–77;8:45 am]

SMALL BUSINESS ADMINISTRATION

PORTLAND DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Portland District Advisory Council will hold a public meeting at 9:30 a.m., Wednesday, February 23, 1977, at the Multnomah Athletic Club, 1849 S.W. Salmon, Room 205–206, Portland, Oregon, to discuss such business as may be presented by members and the staff of the Small Business Administration. For further information write or call J. Don Chapman, U.S. Small Business Administration, New Federal Building, 1220 S.W. Third Avenue, Portland, Oregon 97204, (503) 423–3461.

Dated: February 7, 1977.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.77–4333 Filed 2–9–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77–021]

TOWING INDUSTRY 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 Towing Industry Advisory Committee to be held March 1–2, 1977, at 9 a.m. at the Riverside Hilton Hotel, Tampa, Florida. The agenda for this meeting is as follows:

1. Discussion of the following items: (a) Towing Vessel Operation Manual; (b) Temporary barge repairs; (c) Cargo tank boundary weld failures on double skin tank barges; (d) Tankerman certification; (e) Venting system safety appraisal; (f) Pollution abatement; (g) Review of existing regulations; (h) Casualty reporting requirements; (i) Towing vessel stability; (j) Able seamen examination for 2nd class operator license; (k) Occupational safety and health standards; (l) Tank barge construction and design standards for pollution abatement; (m) Cargo information cards; (n) Regulation recodification.

2. Any other business brought before the committee.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should

notify, not later than the day before the meeting, and information may be obtained from, Captain G. K. Greiner, Jr., Executive Director, Towing Industry Advisory Committee, Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590, 202-426-1477. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on February 1, 1977.

W. M. BENKERT,
Rear Admiral, Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.77-4250 Filed 2-9-77;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX73-7; Notice 5]

ALBANY MOTOR CARRIAGE CO.

Petition for Temporary Exemption From Motor Vehicle Safety Standards

Correction

In FR Doc. 77-3512, appearing at page 7185 in the issue for Monday, February 7, 1977, the "comment closing date", was inadvertently omitted. It should have been March 9, 1977.

[Docket No. IP 76-9; Notice 2]

FLEETWOOD ENTERPRISES INC. ET AL.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice denies a petition submitted on behalf of Champion Home Builders Company, Dryden, Michigan, Fleetwood Enterprises Inc., Riverside, California, and Winnebago Industries, Inc., Forest City, Iowa, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq) for an apparent noncompliance with 49 CFR 571.302 Motor Vehicle Safety Standard No. 302 Flammability of Interior Materials. Notice of the petition was published on September 16, 1976 (41 FR 39829) and an opportunity afforded for comments.

The companies concerned are manufacturers of motor homes. The apparent nonconformances were discovered by this agency in testing shower curtain materials for compliance with Standard No. 302. A summary of the test results appears below:

1. Fleetwood Enterprises Inc. (File CIR-1046).—Petitioner's motor homes bear the trade name "Pace Arrow." Approximately 8,225 vehicles manufactured between September 1, 1972 and March 1974 contain shower curtains of the suspect material.

Standard No. 302 requires that fabrics used in vehicle interiors not burn at a rate exceeding 4 inches a minute when tested in longitudinal and transverse directions. Seven failures were recorded in 10 tests, all in the transverse direction with measured burn rates per minute of 12.9 inches, 17.1 inches, 20.0 inches, 20.1 inches, 20.5 inches, 21.3 inches, and 21.8 inches.

2. Champion Motor Homes (File CIR-1062).—Approximately 9,000 motor homes manufactured between September 1, 1972 and April 1974 are involved.

Five failures were recorded in 18 NHTSA compliance tests, one in the longitudinal direction at a burn rate of 11.3 inches a minute, and four in the transverse direction at 5.7, 10.7, 10.9, and 25.9 inches a minute.

3. Winnebago Industries (File CR-1083).—Petitioner manufactured approximately 2,811 motor homes between July 16, 1973 and March 1974 that are affected.

Seven failures were recorded by NHTSA in 16 compliance tests, two in the longitudinal direction with burn rates per minute of 20.3 and 22.5 inches and five in the transverse direction at 11.3, 16.7, 17.6, 18.0, and 19.7 inches.

Petitioners argued that "the results of a few tests showing failure is no indication that all shower curtains, if so tested, would fail." In their view, the noncompliance is inconsequential because shower curtains are used in enclosed areas, and a door can "readily be closed to separate the occupants from immediate fire hazard." In addition the curtain is in an area where "there is an abundant supply of water on both sides of the curtain for use to extinguish any fire." Virtually everything in the shower area "is either not flammable or fire retardant" (e.g., commodes, medicine cabinets, vanities). Finally petitioners argue that there has never been evidence of fires, accidents or injuries resulting from the use of any shower curtains.

No comments were received in response to the notice.

By definition (15 U.S.C. 1391(2)) a "motor vehicle safety standard" is "a minimum standard for motor vehicle performance, or motor vehicle equipment performance." The minimum requirement established by Standard No. 302, after notice, public comment, due consideration, and reconsideration, a value supported by the rulemaking record, is that the burn rate of fabric tested horizontally shall not exceed 4 inches a minute. The average margin of noncompliance here concerned is 18.9 inches (Fleetwood), 12.9 inches (Champion), and 18.0 inches (Winnebago). These averages are hardly inconsequential. When averaged with the samples that passed (in this instance, samples that did not ignite and showed no burn rate whatever) the average burn rate of shower curtain fabric still exceeds the standard's minimum-13.37 inches (Fleetwood), 4.03 inches (Champion), and 7.88 inches (Winnebago). Since the standard requires only that fabric be tested horizontally, it is probable that in a fire a hanging shower curtain would experience a more severe burn rate since it is used in a vertical position. Fleetwood Enterprises Inc., Champion Motor Homes, and Winnebago Industries have not met their burden of convincing this agency that the noncompliances are inconsequential as they relate to motor vehicle safety, and their petitions are hereby denied.

(Sec. 102 Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on February 4, 1977.

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

[FR Doc.77-4201 Filed 2-9-77;8:45 am]

[Docket No. EX74-1; Notice 3]

STUTZ MOTOR CAR OF AMERICA, INC.

Petition for Temporary Exemption

Stutz Motor Car of America, Inc. of New York City has applied for an extension of its temporary exemption from Motor Vehicle Safety Standard No. 215, Exterior Protection, which expired January 1, 1977, on the basis that compliance would cause it substantial economic hardship. Notices of Stutz's previous petition and its grant were published on February 28, 1974 (39 FR 7830) and April 30, 1974 (39 FR 15061).

Stutz manufactured 38 passenger cars in 1976. It requests an exemption from Standard No. 215 for one more year. In support of its original petition Stutz stated that in its opinion it

> * * * is in compliance with the standard except the possibility of not being able to open the hood after impact due to the possibility of the brass radiator shell jamming the hood or hood release in closed position. It believes that all other safety related components such as lights, door opening, trunk opening, exhaust system and cooling system will remain in conformity with the standard.

It had planned to conform by December 31, 1976, using the funds generated by sales to "implement the necessary styling and design requirements". However, it discovered that "the cost of modifying all our forms and fixtures could not possibly be amortized into the limited number of cars produced". The company had a net profit of $107,819 in its last fiscal year ending June 30, 1976. It expects to be able to comply by the end of 1977 with Standard No. 215 when it begins production of a successor to the current Stutz.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Stutz Motor Car described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested

but not required that five copies by submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: March 14, 1977.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 4, 1977.

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

[FR Doc.77-4200 Filed 2-9-77;8:45 am]

RULEMAKING PROCEDURES

Revision of Internal Rulemaking Process

This notice announces a revision of the rulemaking process followed internally by the National Highway Traffic Safety Administration (NHTSA) in the planning, development, and issuance of safety, damageability, odometer, fuel economy, consumer information, and certain procedural regulations.

The rulemaking affected by the revision is generated under authority and in accordance with the statutory criteria of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391, et seq.), and Titles I, IV, and V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. §§ 1901, et seq.). Rulemaking procedures for rulemaking under these Acts appear at 49 CFR Part 553. To supplement these authorities, the NHTSA has had an internal directive in effect for the processing of rulemaking initiatives through the planning, research, development, and issuance stages. Some cumbersome aspects in the management of early planning, development, and justification of rulemaking initiatives has resulted in the revision of the directive announced in this notice.

The new internal directive is titled "Order 800-1" and differs from the existing directive of the same name in three basic respects. The connection has been strengthened between the "Multi-Year" plan that guides all agency rulemaking and the individual rulemaking actions of the separate program offices. In this fashion, the rulemaking programs are intended to derive maximum benefit from the research and planning expertise that has been developed by the NHTSA in its first 10 years.

The several internal support documents for rulemaking action have been simplified and streamlined so that a smaller percentage of rulemaking needs to be handled under expedited procedures (with less internal coordination and written justification). The streamlining also reflects the Department of Transportation's emphasis on the systematic evaluation of rulemaking prior to any policy decision to issue a proposal or final rule (41 FR 16200, April 16, 1976) and the agency's newly issued Part 520 (Procedures for Considering Environmental Impacts).

The streamlined "rulemaking support paper" will be independently reviewed by each Associate Administrator and the Chief Council in a less cumbersome fashion than in prior procedures, and the Administrator, not the Deputy Administrator, will decide whether to proceed with rulemaking, based on the comments received.

The revised Order 800-1 is available to the public. The Order will be phased in for new rulemaking initiatives and for pending rulemakings as directed by the Administrator. Due to the stringent statutory deadlines imposed on fuel economy rulemaking, the Order will be phased in for that rulemaking at a somewhat slower rate.

(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 February 2, 1977.

JOHN W. SNOW,
Administrator.

[FR Doc.77-3904 Filed 2-9-77;8:45 am]

[Docket No. IP77-1; Notice 1]

PPG INDUSTRIES INC.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

PPG Industries Inc. of Detroit, Michigan has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1581 et seq.) for an apparent noncompliance with 49 CFR 571.205 Motor Vehicle Safety Standard No. 205, Glazing Materials, on the basis that it is inconsequential as it relates to motor vehicle safety.

Standard No. 205 incorporates by reference the American National Standards "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways" Z26.1-1966 ("ANS Z26"). Test No. 18 of ANS Z26, Abrasion Resistance, requires that abrasion tests be conducted on both sides of glazing materials, the duration dependent upon types of material used. A test of 1,000 cycles is required for AS3 glass, for instance, while one of only 100 cycles is prescribed for rigid plastics (AS5). It appears the PPG's test laboratories performed the abrasion test on only one side of samples of material identified as "Safety Solarcool Solid Tempered, Coated, AS3". Petitioner believes that "the inside coated surface of this glass" (i.e., the side not tested) "does not meet a maximum 2 percent haze requirement after Test No. 18." The glazing's principal use is in the rear windows of trucks. PPG argues that the apparent nonconformance is inconsequential since the materials are "much better for abrasion resistance than is required for dark colored rigid plastics (AS5)." The relevance of this remark is that ANS Z26 permits either AS3 or AS5 to be used in truck rear windows as long as other means (i.e., mirrors) of affording visibility to the side and rear of the vehicle are provided. The apparent failure also has minimal effect since Standard No. 205 prescribes no minimum light transmittal for such. Petitioner does not state how much glazing is affected.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit written data, views and arguments on the petition of PPG Industries Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date. March 24, 1977.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on February 1, 1977.

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

[FR Doc.77-3874 Filed 2-9-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CAST IRON SOIL PIPE FROM POLAND

Tentative Determination to Modify or Revoke Dumping Finding

A finding of dumping with respect to cast iron soil pipe from Poland was published as Treasury Decision 67-252 in the FEDERAL REGISTER of November 2, 1967 (32 FR 15155).

A "Notice of Intent to Revoke the Finding of Dumping" was published in the FEDERAL REGISTER on November 13, 1970 (35 FR 17432), based upon an absence of sales at less than fair value for a period of two years and assurances from the sole exporter that future sales of cast iron soil pipe would be made at not less than fair value.

For a number of reasons, no final action was taken on the 1970 notice and, in view of the length of time which has elapsed since that notice was published, it has been considered anew whether tentative revocation is appropriate in the case of imports of cast iron soil pipe from Poland.

After due investigation, it has been determined tentatively that cast iron soil pipe from Poland is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The investigation indicated that no sales have been made at less than fair value by the foreign supplier of this merchandise for more than 5 years and assurances have been given that future sales of such cast iron soil pipe to the United States will be made at not less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to revoke the finding of dumping.

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office no later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before March 14, 1977.

This notice is published pursuant to § 153.44(c) of the Customs Regulations (19 CFR 153.44(c)).

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

FEBRUARY 3, 1977.

[FR Doc.77-4202 Filed 2-9-77;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-462 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442 at the Veterans Administration Central Office, 811 Vermont Avenue, NW., Washington, D.C. on March 4, 1977 at 10 a.m. The Committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake, and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. James Lefter, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202-389-2868), prior to March 2, 1977.

Dated: February 4, 1977.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.77-4231 Filed 2-9-77;8:45 am]

CAREER DEVELOPMENT COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Career Development Committee will be held in the King Council Room, of the King Charles Inn, 237 Meeting Street, Charleston, S.C. 29401, April 13-15, 1977, at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration system. The Committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mrs. Darlene R. Whorley, Executive Secretary of the Committee, VA Central Office, Washington, D.C. (202-389-2317) prior to April 1, 1977.

The meeting will be closed from 9 a.m. to 5 p.m. on April 13-15 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which information would constitute an unwarranted invasion of personal privacy, within the scope of exemption (6) to the Freedom of Information Act (5 USC 552(b)(6)). Closure of the portion of the meeting is permitted by section 10(d) of the Pub. L. 92-463.

Minutes of the meeting and rosters of the committee members may be obtained from Mrs. Darlene R. Whorley, Chief, Career Development Program, Medical Research Service, Veterans Administration, Washington, D.C. (Phone 202-389-2317).

Dated: February 4, 1977.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.77-4232 Filed 2-9-77;8:45 am]

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by Section 1790(b), Title 38, United States Code, will be held in Room A53, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., on March 8, 1977 at 10 a.m. The meeting will be held for the purpose of reviewing the December 10, 1976 decision of the Director, Veterans Administration Regional Office, Denver, Colorado, to continue the suspension of enrollments of all eligible persons in Elba Systems Corporation (Elba Communications Corporation), 5905 East 38th Avenue, Denver, Colorado 80207.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Bernard D. Duber, Acting Chief Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202 389-2850) prior to March 1, 1977.

Dated: February 4, 1977.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.77-4233 Filed 2-9-77;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 7, 1977, at 10:00 a.m., the San Diego Regional Office Station Committee on Educational Allowances shall at 2022 Camino Del Rio North, San Diego, California, 92108 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Twenty-First Century Aviation, Inc., Brown Field, San Diego, California should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: February 2, 1977.

HERBERT R. RAINWATER,
Director, VA Regional Office, San Diego, California 92108.

[FR Doc.77-4314 Filed 2-9-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 322]

ASSIGNMENT OF HEARINGS

FEBRUARY 7, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136273 (Sub-6), Coronado Trucking Company, Inc., now being assigned March 14, 1977 (1 day) at San Francisco, California, in a hearing room to be later designated.

MC 136786 (Sub-106), Robco Transportation, Inc., now being assigned March 15, 1977 (2 days) at San Francisco, California, in a hearing room to be later designated.

MC 119798 (Sub-302), Caravan Refrigerated Cargo, Inc., now being assigned March 17, 1977 (2 days) at San Francisco, California, in a hearing room to be later designated.

MC 142368, Danny Herman Trucking, Inc. now being assigned March 23, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 107295 Sub 831, Pre-Fab Transit Co. now being assigned March 22, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 140394 Sub 1, H.E. & A. National Corp., dba Roberts Hawaii-Holiday Lines now being assigned March 28, 1977 (1 week) at Los Angeles, California in a hearing room to be later designated.

MC-F 11874, Matlack, Inc.—Control—C.F. Tank Lines, Inc. now being assigned April 4, 1977 (4 days) for continued hearings at San Francisco, California in a hearing room to be later designated.

MC 6607 Sub 17, J. J. Minnehan, Inc. now assigned February 15, 1977 at Washington, D.C. is cancelled, application dismissed.

MC 115730 (Sub-18), The Mickow Corp., now being assigned March 29, 1977 (1 day) at Chicago, Illinois, in a hearing room to be later designated.

MC-F-12931, Allied Van Lines, Inc., d/b/a Allied Van Lines—Control—Blodgett Furniture Service, Inc. and F.D. 28253, Allied Van Lines, Inc., now being assigned April 4, 1977 (1 week) at Chicago, Illinois, in a hearing room to be later designated.

MC 100853 Sub No. 15, Pinkett's Shore Lines, Inc., MC 104656 Sub No. 13, Mandrell Motor Coach, Inc., and MC 48315 Sub No. 6, Hopkins Motor Coach, Inc. now assigned March 15, 1977 at Cambridge, Maryland is now being postponed to March 22, 1977 (3 days) at Cambridge, Maryland in a hearing room to be later designated.

MC 13250 (Sub-135), J. H. Rose Truck Line, Inc.; MC 29886 (Sub-334), Dallas & Mavis Forwarding Co., Inc.; MC 65525 (Sub-22), White Brothers Trucking Co.; MC 66886 (Sub-50), Belger Cartage Service, Inc.; MC 73165 (Sub-393), Eagle Motor Lines, Inc.;

MC 83539 (Sub-442), C & H Transportation Co., Inc.; MC 106497 (Sub-134), Parkhill Truck Company; MC 106644 (Sub-223), Superior Trucking Company, Inc.; MC 111320 (Sub-67), Keen Transport, Inc.;

MC 111545 (Sub-227), Home Transportation Company, Inc.; MC 113459 (Sub-107), H. J. Jeffries Truck Line, Inc.; MC 113495 (Sub-79), Gregory Heavy Haulers, Inc.; MC 113855 (Sub-360), International Transport, Inc.; MC 114211 (Sub-286), Warren Transport, Inc.;

MC 117574 (Sub-278), Daily Express, Inc.; MC 119777 (Sub-331), Ligon Specialized Hauler, Inc. and MC 124947 (Sub-48), Machinery Transports, Inc., now being assigned March 30, 1977 (3 days) at Chicago, Illinois, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-4345 Filed 2-9-77;8:45 am]

[I.C.C. Order No. 22 Under Service Order No. 1252]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Rerouting of Traffic

FEBRUARY 7, 1977.

To all railroads: In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport traffic over its line between Chicago, Illinois, and Louisville, Kentucky, because of excessive snow.

It is ordered, That: (a) The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, being unable to transport traffic over its line between Chicago, Illinois, and Louisville, Kentucky, because of excessive snow, that line is hereby authorized to reroute and divert such traffic, via any available route, to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving road to be obtained.* The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 11:59 a.m., January 29, 1977.

(g) Expiration date. This order shall expire at 11:59 p.m., February 5, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 29, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-4347 Filed 2-9-77;8:45 am]

[Notice No. 118]

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 March 14, 1977. 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–76620, filed January 5, 1977. Transferee: Golden Gate Trucking, Inc., 2200 East Seventh Street, Oakland, California 94606. Transferor: Donald Tobener, An Individual, doing business as, Golden Gate Trucking, 2200 East Seventh Street, Oakland, California 94606. Applicant's representative: Eldon M. Johnson, Attorney at Law, 650 California Street, Suite 2808, San Francisco, California 94108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of registration No. MC–136578 (Sub-No. 4), issued July 16, 1975, as follows: General commodities, with exceptions, within the specified San Francisco-East Bay Cartage. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76859 filed December 3, 1976. Transferee: O'Connor Brothers Mov & Stg Co., Inc., 429–37 Schiller St., Elizabeth, New Jersey 07206. Transferor: Patrick J. O'Connor, Jewel O'Connor—Administratrix, Doing Business As O'Connor Brothers, 429–37 Schiller St., Elizabeth, New Jersey 07206. Applicants' representative: Frank O'Connor, 429–37 Schiller St., Elizabeth, New Jersey 07206. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–8526, issued December 5, 1973, as follows: Households goods, between points in Essex, Union, Hudson, and Middlesex Counties, N.J., on the one hand, and, on the other, points in New Jersey and New York.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

Protests are due February 28, 1977.

No. MC–FC–76878, filed December 17, 1976. Transferee: M & E CORPORATION, 300 Union Federal Building, Indianapolis, Ind. 46204. Transferor: JohLar Transportation, Inc., 1608 East 18th Street, Muncie, Ind. 47302. Applicant's representative: Kirkwood Yockey, Attorney at Law, 300 Union Federal Building, Indianapolis, Ind. 46204. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in No. MC–129016 Sub numbers 1, 4 and 6, issued April 18, 1969, June 9, 1971, and October 16, 1975, respectively as follows: *Dairy products*, and *supplies and materials* used in the production and distribution of dairy products in mixed loads with dairy products, with restrictions. Between the plant site and storage facilities of Sugar Creek Foods Division, National Dairy Products Corporation, Indianapolis, Ind., on the one hand, and, on the other, points in Michigan and Ohio, points in that part of Illinois on or east of Interstate Highway 57 and on or south of Interstate Highway 74, points in that part of Kentucky on or west of Interstate Highway 65, points in that part of Pennsylvania on or west of U.S. Highway 15, points in that part of West Virginia on or north of U.S. Highway 50, and *dairy products*, and *materials and supplies* used in the production and distribution of dairy products, with restrictions. Between Arthur and Pana, Ill., and Louisville, Ky., on the one hand, and, on the other, points in Michigan, Ohio, and Indiana, points in that part of Kentucky on or west of Interstate Highway 65, points in that part of Pennsylvania on or west of U.S. Highway 15, points in that part of Illinois on or south of Interstate Highway 80, and those in that part of West Virginia on or north of U.S. Highway 50, also *paper boxes*, from Muncie, Ind., to Onley and Rockville, Ill., Bowling Green, Glasgow, and Hawesville, Ky., Coshocton, Findley, and Marion, Ohio, Connesville, and Erie, Pa., and Huntington, W. Va.; and *scrap paper*, *printing inks*, *wax*, *paper roll stock*, *paint*, and *machinery* used in the production of paper products (except commodities in bulk), from the destination points next above, to the origin next above. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76879, filed December 17, 1976. Transferee: Cabco, Inc. doing business as C&D Cartage, 21 Walpole St., Norwood, Mass. 02062. Transferor: Richard W. Roussel doing business as Essex Transportation Co. (Margaret B. Roussel, Executrix), 63 Boulevard Rd., Dedham, Mass. 02026. Applicants' representative: John F. O'Donnel, Attorney at Law, 60 Adams St., P.O. Box 238, Milton, Mass. 02187. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC–98830 (Sub-No. 1), issued September 12, 1975, as follows: General Commodities within a 60 mile radius of City Hall, Worcester. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76901, filed December 29, 1976. Transferee: Lanter Refrigerated Distributing Co., A Corporation, No. 3 Caine Drive, Madison, Illinois 62060. Transferor: Swift-Way Transports, Inc., 434 Brooktree Drive, St. Louis, Mo. 63011. Applicants' representative: Wayne Lanter, No. 3 Caine Dr., Madison, Ill. 62060. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–21800, issued April 2, 1974, as follows: General commodities, with exceptions, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission. Transferee is presently authorized to operate as a common carrier under Certificate No. MC–134551 and subs thereafter. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76905, filed January 3, 1977. Transferee: National Cartage Company, a corporation, 637 West 2nd South, Salt Lake City, Utah 84104. Transferor: David R. Free doing business as National Cartage Co., 637 West 2nd South, Salt Lake City, Utah 84104. Applicants' representative: Mark K. Boyle, Attorney at Law, 345 South State St., Salt Lake City, Utah 84111. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC–120402 (Sub-No. 1), issued March 6, 1974, as follows: General commodities, including household goods, by motor vehicle over irregular routes between all points and places in Salt Lake County and all points and places in the area in Davis County south of the junction of U.S. Highways 89 and 91 (Interstate 15) just north of Farmington, Utah, save and except that there is excluded from said area that part of Salt Lake County which lies west of 4800 West and South of 1300 South but the area to be served shall include the town of Kearns, Utah. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76906, filed January 4, 1977. Transferee: Allen P. Felton doing business as Brewer Trucking, P.O. Box 788, 17 McLeod, Big Timber, Montana 59011. Transferor: Loren F. Brewer doing business as Brewer Trucking, P.O. Box 399, Big Timber, Montana 59011. Applicants' representative: Jerome Anderson, Attorney at Law, 100 Transwestern Bldg., 404 North 31st St., Billings, Montana 59101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–127690, issued September 6, 1967, as follows: Lumber and lumber products, over irregular routes, from the plant site of Jones Lumber Co. at or near Livingston, Mont., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76907, filed January 4, 1977. Transferee: C & O TRANSPORTATION CO., INC., 1747 West Main Road, Middletown, R.I. 02840. Transferor: JOHN W. DEERY, doing business as C & O Transportation Co., 140 Kay St., Newport, R.I. 02840. Applicants' representative: Benjamin M. Gottlieb, Attorney at law, 84 N. Main St., Fall River, Ma. 02720 and Francis E. Barrett Jr., Attorney at Law, 10 Industrial Park Rd., Hingham, Ma. 02043. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–40073, issued July 21, 1937, as follows: General commodities (with exceptions) over regular routes between Newport, R.I. and Providence, R.I. serving the intermediate points of Jamestown, Middletown, Portsmouth, Bristol, Warren, Barrington, East Providence, and Tiverton, R.I. and Seehouk, and Fall River, Mass.; and the off-route points of Little Compton, R.I. and Somer-

set, Swansea and Rehoboth, Mass. Also between Providence, R.I. and New Bedford, Mass. serving the off-route points of Westport, Dartmough, Fairhaven, and Acushnet, Mass. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76920 filed January 11, 1977. Transferee: Reggie's Services, 325 Leslie Avenue, Piscataway, New Jersey, 08854. Transferor: Mullecker Trucking Co., Inc., 31 Stima Avenue, Carteret, New Jersey 07008. Applicants' representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, New Jersey 08904. Authority sought for purchase by transferee of the operating rights of John F. Mullecker, Jr., doing business as Mullecker's Express, issued November 3, 1955, and obtained by transferor pursuant to MC-FC-76244 approved January 23, 1976, and consummated on March 5, 1976, authorizing the transportation of *Household goods*, between points in Essex and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau and Suffolk Counties, N.Y., and points in New Jersey. *General commodities*, except those of unusual value, and except Class 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 points in Essex and Union Counties, N.J., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission. Transferee presently hold no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76923, filed January 13, 1977. Transferee: William Carl, Russell and James Franklin Russell, A Partnership, doing business as Frank Russell & Son, 401 S. Ida St., West Frankfort, Ill. 62896. Transferor: Donald Russell, doing business as Frank Russell & Son, 401 S. Ida St., West Frankfort, Ill. 62896. Applicants' representative: Donald Russell, 401 S. Ida St., West Frankfort, Ill. 62896. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC-13845 and MC-13845 (Sub-No. 4) and Permits Nos. MC-134859 (Sub-No. 2), (Sub-No. 4), and (Sub-No. 6) issued by the Commission November 19, 1957, July 16, 1976, May 26, 1971, February 23, 1972, and February 26, 1973, respectively as follows: Household goods between points in a specified part of Illinois on the one hand, and, points in Kentucky, Indiana, Ohio, Pennsylvania, West Virginia, Missouri, Iowa, and Wisconsin. Heavy machinery and mining supplies and equipment therefor, between points in a specified part of Illinois on the one hand, and, on the other, points in West Virginia, Kentucky, Indiana, Ohio and a specified part of Pennsylvania. Class A & B explosives, between New Castle, Pa., and Kings Mill, Oh., on the one hand, and, on the other, West Frankfort, Orient, Joliet, Decatur, and Eldorado, Ill., and Jefferson Barracks, Mo. Magnetite, with restrictions, from the facilities of Meramec Mining Co., near Sullivan, Mo., to points in Illinois, Indiana, Kentucky, Arkansas, Oklahoma and the plantsite of Superior Steel Ball Co., In., at Washington, Ind. *Wood chips*, in bulk, from West Frankfort, Ill., to the facilities of West Virginia Pulp and Paper Company at or near Wickliffe, Ky. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76925 filed January 13, 1977. Transferee: Ashbourne Transportation, Inc., 7827 Old York Road, Elkins Park, Pennsylvania, 19117. Transferor: North Penn Bus Lines, Inc., 140 North Ridge Avenue, Ambler, Pennsylvania, 19002. Applicant's representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 South 12th St., Philadelphia, Pennsylvania, 19107. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-93457, issued January 31, 1977, as follows: *Passengers and their baggage*, in the same vehicle with passengers, in groups of not less than 15, in charter operations, restricted to round-trip traffic, From points in Abington, Upper Moreland, Cressmont, and Jenkintown Townships, Montgomery County, Pa., to points in New Jersey and Delaware, and return to said points of origin; *Passengers and their baggage*, in charter operations, restricted to round-trip traffic, From points in Cheltenham Township, Montgomery County, Pa., to points in New Jersey and Delaware, and return to said points of origin. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76931, filed January 19, 1977. Transferee: Hively Transportation, Inc., 1100 Lafayette St., P.O. Box 1103, York, Pa. 17405. Transferor: Roy A. Leiphart Trucking, Inc., 1298 Toronita St., York, Pa. 17405. Applicant's representative: Edward N. Button, Attorney at Law, 1329 Pennsylvania Ave., Hagerstown, Md. 21740. Authority sought for purchase by transferee of that portion of the operating rights of transferor set forth in Certificate No. MC-110328, issued September 3, 1974, as corrected September 25, 1974, as follows: Roofing products, from York, Pa., to Marshallton and Wilmington, Del., Baltimore, Hagerstown, Fullerton, Glen Burnie, and Laurel, Md., Washington, D.C., Poughkeepsie, Endicott, and Tarrytown, N.Y., points in Virginia on and east of U.S. Highway 220, those in New Jersey and points in the New York, N.Y., Commercial Zone, as defined by the Commission. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-4346 Filed 2-9-77;8:45 am]

[Volume No. 3]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

FEBRUARY 4, 1977.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before March 14, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 40270 (Sub-No. 1) (Notice of filing a petition to remove a restriction), filed January 17, 1977. Petitioner: CRABBS TRANSPORT, INC., 3101 South Van Buren, Enid, Okla. 73701. Petitioner's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Petitioner holds a motor *common carrier* certificate in No. 40270 (Sub-No. 1), issued August 8, 1963, authorizing transportation, by motor vehicle, over irregular routes, of *Animal and poultry feed and feed ingredients*, (except in tank or hopper type vehicles), between Enid, Okla., on the one hand, and, on the other, points in Kansas and Texas (except Houston, Tex., and points in its Commercial Zone). By the instant petition, petitioner seeks to remove the restriction "except in tank or hopper type vehicles" from the commodity description above.

No. MC 60196 (Sub-No. 7) (Notice of filing of petition to delete restriction) filed December 23, 1976. Petitioner: AUTO EXPRESS, INC., Elm St. and Remington Ave., Scranton, Pa. 18505. Petitioner's representative: L. Agnew Myers, Jr., 734-15th Street, N.W., Washington, D.C. 20005. Petitioner holds a motor *common carrier* Certificate in No. MC 60196 (Sub-No. 7), issued November 8, 1974, authorizing transportation, as pertinent, over regular routes, of *gen-*

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce, Commission, Washington, D.C. 20423.

eral commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction Northeast Extension of Pennsylvania Turnpike and U.S. Highway 22, and Wilson, Pa., serving all intermediate points, and serving the off-route points of Allentown and Bethlehem, Pa., restricted at Wilson against service at Easton, Pa., and points in New Jersey within the Wilson Commercial Zone as defined by the Commission: From junction Northeast Extension of Pennsylvania Turnpike and U.S. Highway 22, over U.S. Highway 22 to junction Pennsylvania Highway 248, thence over Pennsylvania Highway 248 to Wilson, and return over the same route. By the instant petition, petitioner seeks to delete the restriction in the authority above.

No. MC 75866 (Notice of filing of petition for modification of certificate), filed December 27, 1976. Petitioner: GOLDEN STRIP TRANSFER CO., INC., Rt. 276, Box 458, Simpsonville, S.C. 29681. Petitioner's representative: David H. Garrett (Same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 75866, issued February 11, 1969, authorizing transportation, as pertinent, over irregular routes, of (1) *Cotton waste, cotton bagging, and cotton ties,* between points in Georgia, North Carolina and South Carolina; and (2) *rayon waste,* from points in Georgia, North Carolina, and South Carolina, to Greenville, S.C. By the instant petition, petitioner seeks (a) to modify the commodity description in (1) above so as to read: *"waste, cotton or synthetics or mixtures thereof, cotton bagging and cotton ties."*; and (b) to delete part (2) above from its authority as it is embraced in the requested modifications.

No. MC 127272 and (Sub-No. 1) (Notice of filing of petition to add an additional contracting shipper), filed January 11, 1977. Petitioner: DALEY & WANZER, INC., 821 Nantasket Avenue, Hull, Mass. 02045. Petitioner's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Petitioner holds motor *contract carrier* Permits in No. MC 127272 and (Sub-No. 1), issued April 11, 1966 and November 8, 1968, respectively, authorizing transportation over irregular routes (1) in No. MC 127272, of *damaged retail department store merchandise,* when moving uncrated or loose, between Quincy, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Pennsylvania, Ohio, and the District of Columbia; and (2) in No. MC 27272 (Sub-No. 1), of *damaged retail department store merchandise,* uncrated, between Quincy and Hingham, Mass., on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Kentucky, West Virginia, North Carolina, Tennessee, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Texas, and Florida; (1) and (2) above are under a continuing contract with Bargain Center, Inc., of Quincy, Mass., and subject to the right of the Commission to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. By the instant petition, petitioner seeks to add in (1) and (2) above Building 19, Inc., of Hingham, Mass. as an additional contracting shipper.

No. MC 139754 (Sub-No. 1) (Notice of filing of petition to add an additional contracting shipper), filed December 30, 1976. Petitioner: SOFT DRINK CARRIERS, INC., 5820 Centre Avenue, Pittsburgh, Pa. 15206. Petitioner's representative: Robert R. Wertz, 2310 Grant Building, Pittsburgh, Pa. 15219. Petitioner holds a motor *contract carrier* Permit in No. MC 139754 (Sub-No. 1), issued December 8, 1975, authorizing transportation over irregular routes, of (1) *soft drinks* (except in bulk), from Twinsburg, Cleveland, and Akron, Ohio, to points in Pennsylvania in and west of McKean, Cameron, Clearfield, Blair, Cambria, and Somerset Counties, Pa.; and (2) *materials, equipment, and supplies* used in the production, sale, and distribution of soft drinks (except commodities in bulk), from points in the destination territory in (1) above, to the origin points in (1) above, under a continuing contract, or contracts, with the following: The Akron Coca-Cola Bottling Company, Inc., of Akron, Ohio, Quaker State Coca-Cola Bottling Company, of Pittsburgh, Pa., The Cleveland Coca-Cola Bottling Company, Inc., of Cleveland, Ohio, Great Lakes Canning, Inc., of Twinsburg, Ohio. By the instant petition, petitioner seeks to add Summit Supply Company, Inc., of Pittsburgh, Pa., as an additional contracting shipper to the authority above. Petitioner states that Summit Supply Company is a wholly owned subsidiary of Quaker State Coca-Cola Company which is in turn a subsidiary of Abarta, Inc., and that the grant of the instant petition will not, in reality, permit petitioner to render any service additional to that which it now provides.

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 111045 (Sub-No. 126) (Corrected Republication), filed November 17, 1975, published in the FEDERAL REGISTER issue of December 24, 1975, republished in the FEDERAL REGISTER issue of January 27, 1977, and republished as corrected, this issue. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. Douglas Harris, 1406 Union Bank Building, Montgomery, Ala. 36104. An Order of the Commission, Review Board Number 2, dated December 13, 1976, and served January 17, 1977, 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, in the transportation of (1) *cleaning compounds,* in bulk, in tank vehicles, from points in Dade County, Fla., to points in New Jersey, New York, and Connecticut; and (2) *materials* used in the manufacture of cleaning compounds, in bulk, in tank vehicles, from points in New Jersey, New York, and Connecticut, to points in Dade County, Fla.; 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 the republication in the FEDERAL REGISTER issue of January 27, 1977, was to indicate the addition of an additional commodity and territorial description in (2) above, in applicant's grant of authority. This republication is to correct the territorial description in (2) above, which was published in the FEDERAL REGISTER issue of January 27, 1977, in error.

No. MC 141171 (Sub-No. 1) (Republication), filed February 25, 1976, published in the FEDERAL REGISTER issue of April 22, 1976, and republished this issue. Applicant: J & G SWARTZ, INC., 3755 Fenwick Drive, Spring Valley, Calif. 92077. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. An Order of the Commission, Review Board Number 2, dated January 5, 1977, and served January 27, 1977, 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, in the transportation of (1) *processed specialty foods;* and (2) *commodities* otherwise exempt from economic regulation pur-

suant to section 203(b)(6) of the Interstate Commerce Act, when moving at the same time and in the same vehicle with the commodities in (1) above, from New York, N.Y., and Little Ferry, Carlstadt, and Noonachie, N.J., to Los Angeles and Culver City, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's grant of authority as a common carrier, rather than as a contract carrier.

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 to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not 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 1380 (Sub-No. 21), filed December 29, 1976. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., Uwharrie Road (P.O. Box 7027, High Point, N.C. 27264. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina in and east of Macon and Swain Counties; those points in that part of Virginia, on and south of a line beginning at Cape Henry, Va., and extending along U.S. Highway 60 to Richmond, Va., thence along U.S. Highway 250 to Staunton, Va., thence along U.S. Highway 11 to Bristol, Va.; and points in South Carolina, to points in Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests is be held at either Charlotte or Greensboro, N.C.

No. MC 2232 (Sub-No. 11), filed December 23, 1976. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Road & Corbin Lane, Morrisville, Pa. 19067. Applicant's representative: Peter Platten, 826 North Lewis Road, Limerick, Pa. 19468. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, and materials, equipment and supplies* used in the manufacture, sale and distribution of containers and container closures (except commodities in bulk and those which because of size or weight require the use of special equipment), between points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia or Doylestown, Pa.

No. MC 2860 (Sub-No. 152), filed December 27, 1976. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Robert W. Gerson, 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, set up or knocked down; *container components, ends, caps and lids; container closures; and materials, equipment and supplies* used in the manufacture and distribution of containers, container components, container ends, container caps, container lids, and container closures (except commodities in bulk), between points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—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 2962 (Sub-No. 62) filed December 13, 1976. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47711. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plant and warehouse sites of Johnson & Johnson located in the Argonne Industrial District (DuPage Township), Will County, Ill. as an off-route point in connection with applicant's authorized regular-route operations to and from Chicago, Ill., restricted against the transportation of traffic between the above named plant and warehouse sites and points in Chicago, Ill. and its Commercial Zone as defined by the Commission.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Louisville, Ky.

No. MC 5470 (Sub-No. 120) filed December 30, 1976. Applicant: TAJON, INC., R. D. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Bldg., 918 Sixteenth St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, from Ashtabula, Ohio, to points in Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 8457 (Sub-No. 5) filed December 27, 1976. Applicant: MILWAUKIE TRANSFER & FUEL CO., a Corporation, 15462 S.E. Railroad, Clackamas, Oreg. 97015. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from the plantsite of Central Pre-Mix Concrete Co., at or near Clackamas, Oreg., to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 9859 (Sub-No. 4) filed January 27, 1977. Applicant: KANE TRANSFER COMPANY, a Corporation, 5400 Tuxedo Road, Tuxedo, Md. 20781. Applicant's representative: James W. Lawson, 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, Classes A and B explosives, commodities in bulk, those of unusual value and those requiring special equipment), between Baltimore, Md. and points in Delaware, Maryland and Virginia located east of the Chesapeake Bay and on and south of the Chesapeake and Delaware Canal.

NOTE.—Applicant states that the instant application embraces and supersedes its Sub-No. 3 application published in the FR issue of January 29, 1976, and requests that the Sub-No. 3 application be dismissed upon the publication of the instant application. Applicant also states it intends to tack the authority requested above with its existing irregular route authority in No. MC 9859 at Baltimore, Md. to transport general commodities (with certain exceptions), between points in Delaware, Maryland and Virginia located east of the Chesapeake Bay and on and south of the Chesapeake and Delaware Canal on the one hand, and, on the other, points in Arlington, Fairfax, Prince Williams, Stafford, Fauquier, and Loudoun Counties, Va.; Frederick, Montgomery, Howard, Anne Arundel, Prince Georges, Charles, Calvert and St. Marys Counties, Md., and points within 25 miles of Baltimore, Md., restricted (1) against service from the plant site of the Proctor & Gamble Company, Baltimore, Md.; and (2) against any transportation from and to any warehouses and stores of the Grand Union Company, of East Paterson, N.J. which are located within the territorial description of the tacking request above; and (3) against service to or from facilities of Proctor & Gamble at Washington, D.C. Applicant concurrently seeks to eliminate the Baltimore, Md. gateway and provide direct service between the described points. Applicant holds contract carrier authority in MC 67583 and subs thereunder; therefore dual operations may be involved. Applicant requests its hearing be held at Salisbury, Md.

No. MC 11207 (Sub-No. 384) filed December 27, 1976. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welded steel tubing*, and *mechanical, structural and galvanized fence tubing*, from Pass Christian, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala.

No. MC 13123 (Sub-No. 88) filed December 22, 1976. Applicant: WILSON FREIGHT COMPANY, a Corporation, 11353 Reed Hartman Highway, Cincinnati, Ohio 45241. Applicant's representative: Milton H. Bortz (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, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Wilson Freight Company terminal located at or near Middlesex, Pa., as an off-route point in connection with carrier's authorized regular route operations over U.S. Highways 11, 15, 22, 30, 40, 50, 230 and 422.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 19157 (Sub-No. 25), filed December 23, 1976. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., Route 3, Box 4 Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Clem Tomlins (some adress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, glass and wood products* (except commodities in bulk and those which because of size or weight require the use of special equipment), between Magnolia, Miss., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Schenectady, N.Y. or Jackson, Miss.

No. MC 20916 (Sub-No. 22), filed December 20, 1976. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved wood fencing material and wooden pallet, crate and box material*, from Rapidan and Spotsylvania, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in No. MC 134427 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 26396 (Sub-No. 139), filed December 20, 1976. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, a Corporation, Box 990, Livingston, Mont. 59047. Applicant's representative: David Waggoner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, (1) from Laclede, Idaho, to points in California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin and Wyoming; and (2) from Laclede, Idaho, to ports of entry on the International Boundary Line between the United States and Canada located in Idaho, restricted in (2) above to traffic destined to points in the provinces of Alberta and British Columbia, Canada.

NOTE.—Applicant holds contract carrier authority in MC 136777 (Sub-No. 3 and other subs); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Billings, Mont.

No. MC 29886 (Sub-No. 335) filed December 22, 1976. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46619. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Contractor's construction, mining, lumber mill, marine, industrial, and material handling machinery, equipment, attachments, accessories, and supplies;* and (b) *materials, equipment, and supplies* (except commodities in bulk) used or useful in the manufacture or distribution of the commodities in 1(a) above, between Manitowoc, Wis., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at or destined to the plant sites or warehouse facilities of the Manitowoc Company, Inc., its division and subsidiaries, located at or near Manitowoc, Wis., and further restricted to traffic originating at or destined to points in the named states, except for the movement of traffic in foreign commerce; and (2) *material, equipment and supplies* (except commodities in bulk) used or useful in the building, repair or outfitting of marine vessels, from points in the radial states (1) above, to Sturgeon Bay, Wis., restricted to traffic originating in the above-named states and destined to Sturgeon Bay, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications at Washington, D.C.

No. MC 35807 (Sub-No. 67) filed December 20, 1976. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, 210 Baker Street, N.W., Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Securities and other negotiable instruments*, between Salt Lake City, Utah and Nyssa, Ontario and Vale, Oreg., under a continued contract or contracts with Federal Reserve Bank of San Francisco.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or San Francisco, Calif.

No. MC 41849 (Sub-No. 37) filed December 27, 1976. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. 63110. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the plantsite of Cargill, Inc., located at Cahokia, Ill., to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 42710 (Sub-No. 13) filed December 17, 1976. Applicant: BEN'S TRANSFER & STORAGE CO., INC., P.O. Box 190, Baker, Oreg. 97814. Applicant's representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery;* (2) (a) *commodities*, which by reason of size or weight require special handling or equipment, and (b) *commodities* which do not require special handling or equipment when moving in the same shipment and on the same bill of lading as commodities which do require the use of special handling or equipment; (3) *self-propelled articles* (except new passenger automobiles in truckaway service), transported on trailers, and *related machinery, tools, parts and supplies* moving in connection therewith; and (4) *construction and contractors' equipment, materials and supplies*, between points in and east of Morrow, Grant and Harney Counties, Oreg., on the one hand, and, on the other, points in and south of Nez Perce, Lewis, Idaho, Valley, Boise, Elmore, Blaine, Butte, Jefferson, Madison and Teton Counties, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 50307 (Sub-No. 88), filed January 3, 1977. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, 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, machinery, supplies and equipment* used in the manufacture of wearing apparel, between Brownsville, Ky., and points in New Jersey, New York and Pennsylvania.

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 51146 (Sub-No. 483), filed December 22, 1976. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Container and container ends*, (1) from the warehouse site of National Can Corporation located at Sharonville, Ohio, to points in Illinois, Indiana, Kentucky, and Wisconsin; and (2) from the plant facilities of National Can Corporation located at or near Marion, Ohio, to points in Alabama, Louisiana, Mississippi, Texas, and those points in Arkansas east of a line beginning at the Missouri-Arkansas State Boundary line and U.S. Highway 63, thence along U.S. Highway 63 to U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State Boundary line.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59457 (Sub-No. 36), filed December 12, 1976. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. 06526. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Dated, printed publications, and parts thereof:* Serving the plantsite of the Shenandoah Valley Press, Division of Judd Incorporated, at or near Strasburg, Va., as an off-route point in connection with applicant's regular route authority beween New York, N.Y., and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Hartford, Conn.

No. MC 65665 (Sub-No. 16), filed December 22, 1976. Applicant: IMPERIAL VAN LINES, INC., P.O. Box 2917, 2805 Columbia Street, Torrance, Calif. 90503. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods shipping containers*, set up or knocked down, between points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 67866 (Sub-No. 33), filed December 30, 1976. Applicant: FILM TRANSIT, INC., 3931 Homewood Street, Memphis, Tenn. 38118. Applicant's representative: Warren A. Goff, 5100 Poplar Avenue, Suite 200, Memphis, Tenn. 38117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and livestock), between points in an area and on the line which bounds that area commencing at the southwest corner of Arkansas, thence north along the Arkansas-Texas State Line to Texarkana, Ark., thence west along the Arkansas-Texas State Line to the Arkansas-Oklahoma State Line, thence north along the Arkansas-Oklahoma State Line to the Arkansas-Missouri State Line, thence east along the Arkansas-Missouri State Line to its intersection with U.S. Highway 62, thence east along U.S. Highway 62 to New Madrid, Mo., at the Mississippi River, thence northeast along the meanders of the Mississippi River to Paducah, Ky., thence southeast along U.S. Highway 68 to its intersection with U.S. Highway 641, thence south along U.S. Highway 641 to the Kentucky-Tennessee State Line, thence east along the Kentucky-Tennessee State Line to its intersection with U.S. Highway 31W, thence south along U.S. Highway 31W to Nashville, Tenn., thence south along U.S. Highway 31 to Columbia, Tenn., thence southeast along Tennessee Highway 50 to Lewisburg, Tenn., thence south along U.S. Highway 431 to the Tennessee-Alabama State Line.

Thence west along the Tennessee-Alabama State line to its intersection with Alabama Highway 17, thence south along Alabama Highway 17 to Hamilton, Ala., thence west along U.S. Highway 78 to the Alabama-Mississippi State Line, thence south along the Alabama-Mississippi State Line to its intersection with U.S. Highway 80, thence west along U.S. Highway 80 to the Mississippi-Louisiana State Line, thence north along the Mississippi-Louisiana State Line to the Arkansas-Louisiana State Line, thence west along the Arkansas-Louisiana State Line to the point of beginning, and Lilbourn, Mo., and New Orleans, La., restricted against the transportation of any packages or article weighing more than 70 pounds or exceeding 96 inches in length, or exceeding 150 inches in length and girth combined, and further restricted against the transportation or packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day.

NOTE.—Applicant states that it holds identical territorial and commodity permanent authorities throughout the entire territory described herein with the exception of New Orleans, La., and the small portion of western Arkansas. Applicant also states its authority held in MC 67866 (Sub-30) contains the same weight restrictions, but a different size restriction. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 83539 (Sub-No. 448) (Amendment) filed December 8, 1976, published in the FEDERAL REGISTER issue of January 13, 1977, and republished as amended this issue. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rail track, attachments and accessories*, for rail track; and (2) *equipment*, used in connection with the removal and installation of rail track, between points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to

the plantsites, facilities, or jobsites of L. B. Foster Company.

NOTE.—Common control may be involved.

HEARING: February 17, 1977, (2 days), at 9:30 a.m. Local Time, in Room 5A15–17, Federal Building, 1100 Commerce Street, Dallas, Texas before Administrative Law Judge Robert E. Joyner. This proceeding is scheduled for hearing at the same time as No. MC 83835 (Sub-No. 134), Wales Transportation, Inc.

No. MC 83539 (Sub-No. 450), filed December 22, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Contractor's, construction, mining, lumber mill, marine, industrial, and material handling machinery, equipment, attachments, accessories, and supplies*, and (b) *materials, equipment, and supplies* (except commodities in bulk) used or useful in the manufacture or distribution of the commodities in (1) (a) above, between Manitowoc, Wis., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, restricted to traffic originating at or destined to the plantsites or warehouse facilities of the Manitowoc Company, Inc., its division and subsidiaries, located at or near Manitowoc, Wis., and further restricted to traffic originating at or destined to points in the named States, except for the movement of traffic in foreign commerce; and (2) *material, equipment and supplies* (except commodities in bulk) used or useful in the building, repair, or outfitting of marine vessels, from points in the United States (except Alaska and Hawaii) to Sturgeon Bay, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications at Washington, D.C.

No. MC 83539 (Sub-No. 451), filed December 23, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic building materials, tile, flooring and molding*, from Franklin County, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 95876 (Sub-No. 196), filed December 20, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Contractor's, construction, mining, lumber mill, marine, industrial, and material handling machinery, equipment, attachments, accessories, and supplies;* and (b) *materials, equipment, and supplies* (except commodities in bulk) used or useful in the manufacture or distribution of the commodities in (1) (a) above, between Manitowoc, Wis., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, restricted to traffic originating at or destined to the plantsites or warehouse facilities of the Manitowoc Company, Inc., its division and subsidiaries, located at or near Manitowoc, Wis., and further restricted to traffic originating at or destined to points in the named states, except for the movement of traffic in foreign commerce; and (2) *material, equipment and supplies* (except commodities in bulk), used or useful in the building, repair, or outfitting of marine vessels, from points in the United States to Sturgeon Bay, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications at Washington, D.C.

No. MC 102567 (Sub-No. 194), filed December 28, 1976. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, 4295 Meadow Lane, Bossier City, La. 71010. Applicant's representative: E. Stephen Heisley, 905 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquefied petroleum gases, anhydrous ammonia, and asphalt), in bulk, in tank vehicles, from points in Brazoria, Chambers, Calhoun, Coke, Colorado, Dallas, Ector, Fayette, Galveston, Hansford, Hardin, Harris, Jefferson, Liberty, Matagorda, Midland, Montgomery, and Orange Counties, Tex., to points in Florida and Tennessee, (b) *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Brazoria, Chambers, Calhoun, Coke, Colorado, Dallas, Ector, Fayette, Galveston, Hansford, Hardin, Harris, Jefferson, Liberty, Matagorda, Midland, Montgomery, and Orange Counties, Tex., to points in Alabama, Arkansas, Georgia, Oklahoma and South Carolina, (c) *petroleum products* (except liquefied petroleum gas), in bulk, in tank vehicles, from points in Brazoria, Chambers, Calhoun, Coke, Colorado, Dallas, Ector, Fayette, Galveston, Hansford, Hardin, Harris, Jefferson, Liberty, Matagorda, Midland, Montgomery, and Orange Counties, Tex., to points in Louisiana and Mississippi (except points in Washington and Warren Counties, Miss.), (d) *petroleum products* (except liquefied petroleum gas), that are liquid chemicals (petro chemicals), in bulk, in tank vehicles, from points in Brazoria, Chambers, Calhoun, Coke, Colorado, Dallas, Ector, Fayette, Galveston, Hansford, Hardin, Harris, Jefferson, Liberty, Matagorda, Midland, Montgomery and Orange Counties, Tex., to points in Alabama, Florida, Georgia, Illinois, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; and (e) *liquefied petroleum gases*, in bulk, in tank vehicles, from points in Brazoria, Chambers, Calhoun, Coke, Colorado, Dallas, Ector, Fayette, Galveston, Hansford, Hardin, Harris, Jefferson, Liberty, Matagorda, Midland, Montgomery, and Orange Counties, Tex., to points in Arkansas, Louisiana and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 104123 (Sub-No. 80), filed December 23, 1976. Applicant: JOHN SCHUTT, JR., INC., 665 River Road, North Tonawanda, N.Y. 14120. Applicant's representative: Richard H. Streeter, 704 Southern Bldg., 15th and H Streets, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous aluminum chloride* (in bulk), from Alcoa, Tenn., to points in Mobile, Ala.; Baton Rouge, Carville, and St. James, La.; Baltimore, Md.; Hamilton, Picayune, and Gulfport, Miss.; Sugar Creek, Mo.; Bound Brook and East Hanover, N.J.; Ashtabula, Ohio; West Elizabeth, Pa.; Institute, W.Va.; Texas City, Sea Drift and Freeport, Tex.; and Port Huron, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y. or Washington, D.C.

No. MC 107107 (Sub-No. 453), filed December 23, 1976. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Avenue, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Jacksonville, Fla. and Tallahassee, Fla.: (a) From Jacksonville over U.S. Highway 90 to Tallahassee, and return over the same routes; and (b) From Jacksonville over U.S. Highway 10 to Tallahassee, and return over the same route; (2) Between Tallahassee, Fla. and Miami, Fla.; (a) From Tallahassee over U.S. Highway 27 to junction U.S. Highway 98, thence over U.S. Highway 98 to junction U.S. Highway 41, thence over U.S. Highway 41 to Miami, and return over the same route; and (b) From Tallahassee over U.S.

Highway 27 to Miami, and return over the same route; (3) Between Jacksonville, Fla. and Key West, Fla.; (a) From Jacksonville over U.S. Highway 1 to Key West, and return over the same route; (4) Between Jacksonville, Fla. and Miami, Fla.; From Jacksonville over Interstate Highway 95 to Miami, and return over the same route. (5) Between Jacksonville, Fla. and Tampa, Fla.: From Jacksonville over U.S. Highway 90 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Florida Highway 200, thence over Florida Higway 200 to junction Interstate Highway 75, thence over Interstate Highway 75 to Tampa, and return over the same route.

(6) Between Daytona Beach, Fla. and Tampa Fla: From Dayton Beach over U.S. Highway 92 to junction Interstate Highway 4, thence over Interstate Highway 4 to Tampa, and return over the same route. (7) Between Jacksonville, Fla. and Fort Myers, Fla.: From Jacksonville over U.S. Highway 17 to Fort Myers, and return over the same route; (8) Between Tampa, Fla. and Vero Beach, Fla: From Tampa over Florida Highway 60 to Vero Beach, and return over same route; (9) Between Waldo, Fla. and Miami, Fla: From Waldo over Florida Highway 24 to Gainesville, thence over U.S. Highway 441 to Miami, and return over same route; and (10) Between Fort Myers, Fla. and Fort Lauderdale, Fla: From Fort Myers, over Florida Highway 84 to Fort Lauderdale, and return over same route, serving the intermediate and off-route points of Columbia, Gilchrist and Levy Counties, Fla., in (1) through (10) above, service at Tallahassee is restricted to traffic having a prior or subsequent movement in interchange or interline service; and (B) irregular routes: *foods and foodstuffs* (except commodities in bulk), between points in Florida in and west of a line formed by Alachua, Baker, Citrus, Marion and Union Counties.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Miami or Orlando, Fla.

No. MC 108835 (Sub-No. 37), filed December 27, 1976. Applicant: HYMAN FREIGHTWAYS, INC., P.O. Box 3393, 1745 University Avenue, St. Paul, Minn. 55104. Applicant's representative: Rodney L. Trocke, 2690 North Prior Avenue, Roseville, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) Between junction of Iowa Highway 60 and Iowa Highway 9 and Sioux Falls, S. Dak.: From junction of Iowa Highway 60 and Iowa Highway 9 over Iowa Highway 9 to South Dakota Highway 38, thence over South Dakota Highway 38 to Sioux Falls, S. Dak., and return over the same route; (2) Between junction of Iowa Highway 60 and U.S. Highway 18 and junction of U.S. Highway 18 and Iowa unnumbered Highway east of Fairview, S. Dak.: From junction of Iowa Highway 60 and U.S. Highway 18 over U.S. Highway 18 to junction of U.S. Highway 18 and Iowa unnumbered Highway east of Fairview, S. Dak., and return over the same route; and (3) Between junction of Iowa Highway 60 and U.S. Highway 75 and junction of U.S. Highway 75 and Iowa Highway 9: From junction of Iowa Highway 60 and U.S. Highway 75 over U.S. Highway 75 to junction of Iowa Highway 9, and return over the same route; serving no intermediate points except as otherwise authorized and as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Sioux Falls, S. Dak.

No. MC 109397 (Sub-No. 349), filed December 23, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, machinery, equipment, and supplies* (except commodities in bulk) used in the manufacture and distribution of contractors', construction, and mining machinery, equipment, and parts, from points in the United States, including Alaska but excluding Hawaii, to the facilities of Bucyrus-Erie Co., located at Pocatello, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Reno, Nev.

No. MC 109533 (Sub-No. 84), filed December 30, 1976. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1000 Semmes Avenue, Richmond, Va. 23224. Applicant's representative: E. T. Llipfert, 1660 L Street, N.W., Suite 1100, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) Between Marietta, Ohio and Cumberland, Md., serving all intermediate points: From Marietta over Interstate Highway 77 to Parkersburg, W. Va. thence over U.S. Highway 50 to junction U.S. Highway 220, thence over U.S. Highway 220 to Cumberland, and return over same route; (2) Between Charleston, W. Va. and Pittsburgh, Pa. serving all intermediate points: From Charleston over U.S. 119 and/or Interstate Highway 79 to junction Interstate Highway 79, thence over Interstate Highway 79 to Pittsburgh and return over same route; (3) Between Bluefield, W. Va. and junction U.S. Highway 19 and Interstate Highway 79, serving all intermediate points: From Bluefield over U.S. Highway 19 to junction Interstate Highway 79, and return over same route; (4) Between Parkersburg, W. Va. and Williamson, W. Va. serving all intermediate points: From Parkersburg over Interstate Highway 77 to Charleston, W. Va. thence over U.S. Highway 119 to junction W. Va. Highway 65, thence over W. Va. Highway 65 to junction U.S. Highway 52, thence over U.S. Highway 52 to Williamson, and return over same route; (5) Between Gallipolis, Ohio and Charleston, W. Va., serving all intermediate points: From Gallipolis over Ohio Highway 7 to junction U.S. Highway 35, thence over U.S. Highway 35 to Charleston, and return over same route.

(6) Between Bluefield, W. Va. and Huntington, W. Va. serving all intermediate points: From Bluefield over U.S. Highway 52 to Huntington and return over same route; (7) Between junction W. Va. Highway 2 and U.S. Highway 35 and junction U.S. Highway 33 and Interstate Highway 77 serving all intermediate points: From junction W. Va. Highway 2 and U.S. Highway 35 over W. Va. Highway 2 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction Interstate Highway 77 and return over same route; (8) Between Morgantown, W. Va. and Cumberland, Md., serving all intermediate points: From Morgantown over U.S. Highway 48 to Cumberland and return over same route; (9) Between Parkersburg, W. Va. and Pittsburgh, Pa., serving all intermediate points: From Parkersburg over W. Va. Highway 2 to Weirton, W. Va. thence over U.S. Highway 22 to Pittsburgh, and return over the same route; (10) Between Wheeling, W. Va. and Washington, Pa. serving all intermediate points: From Wheeling over Interstate Highway 70 to Washington, returning over the same route; (11) Between Bluefield, Va.-W. Va. and Lewisburg, W. Va. serving all intermediate points: From Bluefield over U.S. Highway 460 to junction U.S. Highway 219, thence over U.S. Highway 219 to Lewisburg, and return over same orute; (12) Between Gallipolis, Ohio and East Liverpool, Ohio serving all intermediate points: From Gallipolis over Ohio Highway 7 to East Liverpool, and return over same route; (13) Between junction U.S. 19 and Interstate Highway 77 and Charleston, W. Va., serving all intermediate points: From junction U.S. 19 and Interstate Highway 77 over Interstate Highway 77 to Charleston, and return over same route; (14) Between Bluefield, W. Va. and Huntington, W. Va. serving all intermediate points: From Bluefield over U.S. Highway 460 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 64, thence over Interstate Highway 64 to Huntington, and return over same route; (15) Serving all points in West Virginia (except those on the above routes) as off-route points; (16) Serving all points in Pennsylvania on and south of U.S. Highway 22 and on and west of U.S. 19, as off-route points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charleston or Huntington, W. Va. or Washington, D.C.

No. MC 111397 (Sub-No. 121) filed January 3, 1977. Applicant: DAVIS TRANSPORT, INC., 1345 South 4th Street, Paducah,, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407—Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in containers, (1) from the plant site of Heublein, Inc., located at Paducah, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri,, Oklahoma, South Carolina, Tennessee and Texas; and (2) from New Orleans, La., to the plant site of Heublein, Inc., located at Paducah, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Louisville, Ky.

No. MC 111545 (Sub-No. 231) filed December 22, 1976. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, S.E., Marietta, Ga. 30067. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30065. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Contractor's construction, mining, lumber mill, marine, industrial, and material handling machinery, equipment, attachments, accessories, and supplies;* and (b) *materials, equipment, and supplies* (except commodities in bulk) used or useful in the manufacture or distribution of the commodities in 1 (a) above, between Manitowoc, Wis., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia and the District of Columbia, restricted to traffic originating at or destined to the plantsites or warehouse facilities of the Manitowoc Company, Inc., its division and subsidiaries located at or near Manitowoc, Wis., and further restricted to traffic originating at or destined to points in the named states, except for the movement of traffic in foreign commerce; and (2) *Material, equipment and supplies* (except commodities in bulk) used or useful in the building, repair or outfitting of marine vessels, from points in the radial states in (1) above, to Sturgeon Bay, Wis., restricted to traffic originating in the above-named states and destined to Sturgeon Bay, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications at Washington, D.C.

No. MC 112304 (Sub-No. 113) filed December 30, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, accessories, materials and supplies*, (1) from the plantsite and shipping facilities of Genova, Inc., located at or near Hazleton, Pa., to points in the United States (except Hawaii); and (2) from the plantsite and shipping facilities of Rensselaer Plastics, Div. of Genova, Inc., located at or near Rensselaer, Ind., to points in the United States (except Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Detroit, Mich.

No. MC 112617 (Sub-No. 357) filed December 29, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk, in tank vehicles, from Evansville, Ind., to points in Michigan, Ohio and West Virginia, restricted to shipments having a prior movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 112617 (Sub-No. 358) (Correction), filed December 10, 1976, published in the FEDERAL REGISTER issue of January 27, 1977 and republished as corrected this issue. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: C. R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in Illinois, Indiana, Michigan, Ohio, and St. Louis, Mo.

NOTE.—The purpose of this republication is to indicate the correct destination points. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 112617 (Sub-No. 359), filed December 14, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain neutral spirits, alcohol and alcoholic liquors*, in bond, in bulk, in tank vehicles, from Peoria and Delavan, Ill., to points in Indiana, Kentucky and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 112750 (Sub-No. 335) filed December 27, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Microfilm, microfiche, microforms and related items*, used in the business of banks and banking institutions, (1) between Omaha, Nebr., on the one hand, and, on the other, points in Iowa; (2) between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin; and (3) between Flora, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, North Carolina, Ohio, South Carolina, Tennessee and Texas.

NOTE.—Applicant holds common carrier authority in MC-111729 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 189) filed December 10, 1976. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Bristol, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 347) filed December 30, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, sauerkraut and relishes*, requiring mechanical refrigerated vehicles (except commodities in bulk, in tank vehicles), from the plantsite of Claussen Pickle Co., a wholly-owned subsidiary of Oscar Mayer & Co. Inc., located at or near Woodstock, Ill., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the above named origin and destined to points in the named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis. or Chicago, Ill.

No. MC 113855 (Sub-No. 368) filed December 22, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Contractors, construction, mining,*

lumber mill, marine, industrial, and *material handling machinery, equipment, attachments, accessories,* and *supplies;* and (b) *materials, equipment,* and *supplies* (except commodities in bulk) used or useful in the manufacture or distribution of the commodities in 1(a) above, between Manitowoc, Wis., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, restricted to traffic originating at or destined to the plantsites or warehouse facilities of the Manitowoc Company, Inc., its division and subsidiaries, at or near Manitowoc, Wis., and further restricted to traffic originating at or destined to points in the named states, except for the movement of traffic in foreign commerce; and (2) *materials, equipment* and *supplies* (except commodities in bulk) used or useful in the building, repair, or outfitting of marine vessels, from points in the United States (except Alaska and Hawaii), to Sturgeon Bay, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Washington, D.C.

No. MC 114273 (Sub-No. 278) filed December 16, 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 Avenue 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: *Meats, meat products, meat by products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Cincinnati, Ohio, to points in Pennsylvania 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 114273 (Sub-No. 279) filed December 17, 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 Avenue 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: (1) *Calcium chloride, magnesium chloride and magnesium hydroxide,* from Ludington, Mich., to Kansas City, Mo.; (2) *calcium chloride, disinfectant* (expect medicinal), *pentachlorophenol, caustic soda, dry, plastic granules, synthetic plastic* (except liquid), and *cleaning compounds,* liquid, from Midland, Mich. to Kansas City, Mo.; and (3) *zinc ammonium chloride kleanrol flux crystals, nitre cake, zinc chloride gran., and zinc chloride,* liquid, from Cleveland, Ohio, to Kansas City, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 282) filed December 27 1976. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of Jeno's, Inc. located at Duluth, Minn., to points in Iowa, Kansas, Missouri, Nebraska, and South Dakota, 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 St. Paul, Minn. or Chicago, Ill.

No. MC 114457 (Sub-No. 283) filed December 27, 1976. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Glass bottles,* from Marion, Ind., to Chaska and Winona, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 114457 (Sub-No. 284) filed December 27, 1976. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpet rolls and boxes of samples,* from Dalton, Ga. to points in Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 114632 (Sub-No. 93) filed December 23, 1976. Applicant: APPLE LINES, INC., 212 S.W. Second St., Madison, S. Dak. 57402. Applicant's representative: Andrew Clark, 1000 1st Natl. Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and wholesale department and hardware stores (except commodities in bulk), from points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin, to the facilities of or utilized by Coast to Coast Stores Central Organization, Inc. located at points in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, and Kansas City, Mo., restricted to the transportation of traffic or originating at the above named origins and destined to the above named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 115162 (Sub-No. 345), filed January 6, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (Same as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings, valves, fire hydrants, castings and materials and supplies* used in the installation thereof, from the plantsite and warehouse facilities of Clow Corporation located at Coshocton, Ohio, to points in Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

HEARING: March 17, 1977, (2 days), at 9:30 a.m. Local Time, in Room 235 Federal Office Building, 85 Marconi Blvd., Columbus Ohio.

No. MC 115180 (Sub-No. 97), filed December 22, 1976. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 205 W. 14th St., New York, N.Y. 10014. 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: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (1) from the plantsite and storage facilities utilized by American Beef Packers, Inc., located at or near Omaha, Nebr., to points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) from the plantsite and storage facilities utilized by American Beef Packers, Inc., located at or near Oakland, Iowa, to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and the District of Columbia, restricted in (1) and (2) above 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 Omaha, Nebr.

No. MC 115311 (Sub-No. 204), filed December 27, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising matter,* from Belleville, Ill., to points in Alabama, Mississippi, Louisiana and Texas; and (2) *empty malt beverage containers, malt beverage pallets, dunnage, damaged, refused and rejected shipments of malt beverages,* from points in Alabama, Mississippi, Louisiana, and Texas, to Belleville, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 115311 (Sub-No. 205), filed December 20, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Malt beverages*, (1) from Trenton, N.J. and Norfolk, Va., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas; and (2) between Norfolk, Va. and Trenton, N.J.; and (B) *malt beverage containers, pallets, dunnage and materials and supplies* used in the production, distribution and advertising of malt beverages (except commodities in bulk), (1) from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, to Trenton, N.J. and Norfolk, Va.; and (2) between Norfolk, Va. and Trenton, N.J.

NOTE.—Common control may be involved. If a hearing is deemd necessary, the applicant requests it be held at either Atlanta, Ga. or Philadelphia, Pa.

No. MC 115322 (Sub-No. 126), filed December 28, 1976. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Highway 527, Taft, Fla. 38209. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, burlap articles, and paper articles, and materials and supplies*, used in the manufacture, sale and distribution of the aforesaid commodities (except commodities in bulk), from the plant site of and warehouse facilities utilized by PPD Corporation located at or near Newark, N.J., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 115841 (Sub-No. 529), filed December 27, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, Tenn. 37922. Applicant's representative: Chester G. Groebel (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meats, *meat products, meat by-products and articles distributed by meat packinghouses*, from Denver, Colo., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, South Carolina and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No MC 116947 (Sub-No. 53), filed December 27, 1976. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby St., S.W., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, drug and toilet preparations, naptha in metal containers*, not exceeding one gallon capacity, between Danville, Ill., on the one hand, and, on the other, points in Georgia and Texas, and Jersey City, N.J., under a continuing contract, or contracts, with ATI, Inc. of Milford, Conn.

NOTE.—Applicant holds common carrier authority in No. MC 117956 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 117068 (Sub-No. 77), filed December 28, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forklift trucks*, from Battle Creek, Mich., to Minneapolis, Minn., restricted to traffic originating at Battle Creek, Mich., and destined to Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 117686 (Sub-No. 161), filed December 27, 1976. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Minneapolis, Minn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, restricted to traffic originating at the plantsite and storage facilities of the Pillsbury Company, located at or near Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Washington, D.C.

No. MC 117940 (Sub-No. 208), filed December 20, 1976. Applicant: NATIONWIDE CARRIERS, Inc., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Alan L. Timmerman (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phonograph records, and recorded and blank sound tapes, phonographs and tape players and recorders, radio and television receivers, television games, musical instruments, wire and wooden racks, music books, adding and computing machines, disc or tape sound recording carrying cases*, from points in New Jersey, New York, and Pennsylvania, to the facilities of J. L. Marsh, Inc., located at St. Louis Park, Minn., restricted to the transportation of shipments originating at the named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 114789 (Sub-No. 16 and other subs), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 118288 (Sub-No. 47), filed December 17, 1976. Applicant: FROST TRUCK LINES, INC., 14751 Boyle Ave., Fontana, Calif. 92335. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, Classes A and B explosives and household goods as defined by the Commission), between points in California on the one hand, and, on the other, points in Oregon, Washington, and Idaho, restricted to shipments moving on the bills of lading of freight forwarders.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Los Angeles, Calif.

No. MC 119547 (Sub-No. 45), filed December 20, 1976. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43701. Applicant's representative: James Duvall, P.O. Box 97, 220 West Bridge St., Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Columbus, Ohio; Fort Wayne, Ind.; and San Antonio, Tex., to points in West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 119702 (Sub-No. 49), filed December 28, 1976. Applicant: STAHLY CARTAGE CO., a Corporation, P.O. Box 486, 130A Hillsboro Avenue, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and dry fertilizer, in bulk*, from Fulton, Ill., to points in Illinois, Iowa, Minnesota, Missouri and Wisconsin; and (2) *dry fertilizer*, in bulk, from Pekin, Ill., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at St. Louis, Mo.

No. MC 121664 (Sub-No. 18), filed December 30, 1976, Applicant: G. A. HORNADY, CECIL M. HORNADY AND B. C. HORNADY, a partnership, doing business as, HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, Ala. 36460. Applicant's representative: Gerald D. Colvin, Jr., 603 Frank

Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar mix*, in bulk, from the facilities of National Cement Company, Inc., located at or near Birmingham, Ala., to points in Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birminghham of Mobile, Ala.

No. MC 123407 (Sub-No. 347), filed December 17, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products, pipe and tubing, and materials, equipment and supplies* used in the distribution and installation thereof (except commodities in bulk, and those which because of size or weight require the use of special equipment), between Lithonia, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to Acme Manufacturing Company, located at Lithonia, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123502 (Sub-No. 46), filed December 27, 1976. Applicant: FREE STATE TRUCK SERVICE, INC., Md. Rt. No. 3, P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: Norman R. Glenow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, between points in Connecticut, Massachusetts, New Jersey (except points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem Counties, N.J.), New York and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124846 (Sub-No. 4), filed December 22, 1976. Applicant: KALLMEYER BROS. ENTERPRISES, INC., 4 Schiller Street, P.O. Box 223, Hermann, Mo. 65041. Applicant's representative: Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Jefferson City, Mo., under a continuing contract, or contracts, with Quality Wholesaler's, Inc. of Jefferson City, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jefferson City or Columbia, Mo.

No. MC 124947 (Sub-No. 51), filed December 22, 1976. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 2338, East Peoria, Ill. 61611. Applicant's representative: Robert D. Gisvold, 1000 First Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Contractor's construction, mining, lumber mill, marine, industrial, and material handling machinery, equipment, attachments, accessories, and supplies*; and (b) *materials, equipment, and supplies* (except commodities in bulk) used or useful in the manufacture and distribution of the commodities in (1) (a) above, between Manitowoc, Wis., on the one hand, and, on the other, points in Arkansas, Illinois, Kansas, Louisiana, Missouri, Oklahoma, and Texas, restricted to traffic originating at or destined to the plantsites or warehouse facilities of the Manitowoc Company, Inc., its division and subsidiaries, at or near Manitowoc, Wis., and further restricted to traffic originating at or destined to points in the named points (except for the movement of traffic in foreign commerce); and (2) *material, equipment and supplies* (except commodities in bulk) used or useful in the building, repair or outfitting of marine vessels, from points in Arkansas, Illinois, Kansas, Louisiana, Missouri, Oklahoma and Texas, to Sturgeon Bay, Wis., restricted to traffic originating in the above-named origin points and destined to Sturgeon Bay, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Washington, D.C.

No. MC 124987 (Sub-No. 21), filed December 20, 1976. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a Partnership, doing business as: EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden, 309 State Bank Bldg., La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crates, shook, wood and fibre*, nailed and/or glued, knocked down flat in bundles, from Aurora, Ill., to Rochester, Minn. and Galesville, Wis., under a continuing contract, or contracts, with Aurora Container Corp. located at Aurora, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Madison, Wis.

No. MC 125433 (Sub-No. 91), filed December 27, 1976. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Michael J. Norton, P.O. Box 2135, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies* utilized in the production, manufacture, assemblage and distribution of contractors, *construction and mining machinery, equipment, materials, supplies and parts* (except commodities in bulk), from points in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming, to points in Bannock County, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Salt Lake City, Utah.

No. MC 126276 (Sub-No. 168), filed January 3, 1977. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products; plastic products; metal foil products; products composed of combinations of paper, plastic or metal foil; toothpicks; wire goods; scouring pads; holders and dispensers* for above named commodities and *materials and supplies* used in the manufacture, distribution and sale of the above named commodities (except commodities in bulk), from the plantsite of American Can Company, located at Lexington, Ky., to points in Illinois, Indiana, Michigan, Ohio and Wisconsin, under a continuing contract, or contracts, with American Can Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127042 (Sub-No. 182), filed December 23, 1976. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98 Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation, located at Des Moines, Iowa, to points in Nebraska, restricted to traffic originating at the named origin, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 127042 (Sub-No. 184) filed December 23, 1976. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98 Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor*

Carrier Certificates, 61 M.C.C. 209 and 766, from the plantside and warehouse facilities of Wilson Foods Corporation, located at Cherokee, Iowa, to points in Wisconsin, restricted to the transportation of products originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 128270 (Sub-No. 22), filed December 23, 1976. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, East Gary, Ind. 46405. Applicant's representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from the plantsites and warehouse facilities utilized by L. B. Foster Co., located at or near Chicago, Ill., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, and Wisconsin; (2) from points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Texas, and Wisconsin to the plantsites and warehouse facilities utilized by Metal Purchasing Company, Inc., located at or near Chicago, Ill.; (3) between the plantsites and warehouse facilities of Pittsburgh-Des Moines Steel Co., located at or near Marseilles, Ill., on the one hand, and, on the other, points in Iowa, Missouri, and Wisconsin; and (4) between the plantsites and warehouse facilities utilized by Bethlehem Steel Corp., and Midwest Steel Corp., located at or near Portage, Ind., and points in Arkansas and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 129068 (Sub-No. 36) filed December 22, 1976. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: Jack L. Griffin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, mobile homes, designed to be drawn by passenger automobile, in initial movements; and (2) *buildings*, complete or in sections, mounted on wheeled undercarriages, from points in Arkansas, to points in the United States (except Alaska and Hawaii), restricted against recreational vehicles, such as campers and travel trailers and modular units or prefabricated buildings.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Rock, or Ft. Smith, Ark.

No. MC 129068 (Sub-No. 37) filed January 3, 1976. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: Jack L. Griffin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, mobile homes, designed to be drawn by passenger automobile, in secondary movements; and (2) *buildings*, complete or in sections, mounted on wheeled under carriages, from points in Kansas, to points in the United States (except Alaska and Hawaii), restricted against recreational vehicles, such as campers and travel trailers and modular units or prefabricated buildings.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Topeka, Kans.

No. MC 129631 (Sub-No. 53) filed December 6, 1976. Applicant: PACK TRANSPORT, INC., 3975 S. 300 West, Salt Lake City, Utah 84107. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from California, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming, to Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin and points in the United States west of the Mississippi River (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 133095 (Sub-No. 129) filed December 29, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Kim G. Meyer, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed publications*, from the warehouse and storage facilities of Magazine Shippers Association, Inc. located at or near Bridgeport, Conn., to points in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 133095 (Sub-No. 130) filed December 23, 1976. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boxed meat*, from El Paso, Tex., to points in the United States (except Alaska and Hawaii).

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 El Paso or Dallas, Tex.

No. MC 133095 (Sub-No. 134) filed December 20, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. 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: *Therapeutic equipment*, in mechanically refrigerated equipment, (1) from McAllen, Tex., to Cinnaminson, N.J.; and (2) from Piscataway, N.J., to McAllen, Tex.

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 that it be held at Dallas, Tex.

No. MC 133119 (Sub-No. 108) filed December 23, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* and *articles distributed by meat packinghouses* as described in Sections A and C of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities utilized by American Beef Packers, Inc., located at or near Omaha, Nebr., and Oakland, Iowa to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, 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 Omaha or Lincoln, Nebr.

No. MC 133119 (Sub-No. 109) filed December 23, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* and *articles distributed by meat packinghouses* (except hides and commodities in bulk), from points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, to the port of entry on the International Boundary Line between the United States and Canada, located at or near Blaine, Wash., restricted to the transportation of traffic

moving in foreign commerce to points in British Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Minneapolis, Minn.

No. MC 134068 (Sub-No. 31) filed January 3, 1977. Applicant: KODIAK REFRIGERATED LINES, INC., P.O. Box 58327, 3336 East Fruitland Avenue, Vernon, Calif. 90058. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, Colo. 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from points in Idaho, Oregon, Utah and Washington, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 134105 (Sub-No. 17) filed December 23, 1976. Applicant: CELERY-VALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, Tenn. 37402. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Farmland Foods, Inc., located at or near Carroll, Denison, and Iowa Falls, Iowa, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.; or Des Moines or Sioux City, Iowa.

No. MC 134105 (Sub-No. 19) filed December 28, 1976. Applicant: CELERY-VALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, Tenn. 37402. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation, located at Albert Lea, Minn., to points in Georgia, North Carolina, South Carolina, and Tennessee, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 134824 (Sub-No. 5) filed December 23, 1976. Applicant: FOREST PRODUCTS TRANSPORTS, INC., 216 Newsom Bldg., P.O. Box 567, Columbia, Miss. 39429. Applicant's representative: Harold D. Miller, Jr., 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from those points in that part of Mississippi on and south of Interstate Highway 20, to those points in that part of Louisiana east of the Mississippi River, under a continuing contract, or contracts, with Georgia-Pacific Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 134922 (Sub-No. 216) filed December 27, 1976. Applicant: B. J. MCADAMS, INC., Route No. 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: *Electrical appliances, equipment and parts*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 283, and *materials* used in the manufacture thereof (except commodities in bulk and those requiring special equipment), between points in Vermont on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or Atlanta, Ga.

No. MC 135384 (Sub-No. 22) filed December 9, 1976. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 81 & I-75, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, between San Antonio, Tex., on the one hand, and, on the other, points in Georgia, Missouri, Maryland, and North Carolina.

NOTE.—Applicant intends to tack at Atlanta, Ga., and Pabst, Houston County, Ga. to provide service from San Antonio, Tex., to points in Alabama, Tennessee, Florida, South Carolina, Arkansas, Kentucky, Louisiana, Mississippi and Virginia. 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 135410 (Sub-No. 9), filed December 20, 1976. Applicant: COURTNEY J. MUNSON, doing business as MUNSON TRUCKING, 700 South Main, P.O. Box 691, Monmouth, Ill. 61462. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Wilson Foods Corporation, located at or near Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Dallas, Tex., or Kansas City, Mo.

No. MC 135874 (Sub-No. 63), filed December 13, 1976. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Whitehall Packing Company, Inc., at or near Whitehall and Eau Claire, Wis., to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 135874 (Sub-No. 65), filed December 27, 1976. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and wholesale department and hardware stores (except in bulk), (1) from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New

Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to Crawfordsville, Ind., Brookings, S. Dak., and Kansas City, Mo.; (2) from points in Illinois, Indiana, Kentucky, Michigan, and Wisconsin, to Kansas City, Mo.; and (3) from points in Illinois, Indiana, Kentucky, Michigan, Missouri, and Wisconsin, to Brookings, S. Dak., restricted in (1), (2) and (3) above to shipments originating at the named origins and destined to the facilities of Coast to Coast Stores Central Organization, Inc., located at or near the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 135874 (Sub-No. 66), filed December 27, 1976. Applicant: LTL Perishables, Inc., 550 E. 5th Street South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by American Beef Packers, Inc., located at or near Omaha, Nebr., and Oakland, Iowa to points in Illinois, Indiana, New Jersey, New York, Ohio, and Wisconsin, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 135881 (Sub-No. 2), filed December 28, 1976. Applicant: CURTIS R. LUNNEY, Westfield, Maine 04787. Applicant's representative: Curtis R. Lunney (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* (beer, malt and wine), in containers, from Fulton and Syracuse, N.Y., and Cranston, R.I., to Caribou, Maine, under contract with William J. Anderson, d/b/a Anderson Beverage Co., at Caribou, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Caribou, Presque Isle, or Portland, Maine.

No. MC 136212 (Sub-No. 20), filed December 28, 1976. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothensburg, Nebr. 69138. 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: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Mid-Western Beef, Inc., located at or near Darr, Nebr., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, restricted to traffic originating at the facilities of Mid-Western Beef, Inc., located at or near Darr, Nebr., and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 136342 (Sub-No. 11), filed December 17, 1976. Applicant: JACKSON AND JOHNSON, INC., P.O. Box 327, West Church Street, Savannah, N.Y. 13146. 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: *Sugar*, from Boston (Charlestown), Mass., to those points in that part of New York north and west of Sullivan, Dutchess, and Ulster Counties, N.Y., under a continuing contract, or contracts, with Revere Sugar Refinery.

NOTE.—Applicant holds common carrier authority in No. MC 134197 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass. or New York City, N.Y.

No. MC 138383 (Sub-No. 3), filed December 29, 1976. Applicant: JON C. SAWYER, doing business as SAWYER TRANSPORT CO., 3535 Wolf Road, Saginaw, Mich. 48601. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bulk, from the facilities of the Nugent Sand Company, at Muskegon, Mich., to Defiance, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 138782 (Sub-No. 2), filed December 8, 1976. Applicant: CLYDE T. FLETCHER, doing business as KENTUCKY T.O.F.C. DELIVERY SERVICE, 511 Hopkinsville Street, Princeton, Ky. 42445. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 Princeton, Ky., on the one hand, and, on the other, Madisonville, Ky., restricted to traffic having a prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 138902 (Sub-No. 6), filed December 27, 1976. Applicant: ERB TRANSPORTATION COMPANY, INC., P.O. Box 65, Crozet, Va. 22932. Applicant's representative: Harry C. Ames, Jr., Suite 805, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, used in the processing, manufacturing, and packaging of frozen foods (except commodities in bulk), from points in Delaware, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia, to Crozet, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139460 (Sub-No. 21), filed December 21, 1976. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wollastonite*, in bulk, in tank vehicles, from Willsboro, N.Y., to Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany, N.Y. or Washington, D.C.

No. MC 139495 (Sub.-No. 186), filed December 15, 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, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic articles*, from Keller, Tex., to points in California, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, and South Dakota.

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 139569 (Sub-No. 2), filed December 20, 1976. Applicant: G & T TRUCKING CO., Route 1, P.O. Box 698, Shakopee, Minn. 55379. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Black oil*, from the facilities used by Mathy Construction Company located at or near LaCrosse, Wis., to points in Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rice, Steele, Wabasha,

and Winona Counties, Minn., under a continued contract or contracts with Mathy Construction Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 140792 (Sub-No. 3), filed December 22, 1976. Applicant: STANLEY E. WHITEHEAD, 1017 Third Avenue, Monroe, Wis. 53566. Applicant's representative: Wayne W. Wilson, 329 W. Wilson Street, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, from Browntown, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota and Missouri, (2) *materials, equipment and supplies* used or useful in the manufacture, sale, distribution or production of feed and feed ingredients, from points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri, to Browntown, Wis., (3) *feed and feed ingredients, whey, whey by-products and lactose*, from Boscobel, Wis., to points in the United States (except Alaska and Hawaii); and (4) *materials, equipment and supplies*, used or useful in the manufacture, sale, distribution or production of feed and feed ingredients, whey, whey by-products and lactose, from points in the United States (except Alaska and Hawaii), to Boscobel, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis. or Chicago, Ill.

No. MC 140820 (Sub-No. 2), filed December 29, 1976. Applicant: A & R TRANSPORT, INC., 106 N. Everett St., P.O. Box 413, Streator, Ill. 61364. Applicant's representative: James E. Bedeker, 1609 E. First St., Streator, Ill. 61364. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk, in tank vehicles, between Marseilles, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 141071 (Sub-No. 8), filed December 20, 1976. Applicant: LARANETA TRUCKING COMPANY, INC., 870 West 9th Street, San Pedro, Calif. 90731. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from Perham, Minn., and Muscatine, Iowa, to San Jose, Calif., under a continuing contract, or contracts, with Star-Kist Foods, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141319 (Sub-No. 1), filed December 21, 1976. Applicant: JACK L. HODGES, 311 Radcliff, Oran, Mo. 63771. Applicant's representative: Thomas F. Kilroy, Post Office Box 2069, Springfield, Va. 22152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products*, and *clay articles* (except in bulk), from points in Stoddard County, Mo., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 141804 (Sub-No. 42), filed January 3, 1977. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, from Detroit, Mich., Cincinnati, Ohio, St. Louis, Mo., Lawrenceburg, Ind., and points in Kentucky and Tennessee, to points in Arizona, California, Nevada, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Nashville, Tenn.

No. MC 142059 (Sub-No. 3) (Amendment), filed August 9, 1976, and published in the FEDERAL REGISTER issues of September 16, 1976, and republished this issue. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, Ill. 60436. Applicant's representative: J. Michael Farrell, 1725 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products including scrap* (except commodities in bulk and those which because of size or weight require specialized transportation equipment), between points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Indiana, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming, restricted to the transportation of traffic originating at and destined to the named points, and further restricted against the transportation of traffic between points in Alabama, Florida, Georgia, Maine, New Hampshire, North Carolina, South Carolina, Tennessee, and Vermont.

NOTE.—The purpose of this republication is to clarify applicant's entire request for authority. Applicant requests that its hearing be held at either Chicago, Ill. or Washington, D.C.

No. MC 142193 (Sub-No. 1), filed December 28, 1976. Applicant: ROBERT L. DIETZ AND DONNA J. DIETZ, doing business as DIETZ PRODUCE, P.O. Box 554, Alma, Nebr. 68920. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber products*, between Foreston, Buffalo and Red Wing, Minn., on the one hand, and, on the other, the facilities of Riviera Products, located at or near Colorado Springs, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 142238 (Sub-No. 1), filed December 21, 1976. Applicant: ROLLCARRIER, INC., 4075 East 15th Place, East Gary, Ind. 46405. Applicant's representative: Gregory S. Reising, 650 South Lake Street, Gary, Ind. 46403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel coils*, on specially designed equipment, (1) between Greenfield and Kingsbury, Ind., and Dearborn, Detroit, Flint, Grand Blanc, Grand Rapids, Kalamazoo, Lansing, and Walton Lake, Mich.; (2) between Greenfield and Kingsbury, Ind., and Ashtabula, Canton, Cincinnati, Cleveland, Dayton, Hamilton, Lordstown, Marion, Steubenville, Woodlawn, and Youngstown, Ohio; (3) between Greenfield and Kingsbury, Ind., and Cairo, Chicago Heights, East St. Louis, Granite City, Madison, and Willow Springs, Ill.; and (4) between Greenfield and Kingsbury, Ind., and Ashland and Owensboro, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 142268 (Sub-No. 9), filed December 27, 1976. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada N0R 1G0. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Michigan 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from the port of entry on the International Boundary Line between the United States and Canada located at points in New York to Boston, Mass., restricted to shipments originating at the plant of L. J. McGuiness & Co. Limited located at the Province of Toronto, Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requess it be held at either Buffalo, N.Y., or Boston, Mass.

No. MC 142508 (Sub-No. 4), filed December 30, 1976. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fruit and berry products, and condiments*, (a)

from the facilities utilized by Ocean Spray Cranberries, Inc., located at or near North Chicago, Ill. and Kenosha, Wis., to points in Alabama, Arkansas, Colorado, Georgia, Louisiana, Kansas, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas; and (b) from the facilities utilized by Ocean Spray Cranberries, Inc., located at or near Markham, Wash., to points in Arizona, California, Nevada, Oregon, Utah, and Wyoming; (2) *foodstuffs and materials, equipment and supplies* used in the manufacture, sale or distribution of foodstuffs (except commodities in bulk), between the facilities utilized by Ocean Spray Cranberries, Inc., located at Chicago, Ill.; Bordentown, N.J.; Hanson, Middleboro and Onset, Mass.; North East, Pa.; Markham, Wash.; and Kenosha, Wis.; and (3) *materials and supplies* used in the manufacture of fruit and berry products (except frozen commodities and commodities in bulk), from points in California, to the facilities utilized by Ocean Spray Cranberries, Inc., located at Markham, Wash., restricted in (1), (2) and (3) above against commodities in bulk, and further restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—The purpose of this application is to convert applicant's contract carrier authority to common carrier authority. Applicant holds contract carrier authority in No. MC 134734 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 142699, filed November 16, 1976. Applicant: MAPLE LEAF EXPORT & IMPORT, INC., 981 East New York Avenue, Brooklyn, N.Y. 11212. Applicant's representative: C. St. Clair Maloney (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, commodities in bulk, and commodities requiring special equipment); and (2) *household goods and personal effects*, between New York, N.Y. and Boston, Mass., and points in Connecticut, Maryland and the District of Columbia, rectricted in (2) above to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 142729 (Sub-No. 2), filed December 17, 1976. Applicant: LESTER MATTHEWS, doing business as LESTER'S DELIVERY, 6920 Singingwood Drive, St. Louis, Mo. 63129. Applicant's representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fish, cheese, and related food items and supplies* dealt in by food chain stores, between the facility of White Castle System located at St. Louis, Mo., and the facilities of White Castle Systems located at Fairview Heights and Alton, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Chicago, Ill.

No. MC 142762 (Sub-No. 1), filed December 27, 1976. Applicant: VERPLANK'S COAL & DOCK CO., a Corporation, Ferrysburg, Mich. 49409. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bulk, from the facilities of the Nugent Sand Company, located at Muskegon, Mich., to Defiance, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich.

No. MC 142763 (Sub-No. 1), filed December 29, 1976. Applicant: G. W. CANNON COMPANY, a Corporation, P.O. Box 506, Muskegon, Mich. 49443. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bulk, from the facilities of the Nugent Sand Company, at Muskegon, Mich., to Defiance, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 142766 (Sub-No. 2), filed December 24, 1976. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Ave., Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electronic equipment, and household appliances;* and (2) *supplies, equipment and materials* used in the manufacture and sale of the commodities named in (1) above (except commodities in bulk), between the facilities of Sharp Electronics, located at Paramus and South Plainfield, N.J., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Oklahoma and Texas, under a continuing contract, or contracts, with Sharp Electronics Corporation, located at Paramus, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 142768 (Sub-No. 1), filed December 27, 1976. Applicant: BREWER'S CITY DOCK, INC., 24 Pine Avenue, Box 901A, Holland, Mich. 49423. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bulk, from the facilities of the Nugent Sand Company, located at Muskegon, Mich., to Defiance, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich.

No. MC 142793, filed December 20, 1976. Applicant: MARTIN HOLMES, doing business as BILLIKIN TRANSFER, P.O. Box 1067, Petersburg, Alaska 99833. Applicant's representative: L. B. Jacobson, P.O. Box 1211, Juneau, Alaska 99802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, articles of unusual value, and Classes A and B explosives), between points in Kupreanof Island and Mitkof Island, Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Petersburg or Juneau, Alaska.

No. MC 142805, filed December 22, 1976. Applicant: RAY BURRIS TRUCK LINE, INC., P.O. Box 414, Altoona, Iowa 50009. Applicant's representative: Steven C. Schoenebaum, 1200 Register and Tribune Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal* (except liquid commodities in bulk or in tank vehicles), from points in Polk County, Iowa, and Redfield, Iowa, to points in Missouri on and north of Interstate Highway 70, Nebraska on an east of U.S. Highway 281, Minnesota on and south of U.S. Highway 212, and Minneapolis and St. Paul, Minn., and Kansas City and St. Louis, Mo., under a continuing contract or contracts with Cargill, Inc., and A. E. Staley Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, Minneapolis-St. Paul, Minn. or Chicago, Ill.

No. MC 142806, filed December 27, 1976. Applicant: PHELPS MOTOR LINE INC., 1220 Williamson Building, Cleveland, Ohio 44114. Applicant's representative: Robert L. Baker, Suite 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric welders and parts and accessories thereof; welding supplies and hand truck parts* (except commodities in bulk and commodities which by reason of size or weight require the use of special equipment), from points in Lake and Cuyahoga Counties, Ohio, to points in Davidson, Cheatham, Maury and Hamilton Counties, Tenn., and points in Jefferson County, Ala., under contract with The Lincoln Electric Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 142847, filed December 21, 1976. Applicant: LESLIE OAKLEY, JR., AND BARRY D. OAKLEY, doing business as OAKLEY BROTHERS TRUCKING, a Partnership, Fairfield, Mont. 59436. Applicant's representative: L. D. Nybo, 529

Northwestern Bank Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, aluminum and steel pipe and wheel line sprinklers*, from points in Idaho, Oregon, and Washington, (a) to points in Montana; and (b) to ports of entry on the International Boundary Line between the United States and Canada located in Montana, restricted in (b) above to traffic destined to points in the Provinces of Alberta and Saskatchewan, Canada.

NOTE.—Applicant holds contract carrier authority in MC 138626; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Great Falls, Mont.; Spokane or Seattle, Wash.; or Portland, Oreg.

No. MC 41638 (Sub-No. 6), filed December 17, 1976. Applicant: DELUXE TRAILWAYS, INC., 1718 South Clark Street, Chicago, Ill. 60616. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Passengers and their baggage* in special operations, (1) in round trips, (a) from points in Christian, Cook, DeWitt, Ford, Iroquois, Kankakee, Macon, Macoupin, Madison, McLean, Montgomery, Platt, St. Clair, Shelby and Will Counties, Ill., and St. Louis County, Mo., to points in the United States, including Alaska but excluding Hawaii; and (b) from points in the United States, including Alaska but excluding Hawaii, to points in the Illinois and Missouri Counties named in (1)(a) above; and (2) in one-way operations, (a) from points in the counties in Illinois and Missouri named in (1)(a) above to points in the United States, including Alaska but excluding Hawaii; and (b) from points in the United States, including Alaska but excluding Hawaii, to points in the Illinois and Missouri Counties named in (1)(a) above, restricted as follows: The authority sought in (2)(b) above is limited to those passengers or groups of passengers who originated at points in the Illinois and Missouri Counties named in (1)(a) above and whose transportation from the named Illinois and Missouri Counties was by means other than commercial motor vehicle.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago or Rockford, Ill.; Indianapolis, Ind.; or Cincinnati, Ohio.

No. MC 109780 (Sub-No. 72), filed December 17, 1976. Applicant: CONTINENTAL TRAILWAYS, INC., 315 Continental Avenue, Dallas, Tex. 75207. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th Street, N.W., Washington, D.C. 2004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, (1) in round trip operations, from points in Cook, Will, Kankakee, Iroquois, Ford, McLean, DeWitt, Platt, Macon, Christiana, Montgomery, Macoupin, Madison, Woodford, Peoria, Grundy, Tazewell and St. Clair Counties, Ill., Lake County, Ind., and St. Louis County, Mo., to points in the United States including Alaska but excluding Hawaii, and return; and (2) one-way operations, from the origin points named in (1) above, to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Applicant states it presently holds authority, in MC 109780, to engage in operations in interstate or foreign commerce as a motor common carrier, transporting passengers and their baggage, over regular routes through each of the counties named above. In addition to such regular route authority, it also holds, pursuant to Sec. 208(c) of the Interstate Commerce Act and regulations promulgated thereunder (49 CFR 1054), authority to transport "special or chartered" parties from points in the named counties to "any place or point in the United States." Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago or Springfield, Ill. or Indianapolis, Ind.

No. MC 139774 (Sub-No. 3), filed November 22, 1976. Applicant: AMBASSADOR CHARTER EXPRESS LTD., 216 39th Avenue N.E., Calgary, Alberta, Canada T2E 2M5. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between the port of entry on the International Boundary Line between the United States and Canada located in Montana and points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas and Wyoming, restricted to traffic originating or destined to Alberta, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Billings or Great Falls, Mont.

BROKER APPLICATION

No. MC 130435, filed December 29, 1976. Applicant: DESTINATIONS UNLIMITED, INC., 8100 Penn Avenue South, Suite 150E, Bloomington, Minn. 55431. Applicant's representative: Grant J. Merritt, 415—730 Second Avenue South, Minneapolis, Minn. 55402. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Bloomington, Minn., to sell or offer to sell the transportation of *passengers and their baggage*, in special or charter operations, by motor, rail or water carriers, beginning and ending at points in Minnesota, and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13095. Authority sought for control by "A" GAINES MOTOR LINES, INC. and "AA" TALLANT TRANSFER, INC., DBA, "A" GAINES MOTOR LINES, INC., P.O. Box 1549, Hickory, N.C., 28601 and "AA" TALLANT TRANSFER, INC., 1341 Second Ave., S.W., Hickory, N.C., 28601, of M & H TRUCKING COMPANY, INC., P.O. Box 924, Hickory, N.C., 28601, and for acquisition by "A" FOREST M. GAINES, P.O. 1549, Hickory, N.C. 28601 and "AA" WALLACE F. TALLANT, JR., 1341 Second Ave., S.W., Hickory, N.C. 28601, of control of such rights through the purchase. Applicants' attorney: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-99155 (Sub-No. 1) covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of North Carolina. "A" GAINES MOTOR LINES, INC., is authorized to operate as a common carrier in South Carolina, North Carolina, New York, New Jersey, Maryland, Pennsylvania, Connecticut, Massachusttts, Rhode Island, Virginia, and the District of Columbia, and "AA" TALLANT TRANSFER, INC., is authorized to operate as a common carrier in South Carolina, Georgia, Florida, Alabama, Tennessee, Virginia, North Carolina, the District of Columbia, Illinois, Arkansas, Mississippi, Missouri, Louisiana, Wisconsin, Kentucky, Iowa, Minnesota, Nebraska, Kansas, Connecticut, Delaware, Massachusetts, New Jersey, New York, Rhode Island, and West Virginia.

NOTE.—MC-99155 (Sub-No. 2) is a directly related matter.

No. MC-F-13096. Authority sought for purchase by HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Streets, East Palestine, OH. 44413, of a portion of the operating rights of GREAT LAKES EXPRESS CO., 1150 North Niagara Street, Saginaw, MI.

48602, and for acquisition by KENNETH C. HERRIOTT, also of East Palestine, OH. 44413, of control of such rights through the purchase. Applicants' attorneys: A. Charles Tell, 100 East Broad Street, Columbus, OH. 43215 and Charles F. Rodgers, 167 Fairfield Road, Fairfield, N.J. 07066. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes serving the site of the Kaiser Aluminum and Chemical Corporation's plant near Newark, Ohio., between Akron, Ohio, and Cincinnati, Ohio, serving all intermediate points, between Akron, Ohio, and Columbus, Ohio, serving all intermediate points, between Dayton, Ohio and Sharonville, Ohio, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations, serving no intermediate points, between Cleveland, Ohio, and Lodi, Ohio, serving no intermediate points, between Mt. Gilead, Ohio, and Columbus, Ohio, serving no intermediate points, between Columbus, Ohio, and junction U.S. Highway 40 and 42, serving no intermediate points, between junction U.S. Highway 40 and 42 and Cincinnati, Ohio, serving all intermediate points, serving Twinsburg, Ohio, as an off-route point in connection with carrier's authorized regular-route operations to and from Akron and Cleveland, Ohio: *Iron and steel, iron and steel products, automobile parts, machinery, burlap and paper*, as a *common carrier* over irregular routes from Dover and Fostoria, Ohio, Ellwood City, New Castle, Pittsburgh, and Sharon, Pa., and points within 10 miles of Sharon, to Adrian, Ann Arbor, Ypsilanti, Jackson, Albion, Battle Creek, Lansing, Holly, Flint, Pontiac, Monroe, Mt. Clemens, and Detroit, Mich., and points within 10 miles of Detroit, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia. Application has been filed for temporary authority.

No. MC–F–13097. Authority sought for merger by BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042, of the operating rights of PEAKE TRANSPORT SERVICE, INC., same address as applicant, and for acquisition by FRANK J. BECKER, 2643 West Central, El Dorado, KS 67042, of control of such rights through the merger. Applicants' attorney: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, OK 73112. Operating rights sought to be merged: *Petroleum products*, as a *common carrier* over irregular routes in bulk, in tank vehicles, from the site of a pipeline terminal at or near Geneva, Nebraska, to points in South Dakota, with no transportation for compensation on return except as otherwise authorized. From Council Bluffs, Iowa, and points in Iowa within 10 miles thereof, and from refining and distributing points in Kansas, to points in Nebraska east of the western boundaries of Red Willow, Frontier, Lincoln, Custer, Blaine, Brown, and Keyapaha Counties, Nebr., (except from Shamrock, Kans., Shallow Water, Kansas, to points in Red Willow, Furnas, Frontier, and Gosper Counties, Nebr.; to points in Dawson and Lincoln Counties, Nebr., south of U.S. Highway 30; and to points in Phelps and Harlan Counties, Nebr., west of U.S. Highway 183 and except liquified petroleum gases from points in that part of Kansas and on west of U.S. Highway 83 to points in Lincoln, Frontier, Red Willow, Furnas, Gosper, Dawson, and Blaine Counties, Nebr., and to points in that part of Keyapaha, Brown, Rock, Loup, Custer, Buffalo, Phelps, and Harlan Counties, Nebr., west of U.S. Highway 183). *Petroleum products*, as described in Appendix XIII of the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles; From Doniphan, Nebr., to points in that part of Kansas on and West of U.S. Highway 77 and on and north of U.S. Highway 40, with no transportation for compensation on return except as otherwise authorized; *Asphalt, road oil, and residual fuel oil*, from Phillipsburg, Kans., to points in that part of Nebraska west of the western boundaries of Red Willow, Frontier, Lincoln, Custer, Blaine, Brown, and Keyapaha Counties, Nebr., with no transportation for compensation on return except as otherwise authorized;

Anhydrous ammonia, in bulk, in tank vehicles, from the plantsite of Consumers Cooperative Association near Hastings, Nebr., to points in Iowa and South Dakota, with no transportation for compensation on return except as otherwise authorized; *Liquedfied Petroleum Gas*, in bulk, in tank vehicles, from the site of the pipeline terminal of Northern Gas Products Company at or near Plattsmouth, Nebr., to points in South Dakota, points in that part of Iowa on and west of U.S. Highway 169, points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 169 to St. Joseph, Mo., and points in Doniphan, Brown, Nemaha, Marshall, Washington, Republic, Cloud, Clay, Pottawattomie, Jackson, Atchison, and Riley Counties, Kans., with no transportation for compensation on return except as otherwise authorized; *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Company at or near Hoag, Nebr., to points in South Dakota; *Anhydrous ammonia*, in bulk, in tank vehicles, from the Consumers Cooperative Association Plant at or near Fort Dodge, Iowa, to points in Illinois, with no transportation for compensation on return except as otherwise authorized; Animal fats, in bulk, in tank vehicles, from Belleville, Kans., to points in Nebraska and Missouri, with no transportation for compensation on return except as otherwise authorized; *Liquid asphalt, road oils, and residual fuel oil*, in bulk, in tank vehicles, from Sugar Creek, Mo., to points in Nebraska, with no transportation for compensation on return except as otherwise authorized; *Liquid feed ingredients, and liquid feed supplements*, in tank vehicles, from the plantsite of Farmland Industries, Inc., at Fremont, Nebraska, to points in Wisconsin, with no transportation for compensation on return except as otherwise authorized;

From the plantsite of Feed Commodities, Inc., at Fremont, Nebr., to points in Illinois, Iowa, Minnesota, Missouri, and South Dakota, with no transportation for compensation on return except as otherwise authorized; From the plantsite of Prescription Pre-Mix Supplements at York, Nebraska to points in Kansas, with no transportation for compensation on return except as otherwise authorized; *Liquid feed, in bulk*, from Blair, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, Wyoming, and Oklahoma, with no transportation for compensation on return except as otherwise authorized; *Soybean meal, soybean mill run and soybean hulls*, dry, in bags and in bulk, from the facilities of Farmland Industries, Inc., located at or near Sergeant Bluffs, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming, and Kansas, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13098. Authority sought for purchase by CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, WI., 54701, of the operating rights of WILSON CASSEL, DBA MELROSE TRUCK LINES, Melrose, WI., 54642, and for acquisition by FRANK BABBITT, 2645 Harlem Street, Eau Claire, WI., 54701, of control of such rights through the purchase. Applicants' attorney: Joseph E. Ludden, 309 State Bank Building, La Crosse, WI., 54701. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–57192 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Wisconsin. Vendee is authorized to operate as a common carrier in Wisconsin, Ohio, Illinois, Indiana, Iowa, and Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13099. Authority sought for purchase by DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621, of a portion of the operating rights of TRANSCON LINES, 101 Continental Blvd., El Segundo, CA 90245, and for acquisition by DELTA CALIFORNIA INDUSTRIES, 600 Montgomery Street, San Francisco, CA 94111, of control of such

rights through the purchase. Applicants' attorneys: Wentworth E. Griffin, 1221 Baltimore Ave., Kansas City, MO 64105 and Marshall G. Berol, 601 California St., Suite 800, San Francisco, CA 94108. Operating rights sought to be transferred: *General commodities,* except household goods as described by the Commission, commodities in bulk, articles of unusual value, motor vehicles, and Classes A and B explosives, as a *common carrier* over regular routes between Willits, Calif., and Crescent City, Calif., serving all intermediate points; between Laytonville, Calif., and junction unnumbered County Road and California Highway 1, serving all intermediate points; Between Westport, Calif., and Leggett, Calif., serving all intermediate points; Between Laytonville, Calif., and Covelo, Calif., serving all intermediate points; Between Longvale, Calif., and Dos Rios, Calif., serving all intermediate points; Between Willits, Calif., and Dunlap, Calif., serving all intermediate points; Between Klamath, Calif., and Klamath Glen, Calif., serving all intermediate points; Between Cutten, Calif., and Falk, Calif., serving all intermediate points; Between Redway, Calif., and Briceland, Calif., serving all intermediate points; Between Bull Creek, Calif., and junction unnumbered County Road and U.S. Highway 101, near Weott, Calif., serving all intermediate points; Between Fernbridge, Calif., and Centerville Beach, Calif., serving all intermediate points; Between Fields Landing, Calif., and Fernbridge, Calif., serving all intermediate points; Between Crannell, Calif., and junction unnumbered County Road and U.S. Highway 101, serving all intermediate points; Between Whiskeytown, Calif., and Arcata, Calif., serving no intermediate points as an alternate route for operating convenience only; Service is authorized to and from off-route points in Mendocino County, Calif., on and north of Calif. Highway 20 from the Pacific Ocean to Willits, Calif., and thence along an imaginary line as an extension of Calif. Highway 20 from Willits, Calif., to the Mendocino County Line, (except points on Calif., Highway 1 between Casper and Fort Bragg). Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland Massachusetts Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, North Carolina, South Carolina, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13100. Authority sought for purchase by THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 1375 Euclid Avenue, 201 Stouffer Building, Cleveland, OH., 44115, of a portion of the operating rights of GREAT LAKES EXPRESS, 1150 N. Niagara Street, Saginaw, MI., 48602, and for acquisition by U.S. TRUCK LINES, INC., 1602 Union Commerce Building, Cleveland, OH., 44115, of control of such rights through the purchase. Applicants' attorney: Roland Rice, 501 Perpetual Building, 1111 E Street, N.W., Washington, D.C., 20004. Operating rights sought to be purchase: *General Commodities,* with exceptions as a *common carrier* over regular routes serving the plant site of the Ford Motor Company, at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's regular route operations to and from Louisville, Ky., authorized herein; between Cincinnati, Ohio, and Louisville, Ky., serving no intermediate points. Vendee is authorized to operate as a common carrier in the states of Ohio, Michigan, Indiana, West Virginia and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13101. Authority sought for purchase by RED STAR EXPRESS LINES OF AUBURN, INC., DBA as RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, New York, 13021, of a portion of the operating rights of GREAT LAKES EXPRESS CO., 1150 North Niagara Street, Saginaw, Michigan 48602, and for acquisition by JOHN BISGROVE, SR., 24–50 Wright Avenue, Auburn, New York, 13021, of control of such rights through the purchase. Applicants' attorneys: Leonard A. Jaskiewicz, Suite 501, 1730 M Street, N.W., Washington, D.C., 20036, and A. David Millner, P.O. Box 1409, Fairfield, New Jersey 07006. Operating rights sought to be transferred: *General commodities,* except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier,* over regular routes, between Erie, Pennsylvania, and Buffalo, New York, as follows; from Erie over U.S. Highway 20 to junction U.S. Highway 62 near Big Tree, New York, thence over U.S. Highway 62 to Buffalo and return over the same route, serving all intermediate points, except Batavia, Bergen, Lyons, and Port Byron, New York. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13102. Authority sought for purchase by MAIERS MOTOR FREIGHT COMPANY, 875 E. Huron Avenue, Vassar, MI., 48768, of a portion of the operating rights of GREAT LAKES EXPRESS CO., 1150 N. Niagara Street, Saginaw, MI., 48602, and for acquisition by ESTATE OF CLARE E. MAIERS, GREGORY S. MAIERS, and BLAIR E. MAIERS, all of 875 E. Huron Ave., Vassar, MI., 48768, of control of such rights through the purchase. Applicants' attorneys: Charles F. Rodgers, P.O. Box 1409, 167 Fairfield Rd., Fairfield, N.J., 07006, and John W. Ester, 100 West Long Lake Road, Bloomfield Hills, MI., 48013. Operating rights sought to be transferred: *General commodities,* with exceptions, as a *common carrier,* over regular routes between Pontiac, Mich., and Toledo, Ohio, serving no intermediate points, between Rochester, Mich., and junction Rochester Road and U.S. Highway 24, serving all intermediate points, between junction Business Route U.S. Highway 10 and U.S. Highway 10 near Pontiac, Mich., and Dearborn, Mich., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Michigan and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13103. Authority sought for purchase by UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit, MI., 48209, of a portion of the operating rights of GREAT LAKES EXPRESS COMPANY, 1150 N. Niagara Street, Saginaw, MI., 48602, and for acquisition by JOHN J. DOOLEY, 3047 Lonyo Rd., Detroit, MI., 48209, of control of such rights through the purchase. Applicant's attorneys: A. David Millner and Charles F. Rodgers, both of P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J., 07006. Operating rights sought to be transferred: *General commodities,* with exceptions as a *common carrier* over regular routes between Toledo, Ohio, and Cleveland, Ohio, serving the intermediate points of Sandusky and Lorain, Ohio for delivery only, between Cleveland, Ohio, and Syracuse, N.Y. In connection with carrier's regular routes described above service is authorized to and from all intermediate points, except Batavia, Bergen, Lyons, and Port Byron, N.Y.; and the off-route points of Twinsburg, Wickliffe, and Willoughby, Ohio, those in Cuyahoga County, Ohio, and the plant of General Motors, Euclid Division, on Ohio Highway 91, near Darrowville, Ohio, between Cleveland, Ohio, and North Kingsville, Ohio, as an alternate route, serving intermediate and off-route points authorized to be served over the route between Cleveland and North Kingsville authorized hereinabove, between Cleveland, Ohio, and Willoughby, Ohio, as an alternate route for operating convenience only, in connection with carrier's regular route operations authorized above, serving no intermediate points, between Fredonia, N.Y., and Dunkirk, N.Y. serving all intermediate points, between Cincinnati, Ohio, and Louisville, Ky., serving all intermediate points, between Columbus, Ohio and Cincinnati, Ohio, serving all intermediate points, serving the site of the Euclid Division Plant of the General Motors Corporation, located on Ohio Highway 91, near Darrowville, Summit County, Ohio, as an off-route point in connection with carrier's regular-route operations to, and from Akron, Ohio, between Erie, Pa., and Warren, Pa.

Serving all intermediate points, and serving Albion, Fairview (Erie County),

Girard, and Lake City, Pa., as intermediate and off-route points in conjunction with carrier's authorized regular route authority, between Erie, Pa., and junction U.S. Highway 19 and 6, serving all intermediate points, and serving Albion, Fairview (Erie County), Girard, and Lake City, Pa., as intermediate and off-route points in conjunction with carrier's authorized regular route authority, between Erie, Pa., and junction Pennsylvania Highway 97 and U.S. Highway 6, serving all intermediate points and serving Albion, Fairview (Erie County), Girard, and Lake City, Pa., as intermediate and off-route points in conjunction with carrier's authorized regular route authority, between Corry, Pa., and junction Pennsylvania Highway 27 and U.S. Highway 6, serving all intermediate points, and serving Albion, Fairview (Erie County), Girard, and Lake City, Pa., as intermediate and off route points in conjunction with carrier's authorized regular route authority, between junction U.S. Highway 6 and Pennsylvania Legislative Highway 88, near Youngsville, Pa., and junction Pennsylvania Legislative Highway 88 and U.S. Highway 6 near Starbrick, Pa., serving all intermediate points, and serving Albion, Fairview (Erie County), Girard, and Lake City, Pa., as intermediate and off-route points and conjunction with the carrier's authorized regular-route authority, between North East Pa., and junction Pennsylvania Highway 89 and U.S. Highway 6, serving no intermediate points, between junction Pennsylvania Highway 89 and 8 and Union City, Pa., serving no intermediate points, between Westfield, N.Y., and Warren, Pa., serving no intermediate points, between Mayville, N.Y., and Jamestown, N.Y., serving no intermediate points, between Buffalo, N.Y., and Niagara Falls, N.Y., serving the intermediate point of N. Tonawanda, between junction U.S. Highway 20 and Pennsylvania Highway 5 (near Conneaut, Ohio) and Silver Creek, N.Y.

Serving no intermediate points; *General commodities*, with exceptions as a *common carrier* over regular routes between Ripley, Ohio, and Cincinnati, Ohio serving no intermediate points, with restrictions. Alternate route for operating convenience only: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission commodities in bulk, and commodities requiring special equipment, between Erie, Pa., and junction Interstate Highway 80 and U.S. Highway 422 at or near Youngstown, Ohio, in connection with carrier's presently authorized regular routes, serving no intermediate points and serving Erie, Pa. and junction Interstate Highway 80 and U.S. Highway 422 for purposes of joinder only: from Erie over Interstate Highway 79 to junction Interstate Highway 80, thence westerly over Interstate Highway 80 to junction U.S. Highway 422, and return over the same route. *molded and extruded rubber products, metal wheels, mounted wheels and tires, rubber sewer baskets, and rubber hose,* serving Conneautville, Pa., and points within five miles thereof, as off-route points in connection with carrier's authorized regular-route operations. Vendee is authorized to operate as a *common carrier* in Kentucky, Michigan, New York, Ohio, Pennsylvania, Illinois, Indiana, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13104. Authority sought for purchase by NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., 7701 West 95th Street, Hickory Hills, IL. 60457, of a portion of the operating rights and property of BUSKE LINES, INC., 123 West Tyler, Litchfield, IL., 62056, of control of such rights through the purchase. Applicants' attorney: Robert A. Sullivan, 22375 Haggerty Rd., P.O. Box 400, Northville, MI., 48167. Operating rights sought to be transferred: As a *common carrier* over regular routes serving points in the St. Louis-Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, except St. Louis, Mo., as intermediate or off-route points in connection with carrier's regular-route operations to or from St. Louis, restricted to the transportation of such commodities as said carrier is authorized to transport in such operations; *general commodities* with exceptions between Hillsboro, Ill., and St. Louis, Mo., serving all intermediate points except Alton, Collinsville, and Hamel, Ill.; between Bingham, Ill., and St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, serving all intermediate points, and serving the off-route points of Livingston, White City, Butler, and Taylor Springs, Ill., between Pana, Ill., and St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, serving all intermediate points (other than points between Pana and Hillsboro, Ill.; and points on U.S. Highway 66 (formerly shown as and points on By-Pass U.S. Highway 66 (formerly portion U.S. Highway 66), and Illinois Highway 111 between Edwardsville and East St. Louis, Ill.), and serving the off-route points of Livingston, White City, Butler, and Taylor Springs, Ill., with restrictions; between St. Louis, Mo., and Jacksonville, Ill.

Serving all intermediate points between Jerseyville, Ill., and Jacksonville, including Jerseyville, and serving the off-route points of Kane, Rockbridge, Greenfield, Eldred, Berdan, Wrights, Hillview, Drake, Patterson, Alsey, and Glasgow, Ill., from St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis., Ill., Commercial Zone, as defined by the Commission, to Morrisonville, Ill., and points within 25 miles thereof, service is authorized to and from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, except St. Louis, Mo., as intermediate or off-route points in connection with said carrier's presently authorized regular route operations between Hillsboro, Ill., and St. Louis, Mo.; serving the plant site of the Hussmann Refrigerator Company, located at St. Charles Rock Road and Taussig Road, Bridgeton, Mo., as an off-route point in connection with carrier's presently authorized regular route operations; *livestock, agricultural products, and household goods* as defined by the Commission, from Morrisonville, Ill., and points within 25 miles thereof, to St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission; *such merchandise as is dealt in by wholesale and retail food business houses, and in connection* therewith, *equipment, materials, and supplies* used in the conduct of such business, from St. Louis, Mo., to Hardin, Ill., serving the intermediate points of Jerseyville and Fieldon, Ill.; groceries, between St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, and Bloomington, Ill., serving the intermediate points of Pana, Hillsboro, Irving, Ohlman, Assumption, Witt, Rosomand, Nokomis, Moweaqua, and Macon, Ill., and serving the off-route points of Shelbyville, Westervelt, Taylorville, Owaneco, Blue Mound, Stonington, Millersville, Cowden, Tower Hill, Strasburg, Stewardson, Windsor, Findlay, Matton, and Ramsey, Ill., restricted to traffic moving from St. Louis, Mo., to said intermediate and off-route points:

General commodities, with exceptions as a *common carrier* over irregular routes from St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Macoupin, Sangamon, and Morgan Counties, Ill., with no transportation for compensation on return except as otherwise authorized, *livestock and agricultural commodities*, from points in Macoupin, Sangamon, Morgan, Montgomery, and Christian Counties, Ill., to St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, with no transportation for compensation on return except as otherwise authorized, *livestock*, from Springfield and East St. Louis, Ill., to points in Missouri, with no transportation for compensation or return except as otherwise authorized, from points in Missouri, to East St. Louis, Ill., and points in Macoupin, Sangamon, Morgan, Montgomery, and Christian Counties, Ill., with no transportation for compensation on return except as otherwise authorized, *self-unloading lime-spreader truck bodies, set up, and parts and attachments* therefor, *and car loaders and car unloaders*, from Jerseyville, Ill., to Cleveland, Ohio, Cedar Rapids, Winterset, Mt. Pleasant, and Council Bluffs, Iowa, Indianapolis, Ind., Owensboro, Ky., Tulsa, Okla., Chanute, Kans., Sedalia and St. Louis, Mo., Howell, Mich., and Stoughton and Waukesha, Wis.: and *Rejected or damaged shipments of self-unloading lime-spreader truck bodies, set up, and parts and attachments* therefor, and *car loaders and car unloaders*, from Cleveland, Ohio, Cedar Rapids,

Winterset, Mt. Pleasant, and Council Bluffs, Iowa, Indianapolis, Ind., Owensboro, Ky., Tulsa, Okla., Chanute, Kans., Sadalia, and St. Louis, Mo., Howell, Mich., and Stoughton and Waukesha, Wis., to Jerseyville, Ill., *self-unloading lime-spreader truck bodies, set up, parts and attachments* therefor, and *carloaders and car unloaders*, and *parts and attachments* therefor, from Jerseyville, Ill., to Chattanooga, Knoxville, Memphis, and Nashville, Tenn., Jonesboro, La., Albany, Athens, Atlanta, and Valdosta, Ga., Birmingham, Ala., Mason City, Iowa, Lexington, Ky., Hannibal, Springfield, and St. Joseph, Mo., Cincinnati, Columbus, and Toledo, Ohio, and Oklahoma City, Okla.; and *damaged* or *rejected shipments of the immediately above specified commodities*, from Chattanooga, Knoxville, Memphis, and Nashville, Tenn., Jonesboro, La., Albany, Athens, Atlanta, and Valdosta, Ga., Birmingham, Ala., Mason City, Iowa, Lexington, Ky., Hannibal, Springfield, and St. Joseph, Mo., Cincinnati, Columbus, and Toledo, Ohio, and Oklahoma City, Okla., to Jerseyville, Ill., with restrictions. Under a certificate of registration in Docket No. 99680 (Sub-No. 1) vendee is authorized to operate as a *common carrier* solely in the State of Illinois. Application has been filed for temporary authority under section 210a (b).

NOTE.—MC–99680 (Sub-No. 4) is a directly related matter.

MC–F–13105. Authority sought for purchase by ALLTRANS EXPRESS U.S.A., INC., 3333 New Hyde Park Road, Lake Success, New York, 11040 of the operating rights of SULLIVAN LINES, INC. (The Union National Bank of Pittsburgh, Assignee in Statutory Foreclosure) 4th and Wood Streets, Pittsburgh, Pa., and for acquisition by ALLTRANS, INCORPORATED, 1225 6th Street, San Francisco, CA., 94107, and THOMAS NATIONWIDE TRANSPORT LIMITED, TNT Plaza, Tower One, Lawson Square, Redfern NW2016, Australia, respectively, of control of such rights through the purchase. Applicants' attorneys: Jack R. Turney, Jr., 2001 Massachusetts Avenue, N.W., Washington, D.C. 20036; M. Bruce McCullough, 57th Floor, 600 Grant Street, Pittsburgh, PA., 15219; and Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa., 15219. Operating rights sought to be transferred: *General commodities* (with exceptions) which are at the time moving on bills of lading of freight forwarders, as a *common carrier* over regular routes, between Philadelphia and Pittsburgh, Pa., New York and Buffalo, N.Y., Newark, N.J., Baltimore, Md., Washington, D.C., and Akron, Canton, Cleveland, Toledo, Columbus, Dayton, and Cincinnati, Ohio, over the following routes, or any combination thereof: Between Philadelphia, Pa., and Toledo, Ohio: From Philadelphia over U.S. Highway 30 to Lancaster, Pa., thence over U.S. Highway 230 to Harrisburg, Pa., thence over U.S. Highway 22 to Ebensburg, Pa., via Duncansville, Pa., thence over U.S. Highway 422 to Youngstown, Ohio, via Butler, Pa., (also from Philadelphia over U.S. Highway 30 via Bedford, Pa., to Pittsburgh, Pa., thence over Pennsylvania Highway 8 to Butler; also from Bedford, Pa., over U.S. Highway 220 to Duncansville), thence over Ohio Highway 18 to junction Ohio Highway 176, thence over Ohio Highway 176 to Ghent, Ohio, thence over U.S. Highway 21 to Cleveland, Ohio, (also from Youngstown over U.S. Highway 62 to Canton, Ohio, thence over Ohio Highway 8 to Cleveland; also from Edinburg, Ohio, over Ohio Highway 14 to Cleveland).

Thence over Ohio Highway 254 to junction Ohio Highway 57, thence over Ohio Highway 57 to Lorain, Ohio, thence over U.S. Highway 6 to Sandusky, Ohio, and thence over Ohio Highway 2 to Toledo, and return over the same route. Between Philadelphia, Pa., and Cincinnati, Ohio, as follows: From Philadelphia to Cleveland as specified above, thence over U.S. Highway 42 to Cincinnati, via Delaware and Xenia, Ohio, and return over the same route. From Philadelphia to Xenia as specified above, thence over U.S. Highway 35 to Dayton, Ohio, and thence over U.S. Highway 25 to Cincinnati, and return over the same route. From Philadelphia to Delaware as specified above, thence over U.S. Highway 23 to Columbus, Ohio, thence over U.S. Highway 40 to junction U.S. Highway 42, and thence over U.S. Highway 42 to Cincinnati, and return over the same route. Between New York, N.Y., and Toledo, Ohio: From New York over U.S. Highway 1 to junction U.S. Highway 22 (a portion formerly New Jersey Highway 29) thence over U.S. Highway 22 to Ebensburg, Pa., and thence over the highways specified above to Toledo, and return over the same route. Between Washington, D.C., and Toledo, Ohio: From Washington over U.S. Highway 1 to Baltimore, thence over U.S. Highway 111 to Harrisburg, Pa., and thence over the highways specified above to Toledo and return over the same route. Between Baltimore, Md., and New York, N.Y. From Baltimore over U.S. Highway 1 to Philadelphia, Pa., (also from Baltimore over U.S. Highway 40 to State Road, Del., thence over U.S. Highway 13 to Philadelphia), and thence over U.S. Highway 1 to New York, and return over the same route. Between Baltimore, Md., and Pittsburgh, Pa.: From Baltimore over U.S. Highway 111 to Harrisburg, Pa., thence over U.S. Highway 11 to junction U.S. Highway 22 to Amity Hall, Pa., and thence over U.S. Highway 22 to Pittsburgh, and return over the same route. Between New York, N.Y., and Pittsburgh, Pa.: From New York over the highways specified above to Ebensburg, Pa., and thence over U.S. Highway 22 to Pittsburgh, and return over the same route. Between Philadelphia, Pa., and Buffalo, N.Y.: From Philadelphia over the highways specified above to Harrisburg, Pa., thence over U.S. Highway 15 to Wayland, N.Y., thence over New York Highway 63 to Dansville, N.Y., thence over New York Highway 36 to Leicester, N.Y., thence over Alternate U.S. Highway 20 to Aurora, N.Y., and thence over New York Highway 16 to Buffalo, and return over the same route.

Service is authorized to and from the intermediate points named in the first paragraph only. Between Detroit, Mich., and Toledo, Ohio, serving all intermediate points; and off-route points in Wayne, Oakland, and Macomb Counties, Mich., within four miles of Detroit, Mich.: From Detroit over U.S. Highway 25 to Toledo, and return over the same route. Between Cincinnati, Ohio, and Boston, Mass., serving the intermediate points of Columbus and Dayton, Ohio, Pittsburgh, Pa., New York, N.Y., Newark, N.J., New Haven, Conn., and Springfield, Mass.: From Cincinnati over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 via New Haven, Conn., to Boston (also from New Haven, Conn., over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Worcester, Mass., and thence over Massachusetts Highway 9 to Boston), return over the same routes. From Cincinnati over U.S. Highway 25 to Dayton, Ohio, thence over Ohio Highway 4 to Springfield, Ohio (also from Cincinnati over U.S. Highway 42 to junction U.S. Highway 40), thence over U.S. Highway 40 to Columbus, Ohio, thence over Ohio Highway 16 to Coshocton, Ohio, thence over U.S. Highway 36 to junction U.S. Highway 22 (formerly junction at Cadiz, Ohio), thence to Boston as specified above, and return over the same routes. Between Pittsburgh, Pa., and Steubenville, Ohio, as an alternate route: From Pittsburgh over Pennsylvania Highway 65 (formerly Pennsylvania Highway 88) to Rochester, Pa., thence over Pennsylvania Highway 68 to the Pennsylvania-Ohio State line, thence over Ohio Highway 39 to East Liverpool, Ohio, thence over Ohio Highway 7 to Steubenville, and return over the same route. Restriction: Service is not authorized to or from Steubenville, Ohio, or the intermediate points. Between Pittsburgh, Pa., Baltimore, Md., and Washington, D.C., serving no intermediate points: From Pittsburgh over U.S. Highway 30 to Bedford, Pa. (also from Pittsburgh over U.S. Highway 22 to junction Pennsylvania Highway 56, thence over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa.).

Thence over U.S. Highway 30 to Chambersburg, Pa., thence over U.S. Highway 11 to Hagerstown, Md., thence over U.S. Highway 40 to Frederick, Md. (also from Chambersburg, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 15 to Frederick, Md.), thence over U.S. Highway 40 to Baltimore, thence over U.S. Highway 240 to Washington, and return over the same route. From Harrisburg over U.S. Highway 111 to Baltimore, and return over the same route. Between Harrisburg, Pa., and Philadelphia, Pa., serving no intermediate points or Harrisburg, Pa.: From Harrisburg over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to

Philadelphia, and return over the same route. Between Washington, D.C., and New York, N.Y., serving the intermediate points of Baltimore, Md., and Philadelphia, Pa.: From Washington over U.S. Highway 1 via Baltimore, Md., Trenton and New Brunswick, N.J., to New York, and return over the same route. From Washington to Baltimore as specified above, thence over U.S. Highway 40 to State Road, Del., thence over U.S. Highway 13 via Wilmington, Del., to Philadelphia, Pa., thence across the Delaware River to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 206, thence over U.S. Highway 206 to Trenton, N.J., and thence over U.S. Highway 1 to New York, and return over the same route. From Washington over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 via the Delaware Memorial Bridge to Deepwater, N.J. (portion formerly via New Castle, Del., and Pennsville, N.J., over former U.S. Highways 40 and 130 by ferry across the Delaware River), thence over U.S. Highway 130 via Penns Grove, N.J., to New Brunswick, N.J., thence over U.S. Highway 1 to New York, and return over the same route. From Washington over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 via State Road, Del., and the Delaware Memorial Bridge to Deepwater, N.J. (portion formerly via U.S. Highway 13 to Wilmington, Del., thence across the Delaware River via ferry and to Penns Grove, N.J.), thence over U.S. Highway 130 via Penns Grove, N.J., to New Brunswick, N.J., and thence over U.S. Highway 1 to New York, and return over the same route.

The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. As a *common carrier*, over irregular routes of *general commodities* (with exceptions): (1) Between Cincinnati, Toledo, and Akron, Ohio, Chicago, Ill., St. Louis, Mo., and Milwaukee, Wis., on the one hand, and, on the other Fresno, Oakland, Los Angeles, San Francisco, Sacramento, San Diego, San Jose, and Santa Fe Springs, Calif., Seattle, Spokane, and Tacoma, Wash., Portland, Oreg., Phoenix and Tucson, Ariz., Salt Lake City, Utah and Reno and Las Vegas, Nev. (2) Between Cincinnati, Toledo, and Akron, Ohio, on the one hand, and, on the other, Chicago, Ill., St., Louis, Mo., and Milwaukee, Wis. Restriction: The authority granted in (1) and (2) above is restricted to the transportation of traffic moving on freight forwarder bills of lading, and restricted in (2) above against the transportation of traffic (a) originating the named Ohio points (and points in their commercial zones as defined by the Commission) and destined to Chicago, Ill., St. Louis, Mo., and Milwaukee, Wis., (and points in their commercial zones as defined by the Commission), and (b) originating at Chicago, Ill., St. Louis, Mo., and Milwaukee, Wis., (and points in their commercial zones as defined by the Commission), and destined to the named Ohio points (and points in their commercial zones as defined by the Commission). Vendee is authorized to operate as a *common carrier* of general commodities (with exceptions) over regular routes in California. Vendee also controls Acme Fast Freight, Inc., a Freight forwarder, authorized to operate between points in the United States. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-13106. Authority sought for control by BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, N.Y., 10011, of GREAT LAKES EXPRESS COMPANY, 1150 North Niagara Street, Saginaw, MI., 48602, and for acquisition by BRANCH INDUSTRIES, INC., also of New York, N.Y., 10011, of control of GREAT LAKES EXPRESS COMPANY, through the acquisition by BRANCH INDUSTRIES, INC., Applicants' attorneys: Charles F. Rodgers, P. O. Box 1409, 167 Fairfield Road, Fairfield, N.J., 07006, and Jack R. Turney, Jr., P.C., 2001 Massachusetts Ave., N.W., Washington, D.C., 20336. Operating rights sought to be controlled: General commodities, with certain specified exceptions, and numerous other specified commodities, as a common carrier, over regular and irregular routes, from, to, and between specified points in the States Illinois, Indiana, Michigan, Ohio, and Pennsylvania, with certain restrictions, serving various intermediate and off-route points over four alternate routes for operating convenience only, as more specifically described in Docket No. MC-28478 and sub numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. BRANCH MOTOR EXPRESS COMPANY, is authorized to operate as a common carrier in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Ohio, Indiana, Michigan, Illinois, Kentucky, Missouri, Iowa and Nebraska. Application has been filed for temporary authority under section 210a(b).

NOTE.—Under Docket Nos. MC-F-13096, MC-F-13100, MC-F-13101, MC-F-13102, and MC-F-13103, GREAT LAKES EXPRESS COMPANY has filed applications to sale off portions of its authority. In Docket No. MC-F-13106 BRANCH MOTOR EXPRESS COMPANY has filed an application to acquire control and the stock of GREAT LAKES EXPRESS COMPANY, and that portion of its authority remaining not proposed for sale in Docket Nos. MC-F-13096, MC-F-13100, MC-F-13101, MC-F-13102, and MC-F-13103.

No. MC-F-13112. Authority sought for control by WM. H.P. INC., 1345 No. Mascher Street, Philadelphia, PA., 19122, of INTERSTATE TRUCKING CORP., 107 Trumbull Street, Elizabeth, N.J., 07206, and for acquisition by WILLIAM H. PFLAUMER, also of Philadelphia, PA., 19122 address, of control of INTERSTATE TRUCKING CORP., through the acquisition by WILLIAM H. PFLAUMER. Applicants' attorney: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J., 07006. Operating rights sought to be controlled: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Hartford, Conn., and Newark, N.J., as follows: From Hartford over U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 via Port Chester and New York, N.Y. to Newark; From Hartford to Port Chester, as specified above, thence over New York Highway 119 to White Plains, N.Y. thence over New York Highway 22 to Yonkers, N.Y., thence over U.S. Highway 9 to New York, N.Y., and thence to Newark as specified above; and return over these routes to Hartford. Service is authorized to and from the intermediate points of Berlin, Meriden, Wallingford, Milford, Stratford, Bridgeport, Fairfield, Southport, Westport, Norwalk, Darien, Noroton, Stamford, Cos Cob, Riverside, and Greenwich, Conn., and Port Chester, Rye, Mamaroneck, Larchmont, and New Rochelle, N.Y.; and the off-route points of New Britain, Plainville, Middletown, Manchester, Rockville, Hamden, Branford, South Norwalk, Old Greewich, Glenville, Cheshire and West Haven, Conn., Pelham, Scarsdale, Hartdale, Mount Vernon, and Bronville, N.Y., Harrison, N.J., and points and places in the NEW YORK, N.Y., COMMERCIAL ZONE, as defined by the Commission in 1 M.C.C. 665. *general commodities*, with exceptions, as a *common carrier* over irregular routes, btween Stratford and Stamford, Conn., on the one hand, and, on the other, Waterbury, Ridgefield, New Cannan, Shelton, Derby, Ansonia, Seymour, Beacon Falls, Naugatuck, Union City, Woodbury, Southbury, Sandy Hook, Newtown, Danbury, Bethel, Torrington, Winsted, Litchfield, New Milford, Bristol, New London, Norwich, Niantic, Groton, and Old Lyme, Conn. WM. H.P. INC., is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Delaware, Maryland, the District of Columbia, and Virginia. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting

authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 10761 (Sub-No. 281) filed January 3, 1977. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Drive, S.E., Grand Rapids, Mich. 49506. Applicant's representative: John P. Tynan, P.O. Box 1409, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Sandusky, Ohio and Cleveland, Ohio, serving all intermediate points: From Sandusky over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, and return over the same routes, restricted to traffic moving through Sandusky on service between Sandusky and Cleveland, including Sandusky and Cleveland; (2) Between Seymour, Ind., and Louisville, Ky., serving all intermediate points: From Seymour over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Louisville, and return over the same routes; (3) Between Dayton, Ohio and Middletown, Ohio, serving no intermediate points, over Ohio Highway 4, and return over the same route; (4) Between Chenoa, Ill. and El Paso, Ill., serving El Paso for purposes of joinder only, and serving Chenoa as an intermediate point on the applicant's route between Chicago, Ill. and Kansas City, Mo., over U.S. Highway 24, and return over the same route; (5) Between East Liverpool, Ohio and Pittsburgh, Pa., serving all intermediate points within 20 miles of Pittsburgh, Pa.: From East Liverpool over Ohio Highway 39 to the Ohio-Pennsylvania state line, thence over Pennsylvania Highway 88 to Pittsburgh, and return over the same routes; (6) Between New Castle, Pa. and Pittsburgh, Pa., serving the intermediate point of Beaver Falls, Pa., and all intermediate points within 20 miles of Pittsburgh: From New Castle over Pennsylvania Highway 18 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, and return over the same routes;

(7) Between Anderson, Ind. and Indianapolis, Ind., serving all intermediate points, over Indiana Highway 67, and return over the same route; (8) Between Wapakoneta, Ohio and Findlay, Ohio, serving all intermediate points, over U.S. Highway 25, and return over the same route; (9) Between Richmond, Ind. and Springfield, Ohio, serving no intermediate points, and serving Richmond and Springfield for the purposes of joinder only, over U.S. Highway 40, and return over the same route; (10) Between West Jefferson, Ohio and Columbus, Ohio, serving no intermediate points, and serving West Jefferson for purposes of joinder only, over U.S. Highway 40, and return over the same route; (11) Between Chicago, Ill. and Milwaukee, Wis.: (a) From Chicago over Illinois Highway 21 to Junction U.S. Highway 45,thence over U.S. Highway 45 to junction Wisconsin Highway 76, and thence over Wisconsin Highway 36 to Milwaukee, serving all intermediate points, and the offroute points of (1) Kenosha, Wis. from junction U.S. Highway 45 and Wisconsin Highway 50, over Wisconsin Highway 50, and from junction U.S. Highway 45 and Wisconsin Highway 43, over Wisconsin Highway 43, and (2) Racine, Wis., from junction U.S. Highway 45 and Wisconsin Highway 11, over Wisconsin Highway 11; and (b) From Chicago over U.S. Highway 45 to junction Wisconsin Highway 43, thence over Wisconsin Highway 43 to Burlington, Wis., thence over Wisconsin Highway 36 to junction U.S. Highway 41, thence over U.S. Highway 41 to Milwaukee, and return over the same routes; and (12) Serving the following cities as intermediate and offroute points within 20 miles of Pittsburgh, Pa., in connection with applicant's presently authorized regular-route operations to and from Pittsburgh: Aliquippa, Allison Park, Ambridge, Arnold, Aspinwall, Baden, Bakerstown, Bentleyville, Bell Vernon, Belmont, Blawnox, Brackenridge, Braddock, Brentwood, Bridgeville, Burgettstown, Cannonsburg, Carnegie, Castle Shannon, Charleror, Cheswick, Clairton, Coopersstown, Corapolis, Crafton, Creighton, Culinerville, Curtisville, Davosburg, Delmont, Dourora, Dormant, Duquesne, E. Liberty, E. Pittsburgh, Economy, Elizabeth, Elmsworth, Etna, Export, Freeport, Gibsonia, Glade Mills, Glassport, Glenshaw, Hamarville, Hazelwood, Homestead, Homestead Park, Indiana, Irwin, Jeanette, Large, Lincoln Place, Mars, McDonald, McKeesport, McKees Rocks, Millwall, Monaco, Monessen, Monongahela, Monroeville, Moon Run, Mt. Lebanon, Munball, Murrysville, Natrona, New Kinsington, Newlonsburgh, North Braddock, Oaksdale, Oakmont, Parnassus, Penn Hills, Perrysville, Pitcairn, Rankin, Red Raver, Rochester, Schenley, Sewickley, Sharpsburg, State Lick, Springdale, Tarentum, Trafford, Turtle Creek, Verona, Versailles, Webster, W. Homestead, W. Leechburg, W. Newton, Westview, Whitaker, Wilkensburg, and Wilmerding. Note: Applicant states that the purpose of this filing is to assure that certain routes retained by Applicant upon sale of a portion of its operating rights in Docket No. MC-F-12872, are nevertheless available to Applicant following the transfer in the directly related Section 5(2) proceeding. This application is consolidated for hearing at Dallas, Tex., on March 9, 1977, at 9:30 am Local Time, before Administrative Law Judge Harold J. Sarbacher, with MC-F-12872, East Texas Motor Freight Lines, Inc.—Purchase (Portion)—Transamerican Freight Lines, Inc.

No. MC 95336 (Sub-No. 9) filed December 6, 1976. Applicant: J. B. WILLIAMS EXPRESS, INC., 120 Apollo Street, Brooklyn, N.Y. 11222. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (a) between points in Essex, Hudson and Union Counties, N.J., and those in that part of Middlesex County, N.J. on and north of a line beginning at Main Street, near South Amboy, thence along Main Street to New Jersey Highway 35, thence along New Jersey Highway 35 to Secondary New Jersey Highway 535, thence along Secondary New Jersey Highway 535, to New Jersey Highway 18, thence along New Jersey Highway 18 to New Brunswick and the Somerset County line, on the one hand, and, on the other, New York and Yonkers, N.Y., and points in Nassau County, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y.; (b) between New York and Yonkers, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and Camden, N.J. The purpose of this filing is to eliminate the alternate gateways of Essex, Hudson, Union and Middlesex Counties, N.J.; (2) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), between New York and Yonkers, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Orange, Westchester, Putnam, Dutchess, Rockland, Ulster, Sullivan and Delaware Counties, N.Y., and those in Fairfield County, Conn., and Berks, Lehigh and Northhampton Counties, Pa. The purpose of this filing is to eliminate the alternate gateways of Union and Middlesex Counties, N.J.

NOTE.—This matter is directly related to a Section 5(2) finance proceeding in No. MC-F-13050, published in the FEDERAL REGISTER issue of January 21, 1977. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

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-5 (Sub-No. 161)]

MONONGAHELA RAILWAY COMPANY—ABANDONMENT SCOTTS RUN BRANCH, RANDALL, IN MONONGALIA COUNTY, WEST VIRGINIA

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 December 8, 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, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Monongahela Railway Company of its Scotts Run Branch which extends from a junction on its main line at Randall, West Virginia, to its terminus at Valuation Station 837+50, a distance of approximately 15.6 miles entirely within Monongalia County, West Virginia. A certificate of abandonment will be issued to the Monongahela 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 as 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-7 (Sub-No. 22)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY—ABANDONMENT BETWEEN ORIENT AND ROSCOE, IN HAND, FAULK, AND EDMUNDS COUNTIES, SOUTH DAKOTA

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 December 10, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of its line of railroad extending from railroad milepost 0.00 at Orient, South Dakota, in a northerly direction to milepost 40.97 at Roscoe, South Dakota, a distance of 42.76 miles, exclusive of the station at Roscoe which is to remain, all in Hand, Faulk, and Edmunds Counties, South Dakota. 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 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, 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-18 (Sub-No. 22)]

CHESAPEAKE AND OHIO RAILWAY COMPANY ABANDONMENT PORTION OF SAGINAW BELT IN SAGINAW, SAGINAW COUNTY, MICHIGAN

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 December 17, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chesapeake and Ohio Railway Company of a portion of its Saginaw Belt Line between Valuation Station 141+00 and Valuation Station 195+00, a distance of approximately 1.02 miles, all in Saginaw, Saginaw County, Michigan. A certificate of abandonment will be issued to the Chesapeake and Ohio 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 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-26 (Sub-No. 10)]

SOUTHERN RAILWAY COMPANY ABANDONMENT BETWEEN DUBOIS AND FRENCH LICK IN DUBOIS AND ORANGE COUNTIES AND ABANDONMENT OF TRACKAGE RIGHTS OVER THE LOUISVILLE AND NASHVILLE RAILROAD COMPANY BETWEEN FRENCH LICK AND WEST BADEN IN ORANGE COUNTY, INDIANA

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 December 2, 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, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Railway Company of the line of railroad extending from Dubois, Indiana (milepost 63.0) and French Lick, Indiana (milepost 79.0), a distance of approximately sixteen miles, and abandonment of trackage rights over the Louisville and Nashville Railroad Company between French Lick, and West Baden, Indiana, a distance of approximately one mile. A certificate of abandonment will be issued to the Southern 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 responsibile 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 instruction contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-43 (Sub-No. 10)]

ILLINOIS CENTRAL GULF RAILROAD COMPANY ABANDONMENT BETWEEN SLIDELL AND NEW ORLEANS, IN ST. TAMMANY AND ORLEANS PARISHES, LOUISIANA

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 December 14, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the (1) abandonment of operation under trackage rights of the Illinois Central Gulf Railroad Company over Alabama Great Southern Railroad Company tracks extending from a connection with the former Gulf, Mobile and Ohio Railroad Company track at Slidell, Louisiana, southerly to Terminal Junction in New Orleans, Louisiana, a distance of about 27.7 miles in St. Tammany and Orleans Parishes, Louisiana; (2) abandonment of operation by Illinois Central Gulf Railroad Company under lease from New Orleans Great Northern Railway Company of connecting tracks from Terminal Junction in New Orleans to and including Canal Yard, a distance of about 2 miles; and (3) abandonment by New Orleans Great Northern Railway Company of the track in the New Orleans Great Northern Railway Company segment. A certificate of abandonment will be issued to the Illinois Central Gulf 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 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-101 (Sub-No. 1)]

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY—ABANDONMENT OF ITS LINE OF RAILROAD BETWEEN ALBORN, ST. LOUIS COUNTY AND PENGILLY, ITASCA COUNTY, MINNESOTA

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 December 3, 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, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Duluth, Missabe and Iron Range

Railway Company of the line of railroad extending from milepost 0.5 near Alborn, St. Louis County, Minnesota, to milepost 39 which is one mile south and east of Pengilly, Itasca County, Minnesota, a distance of 38.5 miles. A certificate of abandonment will be issued to the Duluth, Missabe and Iron Range 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 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 in the above-referenced order.

[Docket No. AB-103 (Sub-No. 1)]

KANSAS CITY SOUTHERN RAILWAY COMPANY ABANDONMENT IN LAKE CHARLES, CALCASIEU PARISH, LOUISIANA

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 December 3, 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 Kansas City Southern Railway Company of its line of railroad extending from railroad milepost 739.12B near Lake Charles, Louisiana, in a southeasterly direction to railroad milepost 741.44B near Lake Charles, Louisiana, and including various terminal trackage, a total distance of 5.51 miles, all within Calcasieu Parish, Louisiana. A certificate of abandonment will be issued to the Kansas City Southern 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 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 Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC-11220 (Deviation No. 29), GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, Tenn. 38101, filed January 25, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Norwood, La., over Louisiana Highway 19 to the Louisiana-Mississippi state line, thence over Mississippi Highway 33 to junction Mississippi Highway 24 near Gloster, Miss., thence over Mississippi Highway 24 to junction Interstate Highway 55 near McComb, Miss., thence over Interstate Highway 55 to Jackson, Miss., 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 Norword, La., over Louisiana Highway 19 to junction U.S. Highway 61, thence over U.S. Highway 61 to Baton Rouge, La., thence over Louisiana Highway 37 to Greensburg, La., thence over Louisiana Highway 10 to Fluker, La., thence over U.S. Highway 51 to Jackson, Miss., and return over the same route.

No. MC-26739 (Deviation No. 43), CROUCH FREIGHT SYSTEMS, INC., P.O. Box 10280, Palo Alto, Calif. 84303, filed January 27, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Red Oak, Iowa over U.S. Highway 34 to junction U.S. Highway 71 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 Red Oak, Iowa over U.S. Highway 34 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 34 and return over the same route.

No. MC-59583 (Deviation No. 55), THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662, filed January, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Roanoke, Va., over Interstate Highway 81 to junction U.S. Highway 460 near Christiansburg, Va., thence over U.S. Highway 460 to junction Interstate Highway 77 near East Princeton, W. Va., thence over Interstate Highway 77 to junction Interstate Highway 64 near Charleston, W. Va., thence over Interstate Highway 64 to junction U.S. Highway 35 near Nitro, W. Va., thence over U.S. Highway 35 to junction U.S.

Highway 23 near Chillicothe, Ohio, thence over U.S. Highway 23 to Columbus, Ohio, 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 Roanoke, Va., over U.S. Highway 11 to Abingdon, Va., thence over U.S. Highway 19 to Beckley, W. Va., thence over U.S. Highway 21 to Charleston, W. Va., thence over U.S. Highway 35 to Chillicothe, Ohio, thence over U.S. Highway 23 to Columbus, Ohio, and return over the same route.

No. MC-75320 (Deviation No. 64), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed January 27, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Monroe, La., over U.S. Highway 165 to Alexandria, La., thence over U.S. Highway 167 to Opelousas, La., thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Monroe, La., over U.S. Highway 80 to Jackson, Miss., thence over U.S. Highway 51 to McComb, Miss., thence over Mississippi Highway 24 to Liberty, Miss., thence over Mississippi Highway 48 to Beechwood, Miss.; thence over Mississippi Highway 569 to the Louisiana-Mississippi state line, thence over Louisiana Highway 67 to Baton Rouge, La., and return over the same route.

No. MC-109324 (Deviation No. 6), GARRISON MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, Ark. 72601, filed January 25, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 540 and U.S. Highway 71 over Interstate Highway 540 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Arkansas Highway 16, thence over Arkansas Highway 16 to junction Arkansas Highway 74, thence over Arkansas Highway 74 to junction Arkansas Highway 68, thence over Arkansas Highway 68 to junction U.S. Highway 62, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Interstate Highway 540 and U.S. Highway 71 over U.S. Highway 71 to junction Arkansas Highway 10S, thence over Arkansas Highway 10S to Greenwood, Ark., thence over Arkansas Highway 10 to Perryville, Ark., thence over Arkansas Highway 60 to Conway, Ark., thence over U.S. Highway 65 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Arkansas Highway 68 near Alpena, Ark., and return over the same route.

No. MC-109324 (Deviation No. 7), GARRISON MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, Ark. 72601, filed January 25, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 540 and U.S. Highway 71 over Interstate Highway 540 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 65, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction Interstate Highway 540 and U.S. Highway 71 over U.S. Highway 71 to junction Arkansas Highway 10S, thence over Arkansas Highway 10S to Greenwood, Ark., thence over Arkansas Highway 10 to Perryville, Ark., thence over Arkansas Highway 60 to Conway, Ark., thence over U.S. Highway 65 to junction U.S. Highway 60 and return over the same route.

Motor Carrier Intrastate Application(s); Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings 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 57013 filed January 14, 1977. Applicant: DELLI-PLAINE TRUCK COMPANY, INC., 340 Hudson Drive, Bakersfield, Calif. 93307. Appplicant's representative: Fred H. Mackensen, c/o Murchison & Davis, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Los Angeles Basin Territory, as described in Note A attached hereto, and Bakersfield and Oildale, Calif., serving all intermediate points on and within four miles laterally of Interstate Highway 5 or California Highway 99, including points within a four-mile radius of Bakersfield. Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance wtih 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, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. (5) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (8) Logs.

Note A: Los Angeles Basin Territory

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and north along said corporate boundary to the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive, southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester

Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102.

Florida Docket No. 770066–CCT filed January 21, 1977. Applicant: B T L, INC., 9129 Carbondale Drive, East Jacksonville, Fla. 32208. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Certification of Public Convenience and Necessity sought to operate a freight service as a *common carrier*, over irregular routes as follows: Transportation of *Bananas, pineapples and coconuts*, from Tampa, Fla., and its suburban territory, to all points in Florida. 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.

Oklahoma Docket No. MC 23740 (Sub-No. 5) filed January 19, 1977. Applicant: ROCKET FREIGHT LINES, COMPANY, a Corporation, 2921 Dawson Road, Tulsa, Okla. 74110. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th Street, 280 National Foundation Life Center, Oklahoma City, Okla. 73112. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, over regular routes, between Muskogee and Sallisaw, Okla.: From Muskogee, Okla, over the Muskogee Turnpike to junction with U. S. Highway 64, thence over U.S. Highway 64 to Sallisaw, Okla., and return over the same route, serving all intermediate points, and the off-route point of the Kerr-McGee Nuclear Cimarron Facility located at or near Gore, Okla. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place scheduled for March 21, 1977, at 9 a.m., Oklahoma City, Okla. 73105. Requests for procedural information should be 2nd Floor, Jim Thorpe Office Building, addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should not be directed to the Interstate Commerce Commission.

South Carolina Docket No. 76–440–T, filed August 5, 1976. Applicant: GROCE DELIVERY SERVICE, INC., P.O. Box 6487, Greenville, S.C. 29606. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *Pick-up, delivery, transfer and forwarding service* under contract with Emery Air Freight Corporation, from the joint Greenville-Spartanburg Airport, to points and places served by Emery Air Freight Corporation in Anderson, Cherokee, Greenville, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C., restricted to shipments having immediate prior and immediate subsequent movement by air.

NOTE.—Applicant is presently serving as a motor vehicle carrier in intrastate commerce under Class F Certificate of Public Convenience and Necessity No. 1643 A issued pursuant to Order of the South Carolina Public Service Commission No. 17,061, dated August 14, 1973 as follows: Over irregular routes, Pick-up, delivery, transfer and forwarding service under contract with Emery Air Freight Corporation, from the joint Greenville-Spartanburg Airport to Arcadia, Duncan, Fairforest, Greenville, Greer, Lyman, Paris, Saxon, Spartanburg, Startex, and Taylors, S.C. in local area, and Donaldson, Mauldin, Belton, Easley, Fountain Inn, Inman, Landrum, Liberty, Marietta, Pacolet Mills, Pelzer, Pickens, Piedmont, Simpsonville, Slater, Travelers Rest, and Woodruff, S.C., restricted to shipments having immediate prior and immediate subsequent movement by air. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the South Carolina Public Service Commission, P.O. Box 11649, Columbia, S.C. 29211 and should not be directed to the Interstate Commerce Commission.

South Carolina Docket No. 77–26–T, filed January 5, 1977. Applicant: S. P. RAMSEY, doing business as RAMSEY WAREHOUSE, TRANSFER & CARTAGE COMPANY, 32 Audubon Pond Road, Hilton Head Island, S.C. 29928. Applicant's representative: Isadore E. Lourie, 1224 Pickens Street, Columbia, S.C. 29211. Certificate of Public Convenience and Necessity sought to operate a freight service as a Class E Carrier, as follows: Transportation of *Commodities in general* (except (a) commodities in bulk tank trucks, (b) explosives, radioactive materials, and other dangerous materials; and household goods; intrastate and interstate traffic from any point to any point within a 15 mile radius of Bluffton, S.C., but all within South Carolina). Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the South Carolina Public Service Commission, 8th Floor, Owens Building, P.O. Box 11649, Columbia, S.C. 29211 and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 002709A1A, filed January 4, 1977. Applicant: BLUEBONNET EXPRESS, INC., 5001 Rusk Street, Houston, Tex. 77023. Applicant's representative: Joe G. Fender, 1150 Pennzoil Place, South Tower, 711 Louisiana, Houston, Tex. 77002. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, (1) over Farm Road 521 from its junction with State Highway 35 to the plantsite known as South Texas Project, Houston Lighting & Power Company, Bay City, Texas, located on or adjacent to Farm Road 521 thence over Farm Road 521 via Wadsworth and Cedar Lane to Brazoria, Texas, and return over the same route serving all intermediate points; and (2) from Bay City, Texas, over State Highway 60 to Wadsworth thence over Farm Road 521 into plantsite known as South Texas Project, Houston Lighting & Power Company, Bay City, Texas, located on or adjacent to Farm Road 521 thence over Farm Road 521 via Wadsworth and Cedar Lane to Brazoria, Texas, and return over the same route serving all intermediate points.

Service as provided in Paragraphs 1 and 2 above to be restricted as follows: (1) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 350 pounds from one consignor at one location to one consignee at one location on any one day; and (2) No service shall be provided in the transportation of any single article weighing in excess of 100 pounds. Applicant proposes to tack and coordinate the service here proposed with all service presently uner its TCT Certificate No. 2709 and its ICC Certificate No. MC 85451 and subs. Intrastate, interstate and foreign commerce authority sought.

HEARING: Application will be assigned for hearing approximately 30 days after publication in the Federal Register. Requests for procedural information should be addressed to the Texas Railroad Commission, P.O. Drawer 12967, Capitol Station, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

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