

# federal register

THURSDAY, OCTOBER 7, 1976



## highlights

### PART I:

#### MILITARY TRANSPORTATION

CAB establishes fuel price increases and minimum rate adjustments for Logair and Quicktrans Services (2 documents); effective 10-1-76..... 44154

#### PETROLEUM EXPORT RESTRICTIONS

Commerce/DIBA continues existing controls, and establishes controls on naphtha, petroleum coke and Naval Petroleum Reserve Commodities; effective 9-30-76..... 44155

#### STEAMED AND CANNED OYSTERS

EPA proposes to exempt shrimp processing facilities which utilize an air flotation treatment system from 1983 effluent limitations, and determine limitations on case-by-case basis; comments by 11-8-76..... 44194

#### POINT-TO-POINT RADIO COMMUNICATIONS

FCC expands opportunity to use 450-470 MHz frequencies for secondary operations; effective 10-29-76..... 44180

#### SUPPLEMENTAL SECURITY INCOME

HEW/SSA proposes to exclude from countable income certain State payments; comments by 11-22-76..... 44192

#### FREEDOM OF INFORMATION

SSS allows legal representative of deceased person to obtain information from person's record, and makes technical changes; effective 10-7-76..... 44169

#### HEARING—

Architectural and Transportation Barriers Compliance Board: Recreation for Handicapped Persons; 10-21 through 10-22-76..... 44208

#### CHANGED MEETINGS—

OMB/OFPP: Contract Pricing and Profit Policies; 11-4 through 11-8-76..... 44237

#### MEETINGS—

Administrative Conference of the United States: Committee on Licenses and Authorizations; 10-22-76..... 44207

Committee on Rulemaking and Economic Regulation; 10-18-76..... 44207

Committee on Rulemaking and Public Information; 10-22-76..... 44208

USDA/FS: Ochoco National Forest Grazing Advisory Board; 11-4-76..... 44204

Commerce: Commerce Technical Advisory Board; 10-27 through 10-28-76..... 44206

CTAB Panel on Energy Policy; 10-20 through 10-21-76..... 44205

CONTINUED INSIDE

## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

**federal register**

Area Code 202 Phone 523-5240



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

## INFORMATION AND ASSISTANCE

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

### FEDERAL REGISTER, Daily Issue:

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

### PRESIDENTIAL PAPERS:

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

### PUBLIC LAWS:

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

## HIGHLIGHTS—Continued

DIBA: President's Export Council, Subcommittee on Export Administration; 10-26-76.....	44202
DOD/AF: Scientific Advisory Board:	
Ad Hoc Committee on Aeronomy; 11-17-76.....	44197
Guidance and Control Panel; 11-11-76.....	44197
Science and Technology Advisory Group Standing Committee on Research; -10-27 through 10-28-76 .....	44197
DOT/FAA: Radio Technical Commission for Aeronautics, Reliability Specifications for Airborne Electronic Systems (SC 130); 10-27 through 10-28-76 .....	44206
EPA: Environmental Pollutant Movement and Transformation Advisory Committee of Scientific Advisory Board; 10-28-76.....	44216
HEW/National Advisory Council on Education of Disadvantaged Children: Committee on Adolescence and Committee on Legislation; 10-29-76.....	44206
Interior: Industry Advisory Committee to Defense Electric Power Administration; 11-10-76.....	44202
National Petroleum Council's Committee on Future Energy Prospects; 10-26-76.....	44202
NSF: Advisory Board for Memory and Cognitive Processes; 10-27 through 10-28-76.....	44232
Advisory Panel for Social and Developmental Psychology; 10-25 through 10-26-76.....	44232

SBA: District Advisory Councils:	
Clarksburg, 10-29-76.....	44243
Lower Rio Grande Valley, 11-16-76.....	44243
Newark, 10-29-76.....	44243
San Francisco, 10-21-76.....	44243
State: Advisory Committee on Transnational Enterprises; 10-28-76.....	44203
Treasury/Comptroller: Regional Advisory Committee on Banking Policies and Practices for Eighth National Bank Region; 10-29-76.....	44196

### AMENDED MEETING—

CRC: Maine Advisory Committee, 10-8 and 10-9-76..	44209
---	-------

### PART II:

#### STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCILS

HEW/PHS proposes procedures for establishment and requirements; comments by 12-6-76.....	44285
--	-------

### PART III:

#### PRIVACY ACT OF 1974

OMB publishes systems of records; effective 11-8-76...	44291
--	-------

### PART IV:

#### BUDGET DEFERRALS

OMB publishes report.....	44297
---------------------------	-------

# contents

## ADMINISTRATIVE CONFERENCE OF UNITED STATES

### Notices

#### Meetings:

- Licenses and Authorizations Committee ..... 44207
- Ratemaking and Economic Regulation Committee..... 44207
- Rulemaking and Public Information Committee..... 44208

## AIR FORCE DEPARTMENT

### Notices

#### Meetings:

- USAF Scientific Advisory Board (3 documents)..... 44197

## AGRICULTURAL MARKETING SERVICE

### Rules

- Oranges (Valencia) grown in Ariz. and Calif..... 44187
- Walnuts in shell; grade standards ..... 44187

### Proposed Rules

- Almonds grown in Calif..... 44191
- Oranges (Navel) grown in Ariz. and Calif..... 44189

## AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Forest Service.

### Rules

- Authority delegations by Secretary and General Officers: Administration, Assistant Secretary; et al.; hearing clerk... 44186
- Marketing and Consumer Services, Assistant Secretary, et al.; Beef Research and Information Act..... 44185

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### Notices

#### Hearing:

- Recreation for Handicapped Persons ..... 44208

## CIVIL AERONAUTICS BOARD

### Rules

- Military transportation; exemption of air carriers; fuel surcharges applicable to minimum rates (2 documents)..... 44154

### Notices

#### Hearings, etc.:

- Allegheny Airlines, Inc. (2 documents) ..... 44208

## CIVIL RIGHTS COMMISSION

### Notices

#### Meeting:

- Maine Advisory Committee..... 44209

## COMMERCE DEPARTMENT

See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration.

### Notices

#### Meetings:

- Commerce Technical Advisory Board ..... 44206
- CTAB Panel on Energy Policy... 44205

## COMPTROLLER OF CURRENCY

### Notices

#### Meetings:

- Banking Policies and Practices for Eighth National Bank Region; Regional Advisory Committee ..... 44196

## CUSTOMS SERVICE

### Notices

#### Countervailing duty petitions:

- Fish from Canada..... 44196

## DEFENSE DEPARTMENT

See Air Force Department.

## DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

### Rules

#### Export licensing:

- Petroleum and petroleum products; continuation of short supply controls..... 44155

### Notices

#### Meetings:

- Subcommittee on Export Administration of President's Export Council..... 44204

## EDUCATION OF DISADVANTAGED CHILDREN, NATIONAL ADVISORY COUNCIL

### Notices

#### Meetings:

- Committees on Adolescence and Legislation ..... 44232

## EDUCATION OFFICE

### Notices

- National Advisory Council on Education Professions Development; expiration of statutory authority and offices closing..... 44206

## ENVIRONMENTAL PROTECTION AGENCY

### Proposed Rules

#### Air quality implementation plans; various States, etc.:

- Alabama ..... 44194

#### Water pollution; effluent guidelines for certain point source categories:

- Seafood, canned and preserved... 44194

### Notices

- Air pollution control; California; waiver of Federal Preemption... 44209

- Air pollution control; notice of submittal to FAA of proposed aircraft noise abatement regulations ..... 44214

- Pesticide chemicals; tolerances, exemptions, etc., petitions: Chemagro Agricultural Division et al..... 44213

### Pesticide registration:

- Applications ..... 44215

### Pesticides, specific exemptions and experimental use permits:

- Fisons Corp. and Monsanto Co. 44213
- Nor-Am Agricultural Products, Inc. and Elanco Products Co. 44214
- PPG Industries, Inc. and Zoecon Corp ..... 44214
- Uniroyal Chemical..... 44214

### Meetings:

- Environmental Pollutant Movement and Transformation Advisory Committee..... 44216

## FEDERAL AVIATION ADMINISTRATION

### Rules

#### Airworthiness directives:

- Bellanca ..... 44152
- Hiller ..... 44153
- Transition areas (2 documents) .. 44153

### Proposed Rules

#### Airworthiness directives:

- Beech ..... 44192
- Control zones ..... 44193
- Restricted areas and VOR Federal airways..... 44193
- Transition areas ..... 44193

### Notices

#### Meetings:

- Radio Technical Commission for Aeronautics (RTCA) Special Committee 130..... 44206

## FEDERAL COMMUNICATIONS COMMISSION

### Rules

#### Amateur radio services:

- Frequencies ..... 44183

#### Public safety, industrial, and land transportation radio services:

- Base/mobile frequencies, secondary fixed use..... 44180

#### Radio and television broadcasting:

- Broadcasting reregulations..... 44176

### Proposed Rules

#### Maritime services, land and ship-board stations:

- SSB equipped vessels, Alaskan waters; mandatory VHF capabilities exemptions..... 44194

### Notices

#### Organization and functions:

- Board of Commissioners, establishment ..... 44217

## FEDERAL DISASTER ASSISTANCE ADMINISTRATION

### Notices

#### Disaster areas:

- Wisconsin ..... 44206

## FEDERAL ENERGY ADMINISTRATION

### Rules

#### Petroleum allocation regulations, mandatory:

- Naphthas, gas, oils, and other products; correction..... 44151



## CONTENTS

### FEDERAL HOUSING COMMISSION— OFFICE OF ASSISTANT SECRETARY FOR HOUSING

#### Rules

Mortgage and loan insurance programs:  
Property improvement loans, Class 3; CFR Part revoked... 44162

### FEDERAL INSURANCE ADMINISTRATION

#### Rules

Flood Insurance Program, National; flood elevation determinations, etc.:  
Maryland ..... 44162  
Massachusetts (3 documents) ... 44162, 44163  
Michigan ..... 44164  
Minnesota (3 documents) ..... 44165, 44166  
Missouri (4 documents) ... 44167-44169

### FEDERAL MARITIME COMMISSION

#### Notices

Freight forwarder licenses:  
Advance Shipping Co. .... 44217  
P and R Forwarding Co. .... 44217

### FEDERAL POWER COMMISSION

#### Notices

##### Hearings, etc.:

Alabama-Tennessee Natural Gas Co. et al. ....	44217
Algonquin Gas Transmission Co. ....	44217
Area Rate Proceedings, et al. ....	44218
Boston Edison Co. ....	44218
Carolina Power and Light Co. ....	44218
Cities Service Gas Co. ....	44218
Dayton Power and Light Co. ....	44218
East Tennessee Natural Gas Co. ....	44219
El Paso Natural Gas Co. ....	44219
First National Bank, Dallas. ....	44219
Hurstak, Robert J. ....	44228
Michigan Wisconsin Pipe Line Co. ....	44220
Michigan Wisconsin Pipe Line Co., et al. ....	44220
Mississippi River Transmission Corp. ....	44221
Missouri Public Service Co. ....	44220
Natural Gas Pipeline Co. of America. ....	44221
Northern Natural Gas Co. ....	44221
Northwest Pipeline Corp. ....	44222
Pennsylvania Power and Light Co. ....	44222
Peoples Natural Gas Division of Northern Natural Gas Co. ....	44223
Petroleum Corp. of Texas. ....	44224
Philadelphia Electric Co. ....	44225
Potomac Edison Co. ....	44226
Southern Natural Gas Co. ....	44228
Texas Eastern Transmission Corp. ....	44228
Texas Gas Transmission Corp. ....	44229
Transcontinental Gas Pipe Line Corp. (2 documents) ...	44229
Utah Power and Light Co. ....	44230
Western Transmission Corp. ....	44231

### FEDERAL TRADE COMMISSION

#### Notices

Appliance, certain; opportunity to provide comments concerning the range of comparability... 44231

### FISCAL SERVICE

#### Notices

Surety companies acceptable on Federal Bonds:  
Drake Insurance Company of N.Y. .... 44196

### FISH AND WILDLIFE SERVICE

#### Rules

##### Hunting:

Bombay Hook National Wildlife Refuge, Del. (2 documents) ... 44184  
Prime Hook National Wildlife Refuge, Del. .... 44185  
Tamarac National Wildlife Refuge, Minn.; correction... 44185

### FOREST SERVICE

#### Notices

Environmental statements, availability, etc.:  
Blacktail Planning Unit, Idaho. 44203  
Colville National Forest, East Deer Creek Planning Unit, Wash. .... 44203  
South Slope Unit Plan. .... 44204  
Twisp - Winthrop - Conconully Planning Unit. .... 44204

Meetings:  
Ochoco National Forest Grazing Advisory Board. .... 44204

### GENERAL SERVICES ADMINISTRATION

#### Notices

Stockpile goal action 77-1. .... 44231

### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Public Health Service; Social Security Administration.

#### Rules

Procurement ..... 44170

### HEARINGS AND APPEALS OFFICE

#### Notices

##### Applications, etc.:

Arkansas Enterprises. .... 44200  
Fred Banks Coal Co., Inc. .... 44200  
Hellier Fuel Co. .... 44201  
Logan Lucas Coal Corp. .... 44201  
Wright Coal Co. .... 44202

### HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Disaster Assistance Administration; Federal Housing Commissioner—Office of Assistant Secretary for Housing; Federal Insurance Administration.

### INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Hearings and Appeals Office; Land Management Bureau.

#### Notices

Committees established, renewals, etc.:  
Interior Coal Advisory Committee ..... 44203

#### Meetings:

Future Energy Prospects Committee ..... 44202  
Industry Advisory Committee to the Defense Electrical Power Administration ..... 44202

### INTERNAL REVENUE SERVICE

#### Notices

Privacy Act of 1974; proposed establishment of new system of records; correction. .... 44196

### INTERSTATE COMMERCE COMMISSION

#### Rules

##### Practice rules:

Railroad divisions of revenue disputes; expeditious handling of cases; market dominance findings. .... 44183

#### Notices

Abandonment of railroad services, etc.:  
Grand Trunk Western Railroad Co. .... 44244  
Louisville and Nashville Railroad Co. .... 44244

Car service exemptions, mandatory:  
Bessemer and Lake Erie Railroad Co., et al. .... 44244  
Exemption No. 126; amendment ..... 44244  
Exemption No. 127; amendment ..... 44244  
San Diego and Arizona Eastern Railway Co. .... 44244

Hearing assignment. .... 44244

Permanent authority petitions and applications; finance matters (including temporary authorities); railroad abandonments; alternate route deviation letter-notices; and intrastate applications concurrently seeking authority on interstate or foreign commerce ..... 44245

### LAND MANAGEMENT BUREAU

#### Notices

##### Applications, etc.:

Colorado ..... 44197  
Nevada (2 documents) ... 44197, 44200  
New Mexico (6 documents) ... 44198, 44199  
Wyoming (3 documents) ... 44199, 44200

### MANAGEMENT AND BUDGET OFFICE

#### Notices

Budget rescissions and deferrals:  
Summary of proposed deferrals. 44297

Contract pricing and profit policies, revision of notice of public meeting ..... 44237

Privacy Act, 1974; annual publication ..... 44291

### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

#### Notices

Environmental statements; availability, etc.:  
Coastal Zone Management Program for State of California; postponement of hearing on draft impact statement. .... 44205

## CONTENTS

<p><b>NATIONAL SCIENCE FOUNDATION</b>  <b>Notices</b>  <b>Meetings:</b>  Memory and Cognitive Processes Advisory Panel..... 44232  Social and Developmental Psychology Advisory Panel..... 44232</p> <p><b>NATIONAL TRANSPORTATION SAFETY BOARD</b>  <b>Notices:</b>  Safety recommendations and accident reports; availability, responses, etc..... 44235</p> <p><b>NUCLEAR REGULATORY COMMISSION</b>  <b>Notices</b>  <i>Applications, etc.:</i>  Boston Edison Co..... 44233  Pennsylvania Public Utility Commission..... 44233  Public Service Co. of Indiana, Inc..... 44233  Security Agency Study; availability..... 44233  Toledo Edison Co. and Cleveland Electric Illuminating Co. et al..... 44234  Union Electric Co..... 44234  Vermont Yankee Nuclear Power Corp..... 44234</p> <p><b>PIPELINE SAFETY OPERATIONS OFFICE</b>  <b>Notices</b>  <i>Hearing</i>  Trans-Alaska Crude Oil Pipeline; petition for waiver for girth welds..... 44207</p>	<p><b>POSTAL RATE COMMISSION</b>  <b>Notices</b>  Mail classification schedule..... 44237</p> <p><b>PUBLIC HEALTH SERVICE</b>  <b>Rules</b>  <b>Grants:</b>  National Heart, Lung, and Blood Institute; technical amendments (2 documents) .. 44171, 44174</p> <p><b>Proposed Rules</b>  Professional standards review: Statewide councils..... 44285</p> <p><b>SECURITIES AND EXCHANGE COMMISSION</b>  <b>Notices</b>  Self-regulatory organizations; proposed rule changes: American Stock Exchange, Inc. 44237</p> <p><i>Hearings, etc.:</i>  Axe-Houghton Fund A, Inc., et al..... 44238  Chicago Board Options Exchange..... 44239  Continental Individual Retirement Trust, et al..... 44239  KMS Industries, Inc..... 44241  Kansas City Star Co..... 44241  Pacific Stock Exchange, Inc. (2 documents)..... 44242  Universe Tankships, Inc..... 44242</p> <p><b>SELECTIVE SERVICE SYSTEM</b>  <b>Rules</b>  Information availability, etc..... 44169</p>	<p><b>SMALL BUSINESS ADMINISTRATION</b>  <b>Notices</b>  <b>Meetings, advisory councils:</b>  Clarksburg District..... 44243  Lower Rio Grande Valley District..... 44243  Newark District..... 44243  San Francisco District..... 44243</p> <p><b>SOCIAL SECURITY ADMINISTRATION</b>  <b>Proposed Rules</b>  Aged, blind, and disabled; supplemental security income for: State payments, countable income exclusions..... 44192</p> <p><b>STATE DEPARTMENT</b>  <b>Notices</b>  <b>Meetings:</b>  Transnational Enterprises, Advisory Committee..... 44203</p> <p><b>TRANSPORTATION DEPARTMENT</b>  <i>See Federal Aviation Administration.</i></p> <p><b>TREASURY DEPARTMENT</b>  <i>See also Comptroller of Currency; Customs Service; Fiscal Service; Internal Revenue Service.</i></p> <p><b>Notices</b>  <b>Antidumping:</b>  Paving equipment from Canada; bituminous self-propelled.... 44197  Swimming pools from Japan; metal-walled, above ground... 44198</p>
--	--	--

**"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"**

Weekly Briefings at the Office of the  
Federal Register

(For Details, See 41 FR 22997, June 8, 1976)

**RESERVATIONS: JANET SOREY, 523-5282**

# list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.  
 A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

<b>7 CFR</b>		<b>15 CFR</b>		<b>42 CFR</b>	
2 (2 documents) -----	44185, 44186	371 -----	44155	52a -----	44171
51 -----	44187	377 -----	44155	52e -----	44174
908 -----	44187	<b>20 CFR</b>		<b>PROPOSED RULES:</b>	
<b>PROPOSED RULES:</b>		<b>PROPOSED RULES:</b>		101 -----	44286
907 -----	44189	416 -----	44192	<b>47 CFR</b>	
981 -----	44191	<b>24 CFR</b>		1 -----	44177
<b>10 CFR</b>		202 -----	44162	13 -----	44178
210 -----	44151	1917 (12 documents) -----	44162-44169	73 -----	44178
211 -----	44152	<b>32 CFR</b>		89 -----	44180
212 -----	44152	1608 -----	44169	91 -----	44182
<b>14 CFR</b>		<b>40 CFR</b>		93 -----	44183
39 (2 documents) -----	44152, 44153	<b>PROPOSED RULES:</b>		97 -----	44183
71 (2 documents) -----	44153	52 -----	44194	<b>PROPOSED RULES:</b>	
288 (2 documents) -----	44154	408 -----	44194	83 -----	44194
<b>PROPOSED RULES:</b>		<b>41 CFR</b>		<b>49 CFR</b>	
39 -----	44192	3-4 -----	44170	1109 -----	44183
71 (3 documents) -----	44193			<b>50 CFR</b>	
73 -----	44193			32 (5 documents) -----	44184, 44185

**CUMULATIVE LIST OF PARTS AFFECTED DURING OCTOBER**

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

<b>3 CFR</b>		<b>13 CFR</b>		<b>23 CFR</b>	
<b>PROCLAMATIONS:</b>		102.....	43711	260.....	44034
4334 (See Proc. 4466).....	44031	115.....	43409		
4463 (Amended by Proc. 4466).....	44031	<b>14 CFR</b>		<b>24 CFR</b>	
4465.....	43361	39.....	43712, 43713, 44152, 44153	202.....	44162
4466.....	44031	71.....	43712, 43714, 44153	570.....	43887
<b>EXECUTIVE ORDERS:</b>		97.....	43714	860.....	44002
10000 (Amended by EO 11938).....	43383	288.....	44154	1914.....	43402, 43716
11157 (Amended by EO 11939).....	43705	300.....	43715	1916.....	44036, 44037
11322 (See EO 11940).....	43707	298.....	44033	1917.....	44162-44169
11419 (See EO 11940).....	43707	371.....	43396	<b>PROPOSED RULES:</b>	
11533 (See EO 11940).....	43707	<b>PROPOSED RULES:</b>		115.....	43734
11683 (See EO 11940).....	43707	39.....	43742, 44192	600.....	44122
11798 (See EO 11940).....	43707	71.....	44193	1917.....	43735-43741
11818 (See EO 11940).....	43707	73.....	44193	<b>26 CFR</b>	
11883 (Superseded by EO 11941).....	43889	<b>15 CFR</b>		301.....	44038
11907 (See EO 11940).....	43707	270.....	43396	601.....	44038
11938.....	43383	371.....	44155	<b>27 CFR</b>	
11939.....	43705	377.....	44155	Ch. I.....	44038
11940.....	43707	<b>16 CFR</b>		201.....	43717
11941.....	43889	<b>PROPOSED RULES:</b>		<b>29 CFR</b>	
<b>5 CFR</b>		1150.....	44126	701.....	43403
213.....	43385	1500.....	44126	727.....	43403
2300.....	43709	1615.....	43917	1952.....	43404-43406, 43896-43901
<b>7 CFR</b>		1616.....	43919	<b>PROPOSED RULES:</b>	
2.....	44185, 44186	<b>17 CFR</b>		1952.....	43411
51.....	44187	231.....	43398	<b>30 CFR</b>	
52.....	43385	<b>PROPOSED RULES:</b>		75.....	43532
210.....	43909	230.....	43876	<b>PROPOSED RULES:</b>	
230.....	43388	239.....	43876	211.....	43912
908.....	43709, 44187	240.....	43876	<b>31 CFR</b>	
910.....	43389	<b>18 CFR</b>		128.....	43719
919.....	43709	<b>PROPOSED RULES:</b>		240.....	43903
927.....	43389	260.....	43743	309.....	44006
928.....	43909	<b>19 CFR</b>		<b>32 CFR</b>	
966.....	43909	<b>PROPOSED RULES:</b>		1608.....	44169
980.....	43910	18.....	43922	<b>32A CFR</b>	
981.....	43710	123.....	43922	113.....	43720
982.....	43710	144.....	43922	<b>33 CFR</b>	
1030.....	43390	<b>20 CFR</b>		<b>PROPOSED RULES:</b>	
1980.....	43390	416.....	43399	183.....	43858
2507.....	43392	<b>PROPOSED RULES:</b>		<b>34 CFR</b>	
<b>PROPOSED RULES:</b>		405.....	43917	<b>PROPOSED RULES:</b>	
907.....	44189	416.....	44192	Ch. I.....	43743
981.....	44191	651.....	44014	<b>37 CFR</b>	
1464.....	43729	653.....	44014	1.....	43720
1701.....	43912	658.....	44014	3.....	43721
<b>8 CFR</b>		<b>21 CFR</b>		4.....	43721
341.....	43393	121.....	43715	<b>PROPOSED RULES:</b>	
<b>10 CFR</b>		522.....	43400, 43896	I.....	43729
210.....	44151	561.....	43896	<b>38 CFR</b>	
211.....	44152	630.....	43400	36.....	44039
212.....	43393, 43895, 44152	1308.....	43401		
<b>12 CFR</b>		<b>PROPOSED RULES:</b>			
220.....	43895	1010.....	43412		
523.....	43395				
545.....	43395				
563.....	43395				
<b>PROPOSED RULES:</b>					
563.....	44057				
570.....	44057				



FEDERAL REGISTER

<b>39 CFR</b>		<b>43 CFR</b>		<b>47 CFR</b>	
601-----	44040	2650-----	44040	1-----	44042, 44177
<b>PROPOSED RULES:</b>		3040-----	43722	2-----	44042
111-----	44059	<b>PUBLIC LAND ORDERS:</b>		13-----	44178
<b>40 CFR</b>		5603-----	44041	73-----	44178
35-----	43727	<b>PROPOSED RULES:</b>		89-----	44180
52-----	43406-43408, 43903	2370-----	43411	91-----	44182
55-----	43904	4100-----	43912	93-----	44183
180-----	43408	4200-----	43912	97-----	44042, 44183
459-----	43409	4300-----	43912	<b>PROPOSED RULES:</b>	
<b>PROPOSED RULES:</b>		4700-----	43912	64-----	44057
50-----	44049	9230-----	43912	73-----	43422, 43922
52-----	43421, 43920, 44194	<b>45 CFR</b>		83-----	44194
60-----	43866	177-----	44041	<b>49 CFR</b>	
162-----	43920	<b>PROPOSED RULES:</b>		1-----	44042
180-----	43421, 43920	205-----	43420	215-----	44043
408-----	44194	302-----	43414	1033-----	43723
<b>41 CFR</b>		303-----	43414	1109-----	44183
1-1-----	43538	305-----	43414	1131-----	43904
1-4-----	43538	<b>46 CFR</b>		1254-----	44045
3-4-----	44170	536-----	44041	<b>PROPOSED RULES:</b>	
101-26-----	43722	<b>PROPOSED RULES:</b>		1109-----	43743
101-32-----	43536	31-----	43822	<b>50 CFR</b>	
<b>42 CFR</b>		34-----	43822	32-----	43723-
52a-----	44171	54-----	43822	43726, 43905-43908, 44046-44048,	
52c-----	44174	98-----	43822	44184, 44185	
<b>PROPOSED RULES:</b>		154-----	43822	33-----	44048
101-----	44286	502-----	44059	216-----	43550, 43726

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	Date
43381-43704-----	Oct. 1
43705-43887-----	4
43889-44029-----	5
44031-44160-----	6
44151-44355-----	7

# reminders

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

## Rules Going Into Effect Today

CAB—Charters; advance bookings.  
37762, 37763, 37775; 9-8-76

DOT/FAA—Airworthiness directive; Avions Marcel Dassault..... 40456; 9-20-76

Standard instrument approach procedures; Dothan, Ala., et al..... 36490; 8-30-76

Standard Instrument approach procedures; Macon, Ga., et al..... 36491; 8-30-76

FCC—FM broadcast stations; table of assignments, Minnesota.. 37332; 9-3-76

Maritime services; vessel traffic services system, Houston, Texas..... 37335; 9-3-76

Stations on shipboard in the maritime services; cargo vessels of the U.S.; exemption from certain radiotelegraph provisions..... 37581; 9-7-76

Justice/INS—Aliens; exemption from labor certification requirement; capital investment; amount increased..... 37565; 9-7-76

State—Visas; ineligible classes of immigrants; alien investor applicant; minimum capital investment reduced.  
37574; 9-7-76

## List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 14232..... Pub. Law 94-439  
Departments of Labor and Health, Education, and Welfare Appropriation Act, 1977  
(Passed over Presidential veto Sept. 30, 1976; 90 Stat. 1418)

H.R. 14238..... Pub. Law 94-440  
Legislative Branch Appropriation Act, 1977  
(Oct. 1, 1976; 90 Stat. 1439)

H.R. 14260..... Pub. Law 94-441  
Foreign Assistance and Related Programs Appropriations Act, 1977  
(Oct. 1, 1976; 90 Stat. 1465)

H.R. 589..... Pub. Law 94-442  
To authorize the Secretary of the Interior to provide relief to the Santa Ynez River Water Conservation District due to delivery of water to the Santa Ynez Indian Reservation lands  
(Oct. 1, 1976; 90 Stat. 1474)

H.R. 11149..... Pub. Law 94-443  
To amend section 2 of the Act entitled "An Act to incorporate the National Society of the Daughters of the American Revolution"  
(Oct. 1, 1976; 90 Stat. 1475)

H.R. 12987..... Pub. Law 94-444  
Emergency Jobs Programs Extension Act of 1976  
(Oct. 1, 1976; 90 Stat. 1476)

H.R. 15068..... Pub. Law 94-445  
To provide for emergency allotment lease and transfer of tobacco allotments or quotas for 1976 in certain disaster areas in South Carolina and Georgia  
(Oct. 1, 1976; 90 Stat. 1489)

H.R. 15193..... Pub. Law 94-446  
District of Columbia Appropriations Act, 1977  
(Oct. 1, 1976; 90 Stat. 1490)

H.R. 15194..... Pub. Law 94-447  
Public Works Employment Appropriations Act  
(Oct. 1, 1976; 90 Stat. 1497)

S. 2090..... Pub. Law 94-448  
To make the provisions of section 1331 (e) of title 10, United States Code, retroactive to November 1, 1953  
(Oct. 1, 1976; 90 Stat. 1499)

S. 3052..... Pub. Law 94-449  
To suspend until July 1, 1978, the training for families of certain offices and employees of the Department of Agriculture  
(Oct. 1, 1976; 90 Stat. 1500)

S. 3095..... Pub. Law 94-450  
Gold Labeling Act of 1976  
(Oct. 1, 1976; 90 Stat. 1501)

H.R. 11321..... Pub. Law 94-451  
To suspend until January 1, 1978, the duty on certain elbow prostheses if imported for charitable therapeutic use, or for free distribution, by certain public or private nonprofit institutions  
(Oct. 2, 1976; 90 Stat. 1502)

H.R. 11997..... Pub. Law 94-452  
Bank Holding Company Tax Act of 1976  
(Oct. 2, 1976; 90 Stat. 1503)

H.R. 11722..... Pub. Law 94-453  
To amend title 18 of the United States Code to prohibit deprivation of employment or other benefit for political contribution, and for other purposes  
(Oct. 2, 1976; 90 Stat. 1516)

H.R. 13549..... Pub. Law 94-454  
To provide for additional income for the United States Soldiers' and Airmen's Home by requiring the Board of Commissioners of such home to collect a fee from the members of such home and by increasing deductions for the support of such home from the pay of enlisted men and warrant officers, and for other purposes  
(Oct. 2, 1976; 90 Stat. 1518)

H.R. 10612..... Pub. Law 94-455  
Tax Reform Act of 1976  
(Oct. 4, 1976; 90 Stat. 1520)

# rules and regulations

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

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

## Title 10—Energy

### CHAPTER II—FEDERAL ENERGY ADMINISTRATION

#### PETROLEUM ALLOCATION AND PRICE REGULATIONS

##### Exemption of Naphthas, Gas Oils and "Other Products" From the Mandatory Petroleum Allocation and Price Regulations; Corrections

On July 20, 1976, the Federal Energy Administration ("FEA") issued an amendment providing generally for the exemption of naphthas, gas oils and "other products" from the price and allocation regulations. (41 FR 30096, July 22, 1976) The exemption was effective September 1, 1976 since the amendment was not disapproved by either house of Congress within the prescribed review period under the procedures set forth in section 551 of the Energy Policy and Conservation Act.

This amendment is issued to correct minor errors and omissions in the July 20 amendment and to amend certain pricing provisions incidentally affected to account more precisely for the exemption.

#### I. "B," FACTOR

In exempting naphthas, gas oils, and certain "other products" in the July 20 amendment, FEA inadvertently failed to correct part of the definition of the "B," factor in § 212.83(c)(2)(iii)(D) of the refiners' price formulae. The definition formerly referred only to costs of purchased covered products, but with the exemption from the regulations of a significant gasoline feedstock, naphtha, the reference is no longer appropriate. The costs of all products which are purchased and refined or blended in producing a currently covered product and the costs of which were includable before any deregulation actions were taken are properly includable in the costs of that currently covered product and are so included in this amendment.

#### II. DEFINITION OF "ADDITIVE"

In addition, in exempting the various covered products, FEA created an ambiguity in the refiners' price formulae as to the treatment of products which are purchased and added to or blended with crude oil or covered products during the refining process and which were formerly covered products. Under the current language of § 212.83(c)(2), such products might conceivably be treated either as included within the "B" factor as purchased products, as intended by FEA, or as "additives" as part of "increased non-product costs." The definition of "additives" should properly make

clear that it continues to include only those products which were never covered products and is accordingly so revised.

#### III. NATURAL GAS LIQUIDS

The July 20 amendment added § 212.56 to Subpart C of Part 212, setting forth which general refinery products had been exempted (by that or earlier amendments). Section 212.56 (and also § 212.83 and § 212.93, as then amended) described these products as all general refinery products other than propane, butane, natural gasoline and aviation gasoline; omitted from that listing were natural gas liquids ("NGL's"). The July 20 amendment did not purport to exempt NGL's; nor had they been exempted in any previous amendment. This amendment corrects the listing in each of the above-named sections. For added clarity, § 212.56 as adopted today sets forth those general refinery products which are and which are not exempt from Part 212 and a new § 212.57 is added to include No. 2 oils among the listed exempt products of Subpart C. The exemption had previously been made effective by a revision in the definition of "covered products."

#### IV. OTHER TECHNICAL CHANGES

In the July 20 amendment, certain of the revised sections were misnumbered. This amendment incorporates the technical changes necessary to place the amended sections in the proper sequential order with the correct designations. In each case set forth in the next paragraph, the language of the July 20 amended sections is retained; only the designations are changed.

Specifically, the technical changes include the following: First, the amendatory language of 10 CFR 210.35 is redesignated to reflect the addition of paragraphs (d), (e), and (f), rather than the addition of paragraphs (c), (d), and (e) as were added in the July 20 amendment. Secondly, the amendatory language of 10 CFR 211.1 is renumbered to reflect the addition of subparagraphs (7) and (8) to paragraph (b) rather than the addition of paragraphs (6) and (7) as were added in the July 20 amendment. Finally, the amendatory language of 10 CFR 212.93 is redesignated to reflect the addition of subclause (1)(2)(1)(C) rather than the addition of subclause (1)(2)(ii)(B) or subclause (1)(2)(1)(B), either of which, because of ambiguous amendatory language, could be understood to have been added in the July 20 amendment.

#### V. EFFECTIVE DATE

This amendment is only interpretive in nature and is intended to correct in-

advertent omissions or technical errors in the regulations. The Federal Energy Administration finds that good cause exists to issue this amendment, effective as of September 1, 1976, without notice, opportunity for comment, or delay in the effective date of the amendment.

This amendment is a mere extension and refinement of the amendment issued July 20, 1976, and is consistent with and does not change the substance of the original amendment. Before that rule was promulgated, a hearing was scheduled and written comments were solicited. Many oral and written comments were received and those comments have been taken into account in the promulgation of this amendment. The notice and hearing requirements of Subsections 7(i)(1)(B) and (C) of the Federal Energy Administration Act of 1974 (Pub. L. 93-295 as amended by Pub. L. 94-385) have therefore already been satisfied and a further opportunity for the presentation of oral and written views is unnecessary.

In addition, because the present amendment is not a significant departure from the July 20 amendment, the requisite findings have been made and procedures followed pursuant to Sections 455 and 551 of the Energy Policy and Conservation Act (Pub. L. 94-163) and Section 12 of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159 as amended by Pub. L. 94-163 and Pub. L. 94-385).

(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. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

Issued in Washington, D.C., October 1, 1976, effective September 1, 1976.

DAVID G. WILSON,  
Acting General Counsel.

#### PART 210—GENERAL ALLOCATION AND PRICE RULES

1. Section 210.35 is revised by adding paragraphs (d), (e) and (f) as follows:  
§ 210.35 Exempted products.

(d) (1) Naphthas as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter except as pertains to allocation of naphtha for synthetic natural gas plant feedstock use.

(2) Naphthas as defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

(e) (1) Gas oils as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Gas oil as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

(f) (1) Other products as defined in § 211.202 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Benzene, greases, hexane, lubricant base oil stocks, lubricants, special naphthas (solvents), toluene, unfinished oils, xylene and other finished products, as those terms are defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

**PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS**

2. Section 211.1 is amended in paragraph (b) by adding new subparagraphs (7) and (8) as follows:

§ 211.1 Scope.

- (b) . . . . .

(7) Notwithstanding the provisions of Subpart J of this part, naphthas and gas oils are excluded from this part except with respect to the use of naphtha for synthetic natural gas plant feedstock pursuant to §§ 211.183 and 211.29.

(8) Notwithstanding the provisions of Subpart K of this part, other products as defined in § 211.202 of this part are excluded from this part.

**PART 212—MANDATORY PETROLEUM PRICE REGULATIONS**

3. Section 212.56 is revised to read as follows:

§ 212.56 General refinery products.

(a) The following general refinery products are exempt from the provisions of this part: benzene, gas oil, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, No. 1 heating oil, No. 1-D diesel fuel, residual fuel oil, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products.

(b) The following general refinery products are not exempt from the provisions of this part: aviation gasoline, butane, natural gas liquids, natural gasoline, and propane.

4. Section 212.57 is added to read as follows:

§ 212.57 No. 2 oils.

The prices charged for No. 2 oils are exempt.

5. The definition of "B<sub>i</sub>" in § 212.83 (c) (2) (iii) (D) is hereby amended to read as follows:

§ 212.83 Price rule.

- (c) Allocation of increased costs.
- (2) Formulae.
- (iii) Definitions.
- (D) The "B" factor.

$B_i = B_i^t + B_i^o + B_i^r$

"B<sub>i</sub>" [definition unchanged]

$B_i^t = c_i^t - c_i^o - Y_i (q_i^t - q_i^o)$

"B<sub>i</sub><sup>t</sup>" is the total increased cost of the specific product or products of the type "i" purchased or landed in the period "t", provided such cost is not included in computing "A<sub>i</sub>". The cost of a specific covered product or products of the type "i" shall include the costs of a product or products not of the type "i" that was a covered product as of May 31, 1976, that is purchased and refined or blended, and that is attributable to the production of the covered products of the type "i". The cost and quantity of products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

- c<sub>i</sub><sup>t</sup> = [definition unchanged]
- c<sub>i</sub><sup>o</sup> = [definition unchanged]
- q<sub>i</sub><sup>t</sup> = [definition unchanged]
- q<sub>i</sub><sup>o</sup> = [definition unchanged]
- Y<sub>i</sub> = [definition unchanged]
- "B<sub>i</sub><sup>t</sup>" [definition unchanged]
- "B<sub>i</sub><sup>o</sup>" [definition unchanged]

6. Section 212.83(c) (2) (iii) (E) (III) is hereby amended by revising the definition of "additive" as follows:

§ 212.83 Price rule.

- (c) Allocation of increased costs.
- (2) Formulae.
- (iii) Definitions.
- (E) The "N" factor.
- (III) Additive cost increases.

"Additive" means those materials and compounds including catalysts and process chemicals, which were not covered products as of May 31, 1976 and which are added to or blended with crude oil or covered products during the refinery process.

7. Section 212.93 is amended in clause (1) of subparagraph (2) of paragraph (1) to add subclause (C) as follows:

§ 212.93 Price rule.

- (1) Reallocation of increased product costs among products.
- (2) . . . . .
- (1) . . . . .
- (C) Beginning on July 1, 1976, no increased costs for general refinery products other than propane, butane, natural gasoline, natural gas liquids, and aviation gasoline may be reallocated to maximum allowable prices for any other covered product.

[FR Doc.76-20391 Filed 10-4-76;9:57 am]

**Title 14—Aeronautics and Space**

**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Docket No. 76-FA-53; Amdt. 39-2738]

**PART 39—AIRWORTHINESS DIRECTIVES**  
**Bellanca Aircraft**

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Bellanca type airplanes.

There had been reports of deterioration in the wooden wing spars of the subject aircraft due to the collection of water in the inboard wing area. On July 14, 1976, an emergency airmail directive was sent to all owners of the subject airplanes in view of the hazard to air safety. That hazard still exists.

Since this deficiency can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which will require a repetitive inspection for deterioration. Thus, in view of the hazard, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive as follows:

Applies to Bellanca CH, CH-300 Pacemaker, 300-W Pacemaker, CH-400 Skyrocket, E Pacemaker, F, Skyrocket, 14-9, 14-9L, 14-12F-3, 14-13, 14-13-2, 14-3-3, 14-13-3-3W, 31-42 Pacemaker Aircraft, certificated in all categories.

To prevent failure of forward or aft wing spars due to wood decay caused by water collecting in the wing, accomplish the following: Prior to the next flight after receipt of this AD unless already accomplished, and at each annual inspection thereafter, perform the following or an approved equivalent inspection:

(a) Using a blunt tool (e.g. screwdriver handle) tap along the entire length of the upper and lower skin directly over the front and rear spars starting inboard of the root rib. A decayed area will emit a sound that has a discernible difference in quality in comparison to an undecayed section. Fabric covered wings can be inspected by depressing the fabric over the spar prior to tapping. A suspected area must be inspected visually through available skin access holes, or cut outs in the skin. The front face of the rear spar and the front spar must also be checked by inserting an awl through the drain holes on the lower surface of the wing and tapping.

(b) Using a light and mirror, inspect the interior of the wings for moisture, water stains, pooled dust or dirt which may indicate previously collected water, wood discoloration, woodchecks, delamination of surfaces and corrosion of metallic surfaces. The inspection will include among other areas:

- 1. Inboard of root rib including the ends of front and rear spar and spar attachment and the inside surface of top and bottom skin and root rib.
- 2. Forward face of front spar visible through gap between fuselage and lower wing surface.



3. Forward face of rear spar to root rib, visible through gap between fuselage and lower wing surface.

4. Aft face of rear spar, visible through lightening holes or cut-outs after flaps are removed. For airplanes not equipped with flaps a skin cut-out on the bottom wing may be used.

5. Flap stops for airplanes so equipped.

6. Forward face of front spar in the vicinity of landing light for airplanes so equipped.

7. The plywood wing skin interior for airplanes so equipped.

8. Interior of wing at trailing edge where fabric terminates including the area around the flaps for airplanes so equipped.

9. Inspect for restriction in all drain holes in wing bottom surface.

10. Inspect the seal (e.g. fabric fillet, channel rubber with compatible sealant etc.) at the intersection of the fuselage and top wing skin leading edge fairing.

11. Inspect for serviceability of the seal (e.g. doped fabric fillet, silicone rubber sealant, etc.) between the fuel tank scupper and wing skin.

12. The spar butt ends.

(c) On the exterior surfaces of the wing, inspect for any damage that may allow water entry such as cracks or breaks in the paint, bubbles, discoloration, boils, soft spots or other evidence of fabric deterioration or fabric delamination from wood skin. Include in the inspection the wing root area, top and bottom surfaces of front and rear spars inboard of landing gear, wing walk area for airplanes so equipped and the top and bottom of the fuel tank area.

(d) If any defects set forth in paragraphs (b) and (c) are detected, repairs must be accomplished in accordance with FAA-approved standard practice AC 43-13-1A or an equivalent repair approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, prior to further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(e) All skins that are cut out in accordance with paragraph (a) must be repaired in accordance with paragraph (d).

This amendment is effective October 8, 1976, and was effective upon receipt for all recipients of the airmail directive of July 14, 1976.

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

Issued in Jamaica, N.J., on September 24, 1976.

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

[FR Doc.76-29138 Filed 10-6-76;8:45 am]

[Docket No. 76-NW-20-AD; Amdt. 39-2740]

**PART 39—AIRWORTHINESS DIRECTIVES**  
**Soly Turbine Converted Hiller UH-12D and UH-12E Helicopters**

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on September 8, 1976, and made effective immediately as to all known United States operators of Soly Turbine Converted Hiller UH-12D and UH-12E Helicopters. The directive imposes a limitation prohibiting flight in outside air

temperatures of 32 degrees F. or below until certain modifications have been performed to the engine control cables.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of the Federal Aviation Regulations.

HILLER AVIATION. Applies to Model UH-12D and UH-12E Helicopters which have been converted to turbine power in accordance with Soly Conversions, Limited, STC Nos. SH177WE and SH178WE respectively certificated in all categories. Compliance required as indicated.

To prevent loss of helicopter control due to freezing of the governor cable, throttle cable, and/or anti-ice cable accomplish the following:

(A) Within 15 days time in service after the receipt of this telegraphic AD, install a placard in view of the pilot which states: "Flight in outside air temperature of 32 degrees F. or lower is prohibited."

(B) Within 60 days time in service after the receipt of this telegraphic AD, perform the modifications contained in Soly Conversions, Ltd., Service Bulletin 01-560 dated September 3, 1976, or later FAA approved revisions.

(C) The operation restriction prescribed in (A) above may be discontinued and the placard may be removed when the control cable modifications required by (B) above have been completed.

(D) Equivalent procedures may be approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, upon the submission of adequate substantiating data.

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 Soly Conversions, Limited, P.O. Box 60, Chehalis, Washington 98532. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective on October 7, 1976, for all persons except those to whom it was made effective immediately by telegram dated September 8, 1976.

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

Issued in Seattle, Wash., September 24, 1976.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1976.

C. B. WALK, JR.,  
Director, Northwest Region.

[FR Doc.76-29137 Filed 10-6-76;8:45 am]

[Airspace Docket No. 76-GL-25]

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

**Alteration of Transition Area**

On page 32240 of the FEDERAL REGISTER dated August 7, 1976, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Peoria, Illinois.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 30, 1976.

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

Issued in Des Plaines, Ill., on September 15, 1976.

JOHN M. CYROCKI,  
Director, Great Lakes Region.

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

**PEORIA, ILLINOIS**

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 40°54' N., longitude 89°59' W., to latitude 40°53' N., longitude 89°33' W., to latitude 40°49' N., longitude 89°29' W., to latitude 40°23' N., longitude 89°34' W., to latitude 40°26' N., longitude 90°07' W., to latitude 40°34' N., longitude 90°11' W., to latitude 40°47' N., longitude 90°08' W., to point of beginning.

[FR Doc.76-29136 Filed 10-6-76;8:45 am]

[Airspace Docket No. 76-SW-50]

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

**Alteration of Transition Area; Correction**

On January 2, 1976, FR Doc. No. 75-34219 was published in the FEDERAL REGISTER (41 FR 300). Section 71.181 contained, in part, a description of the Batesville, Ark., 700-foot transition area.

A review of the document revealed that the geographical coordinates describing the location of the Batesville Regional Airport are in error. The coordinates should be latitude 35°43'44" N., longitude 91°38'32" W., in lieu of latitude 35°43'00" N., longitude 91°38'00" W., as shown in the document. Action is taken herein to effect this correction.

As this correction is editorial in nature and imposes no additional burden on any person or persons, notice and public procedures are not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is

amended, effective immediately, as hereinafter set forth.

In § 71.181 (41 FR 440), the Batesville, Ark., transition area is amended by changing the coordinates of the Batesville Regional Airport to latitude 35°43'44" N., longitude 91°38'32" W.

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

Issued in Fort Worth, Texas, on September 21, 1976.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.76-29135 Filed 10-6-76;8:45 am]

## CHAPTER II—CIVIL AERONAUTICS BOARD SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-971, Amdt. 53]

### PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

#### Minimum Rates for Logair and Quicktrans Domestic Cargo Charters

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

By ER-959, July 15, 1976, the Board established minimum final rates for Logair and Quicktrans domestic cargo charters performed by air carriers for the Department of Defense (DOD) and set forth its intention to monitor fuel price changes and provide appropriate minimum rate adjustments for significant fuel price fluctuations based on a methodology similar to that employed for foreign and overseas MAC services.<sup>1</sup>

In light of the price increases in military-supplied fuel effective October 1, 1976, of approximately 18 percent for JP-4 and 8 percent for JP-5,<sup>2</sup> the Board has evaluated the impact of these prices and the latest available commercial fuel prices—as at September 1, 1976—on the minimum rates for Logair and Quicktrans services established in Part 288 of its Economic Regulations (14 CFR Part 288).

The Appendix<sup>3</sup> sets forth the results of our computations, based upon the application of the "active stations" methodology to the commercial fuel consumption reported for the quarter ended June 30, 1976; and the rate impact for the changes in current average fuel prices from that reflected in the base rates. Accordingly, we will establish the fuel surcharge increments applicable to the base linehaul rates effective October 1, 1976, as follows: (a) for the common-rated DC-9-32/L-188C Logair and Quicktrans rates—7.46 and 3.45 percent,

<sup>1</sup> ER-959, at 5.

<sup>2</sup> Since we were just informally advised of these military fuel price increases on September 24, 1976, the date for comments to our proposed changes in fuel surcharge procedure and methodology; the Board is issuing this fuel surcharge amendment under its established procedure to expedite responsive action to the precipitous changes in military fuel prices so as to provide immediate rate relief to the MAC carriers.

<sup>3</sup> The Appendix was filed as part of the original document.

respectively; (b) for the L-100-30 Logair and Quicktrans rates—5.02 and 2.52 percent, respectively; and, (c) for the DC-8-32/61/63 Logair and Quicktrans rates—7.81 and 4.12 percent, respectively.

In view of the need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective October 1, 1976, as follows:

Amend § 288.7(b)(2) by adding an additional proviso at the end of subparagraph, the amended paragraph to read as follows:

§ 288.7 Reasonable level of compensation.

- (b) . . .  
(2) . . .

*Provided, further,* That effective October 1, 1976, the minimum linehaul rates per great-circle statute mile and ton-mile, specified in paragraph (b) (1) and (2) of this section, respectively, shall be increased by the following surcharges: (i) for DC-9-32/L-188C aircraft in Logair and Quicktrans services—7.46 and 3.45 percent, respectively; (ii) for L-100-30 aircraft in Logair and Quicktrans services—5.02 and 2.52 percent, respectively; and, (iii) for DC-8-32/61/63 aircraft in Logair and Quicktrans services—7.81 and 4.12 percent, respectively.

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386.)

Effective: October 1, 1976.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc.76-29530 Filed 10-6-76;8:45 am]

[Reg. ER-972, Amdt. 54]

### PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

#### Fuel Prices for MAC Air Transportation

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

In accordance with established methodology, the Board has completed its quarterly review of commercial fuel prices for foreign and overseas MAC air transportation services as of September 1, 1976, and military fuel prices effective October 1, 1976; and is herein establishing surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.<sup>1</sup>

Appendices A and B<sup>2</sup> set forth the results of our computations of reported fuel price changes for commercial fuels as at September 1, 1976, and the military fuel price increases effective October 1,

<sup>1</sup> ER-962, effective August 3, 1976.

<sup>2</sup> Appendices A and B are filed as a part of the original document.

1976,<sup>3</sup> based upon the application of the "active stations" methodology to the fuel consumption reported for the quarter ended June 30, 1976; and the rate impact for the changes in current average fuel prices from that reflected in the current interim final rates. Although certain data<sup>4</sup> have been updated to reflect the adjusted results for the year ended March 31, 1976, on which the current interim final rates were based, our methodology has not changed from the practice followed in prior surcharge amendments. Inasmuch as the ER-962 rates incorporate the then current fuel surcharges established by ER-955, July 1, 1976, the provisos to § 288.7 which specified those surcharges were unnecessary and, therefore, were eliminated. Accordingly we will establish the fuel surcharge rates applicable to the current interim final rates, effective October 1, 1976, as follows: (a) long-range Category B and Category A rate—2.79 percent; (b) Pacific interisland short-range Category B rate—3.57 percent; and (c) "all other" short range Category B rate—3.57 percent.

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective October 1, 1976, as follows:

1. Amend § 288.7(a) by amending subparagraph (2) by revising the proviso following the table as follows:

§ 288.7 [Amended]

- (a) . . .  
(2) . . .

*Provided,* That subject to the provisions of § 288.8, the minimum rates set forth above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for DOD to supply and the carrier to provide space: *And provided further,* That if a carrier performs a one-way charter flight carrying nonmilitary traffic for a nonmilitary user, the carrier may charter the return flight on that aircraft to DOD at a published one-way charter tariff rate that is in fact available to the general public for equivalent services: *Provided, however,* That effective October 1, 1976, the total minimum compensation pursuant to the rates set forth in subparagraph (1) above for

<sup>3</sup> Since we were just informally advised of these military fuel price increases of approximately 18% for JP-4 and 8% for JP-5 on September 24, 1976, the date for comments to our proposed changes in fuel surcharge procedure and methodology; the Board is issuing this fuel surcharge amendment under its established procedure to expedite responsive action to the precipitous changes in military fuel prices so as to provide immediate rate relief to the MAC carriers.

<sup>4</sup> Base price per gallon, base fuel costs as a percent of total economic cost and weighting factors—see Appendix A notes 2, 3 and 4.

(i) services performed with regular jet, wide-bodied jet and DC-8-61/63 aircraft, and (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 2.79 percent, 3.57 percent, and 3.57 percent, respectively.\*

2. Amend § 288.7(d) (1) and (2) proviso reading as follows:

- (d) . . . .
- (2) . . . .

Provided, That effective October 1, 1976, the total minimum compensation pursuant to the rates specified in subparagraphs (1) and (2) of this paragraph shall be increased by a surcharge of 2.79 percent.

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 49 U.S.C. 1324, 1378, and 1386.)

Effective: October 1, 1976.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc.76-29531 Filed 10-6-76;8:45 am]

**Title 15—Commerce and Foreign Trade**  
**CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE**

**PART 371—GENERAL LICENSES**

**PART 377—SHORT SUPPLY CONTROLS**

**Export Controls on Petroleum and Petroleum Products**

**I. PURPOSE OF BULLETIN; WAIVER OF PROPOSED RULEMAKING PROCEDURES; INVITATION FOR COMMENT**

Export Administration Bulletin No. 159, published in the FEDERAL REGISTER on July 9, 1976 (41 FR 28258), announced the continuation of export controls on petroleum and petroleum products for the Third Quarter 1976 and found that such controls were appropriate and consistent with the national interest and the purposes of the Energy Policy and Conservation Act ("EPCA") (Pub. L. 94-163). The Bulletin also announced that additional regulations were being prepared by the Department pursuant to EPCA and the Naval Petroleum Reserves Production Act of 1976 ("NPRPA") (Pub. L. 94-258). Although the Bulletin invited interested persons to submit written comments on the export controls extended in the Bulletin, no comments have been received.

The Department of Commerce continues to have under review its export control policies relevant to petroleum and other energy-related commodities in light of relevant statutory authorities, including EPCA, and current and projected supply/demand situations related to such commodities. It is anticipated

that such review will be completed in the near future and will result in the publication of additional or amended regulations, including regulations relating to exports of natural gas. To the extent that proposed rulemaking procedures will not impair the Department's ability to carry out its statutory responsibilities in a timely and effective manner, it is the Department's intention to publish any such new or amended regulations in proposed form and provide interested persons an opportunity to comment thereon.

In the interim, pursuant to the authorities vested in the Department of Commerce and having consulted with other interested Federal agencies, the Department hereby adopts regulations which generally accomplish the following: (a) Continue the existing controls over the export of petroleum and petroleum products for the Fourth Quarter 1976; (b) establish export controls on two additional petroleum products; (c) establish procedures to implement the export restriction contained in NPRPA; and (d) clarify the Department's regulations dealing with exports of crude oil and partially-refined petroleum.

The requirements for notice of proposed rulemaking and opportunity for comment have been waived by the Department (a) because it has found that compliance with such procedures would seriously impair the Department's ability to impose effective and timely controls on naphtha and petroleum coke and to maintain the controls on petroleum and petroleum products currently in effect, (b) because the interim regulations implementing the export restrictions contained in NPRPA are promulgated under the procedures of the Export Administration Act of 1969, as amended, and are therefore exempt from such requirements, and (c) as otherwise authorized in 5 U.S.C. section 553. The Department has also determined that in order to implement the controls announced herein in an effective and timely manner these regulations will be effective as of 11:59 p.m., e.d.t., September 30, 1976.

Written comments regarding the regulations announced herein are solicited on a continuing basis. Interested parties and government agencies are encouraged to submit written comments, views, or data concerning the regulations promulgated hereby to the United States Department of Commerce, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044. All submissions regarding the interim regulations implementing the restrictions contained in the NPRPA, received on or before October 31, 1976, will be considered prior to the promulgation of final regulations on the subject.

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403); E.O. 11533, 13 CFR 538 (1971), 50 U.S.C. App. 2403 nt. (Supp. IV, 1974), as amended by E.O. 11907, 41 FR 9085 (1976); sec. 103, Pub. L. 94-163, 59 Stat. 871 (42 U.S.C. 6212); Sec. 2, E.O. 11912, 41 FR 15825 (1976); sec. 201, Pub. L. 94-258, 90 Stat. 307 (10 U.S.C. 7430); sec. 101, Pub. L. 93-153 (30 U.S.C. 158); Department Organization

Order 10-3, dated Nov. 17, 1975, 40 FR 58876 (1975), as amended; and Domestic and International Business Administration Organization and Function Order 46-1, dated November 17, 1975, 40 FR 59764 (1975), as amended)

**II. CLARIFICATION OF REGULATIONS APPLICABLE TO THE EXPORT OF CRUDE PETROLEUM**

Although exports of crude oil and partially-refined petroleum will continue to be subject to the restrictions currently in effect over such commodities, the regulations have been revised in order to clarify the effect thereon of EPCA and NPRPA.

Generally, exports of crude and partially-refined petroleum will be authorized only when they are consistent with the national interest and the purposes of EPCA.

In addition to meeting these criteria, exports of crude or partially-refined petroleum may be authorized only when (a) the export will be temporary for convenience or increased efficiency of transportation across an adjacent foreign state and reenters the United States, or (b) the export involves an exchange in similar quantity for convenience or increased efficiency of transportation for an equal or greater quantity of the same commodity, or (c) the crude petroleum was not produced from the Naval Petroleum Reserves, and was not and will not be transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, and the export will directly result in an exchange for an equal or greater quantity of other petroleum commodities, which will be sold at prices no higher than would have resulted from the domestic refining of the crude petroleum to be exported and, for compelling economic or technological reasons beyond the control of the applicant, the crude or partially-refined petroleum cannot be reasonably processed within the United States.

Exports of crude or partially refined petroleum that is produced from the Naval Petroleum Reserves or that is transported by pipeline over federal-rights-of-way, as described above, may also be authorized if the President makes and publishes an express finding that the export will not diminish the total quality or quantity of petroleum available to the United States, and is in the national interest and is in accord with the Export Administration Act of 1969, as amended.

**III. METHOD OF LICENSING EXPORTS OF NAVAL PETROLEUM RESERVE COMMODITIES**

NPRPA prohibits exports of "petroleum" produced from the Naval Petroleum Reserves, except such "petroleum" which is either exchanged in similar quantities for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased effi-

\* The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.



ciency of transportation across parts of an adjacent foreign state and reenters the United States. Other exports may be authorized by the President pursuant to an express published finding. The Act defines "petroleum" as including "crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any such resources".

The Department has identified certain petroleum and petroleum products which have been construed to fall within the definition of "petroleum" as contained in NPRPA. Certain of the commodities identified are currently subject to export restrictions, and require a validated license for export. Others may currently be exported under General License. Thus in order to implement the provisions of NPRPA the Department has amended its regulations to prohibit exports of the identified commodities (both those that heretofore were exportable under General License and those that required a validated license for export) unless:

(a) The exporter is able to establish by documentary evidence, as described in these regulations, that the commodity was not produced from the Naval Petroleum Reserves or derived therefrom; or

(b) The commodity is being exported (i) temporarily for convenience or increased efficiency of transportation across parts of an adjacent foreign state and will reenter the United States or (ii) as part of an exchange in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state or (iii) pursuant to an express, published Presidential finding that the export will not diminish the total quantity and quantity of petroleum available to the United States and that it is in the national interest and in accord with the Export Administration Act of 1969, as amended; and

(c) A validated license has been issued, if required.

For purposes of establishing the origin of commodities to be exported, which were derived from raw materials originating from the Naval Petroleum Reserves, it is necessary for an exporter to establish only that the total products of that refinery or petrochemical plant in which such commodities were processed which will be exported within the following 90-day period do not exceed that portion of the refinery's or plant's total product output attributable to the non-Naval Petroleum Reserve raw materials used in that refinery or plant within the preceding 90 days.

General License GLV is revised to implement this policy and a new General License G-NNR is established to permit the export of certain petroleum products that are not produced from a Naval Petroleum Reserve. General License G-DEST may no longer be used for the export of commodities in Petroleum Commodity Group Q as established herein. If an exporter is unable to establish that

the commodity did not originate from the Naval Petroleum Reserves, then the export may only be authorized pursuant to paragraph (b) above and only under a validated license.

Exporters are cautioned that the Office of Export Administration may, in appropriate cases, conduct audits of exporters' records in order to verify the presence in those records of documentation establishing the non-Naval Petroleum Reserves origin of any "petroleum" covered by a Shipper's Export Declaration showing that it was exported under either General License G-NNR or GLV.

#### IV. EXTENSION OF EXPORT CONTROLS ON PETROLEUM AND PETROLEUM AND PETROLEUM PRODUCTS FOR THE FOURTH QUARTER 1976 AND TO COVER NAPHTHA AND PETROLEUM COKE

The Department has reviewed the supply/demand situation with respect to domestic availability of those energy products now subject to export controls. Based upon this review and consultations with FEA and other appropriate agencies, the Department has determined that export controls on petroleum and petroleum products must be continued. Accordingly, the present controls over the export of petroleum and petroleum products are hereby continued for the Fourth Quarter 1976. The Fourth Quarter export quotas for such products are announced herein.

Further, the Department has determined that export controls must be extended to cover naphtha in order: (a) To assure that partly-refined petroleum and gasoline blending agents now subject to export controls under Petroleum Commodity Groups A and C, respectively, are not inadvertently exported outside the restrictions intended to apply to such commodities, and (b) to limit exports of these scarce commodities to their historic levels. Similarly, the Department has decided to extend validated licensing controls to cover petroleum coke, both calcined and uncalcined, in order to assure: (a) That exports of this commodity are for non-energy use, or (b) that exports of this commodity do not increase to the extent additional coke manufacture becomes expedient at the expense of liquid energy materials.

The Department has found that the controls announced herein are appropriate and consistent with the national interest and applicable statutes.

Accordingly, effective 11:59 p.m., e.d.t., September 30, 1976, naphtha and naphtha solvent (Schedule B Nos. 332.9110 and 521.4022), and petroleum coke, calcined (Schedule B No. 332.9410), and petroleum coke, except calcined (Schedule B No. 332.9420), will require a validated license for export. Petroleum coke, both calcined and uncalcined, will be subject to validated licensing but not quota restriction, and applications to export it will be considered upon receipt of a sworn affidavit setting forth the proposed non-energy end use, name, location and type of facility of the end user, or that the quantity of this commodity to be exported for energy use does not

exceed the applicant's average quarterly exports of such commodity for energy use during the period January 1, 1974-June 30, 1976.

Naphthas, on the other hand, will be subject to quantitative restriction for export, with quotas established at historical levels based upon exporters' past participation in the export trade in these commodities during the base period January 1, 1974 through June 30, 1976. In order to receive shares of the quotas to be established for the export of naphthas, an exporter must submit, for each such commodity, a statement, in duplicate, on Form DIB-669P—"Past Participation Statement"<sup>1</sup> to the Office of Export Administration, U.S. Department of Commerce, P.O. Box 7138, Ben Franklin Station, Washington, D.C., 20044. These statements must be signed by an authorized representative of the exporter, and must be actually received by such office no later than October 31, 1976, if the exporter is to receive shares of the quotas to be established for the Fourth Quarter 1976. (see § 377.6(a)) Such statement shall indicate (separately by Schedule B Number, month of export, and country of destination) the quantities of naphtha which the exporter exported to each such country during each calendar month of 1974, 1975 and during the first six months of 1976.

The statements will be deemed confidential information under section 7(c) of the Export Administration Act of 1969, as amended.

Exporters are cautioned that the Office of Export Administration may compare statements of past participation against Shipper's Export Declarations on file with the U.S. Bureau of the Census for confirmation of exporter identity as well as the data with respect to destinations, export quantities, and the Schedule B classification of past exports. In appropriate cases, audits will be made of exporters' records, including the firm's copies of Shipper's Export Declarations, Bills of Lading, and/or Waybills, Invoices, Letters of Credit, and other documents. It will be recalled that in 1975 the Department conducted such audits of the records of all exporters of petroleum commodities then subject to quota controls.

Pending the establishment of quotas and the issuance of letters of quota participation, applications to export naphthas, if accompanied by the required documentation, will be issued for the unshipped balance of contracts calling for delivery prior to December 31, 1976. However, quantities licensed under this

<sup>1</sup> Exporters may continue to use the old Form DIB-669P—"Petroleum Products—Past Participation Statement" changing the dates printed thereon so as to correspond with the dates of the base period for these commodities established in Supplement No. 2 to Part 377 as revised herein, until present supplies are exhausted. Thereafter they should use the new Form DIB-669P—"Past Participation Statement". The use of Form DIB 669P has been approved by the Office of Management and Budget through September, 1981.



procedure will be charged against any quota allocations which the exporter hereafter receives. Export quotas for these commodities are established in Supplement No. 2 to Part 377 as revised herein. Exporters will be advised of their individual quota allocations by letter following receipt and evaluation of their Past Participation Statements.

**V. ELIMINATION OF VALUE OF DISPOSABLE CONTAINERS TO QUALIFY FOR USE OF GENERAL LICENSE—GLV**

The regulations are revised to permit the exclusion of the value of disposable containers in applying GLV value limits. Although the total value of disposable containers and their contents must continue to be shown on the Shipper's Export Declaration, the value of the containers and the value of the contained commodities may be listed separately, and only the contents need be considered in determining whether or not the particular export shipment falls within the applicable GLV value limit.

**VI. SAVING CLAUSE**

Shipments of commodities removed from general license as a result of changes set forth herein which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of export pursuant to actual orders for export prior to 11:59 p.m., e.d.t. September 30, 1976, may be exported under the previous general license provisions up to and including October 13, 1976. Any such shipment not laden aboard the exporting carrier on or before October 13, 1976, requires a validated license for export.

Accordingly, the Export Administration Regulations (15 CFR Part 368 et seq.) are revised as follows:

1. Section 371.5 is amended by revising paragraph (b)(1) and adding a new paragraph (d) as follows:

§ 371.5 General License GLV; shipments of limited value.

(b) . . . .

(1) "Net Value". The actual selling price of the commodity included in a single entry on the Commodity Control List, less shipping charges, or the current market price of the commodity to the same type of purchaser in the United States, whichever is the larger. In determining the actual selling price or the current market price of the commodity, the value of non-reusable containers in which the commodity is being exported may be excluded. Where the total value of the non-reusable containers and their contents must be shown on Shipper's Export Declarations under one Schedule B Number, the exporter, in effecting a shipment under General License GLV, shall indicate the "net value" of the contained commodity immediately below the description of the commodity.

(d) Exception. The provisions of this § 371.5 do not apply to the commodities listed in Supplement No. 3 to Part 377

of this chapter unless, in addition to meeting the other requirements of this § 371.5, the exporter, prior to exporting such commodity, has assembled the documentary evidence described in § 371.16 establishing that the commodity was not produced from a Naval Petroleum Reserve.

2. Part 371 is amended by adding the following new section:

§ 371.16 General license G—NRR: Shipments of certain non-Naval reserve petroleum commodities.

(a) A general license designated G—NRR is established, subject to the provisions of this § 371.16, authorizing the export of any commodity listed in Petroleum Commodity Group Q (See Supplement No. 2 to Part 377 of this chapter) to any destination in Country Groups Q, T, V, W, and Y, and Canada provided that both of the following conditions are met: (1) The commodity is not included in an entry on the Commodity Control List for which the Export Control Commodity number is followed by the code letter "A"; and (2) The exporter must, prior to the export of a commodity under this General License G—NRR, have assembled documentary evidence establishing that the commodity was not produced from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv) of this chapter, or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.11(e) of this chapter, and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 which was made under a Shipper's Export Declaration showing General License G—NRR as the authority for the export. Any commodity listed in Petroleum Commodity Group Q which does not meet the conditions for export under General License G—NRR or GLV may only be exported under a validated license issued pursuant to § 377.6(d)(6) of this chapter.

3. Section 377.1(a) is revised as follows:

§ 377.1 General provisions.

(a) Statutory requirements. The Export Administration Act of 1969, as amended, requires the control of commodities to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand. The Energy Policy and Conservation Act contains mandatory and discretionary authority to control exports of energy and energy-related commodities as may be necessary to achieve the purposes of that Act. Furthermore, the Trans-Alaska Pipeline Authorization Act, amending section 28

(u) of the Mineral Leasing Act of 1920, and the Naval Petroleum Reserves Production Act of 1976 contain specific restrictions on the export of certain petroleum and petroleum products. These statutory requirements are implemented chiefly by the provisions set forth below, under the procedures of the Export Administration Act of 1969, including the enforcement and penalty provisions thereof.

4. Section 377.6 is amended as follows:

- a. Paragraphs (a), (c), (d)(1) are revised;
- b. Subparagraphs (6), (7), and (8) are added to paragraph (d);
- c. Subdivision (iv) is added to paragraph (e)(1);
- d. Paragraph (e)(2) is revised;
- e. Paragraph (e)(7) is added and paragraph (g) is revised to read as follows:

§ 377.6 Petroleum and petroleum products.

(a) Statement of past participation. Shares of quarterly quotas for the petroleum commodities listed in Supplement No. 2 as subject to quota restriction are, pursuant to the rules of this section, assigned to exporters who have submitted Form DIB-669P, Past Participation Statement, covering their exports of such commodities during the base period established for such commodities in Supplement No. 2 to this Part 377. To be considered for shares in any particular calendar quarter and, automatically, in all subsequent quarters, exporters must have timely filed a properly executed statement in accordance with the provisions of this paragraph and § 377.2. Such statements must be actually received by the Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044, by the 17th day of the month prior to the start of a calendar quarter in order to be considered timely filed with respect to the allocation of quotas for such quarter and all succeeding quarters; except that statements of past participation for purposes of allocation of Fourth Quarter 1976 quota shares for Petroleum Commodity Group N will be accepted until October 31, 1976. Forms not received by the dates specified herein will be held over until the succeeding quarter in the event quotas are established therefor. The statement on Form DIB-669P shall indicate (separately for each foreign country of destination, including Canada) the quantities (in the units specified in Supplement No. 2) of each petroleum commodity, by Schedule B number, that the exporter exported to each such country during each calendar month of the applicable base period. The statement must be signed by the exporter or his authorized representative. A separate Form DIB-669P shall be submitted for each of the petroleum commodity Schedule B classifications for which the exporter is seeking a quota share.

For purposes of the statement, a party normally shall be considered to have

been the exporter with respect to those shipments during the base period for which such party was named as the exporter on the Shipper's Export Declaration (Commerce Form 7525-V) filed in accordance with Part 386 of this chapter.

(c) *Letters of quota participation (Groups B, C, D, E, F, G, K, L, M, and N)*. Each exporter who submitted statements of past participation pursuant to the provisions of paragraph (a) of this section shall be eligible to receive shares of the quotas for each quarter against which he will be eligible to apply for licenses to export commodities in Petroleum Commodity Groups B, C, D, E, F, G, K, L, M, and N as established in Supplement No. 2 to this Part 377. Such shares will be determined by the Office of Export Administration pursuant to the provisions of Section 377.2. The base period used for quota determinations is indicated in Supplement No. 2 to this Part 377. Quota shares are based on an exporter's base period exports to specified foreign destinations and, for destinations for which separate quotas have not been established, to "all other countries" (which are for this purpose treated as a single entity). Each eligible exporter shall, upon appropriate verification, be issued a letter of quota participation, and (if appropriate) a revised letter of quota participation, for each quarter, which shall indicate for each of the petroleum commodity groups referred to above for which the exporter is eligible to apply for validated licenses, the total quantity in Schedule B units (e.g., barrels of 42 gallons, pounds, etc.) of his quota share for specific foreign country destinations and for "all other countries". A stated quota share for a specified foreign country destination may be used only for shipment to such country. A quota share for "all other countries" may be used only for shipment to a country or countries not specifically identified in Supplement No. 2 as a destination for which a separate quota has been provided.

(d) *Issuance of export licenses*—(1) *Group A*. The export from the United States of crude petroleum and partly refined petroleum is prohibited, except as provided in this subparagraph. An application for a validated license to export a commodity from Petroleum Commodity Group A, as established in Supplement No. 2 to this Part 377, will be considered under the provisions of this subparagraph if submitted with supporting documentation as required by paragraph (e) (1) of this section, to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, within the time limits specified in Supplement No. 2. Such a license may be issued if it is established to the satisfaction of the Office of Export Administration that such export is consistent with the national interest and the purposes of the Energy Policy and Conservation Act and, in addition, one of the following conditions is met:

(i) The export will be temporary, the commodity being exported for conven-

ience or increased efficiency of transportation across parts of an adjacent foreign state and shall reenter the United States in the same form; or

(ii) The export will result directly in the importation into the United States of an equal or greater quantity of that same commodity, such transaction being carried out for convenience or increased efficiency of transportation; or

(iii) If the crude or partially refined petroleum was produced from a Naval Petroleum Reserve or if it has been or will be transported by pipeline over a right-of-way granted pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), the President makes and publishes an express finding that the export(s) will not diminish the total quality or quantity of petroleum available to the United States and that such export(s) are in the national interest and are in accord with the Export Administration Act of 1969, as amended; or

(iv) The commodity was not produced from the Naval Petroleum Reserves and was not and will not be transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, and such commodity will be exported as part of an overall transaction which will result directly in the importation into the United States of a quantity and quality of commodities from Petroleum Commodity Groups other than Group A which is not less than the quantity and quality of such commodities which would be derived from the refining of the commodity for which an export license is sought, and the commodities imported into the United States as part of this overall transaction will be sold at prices no higher than the lowest price at which they could have been reasonably sold had the export not taken place and the Group A commodity been refined at the nearest U.S. refinery capable of processing it within a reasonable period of time, and for compelling economic or technological reasons, beyond the control of the applicant, the Group A commodity cannot reasonably be processed within the United States.

(5) *Exception for national security or foreign policy reasons*. When the Secretary of State, in consultation with the Secretary of Defense, as appropriate, has recommended that exports of petroleum or petroleum products be authorized for overriding foreign policy and/or national security reasons, and the Secretary of Commerce has determined that such exports are consonant with the purposes of the Energy Policy and Conservation Act, applications to export such commodities—except crude oil which has been or will be transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920 and petroleum and petroleum products produced from the Naval Petroleum Reserves—as defined in paragraph (d) (6) of this section and listed in Supplement No. 3 to this Part 377—will be considered without regard to established

quotas or other provisions of these regulations. With respect to crude oil transported by pipeline over federal rights-of-way and petroleum and petroleum products produced from the Naval Petroleum Reserves, exports will be authorized only upon authorization from the President, as described in this § 377.6.

(6) *Petroleum and Petroleum Products Produced from the Naval Petroleum Reserves or Which Have Been Exchanged Therefor*:

(i) The export of those commodities listed in Supplement No. 3 to this Part 377 which were produced or derived from the Naval Petroleum Reserves or which became available for export as a result of an exchange of a Naval Petroleum Reserves-produced or derived commodity, is prohibited pursuant to the provisions of 10 U.S.C. 7430(e) except as provided in this § 377.6.

(ii) Applications for a validated license to export those commodities listed in Supplement No. 3 to this Part 377 which were produced or derived from the Naval Petroleum Reserves, or which became available for export as a result of an exchange for a Naval Petroleum Reserves-produced or derived commodity, other than a commodity belonging to Petroleum Commodity Group A which is subject to the provisions of paragraph (d) (1) of this section, will be considered under the provisions of this subparagraph if submitted with the supporting documentation required by paragraph (e) (6) of this section. A validated license to export such a commodity may be issued only if it is demonstrated to the satisfaction of the Office of Export Administration<sup>1</sup>:

(A) That the commodity will be exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or

(B) that the commodity is being exported temporarily for convenience or increased efficiency of transportation across parts of an adjacent foreign state and will reenter the United States, or if

(c) The President has made and published an express finding that such export will not diminish the total quality or quantity of petroleum available to the United States and that such export is in the national interest and is in accord with the Export Administration Act of 1969, as amended.

(7) *Group N*. An application for a validated license to export a commodity from Petroleum Commodity Group N as established in Supplement No. 2 will be considered if submitted with supporting documentation as required by paragraph (e) (2) of this section by the date specified in Supplement No. 2 but only to the extent of such exporter's quota shares for such commodities. Pending establishment of an exporter's quota shares,

<sup>1</sup> Natural gas, and liquefied natural gas (L.N.G.) and synthetic natural gas commingled with natural gas (Schedule B No. 341-1010) require export authorization from the U.S. Federal Power Commission. See § 370-10(g).

in accordance with paragraph (a) of this section, licenses may be issued for the unfilled balance of contracts calling for delivery prior to December 31, 1976. However, all such licenses issued to an exporter under this licensing system prior to establishment of such exporter's quota shares shall be charged against the quota shares subsequently established for that exporter.

(8) *Group P.* Applications for validated licenses to export a commodity from Petroleum Commodity Group P as established in Supplement No. 2 will be considered without regard to quota limitation if accompanied by the supporting documentation required by paragraph (e) (7) of this section and submitted by the date specified in Supplement No. 2.

(e) \* \* \*  
(1) \* \* \*  
(iv) A sworn affidavit, signed by an authorized representative of the exporter, reading as follows:

**AFFIDAVIT**

I, ----- of  
(name) (title)  
----- hereby certify that the  
(company)

----- bbls. of -----  
I propose to export from the United States were not produced from a Naval Petroleum Reserve nor were they derived from any crude oil, gases of all kinds (including natural gas, hydrogen, carbon dioxide, helium, and any others), natural gasoline, and other related hydrocarbons (tar sands, asphalt, propane, butane etc.) or oil shale produced from a Naval Petroleum Reserve, or, if they are the product of a refinery or petrochemical plant utilizing as raw material any resource produced from a Naval Petroleum Reserve, the quantity of the products I propose to export, together with all other products produced in that refinery or petrochemical plant which are to be exported during the next 90 days, do not exceed that portion of the total products of that refinery or petrochemical plant attributable to the non-Naval Petroleum Reserve raw materials used in that plant during the preceding 90 days. Nor did the petroleum commodities I propose to export become available for export as a result of an exchange for a Naval Petroleum Reserve—produced resource or a product(s) derived therefrom as described above.

To the extent that I do not have personal knowledge of the foregoing, I have addressed appropriate inquiries to the producer of the commodity(ies) to be exported, and have been assured by him that these statements are correct. The individual making such representations to me, his position with and the identity of the producer firm, and the date on which he communicated such assurances to me are as follows:

Name -----  
Title -----  
Company -----  
Date -----

(Signature)

(2) *Groups B, C, D, E, F, G, K, L, M, and N.* An application for a validated license to export a commodity from Petroleum Commodity Groups B, C, D, E, F, G, K, L, M, and N must be submitted with the same documentation required by paragraph (e) (1) of this section, ex-

cept that the affidavit described in paragraph (e) (1) (iii) of this section is not required.

(6) *Petroleum and Petroleum Products produced from the Naval Petroleum Reserves or exchanged therefor.* An application for a validated license to export petroleum or a petroleum product(s) as defined in § 377.6(d) (6) and listed in Supplement No. 3 to this Part 377, must be accompanied by the same documentation required by paragraph (e) (1) of this section, except that the affidavits described in subdivisions (iii) and (iv) shall not be required. In addition, however, the application must be accompanied by a sworn affidavit, signed by the exporter or his authorized representative, together with such supporting evidence as may be appropriate, setting forth either the facts necessary to establish that the conditions prescribed in paragraph (d) (6) (ii) (A) or (B) of this section have been met or the reasons why the exporter believes that the President should be asked to make and publish an express finding that the proposed export will not diminish the total quality or quantity of petroleum available to the United States, and that such export is in the national interest and is in accord with the Export Administration Act of 1969, as amended. In addition to the foregoing, an application for a validated license to export a commodity subject to this subsection whose Export Control Commodity number preceding the Commodity Description in the Commodity Control List (§ 399.1 hereof) is followed

by the code letter "A", must be accompanied also by the documentation required by Part 375 of this chapter.

(7) *Group P.* An application for a validated license to export a commodity from Commodity Group P must be submitted with the same documentation required by paragraph (e) (2) of this section, and with the following:

(i) An independent inspector's certificate of analysis of the product to be exported. And,

(ii) A statement, in affidavit format, which either (a) sets forth the name, location, and type of facility of the ultimate end user, and describes in specificity, the nature of the intended non-energy end use; or (b) certifies that the total quantity of this commodity which the applicant has submitted during the current calendar quarter, does not exceed the applicant's average quarterly exports of such commodity during the period January 1, 1974–June 30, 1976.

(g) *Validity period.* Any license issued pursuant to this section, except those authorizing the export of a Group A commodity, will expire no later than 30 days from the end of the calendar quarter in which it is issued. Requests for extension of the validity period of such licenses will normally not be entertained. A license authorizing the export of a Group A commodity may be issued for a longer period and will remain valid until the date of expiration shown on its face.

17. Supplement No. 2 to Part 377 is revised as follows:

*Petroleum and petroleum products subject to short supply licensing controls*

Schedule B No.	Commodity description	Unit of quantity
Petroleum licensed only in accordance with sec. 377.6(d)(1)		
GROUP A		
331.0100	Crude petroleum, including tar sands.....	Barrel
331.0200	Petroleum partly refined for further refining.....	Do
Petroleum products subject to validated licensing and historical quotas		
GROUP B		
332.1015	Aviation gasoline.....	Barrel
GROUP C		
332.1030	Gasoline, n.e.c.....	Do
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.....	Do
GROUP D		
332.2010	Kerosene, except kerosene-type jet fuel.....	Do
GROUP E		
332.2020	Jet fuel.....	Do
GROUP F		
332.3000	Distillate fuel oils.....	Do
GROUP G		
332.4000	Residual fuel oils.....	Do
GROUP K		
341.1025	Butane.....	Do
GROUP L		
341.1030	Propane.....	Do



Schedule B No.	Commodity description	Unit of quantity
<b>GROUP M</b>		
341.1040	Natural gas liquids, including LPG, n.e.c.	Do.
<b>GROUP N</b>		
332.9110	Naphtha, mineral spirits, solvents, and other finished light petroleum products, u.e.c.	Do.
321.4022	Naphtha solvent	Pound.
Petroleum products subject to validated licensing but not quotas		
<b>GROUP H</b>		
332.9160	Carbon black feedstock oil	Barrel.
<b>GROUP J</b>		
341.1010	Synthetic natural gas <sup>1</sup>	1,000 ft <sup>3</sup> .
341.2000	Gas, manufactured	1,000 ft <sup>3</sup> .
<b>GROUP P</b>		
332.9410	Petroleum coke, calcined	Short ton.
332.9420	Petroleum coke, except calcined	Do.
Petroleum products subject to provisions of either sec. 371.16 or sec. 377.6(d)(6)		
<b>GROUP Q</b>		
332.5005	Aviation engine lubricating oil, except jet engine lubricating oil	Barrel.
332.5010	Jet engine lubricating oil	Do.
332.5015	Automotive, diesel, and marine engine lubricating oil	Do.
332.5020	Turbine lubricating oil, including marine	Do.
332.5025	Automotive gear oils	Do.
332.5030	Red and pale oils	Do.
332.5035	Bright stock	Do.
332.5040	Black oils	Do.
332.5045	Steam cylinder oils	Do.
332.5050	Lubricating oils, u.e.c.	Dollar value.
332.5055	Lubricating greases	Pound.
332.6100	Petroleum jelly, petroleum	Do.
332.6210	Microcrystalline wax	Do.
332.6220	Paraffin wax, crystalline, fully refined	Do.
332.6230	Paraffin wax, crystalline, except fully refined	Do.
332.9120	Insulating or transformer oils	Barrel.
332.9130	Quenching and cutting oils	Do.
332.9140	White mineral oils	Do.
332.9180	Other nonlubricating and nonfuel petroleum oils, n.e.c.	Do.
332.9210	Coal-tar asphaltum	Short ton.
332.9220	Pitch, from petroleum refining	Do.
332.9300	Pitch coke	Do.
332.9510	Petroleum asphalt	Do.
332.9520	Petroleum and shale oil residues, n.e.c.	Do.
332.9610	Paving mixtures, bituminous, based on asphalt and petroleum	Dollar value.
332.9620	Asphalt and tar coatings, cements, and pitches	Do.
512.0901	Butylene	Pound.
512.0902	Acetylene	1,000 ft. <sup>3</sup>
512.0903	Ethylene	Pound.
512.0905	Propylene	Do.
512.0916	Methanol, including natural	Gallon.
512.0964	Isoprene	Pound.
512.0991	Butadiene	Do.
513.1305	Helium and mixtures containing helium	Cnt. cubic feet.
513.1350	Hydrogen and rare gases, n.e.c.	1,000 ft. <sup>3</sup>
513.3830	Carbon monoxide and carbon dioxide	Dollar value.
515.2000	Deuterium	Do.
515.6110	Ammonia (anhydrous or in aqueous solution) fertilizer grade	Cnt. short ton.
513.6120	Ammonia (anhydrous or in aqueous solution) except fertilizer grade	Cnt. short ton.
521.4010	Benzene, crude	Gallon.
521.4020	Toluene, crude	Do.
521.4027	Xylenes, n.e.c.	Pound.
521.4040	Mineral tar and tar oils, chemicals, and crude products from coal, petroleum, and natural gas, u.e.c.	Do.

<sup>1</sup> Natural gas, and liquefied natural gas (LNG) and synthetic natural gas commingled with natural gas (schedule B No. 341.1010) require export authorization from the U.S. Federal Power Commission. See sec. 370.10(g).

QUANTITIES.—Report commodities in schedule B units as indicated above; where an asterisk appears, report quantity in units commonly used in the trade. Groups A, B, C, D, E, F, G, H, K, and M in barrels of 42 gal; group J in 1,000 ft<sup>3</sup>; group P in short tons; and schedule B No. 332.9110 of group N in barrels of 42 gal and schedule B No. 321.4022 of group N in pounds.

BASE PERIODS.—Commodity groups B, C, D, E, F, and G: Jan. 1, 1971 through June 30, 1973; commodity groups K, L, and M: Oct. 1, through Dec. 31, 1972; commodity group N: Jan. 1, 1974 through June 30, 1976.

SHIPPING TOLERANCE.—10 pct.

SUBMISSION DATES.—Applications against historical quotas: Not prior to the beginning of the applicable quarter and received in the Office of Export Administration not later than the close of business on the 10th day prior to the end of the applicable quarter. Applications for hardship and all commodities subject to validated licensing but not historical quotas: At any time.

COUNTRY QUOTAS: FOURTH QUARTER 1976

COUNTRY QUOTAS FOR GROUP B		Country: Quota (barrels)	
(Schedule B No. 332.1015, aviation gasoline)			
Country:	Quota (barrels)	Country:	Quota (barrels)
Bahamas	1,676	Dahomey	58
Belgium	78	French Pacific Islands	3,853
Bolivia	2,761	Gabon	115
Cameroon	65	Holland	18,940
Canada	3,818	Honduras	307
		India	12,743
		Ivory Coast	98
		Mexico	18,607
		Singapore	14,783
		All other countries	165

COUNTRY QUOTAS FOR GROUP C  
(Schedule B No. 332.1030, gasoline, n.e.c.)  
(Schedule B No. 332.1050, gasoline blending agents, hydrocarbon compounds only, n.e.c.)

Country:	Quota (barrels)
Australia	554
Austria	139
Bahamas	872
Belgium	8,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific Islands	20,141
Holland	48,039
India	143
Iran	106
Italy	314
Japan	299
Leeward & Windward Islands	1,109
Mexico	149,791
Mozambique	66
Nigeria	143
Philippines	137
South Africa	556
Sweden	56
United Kingdom	3,111
Venezuela	165
West Germany	3,966
All other countries	513

COUNTRY QUOTAS FOR GROUP D  
(Schedule B No. 332.2010, kerosene, except kerosene-type jet fuel)

Country	Quota (barrels)
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56
Egypt	88
France	59
French Pacific Islands	3,348
Gabon	266
Holland	349
Israel	586
Italy	467
Japan	2,354
Mexico	72
Nigeria	740
Peru	71
Philippines	89
Singapore	442
South Africa	371
United Kingdom	9,391
Venezuela	454
West Germany	7,047
All other countries	252

COUNTRY QUOTAS FOR GROUP E  
(Schedule B No. 332.2020, jet fuel)

Country	Quota (barrels)
Bahamas	31
Canada	42,797
Mexico	58,193

COUNTRY QUOTAS FOR GROUP F  
(Schedule B No. 332.3000, distillate fuel oils)

Country	Quota (barrels)
Bahamas	3,125
Canada	113,393
Colombia	86,385
Denmark	22,413
French Pacific Islands	11,616
Holland	58,895
Japan	49,195



Country:	Quota (barrels)
Mexico	260,283
Netherlands Antilles	34,072
Peru	13,577
Surinam	327
United Kingdom	49,195
All other countries	1,359

COUNTRY QUOTAS FOR GROUP G

(Schedule B No. 332.4000, residual fuel oils)

Country:	Quota (barrels)
Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,662
Canada	838,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Ireland	11,626
Italy	181,979
Jamaica	152,086
Japan	271,601
Leeward & Windward Islands	12,745
Mexico	643,500
Netherlands	50,108
Netherlands Antilles	99,078
Panama	74,793
Peru	30,821
Philippines	862
Poland	2,070
Portugal	19,240
Singapore	15,455
South Africa	21,432
Spain	36,283
Sweden	75,413
United Kingdom	227,631
All other countries	814

COUNTRY QUOTA FOR GROUP K

(Schedule B No. 341.1025, butane)

Country:	Quota (barrels)
Brazil	18,055
Canada	1,346
Mexico	185,206
All other countries	877

COUNTRY QUOTA FOR GROUP L

(Schedule B No. 341.1030, propane)

Country:	Quota (barrels)
Bahamas	10,046
Canada	2,108
Japan	622,447
Mexico	707,695
New Zealand	1,220
All other countries	619

COUNTRY QUOTAS FOR GROUP M

(Schedule B No. 341.1040, natural gas liquids, including liquified petroleum gas (LPG) n.e.c.)

Country:	Quota (barrels)
Canada	41,596
Guatemala	1,901
Mexico	1,855,328
All other countries	1,359

Country quotas for group N

Country	Quota (barrels), schedule B No. 332.9110, naphtha	Quota (pounds), schedule B No. 521.4022, naphtha solvent
Argentina	2,258	8,193
Australia	11,992	1,276,068
Belgium	14,304	172,112
Brazil	27,468	
Canada	88,578	24,359
Chile	84	38,761
Colombia	60	160,646
Costa Rica	307	9,805
France	7,059	641
Germany, Federal Republic of	3,939	646,531
Guatemala	1,540	470
India	9	1,860
Iran	67	3,872
Italy	2,852	326,704
Japan	21,753	15,134
Malaysia	3,808	220,636
Mexico	24,001	832,633
Netherlands	49,476	1,008,504
New Zealand	2,329	
Nicaragua	5,818	
Pakistan	2,841	
Peru	397	1,744
Philippines	6,267	49,076
Republic of South Africa	9,792	207,920
Trinidad	966	
United Kingdom	20,189	
Venezuela	6,183	444,742
All other countries	19,473	228,916

18. The following Supplement No. 3 is added to Part 377:

PETROLEUM AND PETROLEUM PRODUCTS INCLUDED IN THE DEFINITION OF "PETROLEUM" UNDER THE NAVAL PETROLEUM RESERVES PRODUCTION ACT OF 1976<sup>1</sup>

Schedule B number	Commodity description
331.0100	Crude petroleum, including tar sands.
331.0200	Petroleum partly refined for further refining.
332.1015	Aviation gasoline.
332.1030	Gasoline, n.e.c.
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
332.2010	Kerosene, except kerosene-type jet fuel.
332.2020	Jet fuel.
332.3000	Distillate fuel oils.
332.4000	Residual fuel oils.
332.5005	Aviation engine lubricating oil, except jet engine lubricating oil.
332.5010	Jet engine lubricating oil.
332.5015	Automotive, diesel and marine engine lubricating oil.
332.5020	Turbine lubricating oil including marine.
332.5025	Automotive gear oils.
332.5030	Red and pale oils.
332.5035	Bright stock.
332.5040	Black oils.
332.5045	Steam cylinder oils.
332.5050	Lubricating oils, n.e.c.
332.5055	Lubricating greases.
332.6100	Petroleum jelly, petrolatum.
332.6210	Microcrystalline wax.
332.6220	Paraffin wax, crystalline, fully refined.
332.6230	Paraffin wax, crystalline, except fully refined.
332.9110	Naphtha, mineral spirits, solvents and other finished light petroleum products, n.e.c.

Schedule B number

Schedule B number	Commodity description
332.9120	Insulating or transformer oils.
332.9130	Quenching and cutting oils.
332.9140	White mineral oils.
332.9160	Carbon black feedstock oil.
332.9180	Other non-lubricating and non-fuel petroleum oils, n.e.c.
332.9210	Coal-tar asphaltum.
332.9220	Pitch, from petroleum refining.
332.9300	Pitch coke.
332.9410	Petroleum coke, calcined.
332.9420	Petroleum coke, except calcined.
332.9510	Petroleum asphalt.
332.9520	Petroleum and shale oil residues, n.e.c.
332.9610	Paving mixtures, bituminous, based on asphalt and petroleum.
332.9620	Asphalt and tar coatings, cements and pitches.
341.1010	Natural gas. <sup>2</sup>
341.1025	Butane.
341.1030	Propane.
341.1040	Natural gas liquids, including L.P.G., n.e.c.
512.0901	Butylene.
512.0902	Acetylene.
512.0903	Ethylene.
512.0905	Propylene.
512.0916	Methanol, including natural.
512.0964	Isoprene.
512.0991	Butadiene.
513.1305	Helium and mixtures containing helium.
513.1350	Hydrogen and rare gases, n.e.c.
513.3830	Carbon monoxide and carbon dioxide.
513.6110	Ammonia (anhydrous or in aqueous solution) fertilizer grade.
513.6120	Ammonia (anhydrous or in aqueous solution) except fertilizer grade.
515.2000	Deuterium.
521.4010	Benzene, crude.
521.4020	Toluene, crude.
521.4022	Naphtha solvent.
521.4027	Xylenes, n.e.c.
521.4040	Mineral tar and tar oils, chemicals and crude products from coal, petroleum and natural gas, n.e.c.

Applications to export the above will be considered only in accordance with Section 377.

Effective date of action: September 30, 1976.

RAUER H. MEYER,  
Director, Office of  
Export Administration.

[FR Doc.76-29202 Filed 9-30-76;4:15 pm]

<sup>1</sup> Those petroleum and petroleum products whose export is prohibited if produced on a Naval Petroleum Reserve or if they are the product of a resource produced thereon. See Section 377.

<sup>2</sup> Natural gas, and liquified natural gas (L.N.G.) and synthetic natural gas commingled with natural gas (Schedule B No. 341.1010) require export authorization from the U.S. Federal Power Commission. See § 370.10(g).

**Title 24—Housing and Urban Development  
CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING, FEDERAL HOUSING COMMISSIONER**

[Docket No. R-76-422]

**PART 202—CLASS 3 PROPERTY IMPROVEMENT LOANS**

**Revocation of Part**

The Department of Housing and Urban Development is revoking Part 202 of Subchapter B. This part authorized insurance of lending institutions against losses incurred in making loans for construction of new homes with maturity terms not in excess of 20 years and 5 months.

Section 101 of Pub. L. 475, 81st Congress (81 Pub. L. 475) amended Title I of the National Housing Act (12 U.S.C. 1703) by repealing the authorization for this part, effective March 1, 1950.

There are no longer any loans outstanding under this Part.

Notice and public procedure are unnecessary under the provisions of 5 U.S.C. 553(b) since authority for the Part has been terminated and publication for the 30 day period specified in 5 U.S.C. 553(d) is unnecessary and good cause exists for making the revocation effective October 7, 1976.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); Sec. 2, 48 Stat. 1246, 12 U.S.C. 1703 as amended by P.L. 81-475.)

Accordingly, 24 CFR Part 202 is hereby revoked.

Issued at Washington, D.C., October 1, 1976.

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

[FR Doc.76-29448 Filed 10-6-76;8:45 am]

**CHAPTER X—FEDERAL INSURANCE ADMINISTRATION**

**SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM**

[Docket No. FI-1063]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Town of Federalsburg, Md.**

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

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

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

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

fore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, Federalsburg, Maryland 21632.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Marahoype Creek	Penn Railroad	14	1,520	100
	Central Ave.	15	880	310

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

Issued: September 28, 1976.

**J. ROBERT HUNTER,**  
*Federal Insurance Administrator.*

[FR Doc.76-29339 Filed 10-6-76;8:45 am]

[Docket No. FI-2009]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Town of Mansfield, Mass.**

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

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, West Street, Mansfield, Massachusetts 02048.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hodges Brook	Oak St.	126	20	110
	Otis St.	123	85	405
Wading River	Balsalm St.	123	100	545
	Williams St.	146	170	120
	West St.	153	80	80
	Mill St.	110	970	20
Canoe River	Bridge at trailer park	114	115	165
	Main St.	105	45	40
Rumford River	Willow St.	128	45	760
	Spring St.	137	405	80
	West St.	146	25	80
	High St.	155	225	80
	Church St.	158	165	45
	County St.	172	180	280

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

Issued: September 23, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-29338 Filed 10-6-76;8:45 am]

[Docket No. FI-1148]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the Town of Newbury, Mass.**

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

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, 25 High Road, Newbury, Massachusetts 01950.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Atlantic Ocean and Plum Island Sound.	Old Point Rd.....	10	( <sup>1</sup> )	( <sup>1</sup> )
	Sunset Dr.....	10	( <sup>1</sup> )	( <sup>1</sup> )
	Plum Island Turnpike.....	10	( <sup>1</sup> )	( <sup>1</sup> )
Parker River (tidal) ...	Boston & Maine R.R.....	9	( <sup>2</sup> )	( <sup>1</sup> )
	Newburyport Turnpike.....	9	100	2,000
	Middle St.....	9	1,600	1,200
	Hay St.....	9	600	100
	Hanover St.....	9	50	750

<sup>1</sup> Entire road within corporate limits.  
<sup>2</sup> To corporate limits.

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

Issued: September 28, 1976.

J. ROBERT HUNTER,  
Federal Insurance  
Administrator.

[FR Doc.76-29337 Filed 10-6-76;8:45 am]

[Docket No. FI-1149]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of Salem, Mass.**

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of

1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Salem, Massachusetts under § 1917.8 of Title 24 of the Code of Federal Regulations.

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

## RULES AND REGULATIONS

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

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

publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 93 Washington Street, Salem, Massachusetts 01970.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
North River.....	North St.....	11	440	360
South River.....	Congress St.....	11	50	50
Juniper Cove.....	Bay View Ave.....	11	( <sup>1</sup> )	( <sup>1</sup> )
South River.....	Canal St.....	11	( <sup>2</sup> )	( <sup>2</sup> )
Forest River.....	Loring Ave.....	11	680	80

<sup>1</sup> Entire street from the point 130 ft east of intersection with Fort Ave., eastward to Cheval Ave.

<sup>2</sup> Entire street north of Forest Ave.

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

Issued: September 28, 1976.

J. ROBERT HUNTER,  
Federal Insurance  
Administrator.

[FR Doc.76-29336 Filed 10-6-76;8:45 am]

[Docket No. FI-2006]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of Vassar, Mich.**

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

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 287 East Huron Street, Vassar, Michigan 48768.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Caas River.....	Pere Marquette R.R.....	631	20	20
	Huron St.....	633	20	20
	New York Central R.R.....	634	20	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42



**RULES AND REGULATIONS**

44165

U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

**J. ROBERT HUNTER,**  
Federal Insurance  
Administrator.

[FR Doc.76-29335 Filed 10-6-76;8:45 am]

[Docket No. FI-1121]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of Coon Rapids, Minn.**

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

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 1313 Coon Rapids Boulevard, Coon Rapids, Minnesota 55433.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Pleasure Creek	East River Rd.	865	50	100
	Evergreen Blvd.	873	275	550
	Coon Rapids Blvd.	885	200	375
	U.S. Highway 10 and U.S. Highway 47.	897	475	350
Coon Creek	University Ave.	897	100	975
	U.S. Highway 10 and U.S. Highway 47 <sup>1</sup> .	851	400	100
	Egret St. <sup>2</sup>	840	250	15
	Hanson Blvd.	857	25	125
Sand Creek	Main Highway 242.	858	0	425
	181st Ave. <sup>1</sup>	861	225	350
	Xeon St.	861	75	25
	Burlington Northern RR.	875	825	1,225
Epiphany Creek	Olive St.	877	100	250
	111th Ave. <sup>2</sup>	855	75	175
Riverview Creek	Mississippi River Blvd.	848	425	300
	105th Ave.	850	175	225
	Direct River Dr.	853	350	0

<sup>1</sup> Upstream side.

<sup>2</sup> Downstream side.

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

Issued: September 28, 1976.

**J. ROBERT HUNTER,**  
Federal Insurance Administrator.

[FR Doc.76-29332 Filed 10-6-76;8:45 am]

[Docket No. FI-1119]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of St. Cloud, Minn.**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which

added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of St. Cloud, Minnesota under § 1917.8 of Title 24 of the Code of Federal Regulations.

## RULES AND REGULATIONS

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

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were re-

ceived from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 314 St. Germain Street, St. Cloud, Minnesota 56301.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi River.....	10th St. bridge.....	969	60	70
	Highway 52 bridge.....	990	50	50
	Burlington Northern Bridge.....	991	40	60
Sank.....	County road No. 4 bridge.....	1,041	100	(1)
	Burlington Northern Bridge.....	1,044	100	(1)

<sup>1</sup> Outside corporate limits.

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

Issued: September 28, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc. 76-29333 Filed 10-6-76; 8:45 am]

[Docket No. FI-1120]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of Granite Falls, Minn.**

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

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 885 Prentice Street, Granite Falls, Minnesota 56241.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Minnesota River.....	Burlington RR.....	915	175	270
	Washington St (extended).....	897	50	60
Overflow Channel.....	13th St.....	900	(1)	150
	9th St.....	899	(2)	(2)

<sup>1</sup> To corporate limits.

<sup>2</sup> 300 ft from corporate limits.

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

Issued: September 28, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc.76-29334 Filed 10-6-76;8:45 am]

[Docket No. FI-2030]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of Clarksville, Mo.**

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

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 113 Howard Street, Clarksville, Missouri 63336.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi River.....	Tennessee St.....	457	(1)	(2)
	Washington St.....	457	420	(2)

<sup>1</sup> Entire street northeast of the point 150 ft southwest of intersection with 3d St.  
<sup>2</sup> Outside corporate limits.

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

Issued: September 28, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc.76-29329 Filed 10-6-76;8:45 am]

[Docket No. FI-1060]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of Pacific, Mo.**

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

Pacific, Missouri under § 1917.8 of Title 24 of the Code of Federal Regulations.

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

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of



## RULES AND REGULATIONS

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the

detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 218 1st Street, Pacific, Missouri 63069.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Thornton Branch	Interstate 44	500		130
Thornton Branch and Brush Creek	Vincent Dr.	490	(1)	(1)
Brush Creek	Missouri Pacific RR.	480	100	90
	Congress St.	(2)	180	1,000
Monroe Branch	Interstate 44	505	200	250
	Osage St.	496	120	80
	Congress St.	469	300	160
Wild Horse Creek	Park St.	492	110	120
	Sand St.	483	160	90
	Franklin St.	482	270	250
	Osage St.	(3)	660	450
	Elm St.	(3)	50	75
	Neosho St.	465	(4)	(4)
	St. Louis St.	(5)	(5)	(5)
Meramec River	Orleans St.	464	(6)	(6)
	First St.	(7)	(7)	(7)
	Pacific St.	(8)	(8)	(8)
Brush Creek and Meramec River	4th St.	(9)	(9)	(9)
	St. Louis-San Francisco RR.	(9)	4,230	1,210

<sup>1</sup> Extends 270 ft north of the Missouri Pacific RR.

<sup>2</sup> Varies.

<sup>3</sup> Entire street between Union St. and Osage St.

<sup>4</sup> Entire street between Columbus St. and Olive St.

<sup>5</sup> Entire street east of the St. Louis-San Francisco RR.

<sup>6</sup> Entire street south of the St. Louis-San Francisco RR.

<sup>7</sup> Entire street east of 4th St.

<sup>8</sup> Entire street south of Pacific St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (38 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc. 76-29330 Filed 10-6-76; 8:45 am]

[Docket No. FI-2029]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevation for the City of Portage des Sioux, Mo.

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

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Portage des Sioux, Missouri 63373.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi	Entire city	430.5		

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

Issued: September 28, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc.76-29328 Filed 10-6-76;8:45 am]

[Docket No. FI-1117]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation for the City of St. Charles, Mo.**

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

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 101 South Main Street, St. Charles, Missouri 63301.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Missouri River	I-70	457		1,370
	Highway 115	454		350
	Norfolk & Western R.R.	453		2,540
Boonslick Creek	Cunningham Ave.	515	280	80
	Nathan St.	507	100	110
	Roschae Dr.	490	70	80
	South 2d St.	468	120	200
	Elm St.	513	60	210
Boschert Creek	West Adams St.	504	60	100
	Park Ave.	501	120	80
	Hawthorn Ave.	496	200	60
	Duchesne Dr.	495	210	480
	Elmwood Dr.	495	240	140
	Concordia Lane	486	80	130
	Elmhurst Dr.	479	120	59
Cole Creek	Droste Rd.	478	180	140
	Runnymede Dr.	466	280	200
	Elm Point Rd.	453	490	1,720
East Branch Cole Creek	Canary Lane	483	20	70
	Hunter Ridge Rd.	473	50	150
	Briarcliff Dr.	463	180	180
Sandfort Creek	Ehlman Rd.	449	140	40
	Dennis Dr.	506	60	140
San Juan Creek	Sharon Dr.	501	110	100
	Valley Rd.	489	0	120
	South 5th St.	474	180	460
	Rio Vista Dr.	474	80	50

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

Issued: September 28, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc.76-29331 Filed 10-6-76;8:45 am]

**Title 32—National Defense**  
**CHAPTER XVI—SELECTIVE SERVICE SYSTEM**

**PART 1608—PUBLIC INFORMATION**

**Request for and Disclosure of Information**

Whereas, on August 31, 1976, the Director of Selective Service published a notice of proposed amendments to Selective Service Regulations 41 FR 36669 of August 31, 1976; and

Whereas more than thirty days have elapsed subsequent to such publication during which period comments from the public have been received and considered. No change in the proposed amendment is made.

Several of the amendments reflect the recent changes of address of the National Headquarters, Selective Service System. Additional and alternate places where information may be obtained are also stated.

Section 1608.13 is revised in the interest of clarity.

Section 1608.18 is revised to authorize the legal representative of a deceased as well as an incompetent person to obtain information from the record of the person to whom it pertains. The authority of the Director now stated in paragraph (d) of this section would be eliminated.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Selective Service Regulations constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulation, are hereby amended, effective October 7, 1976, as follows:

Section 1608.4 *Available information* is amended as follows: Paragraph (c) is amended and paragraph (i) is added to read as follows:

**§ 1608.4 Available information.**

(c) The Registrants Processing Manual may be inspected at any office of the Selective Service System including the National Headquarters.

(i) Whenever an office referred to in this section is closed, the request for information that otherwise would be submitted to it should be submitted to the National Headquarters, Selective Service System, 600 E Street, NW., Washington, D.C. 20435.

Paragraph (b), § 1608.5, *Places where information may be obtained* is amended and paragraph (d) is added to read as follows:

**§ 1608.5 Places where information may be obtained.**

(b) Requests for information concerning the national administration of the Military Selective Service Act should be directed to the National Headquarters, Selective Service System, 600 E Street, NW., Washington, D.C. 20435.

(d) Whenever an office referred to in this section is closed, the request for in-

## RULES AND REGULATIONS

formation that otherwise would be submitted to it should be submitted to the National Headquarters, Selective Service System, 600 E Street, NW., Washington, D.C. 20435.

Paragraph (b), § 1608.9 *Review of denials of requests for information* is amended to read as follows:

§ 1608.9 *Review of denials of requests for information.*

(b) A requester whose request for information or documents has not been satisfied may appeal to the Director of Selective Service, 600 E Street, NW., Washington, D.C. 20435.

Section 1608.13 *Disclosure of requested information to individuals* is amended to read as follows:

§ 1608.13 *Disclosure of requested information to the individual to whom it pertains.*

Information contained in records maintained on a specific individual and the records pertaining to such individual will be disclosed to or may be examined by the individual to whom it pertains without charge. Copies of such records will be provided to the individual to whom the records pertain upon payment of the fees prescribed in § 1608.22.

Section 1608.18 *Disclosure of record to person other than the individual to whom it pertains* is amended to read as follows:

§ 1608.18 *Disclosure of record to persons other than the individual to whom it pertains.*

(a) Information contained in records in a registrant's file and records pertaining to a specific individual may be disclosed or furnished to, or examined by, the following in addition to the individual to whom they pertain:

(1) His legal representative duly appointed by a court of competent jurisdiction because of his demise or incompetence.

(2) Any person upon submission to the employee responsible for the system of records of the written consent of the individual to whom the record pertains. The authorization must bear a date not earlier than six months prior to the day of its submission to the Selective Service System and the signature of the individual concerned.

(3) All personnel of the Selective Service System engaged in carrying out the functions of the Selective Service System who have a need for the record in performance of their duties.

(4) A U.S. Attorney and his duly authorized representative including agents of the Federal Bureau of Investigation, whenever a registrant has been reported to the U.S. Attorney for prosecution for violating the Military Selective Service Act or the rules, regulations, or directions made pursuant thereto.

(b) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly

identified as entitled to obtain such information.

BYRON V. PERITONE,  
Director.

OCTOBER 1, 1976.

[FR Doc. 76-29439 Filed 10-6-76; 8:45 am]

**Title 41—Public Contracts and Property Management**

**CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT**

**Contracts Under the Indian Self-Determination Act—Indian Preference in Training and Employment; Amendment**

Notice is given that the Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby amends sections 3-4.6013 and 3-4.6014, as set out below.

Final regulations governing contracts under section 103 of the Indian Self-Determination Act, P.L. 93-638, 25 U.S.C. 450g were published in the FEDERAL REGISTER on November 14, 1975, adding a new Subpart I to the Indian Health regulations at 42 CFR Part 36 and adding a new Subpart 3-4.60 to the Department's Procurement regulations at 41 CFR Part 3-4. (See 40 FR 53147 and 40 FR 53123 respectively).

Section 36.221 of the above referenced Subpart I, 42 CFR Part 36 requires contracts awarded under the authority of the Indian Self-Determination Act to incorporate a stated clause on Indian Preference in Training and Employment "which is also set forth in 41 CFR 3-4.6013 and 3-4.6014." The required clause, referred to in 41 CFR 3-4.6013 as Clause No. 29, Indian Preference in Training and Employment, was inadvertently omitted from the provisions of that section published on November 14, 1975, at 40 FR 53131. The purpose of this amendment is to correct this error by adding the required clause to section 3-4.6013.

The provisions of 41 CFR 3-4.6013, containing a proposed clause 29 on Indian Preference in Training and Employment, were published as a Notice of Proposed Rulemaking on September 15, 1975, at 40 P.R. 42675, and final regulations, which inadvertently omitted this clause while retaining its listing in the index, were published, in accordance with the requirements of section 107 of P.L. 93-638, 25 U.S.C. 450k and 5 U.S.C. 553. In addition, the Indian preference clause contained in 3-4.6014 (clause 17) is not identical in language with the clause quoted in section 36.221. Clause 17 is revised accordingly to conform to the language of section 36.221. Redundant material in section 3-4.6013 is also deleted.

Since these amendments correct inadvertent omissions and variations and will not in any way change the rights and obligations of any member of the public, the requirements of section 107(c) of

P.L. 93-638, 25 U.S.C. 450k(c) governing amendments to regulations under the Indian Self-Determination Act are found to be satisfied. For the same reasons, issuance of this amendment as a Notice of Proposed Rulemaking is found to be impracticable, unnecessary, and contrary to the public interest and good cause exists for making the amendment immediately effective upon publication in the FEDERAL REGISTER.

Accordingly, pursuant to the authority of sections 103 and 107 of P.L. 93-638, 25 U.S.C. 450g and 450k, section 3 of P.L. 93-568, 42 U.S.C. 2003; and 40 U.S.C. 486(c), section 3-4.6013 and section 3-4.6014 of 41 CFR Part 3-4 are amended as set out below.

Effective date: These amendments shall become effective on October 7, 1976.

Dated: September 8, 1976.

THEODORE COOPER,  
Assistant Secretary for Health.

Approved: October 1, 1976.

DAVID MATHEWS,  
Secretary.

1. Section 3-4.6013 is amended by adding the following language immediately after clause 28:

§ 3-4.6013 *General Provisions for Cost Reimbursement Contracts Under the Indian Self-Determination Act (P.L. 93-638), Title I.*

Clause No. 29—Indian Preference in Training and Employment.

(a) The Contractor shall give preference in employment for all work performed under the contract, including subcontracts thereunder, to qualified Indians regardless of age, religion, or sex, and to the extent feasible consistent with the efficient performance of the contract, provide employment and training opportunities to Indians, regardless of age, religion, or sex, that are not fully qualified to perform under the contract. The Contractor shall comply with any Indian preference requirements established by the tribe receiving services under the contract to the extent that such requirements are consistent with the purpose and intent of this paragraph.

(b) If the Contractor or any of its subcontractors is unable to fill its employment openings after giving full consideration to Indians as required in paragraph (a) above, these employment openings may then be filled by other than Indians under the conditions set forth in the Equal Opportunity clause of this contract.

(c) The Contractor agrees to include this clause or one similar thereto in all subcontracts issued under the contract.

b. The first reference to clause 28 which immediately follows clause 27 is deleted in its entirety.

2. Clause 17 of 3-4.6014 is amended to read as follows:

§ 3-4.6014 *General Provisions for Fixed-Price Contracts Under the Indian Self-Determination Act.*

Clause No. 17. Indian Preference in Training and Employment.

(a) The Contractor shall give preference in employment for all work performed under



the contract, including subcontracts thereunder, to qualified Indians regardless of age, religion, or sex, and to the extent feasible consistent with the efficient performance of the contract, provide employment and training opportunities to Indians, regardless of age, religion, or sex, that are not fully qualified to perform under the contract. The Contractor shall comply with any Indian preference requirements established by the tribe receiving services under the contract to the extent that such requirements are consistent with the purpose and intent of this paragraph.

(a) If the Contractor or any of its subcontractors is unable to fill its employment openings after giving full consideration to Indians as required in paragraph (a) above, these employment openings may then be filled by other than Indians under the conditions set forth in the Equal Opportunity clause of this contract.

(c) The Contractor agrees to include this clause or one similar thereto in all subcontracts issued under the contract.

[FR Doc. 76-29480 Filed 10-6-76; 8:45 am]

**Title 42—Public Health**

**CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 52a—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE GRANTS FOR NATIONAL RESEARCH AND DEMONSTRATION CENTERS**

On August 2, 1974, final regulations were published in the FEDERAL REGISTER (39 FR 27902) governing the award of grants by the National Heart and Lung Institute under section 415(b) of the Public Health Service Act (42 U.S.C. 287d(b)) to plan, establish, strengthen, and support the basic operation of national research and demonstration centers. These regulations are codified in 42 CFR Part 52a.

The Health Research and Health Services Amendments of 1976 (Pub. L. 94-278), which were enacted on April 22, 1976, amended section 415(b) by: (1) Adding "management of blood resources" to the listed activities for which grant support may be provided, and (2) raising the yearly ceiling on non-construction payments to any center from a total of \$5,000,000, to \$5,000,000 plus indirect costs and increases attributable to rises during said year in the Consumer Price Index. In addition, Pub. L. 94-278 changed the name of the Institute to "National Heart, Lung, and Blood Institute" and the National Heart, Blood Vessel, Lung, and Blood Diseases Program to "National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program."

The Department of Health, Education, and Welfare hereby amends Part 52a to reflect the foregoing changes. Also, § 52a.9 of said Part is amended by addition of a standard paragraph calling attention to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which bars discrimination against handicapped individuals in programs or activities receiving Federal financial assistance. Since these amendments are intended

simply to conform to statutory changes or are just informational in nature, no purpose would be served by publishing them as a notice of proposed rulemaking, and the Department therefore finds that good cause exists for dispensing with this step.

These amendments shall become effective on October 7, 1976.

Dated: August 26, 1976.

**JAMES F. DICKSON,**  
*Acting Assistant Secretary  
for Health.*

Approved: October 1, 1976.

**DAVID MATHEWS,**  
*Secretary.*

Accordingly, Part 52a of 42 CFR is amended by:

1. Deleting "National Heart and Lung Institute" wherever it appears and substituting therefor "National Heart, Lung, and Blood Institute."

2. Deleting "NHLI" wherever it appears and substituting therefor "NHLBI".

3. Deleting "National Heart and Lung Advisory Council" from § 52a.2(d) and substituting therefor "National Heart, Lung, and Blood Advisory Council."

4. Deleting "National Heart, Blood Vessel, Lung, and Blood Disease Program" from § 52a.2(e) and substituting therefor "National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program".

5. Revising § 52a.1 to read as follows:

The regulations in this part apply to grants (other than for construction) to plan, establish, strengthen, and support the basic operation of national research and demonstration centers for basic or clinical research into, training in, and demonstration of the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, and blood diseases, as authorized by section 415(b) of the Public Health Service Act (42 U.S.C. 287d(b)).

6. Revising § 52a.4(c)(2), § 52a.4(c)(3), and § 52a.4(c)(9) to read as follows:

(2) Any basic or clinical research, training, or demonstration activities in which the applicant is currently engaged relating to the management of blood resources or advanced diagnostic, prevention, or treatment methods for heart, blood vessel, lung, or blood diseases; the sources of funding for such activities; and the relevance of these activities to the National Program;

(3) The major area or areas (i.e., heart disease, blood vessel disease, lung disease, blood disease, or management of blood resources) on which the applicant would concentrate if awarded a grant under this part;

(9) The proposed support period (not to exceed five years); a detailed budget including a list of other anticipated sources of support; and a justification for the amount of grant funds (not exceeding \$5,000,000 in the aggregate for costs other than indirect costs in any year, plus any added amounts attributable to increases in such year in appropriate costs as reflected in the Consumer Price Index published by the Bureau of Labor Statistics);

7. Delete the word "disease" wherever it appears in § 52a.5(a).

8. Revise § 52a.6(b) to read as follows:

(b) All grant awards shall be in writing and shall specify the period of support (not to exceed five years), the total recommended amount of funds for the entire period of support, the approved budget for the initial budget period, and the amount awarded (not in excess of \$5,000,000 in the aggregate for costs other than indirect costs in any year, plus any added amounts attributable to increases in such year in appropriate costs as reflected in the Consumer Price Index published by the Bureau of Labor Statistics) for the initial budget period.

9. Add the following new paragraph (d) to § 52a.9:

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Part 52a of Title 42 CFR is revised to read as follows:

Sec.	
52a.1	Applicability.
52a.2	Definitions.
52a.3	Eligibility.
52a.4	Application.
52a.5	Program requirements.
52a.6	Grant Awards.
52a.7	Payment.
52a.8	Expenditure of grant funds.
52a.9	Nondiscrimination.
52a.10	Human subjects; animal welfare.
52a.11	Applicability of 43 CFR Part 74.
52a.12	Progress and fiscal records and reports.
52a.13	Grantee accountability.
52a.14	Publications and copyright.
52a.15	Additional conditions.

**AUTHORITY:** Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 415(b), 86 Stat. 683 (42 U.S.C. 287d(b)).

**§ 52a.1 Applicability.**

The regulations in this part apply to grants (other than for construction) to plan, establish, strengthen, and support the basic operation of National research and demonstration centers for basic or clinical research into, training in, and demonstration of the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, and blood diseases, as authorized by section 415(b) of the Public Health Service Act (42 U.S.C. 287d(b)).

**§ 52a.2 Definitions.**

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NHLBI," means the Director of the National Heart, Lung, and Blood Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any agency or institution means an agency or institution which is a corporation or an association no part of the net earnings

of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Council means the National Heart, Lung, and Blood Advisory Council established by section 417(a) of the Act (42 U.S.C. 287f(a))."

(e) "National Program" means the National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program referred to in section 413 of the Act (42 U.S.C. 287b).<sup>1</sup>

#### § 52a.3 Eligibility.

To be eligible for a grant under this part, an applicant must be:

(a) a public or nonprofit private hospital or school of medicine, or other public or nonprofit private agency or institution; and

(b) located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

#### § 52a.4 Application.

(a) Each agency or institution desiring a grant under this part shall submit an application in such form and manner and on or before such dates as the Director, NHLBI, may from time to time require.<sup>2</sup> Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the award, including the regulations of this part.

(b) In accordance with section 1-00-30 of the Department of Health, Education, and Welfare Grants Administration Manual,<sup>3</sup> each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NHLBI, may require, each application shall set forth in detail:

(1) The personnel, facilities, and other resources currently available to the applicant with which to initiate and maintain the proposed center program;

(2) Any basic or clinical research, training, or demonstration activities in which the applicant is currently engaged relating to the management of blood resources of advanced diagnostic, preven-

tion, or treatment methods for heart, blood vessel, lung, or blood diseases; the sources of funding for such activities; and the relevance of these activities to the National Program;

(3) The major area or areas (i.e., heart disease, blood vessel disease, lung disease, blood disease, or management of blood resources) on which the applicant would concentrate if awarded a grant under this part;

(4) The names and qualifications of the center director and key staff members who would be responsible for conducting proposed activities of the center;

(5) The proposed center program, including proposed research and demonstration projects, and information and education activities, and the relevance of each to the National Program;

(6) The opportunities that would be available for training of professional personnel, including allied health professions personnel;

(7) The availability of community resources necessary to carry out the proposed activities;

(8) The organizational structure of the applicant;

(9) The proposed support period (not to exceed five years); a detailed budget including a list of other anticipated sources of support; and a justification for the amount of grant funds (not exceeding \$5,000,000 in the aggregate for costs other than indirect costs in any year, plus any added amounts attributable to increases in such year in appropriate costs as reflected in the Consumer Price Index published by the Bureau of Labor Statistics);

(10) Proposed methods for monitoring and evaluating individual activities and the overall program; and

(11) Proposed methods for coordination of center activities with the National Heart, Lung, and Blood Institute and the National Program.

#### § 52a.5 Program requirements.

An approvable application must provide assurances that:

(a) The proposed program will include all of the following components: basic and clinical research relating to the major areas on which the applicant would concentrate; plans for demonstrating the applicability of clinical research findings in such areas; information and education activities pertaining to such areas; and opportunities for training, including training of allied health professions personnel;

(b) The center will be an identifiable organizational unit of the applicant headed by a center director responsible for the center program;

(c) The applicant will have staff, facilities, and other resources available with which to initiate the proposed program; and

(d) Any significant changes in the center's scientific or other activities will be made only with the prior approval of the Director, NHLBI.

#### § 52a.6 Grant awards.

(a) Within the limits of funds available, after consultation with the Council,

the Director, NHLBI, may award grants to applicants with proposed programs which in his judgment best promote the purposes of section 415(b) of the Act, taking into consideration among other pertinent factors:

(1) The scientific and technical merit of the overall proposed program and its individual components;

(2) The significance of said program in relation to the goals of the National Program;

(3) The qualifications and experience of the center director and other key personnel;

(4) The extent to which the center activities would be coordinated with the National Heart, Lung, and Blood Institute and the National Program;

(5) The extent to which the various components of the proposed program would be coordinated into one multidisciplinary effort within the center;

(6) The administrative and managerial capability of the applicant;

(7) The reasonableness of the proposed budget in relation to the proposed program;

(8) The adequacy of the methods for monitoring and evaluating the overall program and its components; and

(9) The degree to which the application adequately provides for the requirements set forth in § 52a.5.

(b) All grant awards shall be in writing and shall specify the period of support (not to exceed five years), the total recommended amount of funds for the entire period of support, the approved budget for the initial budget period, and the amount awarded (not in excess of \$5,000,000 in the aggregate for costs other than indirect costs in any year, plus any added amounts attributable to increases in such year in appropriate costs as reflected in the Consumer Price Index published by the Bureau of Labor Statistics) for the initial budget period.

(c) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion thereof.

(d) The amount of any grant award shall be determined by the Director, NHLBI, on the basis of his estimate of the sum necessary to pay all or part of the allowable costs for the budget period covered by the award.

(e) An initial period of support may be extended by the Director, NHLBI, for additional periods not in excess of five years each, after review of the operations of the grantee by an appropriate scientific review group established by the Director, NHLBI, and consultation with the Council, except that if an additional period of support involves only the expenditure of funds previously awarded, consultation with the Council is not required.

#### § 52a.7 Payment.

The Director, NHLBI, shall from time to time make payments to a grantee of all or a portion of any grant award.

<sup>1</sup> Single copies of the National Program are available upon request from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

<sup>2</sup> Applications and instructions are available from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

<sup>3</sup> The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 48 CFR 8.2) and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

either in advance or by way of reimbursement, for expenses incurred or to be incurred in accordance with its approved application.

**§ 52a.8 Expenditure of grant funds.**

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may, with prior approval by the Director, NHLBI, be carried forward and remain available for obligation during the remainder of the period of support and any extensions thereof (approved in accordance with § 52a.6(e)), subject to such limitations as the Director, NHLBI, may prescribe. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the final period of support any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

**§ 52a.9 Nondiscrimination.**

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any

program or activity receiving Federal financial assistance.

**§ 52a.10 Human subjects; animal welfare.**

No award may be made under this part unless the applicant has complied with:

(a) 45 CFR Part 46 and any other applicable requirements pertaining to the protection of human subjects.

(b) Chapter 1-43 of the Department of Health, Education, and Welfare Grants Administration Manual and any other applicable requirements concerning animal welfare.

**§ 52a.11 Applicability of 45 CFR Part 74.**

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

45 CFR PART 74

- Subpart
- A General
- B Cash Depositories
- C Bonding and Insurance
- D Retention and Custodial Requirements for Records
- F Grant-Related Income
- G Matching and Cost Sharing
- K Grant Payment Requirements
- M Grant Closeout, Suspension, and Termination
- O Property
- Q Cost Principles

**§ 52a.12 Progress and fiscal records and reports.**

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Director, NHLBI, such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Director, NHLBI, may find necessary to carry out the purposes of section 415(b) of the Act and the regulations.

**§ 52a.13 Grantee accountability.**

(a) All payments made by the Director, NHLBI, shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved center the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available to the Director, NHLBI, satisfactory evidence of expenditures for direct and indirect cost meeting the requirements of this part.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as follows:

(a) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(b) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual.

**§ 52a.14 Publications and copyright.**

(a) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from an activity supported by a grant under this part.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from an activity supported by a grant under this part, subject to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

**§ 52a.15 Additional conditions.**

The Director, NHLBI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

[FR Doc76-29478 Filed 10-6-76;8:45 am]



**PART 52e—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE GRANTS FOR PREVENTION AND CONTROL PROJECTS**

On October 21, 1975, final regulations were published in the FEDERAL REGISTER (40 FR 49090) governing the award of grants by the National Heart and Lung Institute under section 414 of the Public Health Service Act (42 U.S.C. 287c) for prevention and control projects. These regulations are codified in 42 CFR Part 52e.

The Health Research and Health Services Amendments of 1976 (Pub. L. 94-278), which were enacted on April 22, 1976, changed the name of the Institute to "National Heart, Lung, and Blood Institute" and the title of the National Heart, Blood Vessel, Lung, and Blood Disease Program to "National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program."

The Department of Health, Education, and Welfare hereby amends Part 52e to reflect the foregoing changes. Since these changes were made by legislation and are technical in nature, no purpose would be served by publishing such amendments as a notice of proposed rulemaking, and the Department therefore finds that good cause exists for dispensing with this step.

These amendments shall become effective on October 7, 1976.

Dated: August 26, 1976.

**JAMES F. DICKSON,**  
*Acting Assistant Secretary  
for Health.*

Approved: October 1, 1976.

**DAVID MATHEWS,**  
*Secretary.*

Accordingly, Part 52e of 42 CFR is amended by:

1. Deleting "National Heart and Lung Institute" wherever it appears and substituting therefor "National Heart, Lung, and Blood Institute".
2. Deleting "NHLI" wherever it appears and substituting therefor "NHLBI".
3. Deleting "National Heart and Lung Advisory Council" from § 52e.2(d) and substituting therefor "National Heart, Lung, and Blood Advisory Council".
4. Deleting "National Heart, Blood Vessel, Lung, and Blood Disease Program" from § 52.2(e) and substituting therefor "National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program".

Part 52e of Title 42 CFR is revised to read as follows:

Sec.	
52e.1	Applicability.
52e.2	Definitions.
52e.3	Eligibility.
52e.4	Application.
52e.5	Project requirements.
52e.6	Grant awards.
52e.7	Payment.
52e.8	Expenditure of grant funds.
52e.9	Nondiscrimination.
52e.10	Human subjects; animal welfare.
52e.11	Applicability of 45 CFR Part 74.
52e.12	Progress and fiscal records and reports.

Sec.	
52e.13	Grantee accountability.
52e.14	Publications and copyright.
52e.15	Additional conditions.

**AUTHORITY:** Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 414, 86 Stat. 682 (42 U.S.C. 287c).

**§ 52e.1 Applicability.**

(a) The regulations in this part apply to grants under section 414 of the Public Health Service Act (42 U.S.C. 287c) for projects: (1) to demonstrate and evaluate the effectiveness of new techniques or procedures for the prevention, diagnosis, or treatment of heart, blood vessel, lung, and blood diseases, (2) to develop and evaluate methods of educating health practitioners concerning the prevention and control of these diseases, and (3) to develop and evaluate methods of educating the public concerning the prevention and control of these diseases.

(b) For purposes of this part, treatment may include emergency medical services.

**§ 52e.2 Definitions.**

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NHLBI," means the Director of the National Heart, Lung, and Blood Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any agency or institution means an agency or institution which is a corporation or an association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Council" means the National Heart, Lung, and Blood Advisory Council, established by section 417(a) of the Act (42 U.S.C. 287f(a)).

(e) "National Program" means the National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program referred to in section 413 of the Act (42 U.S.C. 287b).<sup>1</sup>

(f) "Emergency medical services" means the services utilized in responding to the perceived individual need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

**§ 52e.3 Eligibility.**

To be eligible for a grant under this part, an applicant must be a public or nonprofit private agency or institution.

**§ 52e.4 Application.**

(a) Each agency or institution desiring a grant under this part shall submit an application in such form and manner and on or before such dates as the Director, NHLBI, may from time to time require.<sup>2</sup> Such an application shall be executed by an individual authorized to

<sup>1</sup> Single copies of the National Program are available upon request from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the award, including the regulations of this part.

(b) In accordance with section 1-00-30 of the Department of Health, Education, and Welfare Grants Administration Manual,<sup>3</sup> each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NHLBI, may require, each application shall set forth in detail:

(1) The nature and purpose of the proposed project and the methods to be employed in carrying it out;

(2) The relevance of the proposed project to the National Program;

(3) The defined population to participate in the proposed project and the rationale for its selection;

(4) With respect to applications relating to projects covered by § 52e.1(a) (1), prior research findings on which the proposed project is based;

(5) The personnel, facilities, and other resources, including community resources, available to carry out the proposed project;

(6) Current activities of the applicant involving prevention or control of heart, blood vessel, lung, and blood diseases, the sources of funding for such activities, and the anticipated relationship of these activities to the proposed project;

(7) The names and qualifications of the project director and key staff members who would be responsible for conducting the proposed project;

(8) Proposed methods for monitoring and evaluating the project; and

(9) The proposed project period; a detailed budget, including a list of other anticipated sources of support; and a justification for the amount of grant funds requested.

**§ 52e.5 Project requirements.**

(a) An approvable application must demonstrate to the satisfaction of the Director, NHLBI, that:

(1) With respect to applications relating to projects covered by § 52e.1(a) (1), the techniques or procedures to be demonstrated and evaluated have been found safe and effective in the research setting and, based upon research findings, appear to have the potential for general applicability to the prevention,

<sup>2</sup> Applications and instructions are available from the Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

<sup>3</sup> The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

diagnosis, or treatment of heart, blood vessel, lung, or blood diseases;

(2) With respect to applications relating to projects covered by §§ 52e.1(a)(2) and 52e.1(a)(3), the project will include development and evaluation of one or more methods for educating health practitioners or the public concerning advances in the prevention, diagnosis, or treatment of such diseases; and

(3) The nature of the project is such that its completion may be anticipated within the project period, or such other period as may be specified in the application.

(b) The project must, in the judgment of the Director, NHLBI, be necessary for cooperation by the National Heart, Lung, and Blood Institute with one or more other Federal Health agencies, State, local, or regional public health agencies, or nonprofit private health agencies in the diagnosis, prevention, or treatment of heart, blood vessel, lung or blood diseases.

(c) In order for an agency or institution to receive support under this part, the project must be carried out in substantial conformity with the proposal set forth in the approved application.

§ 52e.6 Grant awards.

(a) Within the limits of funds available, after consultation with the Council, the Director, NHLBI, may award grants to applicants, with proposed projects which in his judgment best promote the purposes of section 414 of the Act, taking into consideration among other pertinent factors:

(1) The scientific and technical merit of the proposed project;

(2) The significance of the project in relation to the goals of the National Program;

(3) Whether the project appropriately emphasizes the prevention, diagnosis, or treatment of heart, blood vessel, lung, or blood diseases of children;

(4) The qualifications and experience of the project director and other key personnel;

(5) The administrative and managerial capability and fiscal responsibility of the applicant;

(6) The reasonableness of the proposed budget in relation to the proposed project;

(7) The adequacy of the methods proposed for monitoring and evaluating the proposed project; and

(8) The degree to which the application adequately provides for the requirements set forth in §§ 52e.5(a) and 52e.5(b).

(b) All grant awards shall be in writing and shall specify the project period, the total recommended amount of funds for the entire project period; the approved budget for the initial budget period; and the amount awarded for the initial budget period.

(c) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award

with respect to any approved application or portion thereof.

(d) The amount of any grant award shall be determined by the Director, NHLBI, on the basis of his estimate of the sum necessary to pay all or part of the allowable costs for the budget period covered by the award.

§ 52e.7 Payment.

The Director, NHLBI, shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement, for expenses incurred or to be incurred in accordance with its approved application.

§ 52e.8 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may, with prior approval by the Director, NHLBI, be carried forward and remain available for obligation during the remainder of the project period, subject to such limitations as the Director, NHLBI, may prescribe. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 52e.9 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act (20 U.S.C. 1681) which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11248, 30 FR 12319 (Sept. 24, 1965),

as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 52e.10 Human subjects; animal welfare.

No award may be made under this part unless the applicant has complied with:

(a) 45 CFR Part 46 and any other applicable requirements pertaining to the protection of human subjects.

(b) Chapter 1-43 of the Department of Health, Education, and Welfare Grants Administration Manual and any other applicable requirements concerning animal welfare.

§ 52e.11 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

Subpart:	45 CFR Part 74
A.....	General.
B.....	Cash depositories.
C.....	Bonding and insurance.
D.....	Retention and custodial requirements for records.
F.....	Grant-related income.
G.....	Matching and cost sharing.
K.....	Grant payment requirements.
L.....	Budget revision procedures.
M.....	Grant closeout, suspension, and termination.
O.....	Property.
Q.....	Cost principles.

§ 52e.12 Progress and fiscal records and reports.

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Director, NHLBI, such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Director, NHLBI, may find necessary to carry out the purposes of section 414 of the Act and the regulations.

§ 52.13 Grantee accountability.

(a) All payments made by the Director, NHLBI, shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the

sum total of all amounts paid by presenting or otherwise making available to the Director, NHLBI, satisfactory evidence of expenditures for direct and indirect costs meeting the requirements of this part.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as follows:

(A) Patent royalties, whether received during or after the project period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(B) Copyright royalties, whether received during or after the project period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual.

#### § 52e.14 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, the Department copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this part.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

#### § 52e.15 Additional conditions.

The Director, NHLBI, may with respect to any grant award impose additional conditions prior to or at the time of any

award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

[FR Doc. 76-29479 Filed 10-6-76; 8:45 am]

### Title 47—Telecommunication CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION [FCC 76-914] REREGULATION OF RADIO AND TELEVISION BROADCASTING

#### Order

Adopted: September 28, 1976.

Released: October 8, 1976.

By the Commission: Commissioners Fogarty and White not participating.

1. As a result of its continuing study concerning the reregulation of radio and TV, the Commission has under consideration the matter of amending certain provisions in Parts 1, 13 and 73 of its rules. These amendments will update certain rules, delete parts of others which are no longer necessary and make corrections and revisions where indicated.

2. The following rule changes are made for the reasons shown:

(a) One of the changes which is considered a "major change" in the facilities of an FM or NCE-FM station is that which would result in a change of 50% or more in the area within the station's predicted 1 mV/m field strength contour. This is stated in § 1.573(a)(1)(ii). Note 2, in § 1.573, defines changes in area as the sum of the area gained and the area lost as a percentage of the original area.

The Commission has found that many major-change applicants do not associate Note 2 with subparagraph (a)(1)(ii) of § 1.573. Some applicants have implied that they didn't even know of the Note's existence. This has brought about needless discussion and correspondence in defining an application as major or minor in accordance with the change-in-area definition. To emphasize the complementary relationship between Note 2 and paragraph (a)(1)(ii), we will insert a direct reference to "see Note 2" immediately following these words in (a)(1)(ii): "any change in power, antenna location or height above average terrain (or combination thereof) which would result in a change of 50 percent or more in the area within the station's predicted 1 mV/m field strength contour."

A further correction is made in § 1.573 in paragraph (c) by changing the opening sentence to read, "Except as provided in Note 1 to this section. . .". Currently, this sentence reads, "Except as provided in the note to this section \* \* \*".

One other modification of this section will move both Notes 1 and 2 to the end of the section following paragraph (e). Paragraphs (d) and (e) were added to the section effective August 8, 1975, and the Notes were left at the former end of the section, following paragraph (c).

(1) Amendments, to accomplish the above changes, are made accordingly.

(b) Section 73.56, Modulation monitors, presently requires, in paragraph (d), that remotely controlled AM stations have a modulation monitor in operation. The rule states that AM stations, operated by remote control, must have a continuous indication, at the control point, of the modulation level, except when taking other meter readings. As an alternative, the licensee may install an "automatic device to limit percent of modulation on negative peaks to 100." Paragraph (d) of § 73.56 is herein amended to conform to § 73.55, Modulation. § 73.55, which was revised earlier, limits the percentage of modulation to no more than "100 percent on negative peaks of frequent recurrence, or 125 percent on positive peaks at any time."

Further, paragraph (d) is herein deleted from § 73.56 and moved to the rule section to which it more properly belongs, § 73.67, Remote control operations, as new subparagraph (a)(8). Similar changes are made in the remote control rules for FM and NCE-FM by adding a subparagraph in those services to conform to the new § 73.67(a)(8). It may appear that this addition in FM and NCE-FM is a new and additional requirement, but since it would require no additional equipment for remotely controlled FM and NCE-FM stations, and since the existing rules in the two FM services at present require that remote control systems provide or include all required control and monitoring functions, we conclude there are no new operational or equipment needs or requirements. This FM and NCE-FM amendment would specify only that the total modulation percentage should be observed, except when other meter readings are being made, and that the percentage of modulation shall be limited to the peak levels specified in the modulation sections, § 73.268 and § 73.568, respectively.

Two other refurbishing measures are taken here pertaining to remote control operation. The paragraphs pertaining to calibration of indicating instruments in the remote control rules of AM, FM and NCE-FM, are changed to conform to the specifications for the calibration of instruments as stated in the extension meter rules of those services. (§ 73.70 for AM; § 73.276 for FM; and § 73.574 for NCE-FM.) Lastly, in the AM remote control rules, subparagraph (c)(4) states, in part, " \* \* \* that during the period the tone is being transmitted the total modulation of the carrier does not exceed 100 percent on negative peaks." To conform to § 73.55, Modulation, and new (via this Order, see above), § 73.67(a)(8), we change the wording in § 73.67(c)(4) from " \* \* \* the total modulation of the carrier does not exceed 100 percent on negative peaks," to " \* \* \* the total modulation of the carrier must comply with the requirements of § 73.55."

(1) The rules described above are amended accordingly.

(c) Section 73.186 (Field intensity measurements in allocation; establishment of effective field at one mile.), in paragraph (a)(3), prescribes the method to be used in analyzing field intensity measurement data. This method of anal-



ysis, however, has serious deficiencies when applied to data obtained from a partial proof of performance (as defined in § 73.154), where the number of measured points per radial is quite insufficient for independent graphical analysis. The method of employing an arithmetic or logarithmic average of the ratios of the partial proof data to the corresponding data from the last complete proof is widely used throughout the industry, and has been accepted, even encouraged, by the Commission for years.

In order to reflect this widely used practice in our rules, new subparagraph (a) (5) is added to § 73.186 (and present (a) (5) becomes (a) (6)).

The section headnote of § 73.186 is also changed herein to substitute the designation "strength" instead of "intensity" in describing field measurements. At present, both terms are being used in describing the measurement of electromagnetic fields; but field "strength" is the more acceptable term (IEEE, American National Standard). So, with this revision will begin a change in the term intensity to strength whenever rule revisions are made. Nine changes of intensity to strength are made in the text of this rule section, in addition to the change in the section head.

(1) Amendments to accomplish the above are made accordingly.

(d) Sections 73.10, 73.262, 73.562 and 73.666 provide for "experimental operation" in the AM, FM, NCE-FM and TV services. Experimental operation has two functions: routine testing and maintenance of equipment and special experimentation designed to improve the broadcast technology (which may, at times, require the use of other than standard test transmissions). Although the basic purpose of experimental operation is essentially the same in all three services, the rules pertaining thereto are considerably different in their wording. For example: the AM and FM rules specifically mention use of the experimental operation for tests and maintenance, but the TV rule does not. We know that TV stations do on-air testing for maintenance purposes even though the rules, as written, may be construed as not permitting it, since they are silent on any reference to it.

The AM, FM and NCE-FM rules define the experimental period as the hours between midnight and 6:00 a.m. The TV rule does not specify an experimental period. There is, of course, a valid reason for restricting AM stations to the prescribed hours for testing, because of the potential interference that could be caused to other licensees, and to allow daytime stations to conduct on-air testing as necessary. These same technical problems of possible interference do not occur in the testing of FM and NCE-FM (and TV) stations, and therefore there is no reason why the Commission should restrict routine testing of FM or NCE-FM stations to a specified experimental period. There is no useful need to require that permittees, constructing FM and NCE-FM stations, obtain special author-

ity to conduct equipment tests during daytime and evening hours. Deleting the requirement that equipment tests during construction and tests for routine maintenance be conducted between midnight and 6:00 a.m. would be of particular benefit to small market and educational broadcasters. The requirement allowing FM and TV stations "upon informal application" to conduct experimental testing with other than standard type signals at any hour (so long as their minimum operating schedule is maintained) would remain unchanged. However, the requirement is removed to render "prior notification" of testing for maintenance purposes to the Commission and the Engineer in Charge of the radio district in which the station is located. In so doing, we relieve both the licensee and the Commission staff of an unnecessary administrative workload.

(1) Amendments in §§ 73.262, 73.562 and 73.666 are made accordingly.

(e) In § 73.265, Operator requirements, the rule requires fulltime employment of a first-class radiotelephone operator at FM stations with transmitter output power in excess of 25 kilowatts. For a station with transmitter output power of 25 kilowatts or less, the rule allows first-class radiotelephone operators in full-time or part-time employment. The rule is herein revised to allow part-time first-class radiotelephone operators at FM stations regardless of transmitter output power, because: no problems have arisen, pursuant to field inspections, in stations with part-time first-class radiotelephone operators vis-a-vis stations with full-time operators; the licensee's inability, in certain cases, to hire full-time operators has apparently caused these licensees to defer upgrading transmitters, thereby delaying optimal service to the public (e.g., reception improvement, via conversion to circular polarization which can increase transmitter output power to over 25 kilowatts); there are relatively few FM stations broadcasting with a single transmitter operating in excess of 25 kilowatts (the License Division estimates "100 to 200" out of 3655 licensed FM stations); and in so doing we will rectify a contradiction between the letter and the spirit of the rule, wherein the Commission follows the letter of the rule in requiring a full-time first-class radiotelephone operator for any transmitter over 25 kilowatts of transmitter output power, but approves supervision by a part-time operator or contract operator in the operation of dual transmitters, in parallel, whose separate transmitter output power is 25 kilowatts or less, but whose total radio frequency power output is in excess of 25 kilowatts.

(1) Amendments are made herein to modify § 73.265(d) to allow licensees of FM broadcast stations with transmitter output power in excess of 25 kilowatts to operate with part-time, as well as full-time first-class radiotelephone operators. (See paragraph (2) (f) of this Order for parallel amendments in the noncommercial educational FM rules.)

Changes are also made in § 1.547, Application for permission to use lesser

grade operators, to conform the changes made in §§ 73.265(d) and 73.565(d).

(f) The operator requirements in Subpart C, Noncommercial educational FM broadcast stations (§ 73.565), are amended to conform to the revisions pertaining to commercial FM stations described in paragraph (2)(e) herein.

Also, we add to the noncommercial educational FM rules, via this Order, the permission, as a further relaxation, to use operators holding third-class permits without broadcast endorsement or holding restricted radiotelephone operator permits, to be employed at noncommercial educational FM stations of 10 watts or less subject to these restrictions: (1) such operators may make adjustments only of external controls necessary to turn the transmitter on and off and maintain the modulation to a normal level; and (2) the transmission system must be equipped with an automatic device to prevent modulation peaks in excess of 100%.

(1) Amendments are made accordingly in Part 73 (§ 73.565, Operator requirements); and in Part 13 (§ 13.62, Special privileges).

3. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b) (3) (B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. Therefore, it is ordered, That, pursuant to section 4 and 303 of the Communications Act of 1934, as amended, Parts 1 and 73 of the Commission's Rules and Regulations are amended as set forth below, effective October 13, 1976.

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

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

PART 1—PRACTICE AND PROCEDURE

1. In § 1.547, subparagraph (c) (4) is amended to read as follows:

§ 1.547 Application for permission to use lesser grade operators.

(c) \* \* \*

(4) A showing that at least one operator of the class required pursuant to §§ 73.93 (b), 73.265 (b) or 73.565 (b) (1), (2) and (3) will be employed full-time or on a contract basis for those stations using contract operators, and that such operator will be available on call at all times in the event of equipment failure. If this operator is incapacitated temporarily, appointment of a qualified operator on a pro-tem basis is allowed. He must be available on call at all times in the event of equipment failure.



2. In Section 1.573, reference to Note 2 is added to subparagraph (a)(1)(ii); reference to Note 1 is added to paragraph (c); and Notes 1 and 2 are moved to follow paragraph (e), instead of paragraph (c).

§ 1.573 Processing of FM and noncommercial educational FM broadcast applications.

(a) . . . . .  
 (1) In the first group are applications for new stations or for major changes in the facilities of authorized stations. A major change is, in the case of stations authorized under Part 73 of this chapter, (i) any change in frequency, station location or class of station, or (ii) any change in power, antenna location or height above average terrain (or combination thereof) which would result in a change of 50 percent or more in the area within the station's predicted 1 mV/m field strength contour. (See Note 2 to this section.) In the case of FM translator stations authorized under Part 74 of this chapter, it is any change in frequency (output channel), primary stations, or authorized principal community or area: *Provided, however*, That the Commission may, within 15 days after the acceptance for filing of any other application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore is subject to the provisions of §§ 1.580 and 1.1111 pertaining to major changes.

(c) Except as provided in Note 1 to this section, if, upon examination, the Commission finds that the public interest, convenience and necessity will be served by the granting of an application for FM broadcasting facilities (Class A, Class B, Class C or noncommercial educational), the same will be granted. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.593 will be followed.

(d) . . . . .  
 (e) . . . . .  
 Note 1: . . . . .  
 Note 2: . . . . .

**PART 13—COMMERCIAL RADIO OPERATORS**

3. In § 13.62, present paragraph (d) is redesignated paragraph (e) and a new paragraph (d) is added as follows:

§ 13.62 Special privileges.

(d) The holder of a third-class operator permit, without broadcast endorsement, or a restricted radiotelephone operator permit may operate a noncommercial educational FM broadcast station with a transmitter output power of 10 watts or less under the following conditions:

(1) That adjustments of the transmitting equipment, except when under the immediate supervision of a radiotelephone first or second class operator shall be limited to those necessary to turn

the transmitter on and off and to maintain the modulation at a normal level.

(2) The transmission system is equipped with an automatic device to prevent modulation peaks in excess of 100%.

(e) When an emergency action condition is declared, a person holding any class of radio operator license or permit, who is authorized thereunder to perform limited operation of a broadcast station, may make any adjustments necessary to effect operation in the emergency broadcast system in accordance with the station's National Defense Emergency Authorization: *Provided*, That the station's responsible first-class radiotelephone operator(s) (or second-class radiotelephone operator(s), for noncommercial educational FM broadcast stations with transmitter output power not exceeding 1 kilowatt), shall have previously instructed such person(s) in the adjustments to the transmitting system which are necessary to accomplish operation in the Emergency Broadcast System.

**PART 73—RADIO BROADCAST SERVICES**

§ 73.56 [Amended]

4. Section 73.56 is amended by deleting paragraph (d).

5. In Section 73.67, Remote control operation, subparagraph (a)(5) is revised, subparagraph (a)(8) is added, and subparagraph (c)(4) is revised as follows:

§ 73.67 Remote control operation.

(a) . . . . .

(5) Calibration of required indicating instruments at each remote control point shall be made against their corresponding instruments at the transmitter site as often as necessary to insure their accuracy, but in no event less than once a week, and:

(i) The results of such calibrations shall be entered in the station's maintenance log;

(ii) In no event shall a remote control meter be calibrated against another remote control meter;

(iii) Each remote control meter shall be accurate within 2 percent of the value read on its corresponding meter at the transmitter site.

(8) The modulation percentage shall be continuously monitored at the remote control point, except when the readings are being taken, or the transmission system shall be equipped with an automatic device to limit the modulation to peak levels as specified in § 73.55.

(c) . . . . .

(4) Measures shall be employed to insure that during the periods the tone is being transmitted, the total modulation of the carrier must conform with the requirements of § 73.55.

6. In Section 73.186, the headnote and paragraphs (a), (a)(1), (a)(5), (b)(1), (b)(3), (b)(5) and (b)(7) are amended and a new subparagraph (a)(6) is added to read as follows:

§ 73.186 Field strength measurements in allocation; establishment of effective field at one mile.

(a) Section 73.45 provides that certain minimum field strengths are acceptable in lieu of the required minimum physical vertical heights of the antennas proper. Also, in other allocation problems, it is necessary to determine the effective field at 1 mile. The following requirements shall govern the taking and submission of data on the field strength produced:

(1) Beginning as near to the antenna as possible without including the induction field and to provide for the fact that a broadcast antenna is not a point source of radiation (not less than one wave length or 5 times the vertical height in the case of a single element, i.e., non-directional antenna or 10 times the spacing between the elements of a directional antenna), measurements shall be made on eight or more radials, at intervals of approximately one-tenth mile up to 2 miles from the antenna, at intervals of approximately one-half mile from 2 miles to 6 miles from the antenna, at intervals of approximately 2 miles from 6 miles to 15 or 20 miles from the antenna, and a few additional measurements if needed at greater distances from the antenna. Where the antenna is rurally located and unobstructed measurements can be made, these shall be as many as 18 or 20 measurements on each radial. However, where the antenna is located in a city where unobstructed measurements are difficult to make, measurements shall be made on each radial at as many unobstructed locations as possible, even though the intervals are considerably less than stated above, particularly within 2 miles of the antenna. In cases where it is not possible to obtain accurate measurements at the closer distances (even out to 5 or 6 miles due to the character of the intervening terrain), the measurements at greater distances should be made at closer intervals. (It is suggested that "wave tilt" measurements may be made to determine and compare locations for taking field strength measurements, particularly to determine that there are no abrupt changes in ground conductivity or that reflected waves are not causing abnormal field strengths.

(5) In analyzing the results of a partial proof of performance as defined in § 73.154 when the data are insufficient for independent graphical analysis, either of two analysis methods may be used. In such cases, either the arithmetic average or logarithmic average of the ratios of field strength at each measurement point along each radial to the corresponding field strength in the latest complete proof of performance may be utilized to establish the inverse distance

fields. (The logarithmic average for each radial is the antilogarithm of the mean of the logarithms of the ratios of field strength (new to old) for each measurement location along a given radial.)

(6) The antenna power of the station shall be maintained at the authorized level during all field strength measurements. The power determination requires a knowledge of the antenna or common point resistance which must be accurately measured in accordance with § 73.54, and the current, measured with an ammeter of acceptable accuracy (see §§ 73.58 and 73.1215).

(b) \* \* \*

(1) Tabulation by number of each point of measurement to agree with the map required in (2) below, the date and time of each measurement, the field strength (E), the distance from the antenna (D) and the product of the field strength and distance (ED) (if data for each radial are plotted on semilogarithmic paper, see above) for each point of measurement.

(2) \* \* \*

(3) Description of method used to take field strength measurements.

(4) \* \* \*

(5) The curves drawn for each radial and the field strength pattern.

\* \* \*

(7) Antenna current or currents maintained during field strength measurements.

\* \* \*

7. In Section 73.262, paragraphs (a) and (b) are amended to read as follows:

§ 73.262 Experimental operation.

(a) FM broadcast stations may be used for experimental purposes in testing and maintaining apparatus on their assigned frequencies and not in excess of their authorized power at any time, without specific authorization from the Commission.

(b) FM broadcast stations may obtain, upon informal application, authority to conduct technical experimentation directed to the improvement of technical phases of operation, and for such purposes may utilize a signal other than the standard FM signal, subject to the following conditions:

\* \* \*

8. In § 73.265, paragraph (d) and (d)(1) are amended to read as follows:

§ 73.265 Operator requirements.

\* \* \*

(d) A station with authorized total transmitter output power in excess of 25 kilowatts may employ first-class radiotelegraph operators, second-class radiotelegraph and radiotelephone operators, or operators with third-class radiotelegraph or radiotelephone permits endorsed for broadcast station operation, for routine operation of the transmitting system, if the station has in full-time employment at least one first-class radiotelephone operator, or as an alternative, the licensee may contract in writing for the services, on a

part-time basis, of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission. The licensee must comply with the following:

(1) One first-class radiotelephone operator shall be designated as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee may also designate another first-class radiotelephone operator as assistant chief operator, who shall assume all responsibilities of the chief operator during periods of his absence. The station licensee shall notify the engineer in charge of the radio district in which the station is located of the name(s) and license number(s) of the operator(s) so designated. Such notification shall be made within 3 days of the date of such designation. A copy of the notification shall be posted with the license(s) of the designated operator(s).

\* \* \*

9. In Section 73.275, subparagraph (a)(5) is revised and new (a)(8) is added as follows:

§ 73.275 Remote control operation.

(a) \* \* \*

\* \* \*

(5) Calibration of required indicating instruments at each remote control point shall be made against their corresponding instruments at the transmitter site as often as necessary to insure their accuracy, but in no event less than once a week, and:

(i) The results of such calibrations shall be entered in the station's maintenance log;

(ii) In no event shall a remote control meter be calibrated against another remote control meter;

(iii) Each remote control meter shall be accurate within 2 percent of the value read on its corresponding meter at the transmitter site.

\* \* \*

(8) The total modulation percentage shall be continuously monitored at the remote control point, except when the readings are being taken, or the transmission system shall be equipped with an automatic device to limit the modulation to peak levels as specified in § 73.268.

\* \* \*

10. In Section 73.562, paragraphs (a) and (b) are amended as follows:

§ 73.562 Experimental operation.

(a) Noncommercial educational FM broadcast stations may be used for experimental purposes in testing and maintaining apparatus on their assigned frequencies and not in excess of their authorized power at any time, without specific authorization from the Commission.

(b) Noncommercial educational FM broadcast stations may (upon informal

application) conduct technical experimentation directed to the improvement of technical phases of operation, and for such purposes may utilize a signal other than the standard FM signal, subject to the following conditions:

\* \* \*

\* \* \*

11. In § 73.565, paragraphs (b) and (d) and subparagraph (d)(1) are amended; new paragraph (e) is added and present paragraphs (e) through (h) are redesignated (f) through (i):

§ 73.565 Operator requirements.

\* \* \*

\* \* \*

(b) With the exceptions set forth in paragraph (f) of this section, adjustments of the transmitting system and inspection, maintenance, and required equipment performance measurements shall be performed only by an operator holding the class of license specified below, or during periods of operation when the transmitter is in the charge of an operator of the specified class, by or under the direction of a broadcast consultant regularly engaged in the practice of broadcast station engineering.

\* \* \*

\* \* \*

(d) A noncommercial educational FM station with authorized total transmitter output power in excess of 25 kilowatts may employ first-class radiotelegraph operators, second-class radiotelegraph or radiotelephone operators, or operators with third-class radiotelegraph or radiotelephone permits endorsed for broadcast station operation for routine operation of the transmitting system if the station has in full-time employment at least one first-class radiotelephone operator or, as an alternative, the licensee may contract in writing for the services, on a part-time basis, of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission. The licensee must comply with the following:

(1) One first-class radiotelephone operator shall be designated as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee may also designate another first-class radiotelephone operator as assistant chief operator, who shall assume all responsibilities of the chief operator during periods of his absence. The station licensee shall notify the engineer in charge of the radio district in which the station is located of the name(s) and license number(s) of the operator(s) so designated. Such notification shall be made within 3 days of the date of such designation. A copy of the notification shall be posted with the license(s) of the designated operator(s).

\* \* \*

\* \* \*

(e) A noncommercial educational FM broadcast station with authorized transmitter output power of 10 watts or less may employ operators holding third-class radio operator permits (without endorsement for broadcast station opera-

## RULES AND REGULATIONS

tion) or restricted radiotelephone operator permits in addition to, and under the same conditions as, the employment of the operators specified in paragraph (c): *Provided*, That (1) such operators may make adjustments only of external controls necessary to turn the transmitter on and off and maintain the modulation to a normal level and (2) the transmission system is equipped with an automatic device to prevent modulation peaks exceeding 100%.

12. In Section 73.573, subparagraph (a) (5) is revised and new (a) (8) is added as follows:

§ 73.573 Remote control operation.

(a) \* \* \*

(5) Calibration of required indicating instruments at each remote control point shall be made against their corresponding instruments at the transmitter site as often as necessary to insure their accuracy, but in no event less than once a week, and:

(i) The results of such calibration shall be entered in the station's maintenance log;

(ii) In no event shall a remote control meter be calibrated against another remote control meter;

(iii) Each remote control meter shall be accurate within 2 percent of the value read on its corresponding meter at the transmitter site.

(8) The total modulation percentage shall be continuously monitored at the remote control point, except when the readings are being taken, or the transmission system shall be equipped with an automatic device to limit the modulation to peak levels as specified in § 73.568.

13. Section 73.666 is revised to read as follows:

§ 73.666 Experimental operation.

(a) Television broadcast stations may be used for experimental purposes in testing and maintaining apparatus on their assigned frequencies and not in excess of the authorized power at any time, without specific authorization from the Commission.

(b) Television broadcast stations may obtain, upon informal application, authority to conduct technical experimentation directed to the improvement of technical phases of operation, and for such purposes may utilize a signal other than the standard television signal, subject to the following conditions:

(1) That the licensee complies with the provisions of § 73.651 with regard to the minimum number of hours of transmission with a standard television signal.

(2) That no transmissions are radiated outside of the authorized channel and subject to the condition that no interference is caused to the transmission of a standard television signal by other television broadcast stations.

(3) No charges either direct or indirect shall be made by the licensee of a television broadcast station for the production or transmission of programs when conducting technical experimentation.

[FR Doc. 76-29455 Filed 10-6-76; 8:45 am]

[Docket No. 20615; FCC 76-898]

**COMMISSION'S RULES TO EXPAND THE SECONDARY FIXED USE OF BASE/MOBILE FREQUENCIES IN THE 450-470 MHz BAND**

**Report and Order**

Adopted: September 28, 1976.

Released: October 8, 1976.

By the Commission: Commissioners Fogarty and White not participating.

Amendment of Parts 89, 91, and 93 of the Commission's Rules to expand the secondary fixed use of base/mobile frequencies in the 450-470 MHz band.

1. On May 25, 1976, the Commission released a notice of inquiry and Notice of Proposed Rulemaking in the above entitled matter (41 FR 22096). Comments were filed by the City of Pompano Beach; Land Mobile Section of the Communications Division of the Electronics Industries Association (EIA); GTE Service Corporation (GTE); Central Committee on Telecommunications of the American Petroleum Institute (API); Utilities Telecommunications Council (UTC); Indianapolis Power and Light Company; Special Industrial Radio Service Association, Inc. (SIRSA), Tillamook People's Utility District; Ark Valley Electric Cooperative Association, Inc.; and Northwest National Gas Company. Reply comments were filed by Puget Sound Power and Light Company, International Municipal Signal Association (IMSA), and the California Mobile Radio Association (CMRA).

2. The Notice of Proposed Rulemaking sought comments on the Commission's proposal to expand the availability of the frequencies allocated in the Public Safety, Industrial and Land Transportation Radio Services in the 450-470 MHz band for secondary point-to-point (fixed) operations. This was to be done by expanding the areas where point-to-point communications in this band would be authorized. The rules now permit such operations in areas located 100 miles or more miles (75 miles or more with reduced power) from the center of the largest 87 urbanized areas (200,000 population, 1960 census). Our proposal would expand this area to include areas located 100 miles (75 miles with reduced power) beyond the center of the largest 40 urbanized centers (1970 census). We also asked for comments as to whether the 100 or 75 mile radius protection circles could be reduced.

3. The response to our proposal varied. EIA, API, UTC, SIRSA, and IMSA supported our basic proposal. They generally cited the absence of problems or interference in the shared use of frequencies by fixed and mobile systems in areas beyond the largest 87 urban centers, and pointed out the secondary nature of fixed

operations in that band. On the other hand, the comments filed on behalf of the Police Department of the City of Pompano Beach, Florida, opposed the proposal, arguing that "licensing secondary users in areas of light population density may serve to inhibit future primary use in those areas, when such primary use is mandated by population growth". CMRA, in reply comments, expressed concern over possible interference problems in the Business Radio Service in California from fixed systems located at high elevations and argued that the need for such additional point-to-point usage in the Business Radio Service has not been demonstrated. CMRA urged that the proposed relaxation should not be applied in the Business Radio Service in California. Finally, GTE recommended that the proposal should not be adopted until "guidelines are developed on the allowable degree of impact of secondary use on the primary use..."

4. We have considered the comments carefully and we have concluded that the public interest would be served by expanding the opportunity to use the 450-470 MHz frequencies for secondary point-to-point operations, as proposed. This would allow many licensees to accommodate important communications requirements but without substantial impact on the availability of these frequencies for present or future land mobile communications systems.

5. Our proposal to relax the restrictions against fixed operations in the 450-470 MHz band was based largely on our experience in licensing radio systems in this band and on a limited study of frequency assignments in a number of the 87 urbanized areas. With some exceptions not pertinent here, the frequencies in the 450-470 MHz band are used more heavily in the larger urban centers. Their use decreases almost proportionately with the size of the urban areas involved. It appeared to us that beyond the 40th largest urban area (600,000 or more population) the current usage of these frequencies in mobile systems and the growth pattern of such systems indicate that a reasonable number of point-to-point operations can be accommodated there without significantly depleting the frequency resource that will be needed for the anticipated mobile system growth in the foreseeable future. It should also be noted that point-to-point operations will be authorized only on a secondary basis. This means at least two things. First, should a point-to-point station cause interference to a mobile station operated in accordance with the rules, the licensee of the fixed station will either have to eliminate the interference promptly or will have to discontinue operations. Secondly, should the frequencies occupied by fixed stations be needed for mobile stations, the licensees of fixed stations will be required to vacate the needed frequencies, also promptly. Therefore, if we have underestimated the future need for mobile communication systems in urban areas of less than 600,000 population, the provi-



sion for secondary fixed use, would provide the needed safeguard.

6. In reaching this conclusion, we have considered carefully the request of CMRA that we exempt the Business Radio Service in the State of California from the proposed new rule. However, while we recognize the topography in that state, we do not believe that a more restrictive rule should be applied there. The prohibition against the use of 450-470 MHz frequencies for point-to-point operations will continue to apply in most of the state. Also, to the extent there will be some relaxation, the need to coordinate point-to-point assignments and the protection of mobile systems against any harmful interference from fixed systems would prevent any serious adverse impact (of our proposal) on mobile radio systems in that state. Therefore, CMRA's request has been denied.

7. There were also differences of opinions as to whether the 100/75 mileage restrictions should be reduced. SIRSA proposed reducing the mileage restrictions to 75 and 50 miles, respectively. API recommended that secondary fixed operations be permitted beyond 30 miles from the center of the 40 protected urbanized areas where the proposed fixed station would not produce a signal exceeding one microvolt at a typical mobile unit's antenna at a 30 mile radius from the center of the protected area. IMSA in its reply comments agreed with API's suggestion but also stated if the Commission did not consider API's proposal feasible, then the SIRSA proposal should be adopted. UTC, EIA, GTE, and the City of Pompano Beach all opposed any reduction in the mileage protection criteria at this time.

8. We have considered these comments carefully also. We must note, however, that neither those who suggested changing the mileage restrictions nor those who urged that we retain the present ones supported their position with engineering analyses or with technical data. Therefore, significant changes cannot be made on the basis of the comments. But we have decided to reduce those mileage restrictions somewhat; namely, to 85 and 65 miles, respectively. We believe that at these distances and with the facilities usually expected to be employed at fixed stations, we can provide reasonable protection to the normal land mobile radio operating environment in each urban area, or to 25 to 35 miles from the center. This will assure co-existence between fixed and mobile systems in the vast majority of situations, although these separations would not apply to all cases. Our aim here is not to provide criteria for engineering specific assignments on a case-by-case basis, but to protect an area where land mobile systems are expected to grow. API's and SIRSA's suggestions therefore would be inconsistent with this objective and, consequently are denied.

9. In the Notice, we stated that we did not plan to allow non-conforming point-to-point systems beyond the present November 1, 1976, cut-off date. The

comments filed by the public utility entities mentioned above, asked that we permit them to continue their own non-complying operations and, in the case of Indianapolis Power and Light Company, that its operation be allowed to continue for a period of nine months following a decision in this proceeding. We will deny these requests. This, of course, is not an appropriate proceeding to consider specific waiver requests. In any event, our purpose here was to establish new, less restrictive rules to apply across the board so as to avoid having to consider the large number of individual cases. We followed this approach in granting an extension in this matter previously, and we have allowed sufficient time for amortization of the equipment involved.<sup>3</sup> We are not persuaded that a further substantial extension should be granted. However, in order to avoid abrupt disruptions, we will grant an across-the-board extension until May 31, 1977, by which date all non-complying point-to-point operations now authorized under Rule Parts 89, 91, and 93 in the 450-470 MHz will be discontinued.

10. Finally, as requested by SIRSA, we want to urge full and complete cooperation among the various industry frequency advisory committees which must (except for Business) coordinate, on an interservice basis the selection of frequencies in the 450-470 MHz for point-to-point systems. In addition, it seems to us that responses to coordination requests should be made as promptly as possible, and that the absence of a reply with specific objections within a reasonable period of time, such as three weeks, may be taken to be an affirmative response.

11. In view of the foregoing, the Commission concludes that the public interest will be served by adopting the rule amendments as set forth in Appendix B. Authority for these amendments is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

12. Under the authority of 5 U.S.C. 553(d) and Section 1.427(b) of the Commission's Rules for good cause found we are reducing the required effective date provisions in order to make the new rules become effective before the November 1, 1976 cutoff date.

13. Accordingly, it is ordered, That Parts 89, 91, and 93 of the Commission's Rules and Regulations are amended effective October 29, 1976, as set forth below.

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

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

<sup>3</sup>The original cut-off date, established in 1968, was November 1, 1971. This was extended to November 1, 1976. Thus, licensees of non-complying fixed systems have had at least eight years during which to amortize their facilities.

APPENDIX A.—Urbanized areas protected

Rank:	Urbanized area
1.....	New York, N.Y.-Northeastern New Jersey.
2.....	Los Angeles-Long Beach, Calif.
3.....	Chicago, Ill.-Northwestern Indiana.
4.....	Philadelphia, Pa.-New Jersey.
5.....	Detroit, Mich.
6.....	San Francisco-Oakland, Calif.
7.....	Boston, Mass.
8.....	Washington, D.C.-Maryland-Virginia.
9.....	Cleveland, Ohio.
10.....	St. Louis, Mo.-Illinois.
11.....	Pittsburgh, Pa.
12.....	Minneapolis-St. Paul, Minn.
13.....	Houston, Tex.
14.....	Baltimore, Md.
15.....	Dallas, Tex.
16.....	Milwaukee, Wis.
17.....	Seattle-Everett, Wash.
18.....	Miami, Fla.
19.....	San Diego, Calif.
20.....	Atlanta, Ga.
21.....	Cincinnati, Ohio-Kentucky.
22.....	Kansas City, Mo.-Kansas.
23.....	Buffalo, N.Y.
24.....	Denver, Colo.
25.....	San Jose, Calif.
26.....	New Orleans, La.
27.....	Phoenix, Ariz.
28.....	Portland, Ore.-Washington.
29.....	Indianapolis, Ind.
30.....	Providence - Pawtucket - Warwick, R.I.-Massachusetts.
31.....	Columbus, Ohio.
32.....	San Antonio, Tex.
33.....	Louisville, Ky.-Indiana.
34.....	Dayton, Ohio.
35.....	Fort Worth, Tex.
36.....	Norfolk-Portsmouth, Va.
37.....	Memphis, Tenn.-Mississippi.
38.....	Sacramento, Calif.
39.....	Fort Lauderdale - Hollywood, Fla.
40.....	Rochester, N.Y.

Parts 89, 91, and 93 of the Commission's Rules and Regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

I. Part 89 is amended as follows:

1. Section 89.101(p) is amended as follows:

§ 89.101 Frequencies.

(p) The following frequencies may be assigned to fixed stations in the Public Safety Radio Services on a secondary non-interference basis to land mobile operations in the Industrial (except Business) and Land Transportation Radio Services. All such use of these frequencies for fixed systems is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems the separation between transmit-receive frequencies is 5 MHz. The centers of urbanized areas of 600,000 or more population are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distance Between



Cities in the United States." Urbanized areas of 600,000 or more population are defined in the U.S. Census of Population, 1970, Vol. 1, Table 20, Page 1-74.

#### PART 91—INDUSTRIAL RADIO SERVICES

##### II. Part 91 is amended as follows:

1. Section 91.254(b) (26) is amended as follows:

##### § 91.254 Frequencies available.

(b) . . . . .  
(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations on the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1-74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

2. Section 91.304(b) (29) is amended as follows:

##### § 91.304 Frequencies available.

(b) . . . . .  
(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1-74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

3. Section 91.354(b) (29) is amended as follows:

##### § 91.354 Frequencies available.

(b) . . . . .  
(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1-74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

4. Section 91.504(b) (26) is amended as follows:

##### § 91.504 Frequencies available.

(b) . . . . .  
(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1-74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

5. Section 91-554(b) (38) is amended as follows:

##### § 91.554 Frequencies available.

(b) . . . . .  
(38) This frequency may be assigned to fixed stations in the Business Radio Service. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed

20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1-74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

6. Section 91.730(b) (14) is amended as follows:

##### § 91.730 Frequencies available.

(b) . . . . .  
(14) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1-74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

7. Section 91.754(b) (10) is amended as follows:

##### § 91.754 Frequencies available.

(b) . . . . .  
(10) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1-74. The centers of urbanized areas are determined from the Appendix, Page 226 of

the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

**PART 93—LAND TRANSPORTATION RADIO SERVICES**

III. Part 93 of the Rules is amended as follows:

1. Section 93.101(b) is amended as follows:

**§ 93.101 Frequencies.**

(b) The following frequencies may be assigned to fixed stations in the Land Transportation Radio Service on a secondary non-interference basis to land mobile stations in the Public Safety and Industrial Radio Services. All such use of these frequencies by fixed stations is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 600,000 or more population are defined in the U.S. Census of population, 1970, Vol. 1, Table 20, Page 1-74. The centers of urbanized areas are determined from the Appendix, Page 226, of the U.S. Commerce publication "Air Line Distances Between Cities in the United States."

[FR Doc.76-29456 Filed 10-6-76;8:45 am]

**PART 97—AMATEUR RADIO SERVICE**

**List of Emission Types; Correction**

**Order.** In the matter of editorial Amendment of § 97.61 of the Commission's rules to correct the list of emission types authorized in the Amateur Radio Service.

Adopted: September 30, 1976.  
Released: October 4, 1976.

1. On April 2, 1974, the Commission adopted an Order which was published in the FEDERAL REGISTER on April 10, 1974 (39 FR 12995), which amended the information contained in § 97.61(a) of the Commission's Rules for the Amateur Radio Service to conform with the Table of Frequency Allocations in Part 2 of the rules.

2. Through an error, type F2 emission was unintentionally omitted from the list of emission types authorized in the 50.1-54.0 MHz band. This Order is issued to correct that error and to appropriately amend the table contained in § 97.61(a) of the rules.

3. Because this amendment relates to editorial revisions to correct a previous error, prior notice of rule making public procedure and effective date provisions are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 553.

4. Accordingly, it is ordered, Pursuant to sections 4(i), 5(d) and 303 of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, that effective October 15, 1976, § 97.61 of the Commission's rules is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,  
RICHARD D. LICHTWARDT,  
Executive Director.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 97.61(a) the table is amended to read as follows:

**§ 97.61 Authorized frequencies and emissions.**

Frequency band	Emissions	Limitations (see par. (b))
megahertz	.	.
50.1-54.0	A2, A3, A4, A5, F1, F2, F3, F5	.....

[FR Doc.76-29280 Filed 10-6-76;8:45 am]

**Title 49—Transportation**

**CHAPTER XI—INTERSTATE COMMERCE COMMISSION**

**SUBCHAPTER B—PRACTICE AND PROCEDURE [Ex Parte No. 320]**

**PART 1109—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976**

**Special Procedures for Making Findings of Market Dominance as Required by Railroad Revitalization and Regulatory Reform Act of 1976**

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 30th day of September 1976.

It appearing, that the Commission, by notice and order served March 10, 1976, instituted this rulemaking proceeding under authority of section 202 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210) to establish standards and procedures for determining whether and when a rail carrier possesses market dominance over a service rendered or to be rendered at a particular rate or rates:

It further appearing, that by said notice of proposed rulemaking all interested parties were invited to make representations with regard to the proposed rules; and that notice to all interested parties was given through publication in the FEDERAL REGISTER of March 16, 1976;

It further appearing, that various parties submitted their views and suggestions regarding the proposed regulations, that the Commission has considered all representations filed, and, on August 23,

1976, served its interim report setting forth its conclusions, findings, reasons therefor, and its decision that the regulations set forth therein should be adopted, pending further comment of the parties;

It further appearing, that the Commission, upon consideration of all the comments filed, has, on the date hereof, made and filed its report setting forth its conclusions, findings, reasons therefor, and its decision that the regulations set forth below should be adopted, which report is hereby referred to and made a part hereof;

It further appearing, That, except to the extent modified herein, the conclusions, findings, and reasons therefor set forth in the interim report served August 23, 1976, are hereby adopted and made a part hereof;

Wherefore, and for good cause: It is ordered, That the Commission hereby adopts the regulations as set forth below.

It is further ordered, That Part 1109 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding the regulations as set forth below.

It is further ordered, That this order shall become effective forthwith.

It is further ordered, that this proceeding shall remain open, so that refinements and modifications of adopted standards and procedures may be made in the light of actual experience.

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

By the Commission.

ROBERT L. OSWALD,  
Secretary.

**§ 1109.1 Requirements and procedures relating to a determination of market dominance with regard to rates challenged as unreasonably high.<sup>1</sup>**

(a) In order that the Commission may determine whether a rail carrier proposing a rate increase possesses market dominance over the service to be rendered under a proposed rate, there shall be included in the carrier's statement notifying the Commission that it wishes to have the proposed rate considered pursuant to section 15(8)(c) of the Interstate Commerce Act, evidence upon which the Commission may base a determination with regard to market dominance, to the extent available, and including but not limited to the following information:

- (1) Descriptions of involved commodities and full seven-digit STCC number(s);
- (2) Descriptions of involved points or areas and mileage(s), stated in terms of short line mileage by rail;

<sup>1</sup>As used in this section, the term rates includes fares and charges.

(3) The variable cost of the service to which the rate applies;

(4) Whether and to what extent the rate in issue has been docketed, discussed, considered, or approved before a rate bureau acting under an agreement filed with and approved by the Commission pursuant to section 5a or 5b of the Interstate Commerce Act; application number(s), date proposal docketed with rate bureau, and final disposition of proposal and date thereof; and the share of the market, or an estimate thereof, presently held by such participating carriers;

(5) Tonnage of the involved traffic transported between the involved points or areas by the proponent carrier and its affiliates during the preceding year, and the rates charged therefor during the same time period;

(6) Names of any known originating for-hire carriers of any mode offering interchangeable service between the involved points or areas, the tonnage transported, and the rates charged therefor during the preceding year;

(7) The extent to which the proponent rail carrier has taken general increases approved by the Commission in the preceding two years.

(8) Any other relevant information.

(b) In all proceedings involving a request for suspension of a proposed rate on the ground that it is unreasonably high there shall be included in the verified complaint seeking suspension of the schedule containing the proposed rate,<sup>2</sup> evidence upon which the Commission may base a determination with regard to market dominance, including the information outlined in paragraphs (a) (1)-(7) of this section, to the extent available and not previously furnished by the rail carrier, and including but not limited to the following information:

(1) Characteristics of the involved traffic or movement affecting the ease or difficulty with which transportation services of other carriers or modes may be substituted for the service to be performed under the rate in issue;

(2) Tonnage of the involved traffic transported between the involved points or areas by any known for-hire carriers, other than those in paragraph (a) (5) of this section, during the preceding year, and the rates charged therefor during the same time period;

(3) Any other relevant information.

(c) Any reply to a verified complaint seeking suspension should contain any information required by § 1109.1(a) and (b), to the extent not previously furnished by complainant. Whether or not a reply to a verified complaint seeking suspension is filed, the proponent rail carrier on or before the due date for filing a reply, must provide the Commission with the information required by § 1109.1(a) to the extent available and

<sup>2</sup> Section 15(b) (d) of the Interstate Commerce Act as amended requires that complainants seeking suspension of a proposed rate be verified. See 49 CFR 1100.42(f).

not previously submitted by another party.

(d) A formal complaint containing an allegation that an existing rail rate is unreasonably high shall contain verified evidence upon which the Commission may base a determination with regard to market dominance, including, to the extent available, the information outlined in § 1109.1 (a) and (b). The answer to a formal complaint shall be verified and shall contain the information outlined in § 1109.1(a) to the extent not previously furnished. Replies limited to the issues of market dominance raised by any verified answer, may be filed within 10 days of the due date for the filing of such answer.

(e) Upon notification of a proceeding instituted upon the Commission's own initiative to investigate whether an existing or proposed rate is unreasonably high, the interested carrier or carriers shall file, within 20 days from the service date of the order instituting said investigation, a verified statement containing, to the extent available and if not previously furnished by the carrier(s), evidence upon which a market dominance determination may be based, including but not limited to the information outlined in § 1109.1 (a) and (b). Replies, if any, directed to the issue of market dominance, should be filed within 20 days of the due date for the filing of the carrier statement.

(f) In a proceeding involving a determination as to market dominance wherein the evidence adduced establishes that the rate in issue has been discussed, considered or approved under a rate bureau agreement filed with the Commission pursuant to section 5a or 5b of the Interstate Commerce Act, a rebuttable presumption will arise that a carrier participating in the rate or in such discussion or consideration does not provide effective competition to the proponent rail carrier for the involved traffic or movement.

(g) In a proceeding involving a determination as to market dominance wherein the evidence adduced establishes one of the following situations, a rebuttable presumption that the carrier whose rate is in issue has market dominance over the involved traffic or movement will arise:

(1) Where the proponent carrier has handled 70 percent or more of the involved traffic or movement during the preceding year; the market share of the proponent will be deemed to include the share of any affiliates, and of any carrier participating in the rate or with whom the proponent carrier has discussed, considered, or approved the rate in issue;

(2) Where the rate in issue exceeds the variable cost of providing the service by 60 percent or more; and,

(3) Where affected shippers or consignees have made a substantial investment in rail-related equipment or facilities which prevents or makes impractical the use of another carrier or mode.

[FR Doc.76-29518 Filed 10-6-76; 8:45 am]

## Title 50—Wildlife and Fisheries

### CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

#### PART 32—HUNTING

##### Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period October 15, 1976 through October 16, 1976.

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

#### DELAWARE

##### BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with primitive firearms on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions:

(1) Hunting with primitive firearms on the Deer Hunting Area is permitted only on October 15 through October 16.

(2) The number of hunters admitted to the Deer Hunting Area at any one time will be restricted to 50.

(3) Permits are required for the Deer Hunting Area and will be issued on a first-come, first-served basis one hour before shooting time.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must possess a valid firearms qualification card. This qualification test will consist of placing three consecutive rounds in a 12-inch circle at 50 yards, firing from the offhand position. The type of firearm used for the qualification test must be the same type that is to be used for the hunt—percussion or flint-lock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 16, 1976.

HARRY BISHOP,  
Acting Regional Director,  
U.S. Fish and Wildlife Service.

OCTOBER 1, 1976.

[FR Doc.76-29402 Filed 10-6-76; 8:45 am]

#### PART 32—HUNTING

##### Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period November 12, 1976 through November 17, 1976.

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

#### DELAWARE

##### BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with shotguns on the Bombay Hook National Wildlife Refuge,



Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area designated by signs as open to hunting. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions.

(1) Hunting with shotguns on the deer hunting area is permitted only on November 12, 13, 15 and 17, 1976.

(2) A Federal permit is required to hunt on the Deer Hunting Area and may be obtained by applying to the refuge manager in writing for an advance reservation. An individual with an advance reservation will forfeit his permit if he is not present one hour prior to the start of legal shooting time on the date of the reservation. These forfeited permits and permits not reserved by advance reservations will be awarded to standby hunters by lottery one-half hour before the start of legal shooting time. Permits must be surrendered prior to departure from the refuge.

(3) The number of hunters admitted to the open area at one time will be restricted to 50.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must possess a valid firearms qualification card. The qualification test consists of placing three consecutive slugs in a six-inch bullseye at 30 yards from the offhand position.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1976.

HARRY BISHOP,  
Acting Regional Director,  
U.S. Fish and Wildlife Service.

OCTOBER 1, 1976.

[FR Doc.76-29404 Filed 10-6-76;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period October 15, 1976 through January 31, 1977.

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

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer by means of primitive firearms and shotgun on Prime Hook National Wildlife Refuge, Delaware, is permitted only on the North Hunting Area. This open deer hunting area, comprising approximately 2,320 acres, is delineated on a map available at refuge headquarters, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations covering the

hunting of deer subject to the following conditions:

(1) Primitive firearm and shotgun hunters must possess a valid firearms qualification card. The test for muzzleloaders will consist of placing three consecutive rounds in a 12-inch bullseye at 50 yards, firing from the offhand position. The test for shotgun hunters will consist of placing three consecutive slugs in a 6-inch bullseye at 30 yards, firing from the offhand position.

(2) Permits are required for all deer hunting. These permits are available free of charge at refuge headquarters.

(3) The number of shotgun hunters admitted to the open area will be restricted to 25 preselected hunters per day.

(4) Permits must be returned to the refuge office by the end of the deer hunting seasons.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

HARRY BISHOP,  
Acting Regional Director,  
U.S. Fish and Wildlife Service.

OCTOBER 1, 1976.

[FR Doc.76-29403 Filed 10-6-76;8:45 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.;  
Correction

In FR Doc. 76-25650, appearing on page 37106 of the issue for Thursday, September 2, 1976, § 26.34 is in error and should read § 32.22.

OMER N. SWENSON,  
Refuge Manager, Tamarac National Wildlife Refuge, Rochester, Minnesota.

SEPTEMBER 23, 1976.

[FR Doc.76-29405 Filed 10-6-76;8:45 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge,  
Minnesota; Correction

In FR Doc. 76-27915, appearing on page 41704 of the issue for Thursday, September 23, 1976, § 26.34 is in error and should read § 32.32. Special regulations; big game; for individual wildlife refuge areas.

Subparagraph (1) should read as follows:

(1) The open season for hunting deer with legal firearms is from sunrise to sunset, November 1 through November 14, both dates inclusive. No taking of black bear or bow hunting is permitted on any portion of the Refuge.

OMER N. SWENSON,  
Refuge Manager, Tamarac National Wildlife Refuge, Rochester, Minnesota.

SEPTEMBER 30, 1976.

[FR Doc.76-29474 Filed 10-6-76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Beef Research and Information Act

Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to add delegations of authority to the Assistant Secretary for Marketing and Consumer Services and to the Assistant Secretary for International Affairs and Commodity Programs, to redelegate said functions to the Administrators of the Agricultural Marketing Service, the Agricultural Stabilization and Conservation Service, and the Foreign Agricultural Service, and to make miscellaneous corrections as follows:

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries, and the Director of Agricultural Economics

1. Section 2.17 is amended by adding a new paragraph (a)(3)(xxxi) to read as follows:

§ 2.17 Delegations of Authority to the Assistant Secretary for Marketing and Consumer Services.

(a) Related to agricultural marketing \* \* \*

(3) \* \* \* (xxxi) Beef Research and Information Act (7 U.S.C. 2901-2918), except as delegated to the Assistant Secretary for International Affairs and Commodity Programs in § 2.21 (a) (33) and § 2.21 (d) (10).

2. Section 2.21 is amended by adding a new paragraph (a) (33) and by revising paragraph (d) (10) to read as follows:

§ 2.21 Delegations of Authority to the Assistant Secretary for International Affairs and Commodity Programs.

(a) Related to agricultural stabilization and conservation. \* \* \*

(33) Conduct producer referendums required under Section 9 of the Beef Research and Information Act (7 U.S.C. 2908).

(d) Related to foreign agriculture. \* \* \*

(10) Plan and carry out programs and activities under the foreign market promotion authority of the Wheat Research and Promotion Act (7 U.S.C. 1292 note); the Cotton Research and Promotion Act (7 U.S.C. 2101-2118); Section 610 of the Agricultural Act of 1970 (7 U.S.C. 2119); the Potato Research and Promotion Act (7 U.S.C. 2611-2627); the Egg Research and Consumer Information Act of 1974 (7 U.S.C. 2701-2718); the National Wool Act of 1954, as amended (7 U.S.C. 1781-



## RULES AND REGULATIONS

1787); and the Beef Research and Information Act (7 U.S.C. 2901-2918). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

**Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Consumer Services**

3. Section 2.50 is amended by renumbering paragraph (a) (3) (xxx) as (a) (3) (xxx), by adding paragraph (a) (3) (xxx) which was erroneously omitted upon codification and by adding paragraph (a) (3) (xxxii) to read as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) Delegations . . . .

(3) . . . .

(xxx) Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), relating to inspection of eggs and egg products.

(xxxii) Egg Research and Consumer Information Act (7 U.S.C. 2701-2718), except as delegated in § 2.68(a) (10).

(xxxiii) Beef Research and Information Act (7 U.S.C. 2901-2918), except as delegated in § 2.65(a) (33) and § 2.68(a) (10).

**Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs**

4. Section 2.65 is amended by adding a new paragraph (a) (33) to read as follows:

§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.

(a) Delegations . . . .

(33) Conduct producer referendums required under Section 9 of the Beef Research and Information Act (7 U.S.C. 2908).

5. Section 2.68(a) (10) is amended to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) Delegations . . . .

(10) Plan and carry out programs and activities under the foreign market promotion authority of the Wheat Research and Promotion Act (7 U.S.C. 1292 note); the Cotton Research and Promotion Act (7 U.S.C. 2101-2118); Section 610 of the Agricultural Act of 1970 (7 U.S.C. 2119); the Potato Research and Promotion Act (7 U.S.C. 2611-2627); the Egg Research and Consumer Information Act of 1974

(7 U.S.C. 2701-2718); the National Wool Act of 1954, as amended, (7 U.S.C. 1781-1787); and the Beef Research and Information Act (7 U.S.C. 2901-2918). This authority includes determining the programs and activities to be undertaken and assuring that they are coordinated with the overall departmental programs to develop foreign markets for U.S. agricultural products.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Effective date:

For Subpart C:

Dated: September 27, 1976.

EARL L. BUTZ,  
Secretary of Agriculture.

For Subpart F:

Dated: September 30, 1976.

JOHN DAMGARD,  
Assistant Secretary for  
Marketing and Consumer Services.

For Subpart H:

Dated: September 27, 1976.

RICHARD E. BELL,  
Assistant Secretary for Interna-  
tional Affairs and Commodity  
Programs.

[FR Doc. 76-29443 Filed 10-6-76; 8:45 am]

**PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT**

**Delegations of Authority Regarding Hearing Clerk**

Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to revise the reporting procedures of the Hearing Clerk from the Judicial Officer to the Chief Administrative Law Judge.

**Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Director of Agricultural Economics**

1. Section 2.25(a) is amended to authorize the Assistant Secretary for Administration to exercise responsibility with regard to the Hearing Clerk, as follows:

§ 2.25 Delegations of Authority to the Assistant Secretary for Administration.

(a) Related to administrative law judges. . . .

(3) Maintain overall responsibility and control over the Hearing Clerk's activities which include the custody of and responsibility for the control, maintenance, and servicing of the original and

permanent records of all USDA administrative proceedings conducted under the provisions of Sections 7 and 8 of the Administrative Procedures Act:

(i) Receiving, filing and acknowledging the receipt of complaints, petitions, answers, briefs, arguments, and all other documents that may be submitted to the Secretary or the Department of Agriculture in such proceedings.

(ii) Receiving and filing complaints, notices of inquiry, orders to show cause, notices of hearing, designations of Administrative Law Judges or presiding officers, answers, briefs, arguments, orders, and all other documents that may be promulgated or issued by the Secretary or other duly authorized officials of the Department of Agriculture in such proceedings.

(iii) Supervising the service upon the parties concerned of any documents that are required to be served, and where required, preserving proof of service.

(iv) Keeping a docket record of all such documents and proceedings.

(v) Filing a stenographic record of each administrative hearing.

(vi) Preparing for certification and certifying under the Secretary's facsimile signature, material on file in the Hearing Clerk's office.

(vii) Performing any other clerical duties with respect to the documents relative to such proceedings as may be required to be performed.

(viii) Cooperating with the Office of Operations in the letting of contracts for stenographic and reporting services; and forwarding vouchers to appropriate agencies for payment.

(ix) Receiving and compiling data, views or comments filed in response to notices of proposed standards or rules or regulations.

(x) Performing upon request the following services with respect to any hearings in such proceedings:

(a) Arranging for suitable hearing place.

(b) Arranging for stenographic reporting of hearings and handling details in connection therewith.

(xi) Preparation of Agricultural Decisions.

**Subpart D—Delegations of Authority to Other General Officers and Agency Heads**

§ 2.32 [Amended]

2. Section 2.32 is amended by deleting paragraph (k).

3. Section 2.35 is amended by revoking and reserving paragraph (b) as follows:

§ 2.35 Delegations of Authority to the Judicial Officer.

(b) [Reserved]

4. Section 2.41 is amended to include delegations to the Chief Administrative Law Judge as follows:

**§ 2.41 Designation and Delegations of Authority to the Office of Administrative Law Judges.**

The following designations and delegations of authority are made by the Secretary of Agriculture to the Office of Administrative Law Judges:

(b) The Chief Administrative Law Judge is delegated the following administrative responsibilities subject to the guidance and control of the Assistant Secretary for Administration (See 2.25 (a)):

(1) Exercise general responsibility and authority for all matters related to the administrative activities of the Office of Administrative Law Judges.

(2) Direct the functions of the Hearing Clerk as set out in § 2.25(a) (3). Since these amendments involve an organizational realignment within the Office of the Secretary, it is not believed that public comment would afford the Department any additional information. Accordingly, pursuant to 5 U.S.C. 553, good cause is found that notice and public procedure is unnecessary, and good cause is found to make the amendment effective less than 30 days after publication.

Effective date. These amendments shall become effective on October 7, 1976.

Dated: October 1, 1976.

EARL L. BUTZ,  
Secretary of Agriculture.

[FR Doc.76-29443 Filed 10-6-76;8:45 am]

**CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES)**

**PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)**

**United States Standards for Grades of Walnuts (*Juglans Regia*) in the Shell<sup>1</sup>**

On page 30026 of the FEDERAL REGISTER of July 21, 1976, there was published a notice of proposed rulemaking to amend these grade standards by lowering the total tolerance for kernel defects in the U.S. No. 2 grade from 20 to 15 percent. Serious damage tolerance would be reduced from 10 to 8 percent.

These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

<sup>1</sup> Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State Laws and regulations.

Interested persons were given until September 15, 1976, to submit written data, views, or arguments regarding the proposal. No objections have been received and the proposed revised standards are hereby adopted without change and are set forth below.

**TOLERANCES FOR GRADE DEFECTS**

**§ 51.2954 Tolerances for grade defects.**

In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted for nuts which fail to meet the requirements of the respective grades as indicated. Terms in quotation marks refer to color classifications illustrated on the color chart.

*Tolerances for grade defects*

Grade	External (shell) defects	Internal (kernel) defects	Color of kernel
U.S. No. 1...	10 pct, by count for splits. 5 pct, by count, for other shell defects, including not more than 3 pct seriously damaged.	10-pct total by count, including not more than 6 pct which are damaged by mold or insects or seriously damaged by other means, of which not more than 1/2 or 5 pct may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 70 pct of "light amber" kernels or the required 40 pct of "light" kernels or any larger percentage of "light amber" or "light" kernels specified.
U.S. No. 2...	10 pct, by count; for splits. 10 pct, by count, for other shell defects, including not more than 5 pct serious damage by adhering hulls.	15 pct total, by count, including not more than 8 pct which are damaged by mold or insects or seriously damaged by other means, of which not more than 1/2 or 5 pct may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 60 pct or any specified larger percentage of "light amber" kernels, or any specified percentage of "light" kernels.
U.S. No. 3...	Same as above tolerance for U.S. No. 2.	Same as above tolerance for U.S. No. 2.	No tolerance to reduce any percentage of "light amber" or "light" kernel specified.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624)

Dated: October 1, 1976.

DONALD E. WILKINSON,  
Administrator.

[FR Doc.76-29380 Filed 10-6-76;8:45 am]

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

[Valencia Orange Reg. 548]

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

**Limitation of Handling**

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 8-14, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

**§ 908.848 Valencia Orange Regulation 548.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, es-

tablished under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(1) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues good. Prices f.o.b. for the week ending September 30, were \$3.93 per carton on 765 cars as compared with \$3.85 per carton on 819 cars during the prior week. Track and rolling supplies at 463 cars were up 96 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this

## RULES AND REGULATIONS

section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and sup-

porting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 5, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Ari-

zona and designated part of California which may be handled during the period October 8, 1976, through October 14, 1976, are hereby fixed as follows: (i) District 1: 360,000 cartons; (ii) District 2: 440,000 cartons; (iii) District 3: Unlimited.

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

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

Dated: October 6, 1976.

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

[FR Doc.76-29794 Filed 10-6-76;12:35 pm]



# proposed rules

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 907 ]

#### HANDLING OF NAVAL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Effective Administrative and Functioning of Marketing Program

The proposed amendment would revise rules and regulations issued under the order to provide for more effective administration and functioning of the marketing program.

Notice is hereby given that the Department is considering an amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 907.100–907.142) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment of the rules and regulations was proposed by the Navel Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 15, 1976. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would: (1) Simplify the definition of carload and define regular meeting day; (2) delete nonessential reference to the nomination of initial committee members; (3) require that handlers furnish more information relating to the growers' oranges under their control, when applying for a prorate base and allotment; (4) revise the procedure for computing the weekly shipment allocation schedules for the districts; (5) require that handlers furnish additional information relating to oranges shipped in containers other than cartons or bags to enable the committee to accurately determine the amount of oranges shipped; (6) provide a schedule for filing for early maturity

and freeze damage allotments when the committee meets on days other than the regular meeting day, and change the method of computing early maturity allotments to afford handlers among districts equal shipping opportunity; (7) tighten the safeguards relating to the issuance of exemptions under § 907.67, and delete reference to "district" in § 907.130; (8) require exporters to furnish additional proof indicating that oranges for export are actually exported, and stipulate that only exporters approved by the committee may export oranges exempt from allotment to Mexico; and (9) require producers who apply for exemption to sell their oranges direct to the consumer, furnish to the committee additional information relating to their marketing plans, and exempt oranges furnished as gifts or for exhibits from regulations.

The proposed amendments are as follows:

1. In § 907.100 *Definitions* revise paragraph (e) and add a new paragraph (h) reading as follows:

##### § 907.100 Definitions.

(e) Pursuant to § 907.17, the quantity of oranges comprising a carload, as such term is therein defined, means a quantity of oranges equivalent to 1,000 cartons of oranges.

(h) The regular weekly meeting of the committee is held on Tuesday at the headquarters in Los Angeles. Whenever the committee determines that its meeting should be at another place or on a day other than the regular weekly meeting day, it shall advise handlers by notice mailed not less than five days before such meeting.

2. Revise the first two sentences of paragraph (a) in § 907.102 *Nomination procedure* to read as follows:

##### § 907.102 Nomination procedure.

(a) The time of nominating grower and handler members and alternate members of the committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the committee. The manner of nominating members and alternate members of said committee shall be as follows:

3. Revise paragraph (a) of § 907.108 *Prorate bases and allotments* to read as follows:

##### § 907.108 Prorate bases and allotments.

(a) *Application to be filed.* Each person who has oranges available for cur-

rent shipment and desires to handle such oranges shall submit to the committee upon request, on N.O.A.C. Form No. 1, an application for a prorate base and allotments. Such application shall contain the information required pursuant to § 907.53(b) and a certification to the U.S. Department of Agriculture and the Navel Orange Administration Committee by the handler that the information in the application is true and that he has control, for all purposes relating to this part, of the oranges described in the application. Such application shall be supported by a list of growers, on N.O.A.C. Form No. 1-A, whose oranges the applicant controls for all purposes relating to the marketing order showing for each listed grower's oranges, the name and address of the grower and the location, acreage, tree count, year in which trees were planted for trees less than eight years in the ground, and estimated yield of each grove or portion thereof as may be designated by the committee.

4. In § 907.110 *Equity of marketing opportunity* revise paragraphs (c), (d), (e) and subparagraph (2) of paragraph (f) to read as follows:

##### § 907.110 Equity of marketing opportunity.

(c) Following any or all marketing policy meetings for the districts, the committee may review and make equitable modifications, as it deems advisable in the equity factor and weekly shipping schedules.

(d) The committee shall develop a weekly shipment allocation schedule for each district commencing the week that regulation other than early maturity allotment is first recommended for the district and continuing through the remainder of the season. The quantities of oranges shown for each week shall be the cars appearing on the then effective shipping schedule for that week for the district, plus a proportionate amount of the quantities appearing on such weekly shipping schedule during weeks when no regulation or early maturity allotment was in effect for such district. Whenever two or more districts are shown on such weekly shipment allocation schedule, the committee shall combine into a weekly total the quantity of oranges shown thereon for each week and the weekly quantity for a district shall be converted into a percentage of the said weekly total. The percentage shall be known as the percentage allocation to such district.

(e) Insofar as practicable, the committee shall, pursuant to § 907.51(a), base its weekly recommendations for the

allocation of general maturity allotments and of freeze damage allotments among the prorate districts upon the percentage allocations for the districts provided for in § 907.110(d) of this subpart.

(f) \* \* \*

(2) Adjust the weekly shipment allocation schedules for all districts by adding thereto the difference between the aggregate quantity of oranges listed on the weekly shipment allocation schedule of each district during all of the preceding weeks and the sum of the aggregate quantity of oranges fixed by the Secretary for handling under general maturity and freeze damage allotment.

5. Add the following sentence to the end of § 907.112.

§ 907.112 Assignment of allotment certificates.

\* \* \* If the shipment contained oranges not packed in cartons or in bags, the handler shall file with the committee, no later than 10 days following the shipment, information satisfactory to the committee which substantiates, and which shows the derivation of the amount of equivalent cartons, by sizes, contained in the shipment and reported on the assignment of allotment certificate.

6. Revise paragraphs (a) and (c) of § 907.113 *Early maturity allotments* to read as follows:

§ 907.113 *Early maturity allotments.*

(a) *Applications to be filed.* On or before 12 o'clock noon of the day preceding the regular weekly meeting day of the committee, or at another time and day which may be prescribed by the committee whenever it determines that its meeting should be on a day other than the regular weekly meeting day or whenever a holiday precedes the meeting day, any handler controlling early maturity oranges who desires to receive allotment therefor for use during the following week must request such allotment from the committee by telephone or telegram, or by an application on N.O.A.C. Form No. 9 delivered to the committee at any of its designated offices. Telephone and telegram requests shall be confirmed either by (1) delivering to the committee not later than the meeting day a duly executed N.O.A.C. Form 9 or (2) by mailing to the committee such N.O.A.C. Form No. 9 postmarked not later than the meeting day. Requests for early maturity allotment, or for changes in requests previously made, shall not be considered by the committee if received subsequent to 12 o'clock noon of the day preceding the regular weekly meeting day of the committee, or if received subsequent to the time prescribed by the committee whenever the weekly meeting is held other than on the regular meeting day or is preceded by a holiday. Each application, and each confirmation, on N.O.A.C. Form No. 9 shall indicate the name and address of the applicant, the general location of early maturity oranges for which allotment is desired,

the number of cartons of allotment desired, and such other pertinent information as the committee may from time to time request.

(c) Early maturity allotments shall be allocated to handlers on the basis of requests whenever the committee deems it advisable to grant the full amount of such requests. Whenever the committee deems it inadvisable to grant the full amount of early maturity allotments requested by all handlers, the requests of each handler shall be granted in the same proportion as the handler's tree crop is to the tree crop of all requesting handlers without regard to districts, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests in the same proportion as aforesaid, but not in excess of the amount requested. District allotments shall be the sum of allotments allocated to handlers within each district as determined according to the foregoing procedure.

7. Revise paragraph (c) of § 907.117 *Freeze damage allotments* to read as follows:

§ 907.117 *Freeze damage allotments.*

(c) Any handler who desires to receive freeze damage allotment shall request such allotment in person, or by telephone, telegram, or by filing N.O.A.C. Form No. 35 on or before 12 o'clock noon of the day preceding the regular weekly meeting of the committee, or at another time and day which may be prescribed by the committee whenever it determines that its meeting should be on a day other than the regular weekly meeting day or whenever a holiday precedes the meeting day. Such request may be made at any of the offices of the committee. N.O.A.C. Form No. 35 shall contain (1) the name and address of the handler, (2) the week for which the application is made, (3) the amount of freeze damage allotment requested, and (4) the signature of the handler or authorized representative. All requests not made by a properly completed N.O.A.C. Form No. 35 shall be confirmed by delivery to the committee at any of the offices, not later than the meeting day, a properly completed N.O.A.C. Form No. 35 or by mailing a properly completed form to the committee not later than the meeting day.

8. Revise § 907.130 *Exemptions under § 907.67* to read as follows:

§ 907.130 *Exemptions under § 907.67.*

The exemptions authorized by § 907.67 apply only to oranges handled by the initial handler direct for the purpose stated. Except as specifically provided in this subpart, any transaction wherein the oranges are handled by a third party, such party is not entitled to exemption thereunder.

9. Revise § 907.132 *Oranges for export to Mexico* to read as follows:

§ 907.132 *Export of oranges.*

(a) *Oranges exported.* Except for the handling of oranges to an exporter for export to Mexico as provided in this section, any person who packs oranges and forwards such oranges directly to the destination for export, and who shows proof of export by submitting to the committee a copy of a signed dock receipt, a signed car bill of lading or other documents acceptable to the committee covering the shipment of such oranges to export, no later than 48 hours following such shipment, shall be deemed to have exported such oranges within the meaning of § 907.67.

(b) *Handling oranges to an exporter for export to Mexico.* No person shall be eligible for an exemption under § 907.67 for handling oranges to an exporter for export to Mexico unless the exporter is approved as prescribed in paragraph (c) of this section.

(c) *Approved exporter to Mexico.* Any person who desires to become an approved exporter eligible to handle exempt oranges to Mexico shall submit to the committee an application on N.O.A.C. Form No. 36 which shall contain the following information: (1) The name and home address of the applicant; (2) the applicant's business address; (3) the applicant's permit, identification, or border crossing number; (4) the approximate quantity of oranges to be handled each week for export to Mexico; (5) a certification to the United States and to the Naval Orange Administrative Committee that the oranges obtained for export to Mexico will not be placed in the current of commerce in the Continental United States, Canada, or Alaska; and (6) an agreement that the applicant will deposit with the U.S. Customs Inspector at the Mexican border within 36 hours after handling oranges for export to Mexico by purchase or otherwise, a copy of N.O.A.C. Form No. 16, Certificate of Purchase of Oranges For Export to Mexico, or file such certificate with the committee as provided in paragraph (d) of this section; and based upon information provided in the application, the investigation thereof by the committee and its staff, and other available information, the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved, the applicant's name shall be placed on the approved list of exporters to Mexico. Should the applicant at any time fail to abide by the terms of his agreement with the committee, his name shall be removed from the list of approved exporters to Mexico.

(d) *Mexican export certificate.* With respect to each export shipment of oranges to Mexico, the handler shall obtain from the purchaser at time of delivery of such oranges, a certification on N.O.A.C. Form No. 16 to the United States Department of Agriculture and the Naval Orange Administrative Committee that such oranges are to be exported to Mexico and will not re-enter the Continental United States or be re-

shipped to Canada or Alaska. Such certificate shall state the date of shipment, the quantity of oranges included in such shipment, the truck license number or other identification of the carrier of such oranges, the purchaser's permit, identification, or border crossing number, the name of the packinghouse from which the oranges were purchased, the destination of such oranges, and the signature and address of the purchaser. The certificate shall also be signed by the handler or his authorized representative and the original shall be forwarded by the handler to the committee at the close of each day's business. The duplicate and triplicate copy shall accompany such oranges, and within 36 hours of the time they were purchased, the purchaser shall deposit the duplicate copy with the U.S. Customs Inspector at the Mexican Border, or, in lieu thereof, shall mail the duplicate copy to the committee in an envelope mailed from Mexico.

10. Revise the title of and paragraphs (a) and (c) in § 907.133 *Minimum quantities and types of shipments* to read as follows:

**§ 907.133 Other exemptions.**

(a) Any producer whose principal occupation is not that of food distribution may apply to the committee on its N.O.A.C. Form No. 18 for an exemption to sell oranges produced by him direct to consumers without regard to volume or size regulation. Such application shall show: (1) The name and address of the producer; (2) the location of the producer's grove, the acreage in such grove, and the estimated production thereon; (3) the estimated quantity of oranges which producer desires to sell to consumers under the exemption; (4) the location at which producer will sell his oranges to consumers, and the name of the facility employed therein, if any; (5) the name of the person or persons who will sell the oranges, and, if the oranges are to be sold by a person other than the applicant, the nature of the selling agreement between such person and the applicant including information as to the extent to which applicant has control over the sale of the oranges; and (6) evidence that his principal occupation is not that of food distribution. The committee shall determine the extent to which the application should be granted on the basis of its evaluation of the information provided therein, other available information, and its judgment as to the manner in which granting the application will effect the purposes of the marketing order. In making such determination, the committee shall consider: (1) The extent to which other handlers will be adversely affected in the marketing of their oranges in regular channels, if the exemption is granted; and (2) the degree of risk that the oranges covered by the exemption will re-enter non-exempted channels of trade, if the exemption is granted. The producer shall be notified in writing of the action taken by the committee on his application. Upon approval of the application, the producer may sell oranges

produced by him direct to a consumer without regard to the restrictions of volume or size prescribed pursuant to Order No. 907. This exemption shall not apply to sales of oranges made at a packinghouse.

(c) Any handler who desires to furnish, at his own expense, oranges for gifts, exhibits, or for experimental or research work by a university or other similar research institution, which does not involve the sale of such oranges in fresh fruit channels, may do so without regard to volume and size regulations then in effect. Any such oranges shall be reported to the committee on N.O.A.C. Form No. 4, Report of Weekly Orange Movement, and shall show the quantity of oranges furnished, and the name and address of the university or other research institution.

11. Add the following sentence to the end of § 907.141.

**§ 907.141 Manifest reports.**

\*\*\* If the shipment was by rail and contained oranges not packed in cartons or in bags, the handler shall file with the committee, no later than 10 days following the shipment, information satisfactory to the committee which substantiates, and which shows the derivation of the amount of equivalent cartons, by sizes, contained in the shipment and reported on the manifest report.

Dated: October 4, 1976.

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

[FR Doc.76-29441 Filed 10-6-76;8:45 am]

**[ 7 CFR Part 981 ]**

[Docket No. AO-214-A6]

**ALMONDS GROWN IN CALIFORNIA**

**Hearing on Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended**

Notice is hereby given of a public hearing to be held October 13, 1976, in Room 3410, Federal Building—U.S. Court House, 650 Capitol Mall, Sacramento, California, beginning at 10:00 a.m. (local time) with respect to proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended, regulating the handling of almonds grown in California.

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

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement, as amended, and the order, as amended.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to the proposals.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY THE INEDIBLE CONTROL COMMITTEE OF THE ALMOND BOARD OF CALIFORNIA

**PROPOSAL No. 1**

Revise § 981.42(a) to read as follows:

**§ 981.42 Quality control.**

(a) *Incoming.* Except as provided in this paragraph, each handler shall cause to be determined, through the inspection agency, and at handler expense, the percent of inedible kernels in each variety received by him, and shall report the determination to the Board. The quantity of inedible kernels in each variety in excess of two percent of the kernel weight received, shall constitute a weight obligation to be accumulated in the course of processing and shall be delivered to the Board, or Board accepted crushers, feed manufacturers, or feeders. The Board, with the approval of the Secretary, may change this percentage for any crop year, may authorize additional outlets, may exempt bleaching stock from inedible kernel determination or obligation and may establish rules and regulations necessary and incidental to the administration of this provision, including the method of determining inedible kernel content and satisfaction of the disposition obligation. The Board for good cause may waive portions of obligations for those handlers not generating inedible material from such source as blanching or manufacturing.

**PROPOSAL 2**

Further clarify rule making authority provided for in § 981.42(a).

Proposed by the Fruit and Vegetable Division, Agricultural Marketing Service.

**PROPOSAL 3**

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Sacramento Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 255507, Sacramento, CA 95825, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on October 1, 1976.

IRVING W. THOMAS,  
Acting Administrator.

[FR Doc.76-29440 Filed 10-6-76;8:45 am]



**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Social Security Administration

[20 CFR Part 416]

[Regulations No. 16]

**SUPPLEMENTAL SECURITY INCOME FOR  
THE AGED, BLIND, AND DISABLED**

**Proposed Exclusions From Countable In-  
come of State Payments Under Pub. L.  
94-202**

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendments to Subpart K, Income and Exclusions, which have been in process since February 1976 and do not have major program significance, concern the treatment as exclusions from countable income of certain State payments under sec. 9 of P.L. 94-202. Interested parties are given 45 days from the date of publication of this notice in which to submit any data, views or arguments to the Social Security Administration, Department of Health, Education, and Welfare.

Sec. 9 of Public Law 94-202 amends sec. 1612(b)(2) of the Social Security Act (42 U.S.C. 1382a(b)(2)) by providing an additional exclusion in determining countable income for individuals claiming benefits under the supplemental security income program. The amending legislation and the proposed regulations provide for the exclusion from income but not resources of monthly (or other periodic) payments received by any individual, under a program established prior to July 1, 1973, if such payments are made by the State and if eligibility of any individual for such payments is not based on need and is based solely on attainment of age 65 and duration of residence in such State by such individual. The regulations also provide that these payments will not be considered income for the purpose of deeming under §§ 416.1185 and 416.1190. Currently, only the State of Alaska makes payments of this nature under a program established prior to July 1, 1973, which are commonly referred to as the Alaska Longevity Bonus Payments.

An exclusion from income and resources of the Alaska Longevity Bonus Payments under a three-year demonstration project was granted under the authority of sec. 1115(a) of the Social Security Act, effective January 1973, the first month of the bonus payment. On effectuation of the Supplemental Security Income program in January 1974, a new waiver of certain provisions under title XVI of the Social Security Act (and related regulations) became necessary. This was granted in May 1974 under the authority of sec. 11 of Public Law

93-233, and was given retroactive effect to January 1, 1974. As this waiver was terminable on December 31, 1975, it was renewed for a period of six months, expiring June 30, 1976, to provide time to capture data that had been lost on account of the delay in approving the renewal of the original waiver. The waiver provides for exclusion of income and resources (if payments are retained into a subsequent quarter) and remains in effect through June 30, 1976, unless terminated sooner.

The effective date for this proposed regulation is January 2, 1976, the effective date of section 9 of P.L. 94-202.

In keeping with the spirit and intent of the Secretary's regulation development policies announced on July 25, 1976, publication of this notice will provide ample and adequate notice to all interested individuals and organizations.

If there are any questions concerning these regulations, you may contact Henry D. Lerner, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone—(301) 594-7336. Mr. Lerner will respond to questions but will not accept comments on these regulations.

Prior to final adoption of these proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before November 8, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 1102, 1612, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1468 and 1475; 42 U.S.C. 1302, 1382a and 1383; sec. 9 of P.L. 94-202, 89 Stat. 1140)

(Catalog of Federal Domestic Assistance Program No. 13.307, Supplemental Security Income Program.)

It is hereby certified that these proposals have been screened pursuant to Executive Order No. 11821, and do not require an Inflation Impact Evaluation.

Dated: August 26, 1976.

THOMAS C. PARROTT,  
Acting Commissioner of  
Social Security.

Approved: October 1, 1976.

DAVID MATHEWS,  
Secretary of Health, Education,  
and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1145 is amended by adding paragraph (b) (5-a) to read as follows:

**§ 416.1145 Exclusions from income;  
order of application.**

(b) . . . . .

(5-a) Periodic payments made by a State to any individual under a program where such payments are based solely on attainment of age 65 and duration of residence in such State and not on need (§ 416.1158).

2. Section 416.1158 is added to read as follows:

**§ 416.1158 State payments based on age and residence.**

Monthly (or other periodic) payments received by any individual under a program established prior to July 1, 1973, shall not be considered in determining countable income under § 416.1115 or in determining income to be deemed under §§ 416.1185 and 416.1190 if: (a) Such payments are made by the State of which the individual receiving such payments is a resident, and (b) eligibility of any individual for such payments is not based on need and is based solely on attainment of age 65 and duration of residence in such State by such individual.

[FR Doc.76-29481 Filed 10-6-76;8:45 am]

**DEPARTMENT OF  
TRANSPORTATION**

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-CE-2-AD]

**BEECH MODELS 99, 99A, A99A, B99, 100,  
A100 & 200 SERIES AIRPLANES**

**Proposed Airworthiness Directive;  
Withdrawal**

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) applicable to Beech Models 99, 99A, A99A, B99, 100, A100 and 200 series airplanes, was published in the FEDERAL REGISTER on January 27, 1976 (41 FR 3878). The proposed AD would have required initial and repetitive inspections of the landing gear motor controller on these aircraft.

Subsequent to the issuance of this proposal the FAA has been advised of endurance testing accomplished by the motor controller manufacturer which establishes that this part should operate satisfactorily on the affected airplanes. These testing results coupled with in-service performance records leads the FAA to conclude that the one failure which prompted the notice of proposed rulemaking was an isolated case. Accordingly, based on the foregoing the agency has determined that the proposed AD is not required at this time.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from taking future rule making action regarding this matter, or commit the agency to any future course of action.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), the proposed AD published in the FEDERAL REGISTER January 27, 1976 (41 FR 3878), is hereby withdrawn.

Issued in Kansas City, Mo., on September 24, 1976.

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

[FR Doc.76-29134 Filed 10-6-76;8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 76-EA-64]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Manahawkin, N.J., transition area.

A new VOR instrument approach procedure developed for Manahawkin Airport, Manahawkin, N.J., requires designation of a transition area to provide controlled airspace for IFR arrivals and departures at that airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 8, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures, Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Manahawkin, N.J., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Manahawkin, New Jersey Transition Area as follows:

MANAHAWKIN, N.J.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 39°42'00" N., 74°16'36" W. of Manahawkin Airport, Manahawkin, N.J.

This amendment is proposed under 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)).

Issued in Jamaica, N.Y., on September 21, 1976.

L. J. CARDINALI,  
Acting Director, Eastern Region.  
[FR Doc.76-29139 Filed 10-6-76;8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 76-WE-26]

TEMPORARY CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new temporary control zone at Anaheim, California.

To provide controlled airspace for the handling of large numbers of helicopters participating in a convention at Disneyland, a part-time temporary control zone is proposed for the Disneyland Heliport, Anaheim, California. The control zone would be effective during the time period of February 3 through 12, 1977. A temporary tower will be in operation during the convention and will be staffed during peak operational hours.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before November 8, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (41 FR 355) the following temporary control zone is added:

ANAHEIM, CALIFORNIA (DISNEYLAND HELIPORT)

Within a 3-mile radius of Disneyland Heliport (latitude 33°48'40" North, longitude 117°55'30" West), excluding that airspace within the Fullerton and Long Beach, California airport control zones. This control zone is effective during the time period of February 3, 1977 through February 12, 1977.

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

Issued in Los Angeles, Calif., on September 24, 1976.

LYNN L. HINK,  
Acting Director, Western Region.

[FR Doc.76-29140 Filed 10-6-76;8:45 am]

[ 14 CFR Parts 71, 73 ]

[Airspace Docket No. 76-WA-13]

RESTRICTED AREA AND FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would reduce the airway width and realign a portion of V-2 Hawaii and V-21 Hawaii and reduce Restricted Area R-3104 A/B/C, Island of Kahoolawe, Hawaii.

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, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813. All communications received on or before November 22, 1976, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendments would: (1) Align V-2 Hawaii and V-21 Hawaii via the Lanai, Hawaii, 095° M (106° T) radial in lieu of the Lanai, Hawaii, 096° M (107° T) radial. This proposed action would increase the minimum enroute altitude from 10,000 feet MSL to 12,000 feet MSL; (2) Reduce the segment of V-2 Hawaii and V-21 Hawaii between the 22 NM fix on the south side of the Lanai, Hawaii, 095° M (106° T) radial and the 28NM fix from a standard width of 4 nautical miles to an authorized non-standard width of 3 nautical miles; (3) Redefine the northern boundary of Restricted Area R-3104 A/B/C via the Kahoolawe shore line. This proposed action

would allow simultaneous use of both areas by providing sufficient distance between V-2/21 Hawaii and Restricted Area R-3104 A/B/C.

The proximity of the two areas is cited in a petition for rule making filed by Mayor Elmer F. Carvalho, for revocation of Restricted Area R-3104, Kahoolawe, Hawaii, as one of the reasons for his petition. That petition is still under review. The actions proposed herein will not prejudice, or in any way affect the FAA's review of, or response to, that petition.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 29, 1976.

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

[FR Doc.76-29141 Filed 10-6-76;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[Docket No. 20936; FCC 76-899]

### SSB EQUIPPED VESSELS OPERATING SOLELY IN ALASKA WATERS

#### Proposed Exemption From Mandatory VHF Capabilities

Adopted: September 28, 1976.

Released: October 6, 1976.

1. Notice of Proposed Rule Making in the above-entitled matter is hereby given.

2. It has been brought to the attention of the Commission that the VHF coverage by public coast and U.S. Coast Guard stations along the more than 33,000 miles of Alaska coastline is extremely sparse. A study by the Commission's staff of the Alaska VHF coverage verifies this information and indicates that only a small per cent of the Alaska coastline is adequately covered by these classes of stations.

3. In its Report and Order in Docket 18307, the Commission required that all single sideband (SSB) equipped vessels have the capability to operate on the VHF frequencies by January 1, 1977. It was anticipated that by this time, there would practically be total coverage on all U.S. waterways and coastlines, and that mandatory VHF capability would greatly enhance marine communications and safety. While this type of VHF coverage has in fact occurred in the contiguous 48 states, the installation of VHF land stations in Alaska has been slow in developing and as a result such coverage is sparse at best. The terrain in Alaska makes the installation of complete VHF coverage very difficult.

4. Since Alaska boat users are faced with a January 1, 1977, date for VHF, and the benefits to be derived are extremely limited due to the sparse VHF

land station coverage, it is proposed to extend the mandatory VHF capability date to January 1, 1982, for all Alaska registered vessels which operate solely in Alaska waters. It is anticipated that this five year period will see the establishment of additional public coast and U.S. Coast Guard stations.

5. The proposed amendment, as set forth below is issued pursuant to the authority contained in Sections 4(i) and 303 (b), (e), (f), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in Section 1.415 of the rules, interested persons may file comments on or before October 15, 1976, and reply comments on or before October 26, 1976. Section 1.419 of the rules requires the original and 11 copies of comments or reply comments to be filed. Comments and reply comments received in response to this Notice of Proposed Rule Making will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

## FEDERAL COMMUNICATIONS COMMISSION

VINCENT J. MULLINS,  
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 83.351(c)(3)(i) is amended to read as follows and the note deleted.

#### § 83.351 Frequencies available.

(c) . . . .  
(3) . . . .

(i) The ship station is equipped for use of F3 emissions on frequencies in the band 156-162 MHz, except for vessels bearing Alaska registration or documented vessels with a home port in Alaska and operating solely in waters off Alaska until January 1, 1982.

[FR Doc.76-29459 Filed 10-6-76;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 626-7]

### APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### Alabama: Emergency Level, Photochemical Oxidants

On May 31, 1972 (37 FR 10842), the Administrator approved the Alabama plan to attain and maintain the national ambient air quality standards in that State. The original Alabama implementation plan provided for the prevention of air pollution emergency episodes in accordance with the provisions of Appendix L of 40 CFR Part 51. On August 20, 1975 (40 FR 36330), the Administrator revised 40 CFR Part 51 by changing the emergency level for photochemical oxidants from 1200 micrograms/m<sup>3</sup> to 1000 micrograms/m<sup>3</sup>, one-hour average.

The Alabama Air Pollution Control Commission on March 30, 1976, amended its regulation to reflect this change, and the amendment was submitted to EPA on April 23, 1976. Copies of the information submitted by the State are available for public inspection during normal business hours at the following locations:

Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, Atlanta, Georgia 30309.

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104.

Public Information Reference Unit, Library Systems Branch, PM 213, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Interested persons are encouraged to participate in this rulemaking by submitting written comments on the proposed Alabama plan revision on or before November 8, 1976. After relevant comments have been weighed, along with other available information, the Administrator will act on the proposal.

Dated: September 29, 1976.

JOHN A. LITTLE,  
Deputy Regional Administrator.

[FR Doc.76-29387 Filed 10-6-76;8:45 am]

[40 CFR Part 408]

[FRL 626-8]

### CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

#### Steamed and Canned Oyster Processing

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to amend 40 CFR Part 408, Canned and Preserved Seafood Processing Point Source Category; Subpart AA—Steamed and Canned Oyster Processing Subcategory, § 408.273 as set forth below.

40 CFR Part 408 was promulgated on December 1, 1975, (40 FR 55770) pursuant to sections 301, 304(b) and (c), 306(b) and (c) and 307(b) and (c) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et. seq.; Pub. L. 92-500.

The American Shrimp Cannery Association and the National Cannery Association contend that the Agency did not fully evaluate the effect of the 1983 regulations for the steamed and canned (mechanically shucked) oyster processing subcategory (Subpart AA) on those multiproduct shrimp canning processing facilities which also mechanically shuck oysters. The 1983 effluent limitations are based on dissolved air flotation treatment systems for shrimp processing effluents and aerated lagoons for mechanized oyster shucking effluents. The industry maintains that the facilities which install air flotation systems to meet the 1983 shrimp processing effluent limitations will suffer an undue economic burden if aerated lagoons also must be installed to meet the 1983 effluent limitations for steamed and canned oyster processing.

The Agency assessed the economic impact of the 1983 regulations for the



steamed and canned oyster processing subcategory for those plants which are primarily engaged in oyster processing. The analysis did not specifically evaluate the effects of the regulation for mechanized oyster processing on those shrimp processing facilities which also process oysters as a secondary product during the off season for shrimp.

In order to mitigate the potential adverse economic impact, the proposed amendment modifies the applicability of the 1983 steamed and canned oyster processing limitations so that any shrimp processing facility which utilizes an air flotation treatment system to meet the 1983 shrimp processing effluent limitations shall be exempt from the 1983 steamed and canned oyster processing limitations. Effluent limitations for such facilities are to be determined on a case-by-case basis.

The economic impact for the steamed and canned oyster processing subcategory was presented with the promulgation of the regulations on December 1, 1975. The "Economic Analysis of Effluent Guidelines—Seafood Processing Industry: Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring, and Abalone" (October, 1975; NTIS PB# 247-307/AS), contains the complete results of the study and is available at a cost of \$7.50 from the National Technical

Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. However, the multiproduct shrimp and oyster processing plants were not included in the Economic Impact Analysis for the promulgated regulations. Therefore, the proposed exemption does not affect the previously estimated cost of achieving the effluent limitations. Consequently, the economic impact is the same as previously estimated.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Comments on all aspects of the proposed amendment are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Water-

side Mall, 401 M Street, SW., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying. All comments received on or before November 8, 1976, will be considered.

RUSSELL E. TRAIN,  
Administrator.

Dated: September 30, 1976.

**Subpart AA—Steamed and Canned Oyster Processing Subcategory**

Subpart AA is proposed to be amended by adding an additional phrase to the first sentence of § 408.273, as follows:  
\* \* \* Except for those steamed and canned oyster processing facilities which utilize air flotation treatment systems to meet the shrimp processing effluent limitations guidelines under §§ 408.113, 408.123, or § 408.133 and for which effluent limitations should be derived on a case-by-case basis, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[FR Doc.76-29386 Filed 10-6-76;8:45 am]

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF THE TREASURY

Comptroller of the Currency

### REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE EIGHTH NATIONAL BANK REGION

Meeting

A Regional Advisory Committee Meeting for the Eighth National Bank Region will be held October 29, 1976 at the Royal Orleans Hotel, New Orleans, Louisiana. The meeting will begin at 9:00 a.m. and adjourn at 2:00 p.m. It will be open to the public and interested members of the public will be admitted on a first come basis.

Topics to be discussed will include the implementation of the new examination procedures, CBCTs, consumer protection and other items of interest in the Region.

Persons or groups planning to make statements please submit three copies to Mr. John Shaffer, Regional Administrator of National Banks, Eighth National Bank Region, 165 Madison Avenue, Memphis, Tennessee 38103, prior to October 20, 1976.

Dated: September 30, 1976.

ROBERT BLOOM,  
Acting Comptroller of  
the Currency.

[FR Doc.76-29452 Filed 10-6-76;8:45 am]

Customs Service

### CERTAIN FISH FROM CANADA

#### Preliminary Countervailing Duty Determination

On July 27, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 31240). The notice indicated that a petition had been received alleging that payments, bestowals, rebates or refunds, granted by the Government of Canada upon the manufacture, production, or exportation of certain fish from Canada constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

Fish imports covered by this investigation are classifiable under items 110.3560, 110.3565, and 110.5545, Tariff Schedules of the United States (TSUS).

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)); it tentatively has been determined that benefits have been received by Canadian exporters of certain fish which may constitute bounties or grants within the meaning of the Act. These benefits in-

clude payments to fishermen and processors for catches and production of first quality fish and fish products under the Groundfish Temporary Assistance Program. A program for financial assistance toward the construction of certain fishing vessels built and registered in Canada has been preliminary determined not to constitute a bounty or grant within the meaning of § 303 based on the information presently available. It is noted that payments to fishermen and processors are not made on unprocessed fish which are exported and on fresh fillets which are exported. A final decision in this case is required on or before April 1, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, DC 20229, in time to be received by his office not later than November 8, 1976.

This preliminary determination is published pursuant to § 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303 (a)).

OCTOBER 1, 1976.

LEONARD LEHMAN,  
Acting Commissioner of Customs.

Approved.

PETER O. SUCHMAN,  
Acting Assistant Secretary.

[FR Doc.76-29429 Filed 10-6-76;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1976 Rev., Supp. No. 4]

### DRAKE INSURANCE CO. OF NEW YORK

#### Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$461,000 has been established for the company.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE, AND STATE IN WHICH INCORPORATED

DRAKE INSURANCE COMPANY OF NEW YORK  
NEW YORK, NEW YORK  
NEW YORK

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the company remains qualified (31 CFR Part 223). A list of qualified companies is published annually as of

July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: September 28, 1976.

DAVID MOSSO,  
Fiscal Assistant Secretary.

[FR Doc.76-29438 Filed 10-6-76;8:45 am]

Internal Revenue Service

### PRIVACY ACT OF 1974

#### Proposed Establishment of a New System of Records

Correction

In FR Doc. 76-27992 appearing at page 42680 in the FEDERAL REGISTER of Tuesday, September 28, 1976 the following correction should be made:

On page 42680, in the middle column, fourth paragraph, the eighth and ninth lines should read "ington, D.C. on or before October 28, 1976. All written comments".

Office of the Secretary

### METAL-WALLED ABOVE-GROUND SWIMMING POOLS FROM JAPAN

#### Antidumping; Extension of Investigatory Period

On March 16, 1976, information was received in proper form that metal-walled above-ground swimming pools from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 21, 1976 (41 FR 16667).

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or the likelihood of injury to, or prevention of establishment of an industry in the United States.

Notice is hereby given that the Secretary concludes that the determination provided for in section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) cannot reasonably be made within 6 months. The determination under section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)), will, therefore be made within no more than 8 months.

The reasons and basis for the above conclusion are as follows:

The need for the collection of additional data and the verification of supplemental

submissions, along with the need for analysis of all submissions and the need for resolution of technical issues that have arisen in connection therewith, makes it inadvisable to take tentative action at this time.

This notice is published pursuant to section 201(b) (2) of the Act (19 U.S.C. 160(b) (2)).

JERRY THOMAS,  
*Under Secretary of  
the Treasury.*

OCTOBER 1, 1976.

[FR Doc.76-29417 Filed 10-6-76;8:45 am]

#### PARTS FOR SELF-PROPELLED BITUMINOUS PAVING EQUIPMENT FROM CANADA

##### Antidumping Proceeding Notice

On September 3, 1976, information was received in acceptable form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel for Blaw-Knox Construction Equipment, Inc., Mattoon, Ill., a domestic manufacturer of construction equipment, and the Colwell Equipment Co., Inc., Canton, Mich., a distributor of Blaw-Knox' products, indicating that parts for self-propelled bituminous paving equipment from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. This evidence indicates substantial margins of underselling by the subject imports from Canada, the extent of which underselling is made possible by the alleged sales at less than fair value. That underselling has apparently contributed to declining sales and market share which the petitioners have suffered in recent years. In addition, by reason of the alleged less than fair value sales, Blaw-Knox may have experienced a declining return on investment, increased excess plant capacity and increased unemployment.

Having conducted a preliminary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold or offered for sale, for exportation to the United States are, or are likely to be, less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

PETER O. SUCHMAN,  
*Acting Assistant  
Secretary of the Treasury.*

OCTOBER 1, 1976.

[FR Doc.76-29430 Filed 10-6-76;8:45 am]

#### DEPARTMENT OF DEFENSE USAF SCIENTIFIC ADVISORY BOARD Meeting

OCTOBER 4, 1976.

The USAF Scientific Advisory Board ad hoc Committee on Aeronomy will hold a meeting on November 17, 1976 from 8:00 a.m. to 5:00 p.m. at the Space and Missile Systems Organization, Los Angeles, California.

The Committee will conduct informal classified discussions and working sessions on Aeronomy.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

FRANKIE S. ESTEP,  
*Directorate of Administration.*

[FR Doc.76-29451 Filed 10-6-76;8:45 am]

#### Department of the Air Force USAF SCIENTIFIC ADVISORY BOARD Meeting

OCTOBER 4, 1976.

The USAF Scientific Advisory Board Science and Technology Advisory Group Standing Committee on Research, Air Force Systems Command, will hold a meeting on October 27, 1976 from 8:00 a.m. to 4:45 p.m. and on October 28, 1976 from 8:00 a.m. to 3:30 p.m. at the Air Force Weapons Laboratory, Kirtland Air Force Base, New Mexico, in Building 497.

The Group will receive classified briefings and participate in classified discussions relating to selected Air Force Weapons Laboratory Programs.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

FRANKIE S. ESTEP,  
*Directorate of Administration.*

[FR Doc.76-29449 Filed 10-6-76;8:45 am]

#### USAF SCIENTIFIC ADVISORY BOARD Meeting

OCTOBER 4, 1976.

The USAF Scientific Advisory Board Guidance and Control Panel will hold a meeting on November 11, 1976 from 9:00 a.m. to 5:00 p.m. at Wright-Patterson Air Force Base, Ohio.

The Panel will receive classified briefings from the Air Force on the aspects of Inertial-Global Positioning System Integration. The Panel will meet in Executive Session to discuss future efforts/tasks.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1)

thereof, and that accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

FRANKIE S. ESTEP,  
*Directorate of Administration.*  
[FR Doc.76-29450 Filed 10-6-76;8:45 am]

#### DEPARTMENT OF THE INTERIOR

Land Management Bureau  
[N-13249]

BEN PARKER CO.

Nevada

Airport Lease Application

SEPTEMBER 29, 1976.

1. Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Ben Parker Co. has applied for an airport lease for the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 15 N., R. 20 E.,  
Sec. 1, E½ of lots 1 and 2 of NW¼NE¼;  
T. 16 N., R. 20 E.,  
Sec. 36, SE¼SW¼, SE¼SE¼;  
T. 15 N., R. 21 E.,  
Sec. 6, W½ of lots 1 and 2 of NW¼;  
T. 16 N., R. 21 E.,  
Sec. 31, lots 3 and 4.

2. The purpose of this notice is to inform the public that the filing of this application segregates the described lands from all other forms of appropriation under the public land laws.

3. Interested persons desiring to express their views should promptly send their names and addresses to the District Manager, Bureau of Land Management, 801 North Plaza, Carson City, Nevada 89701.

CHARLES E. HANCOCK,  
*Acting Chief, Division of  
Technical Services.*

[FR Doc.76-29462 Filed 10-6-76;8:45 am]

[23293]

#### COLORADO

Notice of Pipeline Application

Western Slope Gas Co.

SEPTEMBER 29, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Co., PO Box 840, Denver, Colorado 80201, has applied for a right-of-way for a 12-inch natural gas pipeline and other related facilities in the following townships:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 S., R. 75 W.,  
Secs. 19 and 20.  
T. 1 S., R. 76 W.,  
Secs. 19 through 24.  
T. 1 S., R. 77 W.,  
Secs. 18 through 24, 26, 27, 28.  
T. 1 S., R. 78 W.,  
Secs. 10 through 13, 15 through 18, 20, 28,  
29, 33 and 34.  
T. 2 S., R. 78 W.,  
Secs. 3, 10, 11, 14, 23, 26, 34 and 36.  
T. 3 S., R. 78 W.



## NOTICES

Secs. 3, 4, 9, 16, 21, 27, 28, 34 and 35.  
 T. 4 S., R. 78 W.,  
 Secs. 2, 11, 14, 15, 23, 26 and 35.  
 T. 5 S., R. 78 W.,  
 Secs. 1, 2, 11, 12, 14, 22, 23 and 27.  
 T. 1 S., R. 79 W.,  
 Secs. 6, 7, 8, 9, 13, 14, 15 and 16.  
 T. 1 N., R. 79 W.,  
 Sec. 31.  
 T. 1 N., R. 80 W.,  
 Secs. 19, 20, 27, 28, 29, 34, 35 and 36.  
 T. 1 N., R. 81 W.,  
 Secs. 3, 4, 10, 11, 13, 14 and 24.  
 T. 1½ N., R. 81 W.,  
 Sec. 32.  
 T. 2 N., R. 81 W.,  
 Secs. 31 and 32.  
 T. 1 N., R. 82 W.,  
 Secs. 1, 2, 9, 10, 11, 16, 17 and 18.  
 T. 2 N., R. 82 W.,  
 Sec. 36.  
 T. 1 N., R. 83 W.,  
 Secs. 2 through 6, 11, 12, and 13.  
 T. 1 N., R. 84 W.,  
 Secs. 1, 4, 5, 6, 9, 10, 11 and 12.  
 T. 2 N., R. 84 W.,  
 Sec. 31.  
 T. 2 N., R. 85 W.,  
 Secs. 5, 6, 8, 9, 16, 21, 22, 26, 27, 35 and 36.  
 T. 3 N., R. 86 W.,  
 Secs. 17, 18, 20, 21, 22, 25, 26, 27 and 36.  
 T. 3 N., R. 85 W.,  
 Sec. 31.  
 T. 3 N., R. 87 W.,  
 Secs. 2, 3, 11, 12 and 13.  
 T. 4 N., R. 87 W.,  
 Secs. 31, 32, 33 and 34.  
 T. 4 N., R. 88 W.,  
 Secs. 28, 29, 31 through 36.  
 T. 4 N., R. 89 W.,  
 Secs. 31 through 36.  
 T. 3 N., R. 90 W.,  
 Secs. 2 through 6.  
 T. 4 N., R. 90 W.,  
 Secs. 31, 35 and 36.  
 T. 3 N., R. 91 W.,  
 Secs. 1, 2, 3, 5, 6, 7 and 8.  
 T. 4 N., R. 91 W.,  
 Secs. 32, 33, 34 and 36.  
 T. 3 N., R. 92 W.,  
 Secs. 12, 13, 23, 24, 26, 27, 33 and 34.  
 T. 2 N., R. 92 W.,  
 Secs. 4, 5, 8, 17, 18 and 19.  
 T. 2 N., R. 93 W.,  
 Secs. 13, 14, 19 through 24.  
 T. 2 N., R. 94 W.,  
 Secs. 23, 24, 26, 27 and 34.  
 T. 1 N., R. 94 W.,  
 Secs. 3, 4, 5, 6 and 7.  
 T. 1 N., R. 95 W.,  
 Secs. 12 through 15, 21, 22, 28, 31, 32 and 33.  
 T. 1 S., R. 95 W.,  
 Sec. 6.  
 T. 1 S., R. 96 W.,  
 Secs. 1, 2, 3, 10, 15, 21, 22, 28, 32 and 33.  
 T. 2 S., R. 96 W.,  
 Secs. 5, 7 and 8.  
 T. 2 S., R. 97 W.,  
 Secs. 12 through 16, 19, 20 and 21.  
 T. 2 S., R. 98 W.,  
 Secs. 23, 24, 26, 27, 28, 32 and 33.

The pipeline will convey natural gas from a point near the town of Rio Blanco, Colorado to a point near Fraser, Colorado. Its purpose is in meeting present and future needs of current users.

Public meetings regarding this proposed line will be held at times and locations to be announced in the near future.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of an Environmental Analysis Report (EAR) pursuant to the Na-

tional Environmental Policy Act of 1969 for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, on or before November 8, 1976.

MERRILL G. ANDERSON,  
*Acting Chief, Branch of  
 Land Operations.*

[FR Doc.76-29400 Filed 10-6-76; 8:45 am]

[NM 28941]

**EL PASO NATURAL GAS CO.**  
 New Mexico

**Notice of Application**

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 S., R. 24 E.,  
 Sec. 34, SE¼;  
 Sec. 35, SW¼SW¼.

This pipeline will convey natural gas across .720 of a mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Measurement, PO Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,  
*Chief, Branch of Lands and  
 Minerals Operations.*

[FR Doc.76-29467 Filed 10-6-76; 8:45 am]

[NM 28942]

**EL PASO NATURAL GAS CO.**  
 New Mexico

**Notice of Application**

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipe-

line right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 12 W.,  
 Sec. 36, W½SE¼.

This pipeline will convey natural gas across .362 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,  
*Chief, Branch of Lands and  
 Minerals Operations.*

[FR Doc.76-29469 Filed 10-6-76; 8:45 am]

[NM 28943]

**EL PASO NATURAL GAS CO.**  
 New Mexico

**Notice of Application**

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 N., R. 2 W.,  
 Sec. 21, W½SE¼.

This pipeline will convey natural gas across .254 of a mile 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, PO Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,  
*Chief, Branch of Lands and  
 Minerals Operations.*

[FR Doc.76-29468 Filed 10-6-76; 8:45 am]

[NM 28944]

**EL PASO NATURAL GAS CO.**  
 New Mexico

**Notice of Application**

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO  
T. 30 N., R. 9 W.,  
Sec. 9, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

This pipeline will convey natural gas across .153 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,  
*Chief, Branch of Lands and  
Minerals Operations.*

[FR Doc.76-29465 Filed 10-6-76;8:45 am]

[Wyoming 56763]

**Federal-American Partners of Riverton  
WYOMING**

**Notice of Application**

SEPTEMBER 28, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Federal-American Partners of Riverton, Wyoming, filed an application for a right-of-way to construct a 3 inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 33 N., R. 89 W.,  
Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 28, E $\frac{1}{2}$ W $\frac{1}{2}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 34 N., R. 89 W.,  
Sec. 34, E $\frac{1}{2}$ SE $\frac{1}{4}$ .

The pipeline will transport natural gas from a point in sec. 34, T. 34 N., R. 89 W., Natrona County to points in secs. 32 and 33, T. 33 N., R. 89 W., Fremont County, for use in mining and maintenance of operations of Federal-American Partners and Western Nuclear Incorporated who are engaged in the production of uranium oxide to be used in generation of electrical power for residential and commercial use.

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, PO Box 2834, Casper, Wyoming

82601, or District Manager, Bureau of Land Management, 1300 Third Street, PO Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,  
*Chief, Branch of Lands and  
Minerals Operations.*

[FR Doc.76-29399 Filed 10-6-76;8:45 am]

[NM 28947]

**NATURAL GAS PIPELINE CO. OF  
AMERICA**

**New Mexico**

**Notice of Application**

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Co. of America has applied for three 4-inch natural gas pipelines and a meter site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 24 E.,  
Sec. 1, E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 20 S., R. 25 E.,  
Sec. 6, lot 3 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 20 S., R. 28 E.,  
Sec. 10, E $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 21 S., R. 27 E.,  
Sec. 21, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$ .

These pipelines will convey natural gas across 2.59 miles of national resource lands 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, PO Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,  
*Chief, Branch of Lands and  
Mineral Operations.*

[FR Doc.76-29466 Filed 10-6-76;8:45 am]

[Wyoming 55737]

**WYOMING**

**Northern Gas Co.**

**Notice of Application**

SEPTEMBER 28, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Gas Co. filed an amended application for a right-of-way to construct a 4 inch pipeline for the purpose of transporting natural gas across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 90 W.,  
Sec. 18, lot 4;  
Sec. 19, lots 3, 4.

T. 26 N., R. 91 W.,  
Sec. 13, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The pipeline will transport natural gas from wells in the Bull Springs Field to an existing pipeline.

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 on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, PO Box 670, 1300 Third Street, Rawlins, Wyoming.

HAROLD G. STINCHCOMB,  
*Chief, Branch of Lands and  
Minerals Operations.*

[FR Doc.76-29401 Filed 10-6-76;8:45 am]

[NM 28956 and 28962]

**New Mexico**

**NORTHWEST PIPELINE CORP.**

**Notice of Applications**

OCTOBER 1, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for four 4 $\frac{1}{2}$ -inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,  
NEW MEXICO

T. 29 N., R. 6 W.,  
Sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 32 N., R. 8 W.,  
Sec. 23, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 30 N., R. 10 W.,  
Sec. 22, lots 3 and 4.

These pipelines will convey natural gas across 1.555 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, PO Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,  
*Chief, Branch of Lands and  
Minerals Operations.*

[FR Doc.76-29464 Filed 10-6-76;8:45 am]

[Wyoming 56834]

**WYOMING****Phillips Petroleum Co. of Denver  
Notice of Application**

SEPTEMBER 28, 1976.

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 Co. 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 PRINCIPLE MERIDIAN, WYOMING**

T. 49 N., R. 76 W.,  
Sec. 8, N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ NW $\frac{1}{4}$ .

The pipeline will transport natural gas from a point in the N $\frac{1}{2}$ S $\frac{1}{2}$  of section 36, T. 46 N., R. 77 W., Johnson County, Wyoming to a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of section 5, T. 44 N., R. 73 W., Campbell 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 views should do so promptly. Pre- to the District Manager, Bureau of Land Management, 100 East "B" Street, PO Box 2834, Casper, Wyoming 82601.

**HAROLD G. STINCHOMB,**  
*Chief, Branch of Lands and  
Minerals Operations.*

[FR Doc.76-29398 Filed 10-6-76;8:45 am]

[N-13238]

**SANDY VALLEY LAND CO.**

Nevada

**Airport Lease Application**

SEPTEMBER 29, 1976.

1. Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Sandy Valley Land Co. has applied for an airport lease for the following lands:

**MOUNT DIABLO MERIDIAN, NEVADA**

A strip of land lying within:

T. 25 S., R. 56 E.,  
Sec. 1, lot 5;  
T. 25 S., R. 57 E.,  
Sec. 6, lots 5, 6, 7, 8 and 9;  
Sec. 7, lots 1, 2 and 3;  
Sec. 8, lot 1.

2. The purpose of this notice is to inform the public that the filing of this application segregates the described lands from all other forms of appropriation under the public land laws.

3. Interested persons desiring to express their views should promptly send their names and addresses to the District Manager, Bureau of Land Manage-

ment, 4765 Vegas Drive, Las Vegas, Nevada 89108.

**CHARLES E. HANCOCK,**  
*Acting Chief, Division of  
Technical Services.*

[FR Doc.76-29463 Filed 10-6-76;8:45 am]

**Office of Hearings and Appeals**

[Docket No. M 76-318]

**ARKANSAS ENTERPRISES****Petition for Modification of Application of  
Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Arkansas Enterprises has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Floyd County, Kentucky. 30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The coal seam is 36 to 48 inches in height.
2. The seam has a rolling bottom and uses half headers and roof bolts to support the roof.
3. The equipment operator is in a cramped position if canopies are installed.

4. Installation of canopies creates a hazard and is unsafe.

**REQUEST FOR HEARING OR COMMENTS**

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

**JAMES R. RICHARDS,**  
*Director, Office of  
Hearings and Appeals.*

SEPTEMBER 30, 1976.

[FR Doc.76-29406 Filed 10-6-76;8:45 am]

[Docket No. M 76-284]

**FRED BANKS COAL CO., INC.****Petition for Modification of Application of  
Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Fred Banks Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and



(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one Paul's roof bolting machine which is 26 inches in height and one Elkhorn scoop which is 28 inches in height.

3. The No. 1 Mine is in the No. 7 seam which ranges from 34 to 47 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the equipment limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. The Kentucky Department of Mines and Minerals has advised Petitioner not to use canopies.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

SEPTEMBER 29, 1976.

[FR Doc.76-29407 Filed 10-6-76;8:45 am]

[Docket No. M 76-294]

#### HELLIER FUEL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Hellier Fuel Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

. . . Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. This petition is in reference to canopies on haulage equipment (mine tractors), loading machines, a roof bolting machine and a cutting machine.

2. This mine is in the No. 1 Elkhorn seam and the thickness of the seam is not consistent due to rolls in the bottom and small hills inside the mine. The seam thickness is from 34 to 50 inches.

3. It would be impossible to remove this equipment to the outside without removing the canopies or placing the canopies at the lowest height in the mine. The mine tractor operators would be placed in danger due to the different heights of the coal. The canopies would hang up on roof bolts and headers due to any number of reasons, especially spilled coal lost in haulage.

4. Installing a canopy on a piece of equipment in low coal will reduce the vision of the operator of that particular piece of equipment to the point where he would be in danger and other workmen in the mine would be subject to injury from the moving equipment.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

SEPTEMBER 29, 1976.

[FR Doc.76-29408 Filed 10-6-76;8:45 am]

[Docket No. M 76-252]

#### LOGAN LUCAS COAL CORP.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Logan Lucas Coal Corp., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 5 Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

. . . Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two Mescher tractors, one Kersey tractor, two Acme roof bolting machines, and Long-Airdox loading machine, and one 12 BU Joy loading machine.

3. The No. 5 Mine is in the No. 3 Elkhorn seam which ranges from 34 to 72 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the equipment allows only a 23-inch ver-

tical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

SEPTEMBER 29, 1976.

[FR Doc.76-29409 Filed 10-6-76; 8:45 am]

[Docket No. M 76-324]

#### WRIGHT COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Wright Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its Nos. 1 and 2 Mines, both located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the equipment in its mines would create a hazard to the equipment operators.

2. This petition is in reference to canopies on haulage equipment, a mining machine, and a roof bolting machine at the No. 1 Mine and to identical equipment at the No. 2 Mine.

3. The No. 1 Mine is in the Lower Elkhorn seam which ranges from 37 to 44 inches in height. The No. 2 Mine is also in the Lower Elkhorn seam and ranges from 37 to 45 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the equipment allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mines.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 8, 1976. Such request or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

SEPTEMBER 30, 1976.

[FR Doc.76-29410 Filed 10-6-76; 8:45 am]

#### Office of the Secretary

#### COMMITTEE ON FUTURE ENERGY PROSPECTS NATIONAL PETROLEUM COUNCIL

#### Meeting

Notice is hereby given for the following meeting:

The National Petroleum Council's Committee on Future Energy Prospects will meet on October 26, 1976, at 10:00

a.m., in the Arlington Room of the Madison Hotel, 15th and M Streets, N.W., Washington, D.C.

The agenda includes the following items for review and discussion:

1. Progress of development of assigned analytical papers.
2. Timetable for completion of assigned analytical papers.
3. Any other matters pertinent to the overall assignment of the Committee on Future Energy Prospects.

The purpose of the National Petroleum Council is to provide to the Secretary of the Interior, upon request, advice, information, and recommendations upon any matter relating to petroleum or the petroleum industry.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

Further information about the meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C. (telephone: 343-6226).

Dated: October 1, 1976.

ROBERT L. PRESLEY,  
Staff Assistant-Emergency Preparedness Office of the Assistant Secretary-Energy and Minerals.

[FR Doc.76-29475 Filed 10-6-76; 8:45 am]

#### Assistant Secretary—Energy and Minerals INDUSTRY ADVISORY COMMITTEE TO THE DEFENSE ELECTRIC POWER ADMINISTRATION

#### Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Industry Advisory Committee to the Defense Electric Power Administration will be held between 8:30 am and 12 noon, on Wednesday, November 10, 1976, in Room 5160, U.S. Department of the Interior, 18th & C Streets, NW., Washington, D.C.

The Committee was established by the Secretary of the Interior to advise and assist the Secretary and the Administrator of the Defense Electric Power Administration in planning for continuing supplies of power during attack emergencies as well as major natural disasters and other peacetime catastrophies.

Frank H. King (Chairman), Holyoke, Massachusetts  
W. Reid Thompson (Vice-Chairman), Washington, D.C.  
T. Louis Austin, Jr., Dallas, Texas  
John F. Bonner, San Francisco, California  
Albert Carlsen, Boise, Idaho  
David M. Heskett, Bismarck, North Dakota  
Donald P. Hodel, Portland, Oregon  
E. Allan Hunter, Salt Lake City, Utah  
Donald C. Lutken, Jackson, Mississippi  
John P. Madgett, LaCrosse, Wisconsin

Marshall McDonald, Miami, Florida  
 Charles S. McNeer, Milwaukee, Wisconsin  
 William G. Meese, Detroit, Michigan  
 Richard O. Newman, Tulsa, Oklahoma  
 Robert T. Person, Denver, Colorado  
 James D. Phillips, Colorado Springs, Colorado  
 Lelan F. Sillin, Jr., West Springfield, Massachusetts  
 T. Graham Wells, Jr., Chattanooga, Tennessee  
 G. W. Pennebaker (Co-Chairman), Washington, D.C.

The purpose of the meeting is to discuss the following items:

(1) FBI report on assistance to power companies in terrorist attacks; (2) proposed deletion of the electric power facilities from the Key Facilities List; (3) powerplant productivity and national energy policy as viewed by FEA; (4) progress of research and development affecting the electric power industry.

The meeting will be open to the public, commencing at 8:30 a.m. through 12 noon. Facilities and space are limited to accommodate 30 people at the meeting.

Further information concerning this meeting may be obtained from G. W. Pennebaker, Administrator of the Defense Electric Power Administration, at AC 202-343-7521. Minutes of the meeting will be available for public inspection two weeks after the meeting at the office of the Defense Electric Power Administration, U.S. Department of the Interior, Room 3620, 18th & C Streets, NW., Washington, D.C.

Dated: September 29, 1976.

RAYMOND A. PECK, Jr.,  
 Deputy Assistant Secretary  
 of the Interior.

[FR Doc.76-29397 Filed 10-6-76;8:45 am]

#### Office of the Secretary

#### INTERIOR COAL ADVISORY COMMITTEE Notice of Establishment

This notice is published in accordance with the provisions of 5 U.S.C. 552(a) (1), and section 9(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1). Following consultation with the Office of Management and Budget Secretariat, notice is hereby given that the Secretary of the Interior is establishing an Interior Coal Advisory Committee. The committee's objective is to render advice and recommend positions for policy formulation and implementation leading to increase the domestic production and use of coal, consistent with national energy, economic and environmental goals. The committee will advise the Secretary and make recommendations to him concerning appropriate means whereby domestic coal production and use can be increased efficiently, safely, and without undue environmental harm in order to help the Nation achieve energy self-sufficiency. Major areas of concern are public lands, coal extraction research and development, and health and safety research. Such advice is consistent with enhancing the missions of the Department of the Interior. The certification of establishment is published below.

#### CERTIFICATION

I hereby certify that the Interior Coal Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of the Interior in the conservation and development of the Nation's natural resources by the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a); the Organic Act of May 16, 1910 (30 U.S.C. 1, 3, 5-7), as amended, which established the Bureau of Mines; the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801); the Mineral Leasing Act of 1920 (41 Stat. 438; 30 U.S.C. 201-209), as amended; and the Acquired Land Act (61 Stat. 913; 30 U.S.C. 351-359)

THOMAS S. KLEPPE,  
 Secretary of the Interior.

August 23, 1976.

[FR Doc.76-29419 Filed 10-6-76;8:45 am]

#### DEPARTMENT OF STATE

[CM-6/109]

#### ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES Meeting

The Department of State Advisory Committee on Transnational Enterprises will hold its sixth meeting on Thursday, October 28 at 9:30 a.m. in Room 7516 of the Department of State, 2201 C Street, N.W., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss the ongoing work in international fora in regard to questionable payments, and codes of conduct relating to transfer of technology and transnational enterprises.

Requests for further information on the meeting should be directed to Stephen Bond, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-0349.

Members of the public wishing to attend the meeting must contact Mr. Bond's office in order to arrange entrance to the State Department building.

The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: October 1, 1976.

STEPHEN R. BOND,  
 Executive Secretary.

[FR Doc.76-29357 Filed 10-6-76;8:45 am]

#### DEPARTMENT OF AGRICULTURE

Forest Service

#### BLACKTAIL PLANNING UNIT LAND USE PLAN

#### 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 Blacktail Planning Unit, Forest Service Report

Number USDA-FS-R1(04)-FES-Adm-76-13.

The environmental statement concerns a proposed land use plan for Blacktail Planning Unit, Bonner County, Idaho. Approximately 88,010 acres are included in the planning unit of which 21,890 acres are National Forest land. This plan allocates resources and specifies land use prescriptions for National Forest land only. Resource information for lands in other ownership is also included for owners/managers to use as they wish.

Consisting of higher elevations and more inaccessible areas, much of the National Forest ownership is broken and scattered with one major exception; a continuous portion of the rugged west shore line of Lake Pend Oreille. The proposed plan emphasizes recreation, wildlife habitat, and high scenic quality on key areas. Timber, forage, and water uses would also be provided to the extent possible without deterioration of the emphasized values. Fisheries habitat and most wildlife habitat would be maintained or (in some cases) improved. There would be a decrease in the small amount of lands that could be managed for primitive or back country recreation. No lands in the Blacktail Planning Unit meet the Region One (U.S. Forest Service) criteria for roadless and undeveloped areas.

This final environmental statement was filed with CEQ on September 27, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, DC 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.

USDA, Forest Service, Idaho National Forest, 218 North 23rd Street, Coeur d'Alene, ID 83814.

USDA, Forest Service, Sandpoint Ranger District, Federal Building, Sandpoint, ID 83864.

A limited number of single copies are available upon request to:

USDA, Forest Service, Sandpoint Zone Planning, P.O. Box 490, Sandpoint, ID 83864.

Copies of this final environmental impact statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

RALPH W. KIZER,  
 Forest Supervisor Idaho Panhandle National Forests Northern Region, Forest Service.

SEPTEMBER 27, 1976.

[FR Doc.76-29395 Filed 10-6-76;8:45 am]

#### East Deer Creek Planning Unit Land Use Plan

#### COLVILLE NATIONAL FOREST 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 East Deer Creek Planning Unit Land Use Plan, USDA-FS-R-6-FES(Adm.)75-20.

The environmental statement concerns a proposed land use plan for the East Deer Creek Watershed which provides municipal water for the unincorporated town of Orient, Ferry County, Washington. The land use plan identifies eight management areas and outlines broad management guidelines for each area. General policies and guidelines for water quality protection are proposed that permit limited development and logging within the unit.

This final environmental statement was transmitted to CEQ on September 29, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th & Independence Ave., SW., Washington, DC 20250.

USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 97204.

Colville National Forest, 695 S. Main, Colville, Washington 99114.

A limited number of single copies are available upon request to: Robert B. Terrill, Forest Supervisor, Colville National Forest, Federal Building, Colville, Washington 99114.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

ROBERT B. TERRILL,  
Forest Supervisor.

SEPTEMBER 29, 1976.

[FR Doc.76-29461 Filed 10-6-76;8:45 am]

#### OCHOCO NATIONAL FOREST GRAZING ADVISORY BOARD

##### Meeting

The Ochoco National Forest Grazing Advisory Board will meet at 10:00 a.m., November 4, 1976 in the Forest Supervisor's Office, Federal Building, Prineville, Oregon.

The purpose of this meeting is to select officers, discuss bylaws, rules for public participation, and subjects concerning management and administration presented by board members, permittees, and the general public.

The meeting will be open to the public. Persons who wish to attend should notify Jack Royle, P.O. Box 490, Prineville, Oregon 97754; phone 447-6247. Written statements may be filed with the committee before or after the meeting.

JACK H. ROYLE,  
Acting Forest Supervisor.

OCTOBER 1, 1976.

[FR Doc.76-29472 Filed 10-6-76;8:45 am]

#### TWISP-WINTHROP-CONCONULLY PLANNING UNIT

##### Land Use Plan

##### 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 Twisp-Winthrop-Conconully Planning Unit Land Use Plan, USDA-FS-R6-FES(Adm.)-76-5.

The environmental statement concerns a proposed land use plan for the National Forest lands administered by the Twisp, Winthrop and Conconully Districts of the Okanogan National Forest.

This Final environmental statement was transmitted to CEQ on October 1, 1976.

Copies are available for inspection during regular work hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., SW., Washington, DC 20250.

U.S. Forest Service, Multnomah Bldg., 319 S.W. Pine St., Portland, Oregon 97204.

Okanogan National Forest Supervisor's Office, 219 Second Avenue South, Okanogan, Washington 98840.

Ranger District Offices in: Okanogan, Washington 98840; Tonasket, Washington 98855; Twisp, Washington 98862; Winthrop, Washington 98862.

Mt. Baker-Snoqualmie National Forest Supervisor's Office, 1601 Second Avenue Building, Seattle, Washington 98101.

A limited number of single copies are available upon request to:

Forest Supervisor, Okanogan National Forest, P.O. Box 950, Okanogan, Washington 98840.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

CURTIS L. SWANSON,  
Regional Environmental Co-ordinator Planning, Programming and Budgeting.

[FR Doc.76-29393 Filed 10-6-76;8:45 am]

#### SOUTH SLOPE UNIT PLAN

##### 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 South Slope Unit Plan, Chattahoochee-Oconee National Forest, USDA-FS-R2-DES (Adm.) 76-14.

This unit contains 129,000 acres of National Forest land located in Dawson, Fannin, Habersham, Lumpkin, Towns, Union, and White Counties, Georgia. Major actions are harvesting timber

products, development and maintenance of wildlife improvements, development of recreation facilities for dispersed recreation and construction and reconstruction of roads.

This draft environmental statement was transmitted to CEQ September 30, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave., SW., Washington, DC 20250.

USDA, Forest Service, 1720 Peachtree Street, NW., Rm. 804, Atlanta, Georgia 30309.

A limited number of single copies are available upon request to Forest Supervisor, Chattahoochee-Oconee National Forests, PO Box 1437, Gainesville, Georgia 30501.

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, Chattahoochee-Oconee National Forests, PO Box 1437, Gainesville, Georgia 30501. Comments must be received by December 6, 1976 in order to be considered in the preparation of the final environmental statement.

THOMAS W. SEARS,  
Acting Regional  
Environmental Coordinator.

SEPTEMBER 30, 1976.

[FR Doc.76-29394 Filed 10-6-76;8:45 am]

#### DEPARTMENT OF COMMERCE

##### Domestic and International Business Administration

#### SUBCOMMITTEE ON EXPORT ADMINISTRATION OF THE PRESIDENT'S EXPORT COUNCIL

##### Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Tuesday, October 26, 1976, at 9:30 am, in Room 4832, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC

The Subcommittee advises the Secretary of Commerce on ways to enable the Government to deal realistically and effectively with the problems of the business community regarding export licensing as affected by national security and foreign policy considerations.

The Subcommittee meeting agenda has four parts:

## GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Report on legislation and plans for implementation.
- (3) Discussion of Implementation of the Recommendations of the President's Task Force to Improve Export Administration Licensing Procedures.

## EXECUTIVE SESSION

- (4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and CoCom export control program.

The General Session, at which a limited number of seats will be available, is open to the public. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to Agenda item 4, the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 9, 1976, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. Materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the General Session will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, DC 20230.

The Complete Notice of Determination to close portions of the series of meetings of the Subcommittee on Export Administration of the President's Export Council is printed below.

For further information, contact Edward P. Kemp, Confidential Assistant to the Director, Bureau of East-West Trade, Domestic and International Business Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377-5334.

EDWARD H. STROH,  
Acting Deputy Assistant  
Secretary for East-West Trade.

OCTOBER 1, 1976.

DEPARTMENT OF COMMERCE  
OFFICE OF THE ASSISTANT SECRETARY FOR  
ADMINISTRATION  
SUBCOMMITTEE ON EXPORT ADMINISTRATION  
PRESIDENT'S EXPORT COUNCIL  
Notice of Determination

The Subcommittee on Export Administration was established by the Secretary of

Commerce as a subordinate committee of the President's Export Council, pursuant to Section 3 of Executive Order 11753, to advise the Department of Commerce on matters pertinent to those portions of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401 *et seq.*), that deal with United States policy of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

The Subcommittee, which currently has seventeen members representative of U.S. industry engaged in export trade, will terminate no later than January 5, 1977, unless extended by proper authority by appropriate action. All members of the Subcommittee have the appropriate security clearances for access to classified information.

The Subcommittee's activities are conducted in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. V, 1975)), and Office of Management and Budget Circular A-63 (Revised), "Advisory Committee Management", effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in 5 U.S.C. 552(b), which provides, *inter alia*, that information may be withheld from public disclosure if it concerns matters that are "specifically authorized under criteria established by an Executive order to be kept secret in the interest of the national defense or foreign policy and are in fact properly classified pursuant to such Executive order."

On order to provide advice to the Department under the terms of its charter, the Subcommittee will hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the commodities and technical data subject to the CoCom control list, of the foreign availability of controlled commodities and technical data, and of other specific matters regarding export administration, much of the information relating to which is now or will be properly classified for national security or foreign policy reasons, pursuant to Executive Order 11652, 3 C.F.R. 339 (1974). In order for the Subcommittee to provide required advice to the U.S. Government, it will be necessary to provide the Subcommittee with such classified material. Therefore, the portions of the series of meetings of the Subcommittee that will involve discussions of matters specifically authorized under criteria established by Executive Order 11652 to be kept secret in the interest of national security or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Subcommittee dealing with the aforementioned classified materials shall be exempt, for the period September 15, 1976, to January 5, 1977, from the provisions of Section 10 (a) (1) and (a) (3) of that Act, relating to open meetings and public participation therein, because the Subcommittee discussions will be concerned with matters listed in 5 U.S.C. 552(b) (1). The

remaining portions of the meetings will be open to the public.

JOSEPH E. KASPUTYS,  
Assistant Secretary for  
Administration.

SEPTEMBER 9, 1976.

ALFED MEISUER,  
Assistant General  
Counsel for Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-29431 Filed 10-6-76;8:45 am]

National Oceanic and Atmospheric  
AdministrationDRAFT ENVIRONMENTAL IMPACT STATEMENT;  
COASTAL ZONE MANAGEMENT  
PROGRAM OF THE STATE OF CALIFORNIA

## Postponement of Public Hearing

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, is postponing the two public hearings which were to be held October 26 and 27, 1976, in Los Angeles and San Francisco, respectively, for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) for the Coastal Zone Management Program of the State of California, published in the FEDERAL REGISTER, Vol. 41, No. 187—Friday, September 24, 1976.

The Office of Coastal Zone Management (OCZM) has reevaluated its DEIS on the State of California Coastal Zone Management Program. In light of the recent passage of SB 1277, The California Coastal Act of 1976, it has been determined a revision to the DEIS is now required to clarify the California Coastal Zone Management Program which now differs in part from the California Coastal Plan as described in the DEIS.

Therefore, OCZM is hereby postponing the public hearings on the California DEIS until at least 30 days after this revised DEIS can be circulated. Further notice of the rescheduled dates for these hearings will be published in the FEDERAL REGISTER and the California news media, and individual notices will be mailed to all agencies and parties from which comments have been requested on the DEIS.

T. P. GLEITER,  
Assistant Administrator  
for Administration.

[FR Doc.76-29396 Filed 10-6-76;8:45 am]

CTAB PANEL ON ENERGY POLICY  
Open 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 next meeting of the Department of Commerce Technical Advisory Board (CTAB) Panel on Energy Policy will be held on Wednesday, October 20, from 9:00 A.M. to 6:00 P.M., and Thursday, October 21, from 8:30 A.M. to 5:00 P.M. in Room 7000 A and B, of the Department of Interior Building,

18th and C Streets, NW., Washington, D.C.

The Panel has been established to assess the current energy situation from a private sector point of view and to provide an experienced and independent voice to assist the further development of a national energy program.

The entire two-day meeting will be devoted to the following business:

(1) Presentation and review of the following Ad Hoc Policy Development Reports:

Conservation  
Fuel Substitution  
Coal  
Oil and Natural Gas  
Nuclear  
Electric Utilities  
Synthetic Fuels and Shale Oil  
New Energy Sources  
National Energy Goals

(2) Development by the Panel of preliminary policy positions.

The meeting will be open to public observation. The public may submit written statements or inquiries on agenda items with the Chairman before or after the meeting. Comments shall be directly relevant to the above agenda items. Questions at the meeting may be propounded only by members of CTAB, DOC officials and invited participants. A limited number of seats will be available for the public and to the press on a first-come first-serve basis.

Copies of minutes will be made available for copying, 30 days after the meeting, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce, Central Reference and Inspection Facility, Washington, D.C. 20230.

Persons desiring further information on the Panel or on individual meetings should contact Mr. William Dorn, Room 3877, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377-3668.

BETSY ANKER-JOHNSON,  
*Assistant Secretary for Science  
and Technology.*

OCTOBER 1, 1976.

[FR Doc.76-29516 Filed 10-6-76; 8:45 am]

**COMMERCE TECHNICAL ADVISORY BOARD**  
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 Commerce Technical Advisory Board will hold a meeting on Wednesday, October 27, 1976, from 9:00 A.M. to 5:00 P.M. and Thursday, October 28, 1976, from 8:30 A.M. to 12:00 Noon, in Room 4833 of the Main Department of Commerce Building, 14th and E Streets, NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value

to the business community. The agenda for the meeting is as follows:

The entire first day of the meeting will be devoted to the following topic: "The Role of Technological Innovation in U.S. Productivity, Foreign Trade, and General Welfare of Society." Resource speakers and panelists will include Betsy Anker-Johnson, Michael Boretsky, Paul Samuelson, Peggy Musgrave, Fred Bergstrom, and John W. Kendrick. The entire second day will be devoted to a discussion of the Implementation of the Defense Science Board Task Force Report on Export Controls. The discussion will be initiated with a briefing by J. Fred Bucy, Chairman of the DSB Task Force on Export of U.S. Technology.

The meeting will be conducted in a manner to facilitate the orderly flow of business. Practical considerations may dictate alterations in the above agenda or schedule.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. Such communications shall be directly relevant to the above agenda items. Only comments and questions from members of the Board, DOC officials and invited participants will be entertained at the meeting. A limited number of seats will be available to the public and to the press on a first-come first-serve basis.

Copies of minutes or tape and materials distributed will be made available for reproduction, following certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce Central Reference and Inspection Facility, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence S. Feinberg, Administrator, Room 3865, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377-5065 after October 11, 1976.

BETSY ANKER-JOHNSON,  
*Assistant Secretary for Science  
and Technology.*

OCTOBER 4, 1976.

[FR Doc.76-29515 Filed 10-6-76; 8:45 am]

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Office of Education

**NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT**

Expiration

The Education Professions Development Act (Pub. L. 90-35) expired September 30, 1976. The National Advisory Council on Education Professions Development (section 502) also expired September 30, 1976. Offices of the Council are located at 1111 20th Street, NW, Suite 306, Washington, D.C. 20036 (telephone 202-653-6169) and are scheduled to close about October 29, 1976. All inquiries after that date should be addressed to Committee Management Staff, U.S. Office of Education, Washington,

DC 20202 (telephone 202-245-6081) which also will receive the records of the Council.

Signed at Washington, D.C. on September 30, 1976.

GEORGE ARNSTEIN,  
*Executive Director.*

[FR Doc.76-29470 Filed 10-6-76; 8:45 am]

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Federal Disaster Assistance Administration

[Docket No. NFD-307; FDAA-3014-EM]

WISCONSIN

**Amendment to Notice of Emergency Declaration**

Notice of emergency for the State of Wisconsin, dated June 17, 1976, and amended on July 29, 1976, and on September 7, 1976, is hereby further 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 June 17, 1976, and to make emergency assistance available to these additional counties effective the date of this amended Notice:

THE COUNTIES OF

Calumet	Marinette
Columbia	Menominee
Florence	Oconto
Grant	Outagamie
Green Lake	Richland
Jackson	Winnebago

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: September 30, 1976.

THOMAS P. DUNNE,  
*Administrator, Federal Disaster  
Assistance Administration.*

[FR Doc.76-29447 Filed 10-6-76; 8:45 am]

**DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration

**RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 130—"RELIABILITY SPECIFICATIONS FOR AIRBORNE ELECTRONIC SYSTEMS"**

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 130—"Reliability Specifications for Airborne Electronic Systems" to be held October 27-28, 1976, RTCA Conference Room 261, 1717 H Street, NW., Washington, D.C., 20006, commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Approval of Minutes of Fourth Meeting held June 22-23, 1976; (2) Report of Chairman of Informal Working Group; (3) Consideration of FAA Definitions; and (4) Consideration of Draft Final Report.

Attendance is open to the interested public but limited to space available.



With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the Committee at any time.

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

KARL F. BIERACH,  
Designated Officer.

[FR Doc.76-29277 Filed 10-6-76;8:45 am]

#### Office of Pipeline Safety Operations

[Docket No. 76-12W; Notice 4]

### TRANS-ALASKA CRUDE OIL PIPELINE

#### Petition for Waiver for Girth Welds; Public Hearing

The purpose of this notice is to announce that:

(1) There has been placed in Docket No. 76-12W for public inspection a preliminary report on the National Bureau of Standards (NBS) analysis and assessment of (i) fracture mechanics as that analytical technique may be applicable for determining the effects of defects in girth welds on the structural integrity of the trans-Alaska pipeline system and the alternative maximum allowable weld defect sizes proposed by Alyeska Pipeline Service Company, (ii) weld defect and arc burn sizes submitted by Alyeska in support of its petition for exemptions from certain welding requirements of 49 CFR Part 195 for individual welds in the main line pipe of the trans-Alaska pipeline system, and (iii) methodologies for measuring the depth of those defects and arc burns;

(2) The docket has been reopened to receive additional written comments until the close of business on October 28, 1976; and

(3) The Deputy Secretary of Transportation will conduct a public hearing in this matter commencing at 8:30 a.m., Thursday, October 28, 1976, in the third floor auditorium of Federal Building 10A at 800 Independence Avenue SW., Washington, D.C.

As stated in the initial notice in this proceeding (41 FR 34375; October 13, 1976), the NBS is serving as technical consultant to the OPSO with the specific task of preparing an analysis of test procedures and methodology and an assessment of the adequacy of the statistical base upon which Alyeska has based its petition. On October 1, 1976, the NBS briefed the Deputy Secretary and other concerned Department of Transportation officials describing the information obtained and the status of the NBS analysis and assessment through September 30, 1976. A final report is expected about mid-October at which time it will be placed in the docket for public inspection and review. When that occurs, the OPSO will so announce in the FEDERAL REGISTER. Meanwhile, to assist those who may be

interested in commenting on the NBS final report, the NBS has prepared a written preliminary report which is a summary of its October 1 briefing. A copy of that preliminary report has been placed in the docket and copies are being sent to each of those persons who has requested to be placed on the notice mailing list for the docket.

The hearing on October 28 will be for the purpose of receiving the views of interested persons as to (1) whether a fracture mechanics analysis can properly serve as an alternative to the standards set forth in Subpart D of 49 CFR Part 195 for determining the integrity of girth welds in the main line of the trans-Alaska crude oil pipeline system and (2) if so, whether the docketed technical information provides a valid basis for applying a fracture mechanics analysis to the particular girth welds for which Alyeska seeks waivers of the 49 CFR standard.

The hearing will be informal. It will not be an adversary or evidentiary-type hearing. Public participants will be permitted a maximum of 15 minutes for each presentation. Written copies of presentations are requested but not required. The docket will remain open until the close of business on the day of the hearing for the benefit of those who may wish to supplement their oral presentations.

Persons desiring to make presentations at the hearing should write to or telephone the Docket Clerk (Ms. Peggy Hammond), Office of Pipeline Safety Operations (Alyeska Docket No. 76-12W), 2100 Second Street SW., Washington, D.C. 20590 (telephone 202-426-0135) to be received not later than noon, Tuesday, October 26, 1976, giving the following information:

- (1) Name.
- (2) Address.
- (3) Phone number during normal working hours.
- (4) Capacity in which presentation will be made (e.g. private citizen, public interest group, public official, standard-setting group, private business firm together with the name of group, firm or particular interest concerned).
- (5) Position—pro or con on each of the two issues stated above.
- (6) Time (maximum 15 minutes) desired for presentation.

A schedule will be prepared listing the participants in the order in which their presentations will be made. If more requests to testify are made than the time allotted will permit, we will attempt to obtain prior agreement on time allotments, or will allot time through the drawing of names by lot. The public and the press are invited to the hearing. The hearing will be transcribed electronically. The transcription and all written submissions will become a part of the record in this proceeding.

(18 U.S.C. 831-835, 49 CFR 1.53(g).)

Issued in Washington, D.C., on October 6, 1976.

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

[FR Doc.76-29787 Filed 10-6-76;11:55 am]

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### COMMITTEE ON LICENSES AND AUTHORIZATIONS

#### Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Licenses and Authorizations of the Administrative Conference of the United States, to be held at 11:00 a.m., October 22, 1976 in the offices of O'Melveny & Myers, 1800 M Street, N.W., Washington, D.C.

The Committee will meet to consider progress report on study of dual system of banking regulation.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C., 20037, at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Phillip J. Harter (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,  
Executive Secretary.

OCTOBER 4, 1976.

[FR Doc.76-29514 Filed 10-6-76;8:45 am]

### COMMITTEE ON RATEMAKING AND ECONOMIC REGULATION

#### Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rate-making and Economic Regulation of the Administrative Conference of the United States, to be held at 10:00 a.m., October 18, 1976 in the library of the Administrative Conference, the Gelman Building, 2120 L Street, N.W., Suite 500, Washington D.C.

The Committee will meet to consider "Statement on Procedures to Deal with Emergency Shortages of Natural Gas".

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Phillip J. Harter (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,  
Executive Secretary.

OCTOBER 4, 1976.

[FR Doc.76-29513 Filed 10-6-76;8:45 am]

**COMMITTEE ON RULEMAKING AND  
PUBLIC INFORMATION**

**Meeting**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 1 pm, October 22, 1976 in the conference room of the Administrative Conference on the lower level, the Gelman Building, 2120 L Street, NW, Suite 500, Washington, DC.

The Committee will meet to discuss the legislative control of agency rulemaking project being conducted by Dean Ernest A. E. Gellhorn and Professor Harold H. Bruff, and other Committee business.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Emmett J. Gavin (202-254-7020). Minutes of the meeting will be available on request.

**RICHARD K. BERG,**  
*Executive Secretary.*

SEPTEMBER 29, 1976.

[FR Doc.76-29392 Filed 10-6-76;8:45 am]

**ARCHITECTURAL AND TRANSPORTATION CARRIERS COMPLIANCE BOARD**

**RECREATION FOR HANDICAPPED PERSONS**

**Public Hearing**

Notice is hereby given, under section 502 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 29 U.S.C. 792, as amended), that a National Hearing on Recreation for Handicapped Persons will be held on October 21-22, 9:00 a.m., at the Sheraton Boston Hotel, Prudential Center, Boston, Massachusetts.

The hearing will be open to the public. On each day, testimony will be given by witnesses invited from state and federal agencies, advocacy groups, industry, and consumers. Each testimony will be followed by questions from a board of examiners consisting of Mr. Stanley B. Thomas, Jr., Assistant Secretary for Human Development, Department of Health, Education, and Welfare and Chairman of the Architectural and Transportation Barriers Compliance Board; Mr. Albert C. Zapanta, Assistant Secretary for Management, Department of Interior and member of the Architectural and Transportation Barriers Compliance Board; Mr. James S. Jeffers, Executive Director, Architectural and

Transportation Barriers Compliance Board; Ms. Helen Hillman, Director, Programs for the Mentally Retarded and Physically Handicapped, District of Columbia Department of Recreation; and Mr. David Park, Coordinator for Therapeutic Recreation, George Washington University.

Oral testimony may be given only by invited witnesses, however written testimony will be welcomed from all interested parties. Persons and organizations interested in attending the hearing or submitting written testimony should contact Mr. Larry Allison, Architectural and Transportation Barriers Compliance Board, Room 1010, Mary E. Switzer Building, 330 C Street, SW, Washington, D.C. 20201, telephone (202) 245-1591.

Dated: October 4, 1976.

**STANLEY B. THOMAS, Jr.,**  
*Chairman.*

[FR Doc.76-29477 Filed 10-6-76;8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket No. 28173; Order 76-9-171]

**ALLEGHENY AIRLINES, INC.**

**Order Setting Application for Hearing**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September, 1976.

On August 13, 1975, Allegheny Airlines filed an application under Subpart M of Part 302 of the Board's Procedural Regulations seeking nonstop authority between Buffalo and St. Louis. Currently, these cities are on Allegheny's single segment Route 97. Condition 4 of the applicant's certificate provides that the carrier must make at least one stop between the two points.

On March 16, 1976, by Order 76-3-109, the Board set Allegheny's application for further proceedings under Subpart M rules and directed that revised exhibits be submitted within 25 days. In addition, normal Subpart M procedures were suspended until receipt of the requested information. On April 12, 1976, Allegheny submitted revised exhibits.

Answers in support of Allegheny's updated application were filed by the City of St. Louis and jointly by the Niagara Frontier Transportation Authority, the City of Buffalo and the Buffalo Area Chamber of Commerce. An answer opposing and requesting that the application be denied on the grounds that Allegheny's proposal is not economically viable was filed by American.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that Allegheny's application should be set for hearing under procedures prescribed by Subpart M. By a Notice of Environmental Rejection, contemporaneously issued with this order, the Chief, Legal Division, Bureau of Operating Rights, after an analysis of the environmental evaluation provided with Allegheny's application, has found, pursuant to section 312.13 of the Board's Procedural Regulations, that the pro-

ceeding instituted herein is not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). However, that conclusion 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 are we foreclosed from consideration of environmental facts resulting from the possible licensing actions in issue in this proceeding, which, although of a lesser magnitude than those required to trigger further procedures under the requirements of NEPA and Part 312 of the Board's Rules, might nonetheless be relevant to our decision.

Accordingly, it is ordered, That:

1. The application of Allegheny Airlines, Docket 28173, be and it hereby is set for hearing before an administrative law judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

**PHYLLIS T. KAYLOR,**  
*Secretary.*

[FR Doc.76-29529 Filed 10-6-76;8:45 am]

[Docket No. 28173]

**ALLEGHENY AIRLINES, INC.**

**Notice of Environmental Rejection**

By Order 76-3-109, March 16, 1976, the Board directed the applicant in the above-captioned proceeding to file an environmental evaluation in conformance with section 312 of the Board's Procedural Regulations.

Allegheny's calculations are based upon the assumption that one additional Buffalo-St. Louis nonstop round trip would be operated. In addition, the calculations assume that all operations would be conducted with BAC-1-11's.

The operations statistics used by Allegheny appear accurate for the airports involved. In analyzing the evaluation, we compared the base period with the forecast period for each city, in order to judge the potential impact of new services.

Pursuant to §§ 312.8 and 312.13 of the Board's Procedural Regulations, the undersigned—having reviewed the environmental evaluation and other available information with respect to the application described above and having been duly designated by the Director, Bureau of Operating Rights, pursuant to § 312.8—hereby finds that any subsequent Board action approving, denying, or otherwise acting upon such application would not constitute a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., September 30, 1976.

BARBARA A. CLARK,  
Chief, Legal Division,  
Bureau of Operating Rights.

[FR Doc.76-29528 Filed 10-6-76; 8:45 am]

**COMMISSION ON CIVIL RIGHTS  
MAINE ADVISORY COMMITTEE  
Meeting; Amendment**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that the meeting of the Maine Advisory Committee (SAC) of the Commission published in the FEDERAL REGISTER on Friday, September 3, 1976, on page 37392 (FR Doc. 76-25927) is hereby amended to show change of meeting dates. The meeting will be held on October 8-9, 1976. The meeting place and time will remain the same.

Dated at Washington, D.C., October 5, 1976.

ISALAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-29666 Filed 10-6-76; 8:45 am]

**ENVIRONMENTAL PROTECTION  
AGENCY**

**CALIFORNIA STATE MOTOR VEHICLE  
POLLUTION CONTROL STANDARDS**

**Waiver of Federal Preemption**

**I. INTRODUCTION**

On March 22, 1976, the Environmental Protection Agency (EPA), by notice published in the FEDERAL REGISTER (41 FR 11876), announced a public hearing pursuant to section 209(b) of the Clean Air Act, as amended (hereinafter the "Act") (42 U.S.C. 1857f-6a(b)). That hearing was called to consider a request by the State of California that the Administrator waive application of section 209(a) of the Act with respect to the California hydrocarbon emission standards and accompanying enforcement procedures applicable to 1978 and subsequent production year motorcycles. Section 209(b) of the Act requires the Administrator to grant such waiver, after opportunity for a public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed to be consistent with section 202(a) if adequate technology exists with which to meet them and adequate lead time is, or appears to be, available in which to implement that technology, or if technology does not exist but there is, or appears to be, adequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame.

The public hearing was held in Los Angeles California, on May 27, 1976. The record was kept open until June 11, 1976, for the submission of written material, data or arguments by interested persons. I have determined that I cannot make the findings required for denial of the waiver under section 209(b), and therefore that I am compelled to grant the requested waiver of Federal preemption for 1978 and subsequent production years. If more stringent Federal standards are subsequently promulgated for any such model year, at that time I may have to reconsider the question of whether this California waiver will remain in effect. The record of the hearing and the other evidence available to me clearly reveal that compelling and extraordinary conditions exist in the State of California, and that adequate technology will be available, when considered in the context of the available lead time, to meet the California hydrocarbon standards for 1978 and subsequent production years.

**II. BACKGROUND**

It has long been recognized by the EPA that motorcycles contribute significantly to the hydrocarbon and carbon monoxide pollution in certain Air Quality Control Regions. In fact, certain limitations on the operation and registration of motorcycles were proposed as part of the rule making for the Approval and Promulgation of Implementation Plans for the States of Arizona and New Jersey, and promulgated as part of the rule making for the Approval and Promulgation of the Implementation Plan for the State of California. As a result of these proposed limitations, the motorcycle industry met with representatives of the EPA and expressed their desire for the promulgation of emission standards for motorcycles as a means of eliminating the need for the proposed restrictions. As a general proposition the industry stated that motorcycle emission control technology was available and could be implemented, with allowance for reasonable production lead time.

On January 17, 1974, the EPA published an advance notice of proposed rulemaking (39 FR 2108) for the control of emissions from motorcycles. This was published to provide notice of EPA's intention to promulgate emission standards for motorcycles, and to seek comments from any interested persons regarding the issues involved. The comments received by the EPA were carefully analyzed, and on October 22, 1975, a notice of proposed rulemaking was published (40 FR 49496). In this notice the EPA proposed both exhaust and crankcase emission standards for motorcycles produced on or after January 1, 1978. At the present time these proposed regulations have not yet been promulgated in final form.

Against this background, on July 15, 1975, the California Air Resources Board (CARB) adopted hydrocarbon (HC) emission standards and tests procedures for 1978 and subsequent production year motorcycles. The California standards

are to be implemented in three stages of increasing stringency. The standards are:

- 10 grams HC per kilometre for 1978 and 1979 production years (motorcycles manufactured after January 1, 1978),
- 5 grams HC per kilometre for 1980 and 1981 production years (motorcycles manufactured after January 1, 1980),
- 1 gram HC per kilometre for 1982 and subsequent production years (motorcycles manufactured after January 1, 1982).

On September 2, 1975, California requested a waiver of Federal preemption for these standards and accompanying enforcement procedures. It is that waiver request which is the subject of this decision.

**III. DISCUSSION**

*Legal Criteria and Legislative History.* Section 209 was added to the Clean Air Act by the Air Quality Act of 1967, Pub. L. 90-148, 81 Stat. 501, and has been preserved in the Clean Air Act essentially unamended since then. It prohibits any State from adopting or enforcing emission standards for new motor vehicles, unless such State had adopted emission standards (other than crankcase emission standards) prior to March 30, 1966. Only California meets this test. California may seek a waiver from the prohibitions of section 209(a) and may thereby adopt or enforce emission standards unless the Administrator of the EPA, after notice and opportunity for a hearing, finds either that California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that California's standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

These provisions must be read in the light of their unusually detailed and explicit legislative history in order to understand the intent of Congress in enacting section 209(b). The legislative history is discussed at some length in the prior waiver decision of May 28, 1975 (40 FR 23102, 23103). The major points that emerged are summarized below.

At the time the California waiver provision was adopted, Congress believed that "compelling and extraordinary conditions" existed in California, and the waiver provision was specially tailored to meet this situation. Congress meant to ensure by the language it adopted that the Federal government would not second-guess the wisdom of State policy in the area of emission standards. Congress intended to preserve the California emission control program and allow California to continue to act as a pioneer in this field. Even in the two areas of section 209(b) which specifically allow for Federal judgment, Congress intended that the standard of EPA review of the State decision be a narrow one.

This Congressional intent has shaped EPA's approach to all California waiver decisions. As stated by (then) Administrator Ruckelshaus in the waiver decision of August 31, 1971 (36 FR 17458):



The law makes it clear that the waiver request cannot be denied unless the specific findings designated in the statute can properly be made. The issue of whether a proposed California requirement is likely to result in only marginal improvement in California air quality not commensurate with its cost or is otherwise an arguably unwise exercise of regulatory power is not legally pertinent to my decision under section 209, so long as the California requirement is consistent with section 202(a) and is more stringent than applicable Federal requirements in the sense that it may result in some further reduction in air pollution in California.

Accordingly, I do not subscribe to certain arguments that were advanced with regard to this waiver decision as reasons for denying the California waiver. Arguments concerning the wisdom of California's actions with regard to motorcycles, the cost effectiveness of the motorcycle standards, the marginal improvements in air quality that will allegedly result, and the question of whether these particular standards are actually required by California all fall within the broad area of public policy. The EPA practice of leaving the decision on such controversial matters of public policy to California's judgment is entirely consistent with the Congressional intent behind the California waiver provision.

**Technology and lead time.** This issue has traditionally been the key issue in previous waiver decisions, and once again technology and lead time are the crucial questions in the motorcycle situation. This issue arises from the fact that section 209(b) of the Act refers to whether the California standards and accompanying enforcement procedures are "consistent with section 202(a)." Section 202(a)(2) states that the standards "shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period." It should be pointed out that in order to be consistent with section 202(a), it is not required that the requisite technology be developed at present, but rather that the available lead time appears to be sufficient to permit the development and application of that technology.

While section 209(b) requires consideration of whether the adoption of standards by California is consistent with section 202(a), nevertheless, my discretion in determining whether to deny the waiver is considerably narrower than my discretion to act or not to act in the context promulgating Federal standards under section 202(a). 113 Cong. Rec. H. 14405 (Cong. Holifield) (daily ed. Nov. 2, 1967); see also 40 FR 23104 (May 28, 1975). I would therefore feel compelled to approve a California approach to the regulation of motorcycle emissions which I might choose not to adopt at the Federal level.

In that connection I should state that, although I have concluded from today's state of information that achievement of the 1978, 1980 and 1982 California

hydrocarbon standards is technologically feasible, I interpret the statute such that I could have drawn conclusions of technological feasibility on the basis of less information when the deadline for compliance is farther away. This is inherent in the whole approach of the Clean Air Act which, as I said in last year's waiver decision, "is to force the development of new types of emission control technology where that is needed." 40 FR 23104 (May 28, 1975). As Mr. Justice Frankfurter said two decades ago, "Especially when the incentive is great, invention can rapidly upset prevailing opinions of feasibility." *Radio Corp. of America v. United States*, 341 U.S. 412, 427 (1951). There may well be new technology developed for motorcycle emission control which we cannot foresee at the present and which, in the absence of firm deadlines, will not be developed. As Senator Cooper said during debate on the adoption of section 202 of the Clean Air Act of 1970, without the stimulation of deadlines and strict standards, "such innovation is not likely to be forthcoming." 116 Cong. Rec. 33317 (1970).

With regard to the 1978 standard of 10 grams per kilometre (g/km), only two stroke motorcycles with engine sizes greater than approximately 170 cc will require reductions in HC emissions. Of these two stroke motorcycles, those of 500 cc and greater are expected to have the most difficulty in meeting the 10 g/km HC standard. Essentially all four stroke motorcycles already meet the 10 g/km standard in their present uncontrolled state, and so do most of the smaller two stroke motorcycles.

As for those two stroke motorcycles of 170 cc or larger, the information available to EPA leads to the conclusion that these models will be able to meet the 1978 California standard with the application of emission control technology. Kawasaki testified that they are aware of technology that would allow these two stroke motorcycles to meet the standard, but they contend that the resulting motorcycles would be unsafe and unreliable and would therefore not be offered to the public. See Transcript of Public Hearing on California's Request for Waiver of Federal Preemption with Respect to 1978 and Subsequent Production Motorcycle Exhaust Emission Standards and Test Procedures, May 27, 1976, at 152 (hereinafter "Transcript"). The EPA has tested a controlled 250 cc two stroke which emitted only 3.92 g/km HC, a 73 percent reduction from the current uncontrolled production model. See Whitmeyer, A., "Exhaust Emissions and Fuel Economy of Three Prototype Honda Motorcycles," EPA Technical Report, April, 1976. Data presented in Honda's comments to the EPA Notice of Proposed Rule Making for motorcycles (40 FR 49496) (hereinafter NPRM) showed HC reductions of 21 to 32 percent for a 550 cc and a 750 cc two stroke. These reductions were obtained using only carburetor recalibration. While this percentage reduction may not result in some of the largest two stroke models achiev-

ing the standard, my technical staff believes that additional modifications such as port timing, improved ignition, and possibly the use of a partial catalyst will provide the necessary reductions to meet a 10 g/km standard without the safety and reliability problems Kawasaki alluded to. See Whitmeyer, *supra*; "Summary Technical Report on Honda Motorcycle Emission Control (Phase 1 Level)," Prepared by Honda Motor Co., Ltd. for EPA, March, 1976. The partial catalyst uses the oxygen from the short circuited fuel mixture to oxidize approximately twenty percent of the total uncontrolled HC emissions. The cost of this device is estimated to be approximately five dollars, as was related by representatives of members of my technical staff.

An alternative to the emission control technology approach for the manufacturers of the larger two stroke motorcycles, however, is conversion to four stroke technology. Four stroke technology is a technology that is available to meet the California standards. As noted earlier, essentially all four stroke motorcycles already meet the 10 g/km standard in their present uncontrolled state. The major manufacturers of large two stroke motorcycles (Kawasaki, Suzuki, and Yamaha) are aware of this option of converting to four stroke engines, and they have already initiated the implementation of this approach. In fact, for 1976 Kawasaki has replaced their 750 cc two stroke with a 750 cc four stroke motorcycle, and their largest two stroke motorcycle currently offered is 500 cc. Suzuki testified at the public hearing that it has decided to convert some models to four stroke engines, and in fact has already introduced its first four stroke motorcycle, a 750 cc model.

Assuming, in the worst case, that all two stroke motorcycles above 500 cc will not be able to meet the 10 g/km standard, that they would therefore not be offered for sale in California in 1978, and that no four stroke motorcycles would take their place, this would restrict total California sales by less than five percent. See "New Motorcycle Registrations, 1975", R. L. Polk & Co. I believe that the basic demand for motorcycles would be satisfied in 1978 even in that worst case. As noted, however, some models of four stroke motorcycles being offered as replacements by those manufacturers currently producing the larger two stroke models will alleviate even this slight effect on the market.

In addition to the issue of the technological feasibility of the 1978 California standard, various witnesses testified that there were lead time problems associated with the California test procedures for certification, especially the durability testing requirement. Some manufacturers further argued that the California test procedures were not specific enough to allow them to perform certification tests. Although the manufacturers claim that the test procedures are not sufficiently specific, California stated its belief that these procedures are sufficient to satisfy their own needs with respect to being able to issue cer-

tificates to the manufacturers. In addition, the California test procedures are similar in degree of specification to the procedures currently in effect for light duty vehicles. The CARB has also indicated to motorcycle manufacturers that they will handle any requests for clarification of particular items on a case by case basis. See Letter of March 15, 1976, from Thomas Austin of CARB to Alan Isley of the Motorcycle Industry Council. Furthermore, my technical staff has concluded that the dynamometers and related emission testing equipment currently in the possession of the manufacturers will in general be sufficient for purposes of the California testing requirements. See also Transcript at 50-51.

In order to properly discuss the question of available lead time associated with certification testing, use should be made of the knowledge gained by EPA in the process of attempting to develop Federal certification procedures for motorcycles. The primary differences between the California and EPA procedures (those which the EPA technical staff has developed in connection with the EPA rulemaking for motorcycles) which affect lead time or distance (mileage) accumulation for durability testing, and the California requirement of separate data and durability motorcycles. For the EPA procedure it was estimated that the minimum time required for distance accumulation would be nine to twenty-one days depending on the engine displacement class. See Analysis of Issues for "Exhaust Emission Regulations for New Motorcycles," Volume 1, Appendix E, "Summary and Analysis of NPRM Comments" at E-85 (hereinafter "Analysis of Comments"). Since the California procedure requires a longer soak time and twice the distance accumulation of this EPA procedure, the estimate of the minimum time required for the California distance accumulation is twenty-one to fifty-one days. In the lead time schedule developed for EPA's procedure, two months were allotted for distance accumulation since all models produced by large manufacturers would be required to accumulate distance. California, however, only requires distance accumulation from one fourth of the durability motorcycles, and therefore the pressure on the use of dynamometers and test track facilities should be reduced. As a result, a conservative estimate of the time required for California distance accumulation is three months, or one month longer than EPA's estimate of the lead time required under the EPA procedure. As for the remainder of the certification process, EPA's analysis concluded that an allowance of twelve months would be sufficient to permit a manufacturer to complete the requirements. See "Analysis of Comments" at E-19. Based upon the similarity of the California and EPA procedures in these remaining aspects, the same twelve month period is a reasonable estimate for the time required under California's certification procedure. Using this estimate, the total time required for California

certification, including distance accumulation, is fifteen months. Therefore, in order for a manufacturer to complete the certification process by January 1, 1978, the process could begin as late as October 1, 1976. As a result of this analysis, I have concluded that there is sufficient lead time available for manufacturers to complete the California certification process.

Looking at the estimated cost of complying with the 1978 California requirements, the only cost increase for the four stroke and smaller two stroke motorcycles (below 170 cc) will be the cost of certification, which will be discussed below. The larger two stroke motorcycles offered for sale in 1978 will require the use of some emission control technology, and the corresponding average retail price increase per motorcycle (based upon data supplied to EPA by the manufacturers) is estimated to be forty-three dollars for the medium (170 to 279 cc) and ninety dollars for the larger (greater than 279 cc) two strokes. These cost increases include hardware, research and development, quality control, production equipment, warranty, taxes, and dealer and distributor mark-up cost, but they do not include costs associated with certification. Competitive pressure from the medium size four strokes may force a reduction in the amount of the price increase for medium size two strokes. The large two stroke motorcycles currently retail for seventy-five to one hundred dollars less than a comparable four stroke, and so the price increase may tend to eliminate the present price advantage. Offsetting this price increase, however, are improvements in fuel economy which are likely to result from the use of emission control technology (e.g., leaner fuel-air mixtures, and minimization of intake-exhaust port short circuiting). The discounted lifetime fuel savings are estimated by EPA to range from seventeen dollars to fifty-seven dollars, depending upon engine size. These fuel savings are based on fuel economy improvements reported by the manufacturers in their comments to the NPRM. For further discussion of costs, see Analysis of Issues for "Exhaust Emission Regulations for New Motorcycles," Volume 1, Appendix D, "Economic Impact Analysis" (hereinafter "EPA Cost Analysis").

The cost per motorcycle of certification depends largely on the sales volume of a manufacturer (manufacturers with less than 10,000 annual nationwide sales are entitled to reduced testing). Certification costs per motorcycle have been estimated by my technical staff at ten dollars to fifty-seven dollars for the large manufacturers. These values assume that the total certification cost is solely written off against California sales. Estimated certification costs for a manufacturer with three models, California sales of 1000, and nationwide sales of less than 10,000 would be forty to fifty dollars per unit. Certification costs for smaller manufacturers would be proportionately higher. The greatest amount of uncertainty in these estimates is related to

the personnel required to support the manufacturer's certification effort. As a result of the estimated certification costs, manufacturers with extremely low sales might have to drop California as a market, or might have to distribute the certification cost over nationwide sales.

Using the above estimates, complying with the 1978 California standard will result in a price increase of approximately five to ten percent of the retail price for the large manufacturers' models which require controls, and less for those without controls. These large manufacturers account for over 90 percent of total California sales. As for the smaller manufacturers, the certification costs per motorcycle will be higher unless the cost is distributed over nationwide sales.

With regard to the technological feasibility of the 1980 California standards of 5 g/km, most uncontrolled four stroke motorcycles already meet this standard. Thus, as mentioned earlier, the obvious technology required to meet this standard is four stroke technology. In addition, however, most two stroke motorcycles with engine sizes of 250 cc or less can meet a 5 g/km HC standard using engine modifications and possibly using partial catalysts. This has been verified by a 250 cc two stroke motorcycle tested by EPA. See Whitmeyer, A., "Exhaust Emissions and Fuel Economy of Three Prototype Honda Motorcycles," EPA Technical Report, April, 1976. The driveability of this vehicle was acceptable, and data submitted by the manufacturer indicate no durability problems. See "Summary Technical Report on Honda Motorcycle Emission Control (Phase I Level)," Report Prepared by Honda Motor Company, Ltd. for EPA, March, 1976. The only problems in meeting the 5 g/km standard in 1980 should be experienced by two stroke motorcycles with engine sizes greater than 250 cc (those motorcycles which did not require conversion in order to meet the 1978 standard). An obvious option for the manufacturers of these models is to convert to four stroke technology.

In the past few years, a significant number of new large four stroke models have been introduced. A review of the 1976 product lines of the three major two stroke manufacturers (Yamaha, Kawasaki, and Suzuki) plus the reported introduction of some new four strokes shows that by 1978 none of these manufacturers will have more than two large two stroke models for which there is not a similar size and function four stroke also offered. Thus at most two conversions to four stroke engines would be required, assuming this technology is utilized. Lead time estimates for conversion to four strokes provided by Yamaha indicate 3.5 years are required for conversion of two models. See Yamaha Additional Comments to ANPRM, May 14, 1974, at 27. Using 1976 as a base, the conversion could therefore be completed by the 1980 production year. In addition, since the United States is only a small part of the total sales of the major manufacturers (10 to 15 percent for Suzuki, for example), we do not expect the existing two stroke designs to be abandoned.



I therefore conclude from the above the technology does exist with which to meet the 1980 standard within the available lead time. This can be accomplished by using demonstrated engine modifications for two strokes of 250 cc or less, and by converting the remaining two stroke models to four stroke engines.

Looking at the costs associated with meeting the 1980 standard (costs above those associated with meeting the 1978 standard), four stroke motorcycles will probably not require any control devices and therefore will not involve any additional price increase. The small two strokes (less than 170 cc) will require controls estimated to cost forty-two dollars at the retail-level (this is the first stage of control; no control was required for this class for the 10 g/km standard). Based upon data submitted by manufacturers in response to the EPA NPRM, the medium size two strokes (170 to 279 cc) will require additional controls estimated to have an incremental cost of approximately ten dollars, and which consist primarily of the use of partial catalysts. To meet 5 g/km standard, most large two strokes (those which have not previously been converted) are expected to convert to four stroke designs at an incremental cost increase of about one hundred dollars. See "EPA Cost Analysis" at D-9.

Finally, with regard to the technological feasibility of the 1982 California standard of 1 g/km, the situation is somewhat different. Yamaha stated that it was too early to accurately assess the technological feasibility of the 1982 standard. Honda, however, presented data on a 360 cc four stroke using after-treatment devices that showed HC levels of less than 0.2 g/km. A 250 cc two stroke had HC emissions of 0.89 g/km. It was emphasized that these were only prototype models and that durability and driveability problems had yet to be solved. Catalyst manufacturers have been working on motorcycle after-treatment devices for several years. I believe it is reasonable to conclude that given five years of development time, after-treatment devices for four stroke motorcycles can be further developed which will allow certification at the 1 g/km level for HC.

The more difficult question is whether the large majority of two stroke models will be able to meet the 1 g/km standard. Most manufacturers testified that this will not be possible. If the manufacturers are correct, the technology available to meet a standard of 1 g/km is conversion to four stroke engines. Based upon the estimates provided by Yamaha concerning the time required for conversion, and based upon a total of seven models requiring conversion, the shift to four stroke designs for the complete product line could be completed by January 1, 1982. See Yamaha Additional Comments to ANPRM, May 14, 1974, at 27. (Analysis of the current model lines indicate that with a small amount of consolidation of motorcycles with similar engine displacements, the major manufacturers would have to convert between five and

seven models each; this includes conversion of one or two large two strokes required to meet the 1980 standard.) Although some of the manufacturers have claimed additional time would be required, it can be concluded that, at a minimum, most of the models could be converted by 1982 (see *id.*), and that with model consolidation, a full line of motorcycles satisfying the basic market demand and meeting the 1 g/km standard could be offered. Small manufacturers, lacking the capital required for conversion to new four stroke designs, may have difficulty complying with a 1 g/km standard, and it is therefore likely that some small manufacturers would not sell on-road motorcycles in California in 1982. However, since these manufacturers account for less than 10 percent of total California sales, the basic demand could be met by the larger manufacturers. (The approximate percentages of 1975 new California motorcycle registrations for the five largest manufacturers, based on data compiled by R.L. Polk & Co., are: Honda-50, Kawasaki-15, Yamaha-15, Suzuki-7, and AMF-5.)

Based upon this analysis, I have concluded that four stroke technology (including the use of after-treatment devices) can be developed and applied within the available lead time to permit four stroke motorcycles to meet a HC standard of 1 g/km by January 1, 1982. The lead time required to develop new small and medium size four strokes to replace two stroke models is such that most, if not all current models could be converted by January 1, 1982.

Concerning the cost of complying with a standard of 1 g/km by 1982, since little or no control will be required for the small and medium size four strokes, the associated costs are expected to be small. The large four strokes will probably require some after-treatment device. Based on manufacturers' data, the EPA technical staff estimates the retail cost increase to be sixty to one hundred dollars per unit. The estimated cost of converting from a two stroke model to a four stroke model is one hundred dollars per production motorcycle.

*Objections to granting the waiver.* One of the arguments raised by various manufacturers at the hearing (both through oral testimony and written submissions) was that the "total life" concept being used by California is inconsistent with section 202(a). The manufacturers took the position that since section 202(a) states that the emission standards "shall be applicable to . . . vehicles and engines for their useful life (as determined under subsection (d))," then in order to be consistent with section 202(a) any emission standard set by California must be related to a vehicle's "useful life." The manufacturers further contended that "useful life" in the meaning of section 202(a) must equal half of the vehicle's expected total life. As a result, the manufacturers contended that the California waiver request must either be denied or appropriately limited.

I have determined, however, that the manufacturers' position is not a correct interpretation of the Clean Air Act. It is not at all clear from the legislative history of section 202 that the 5-year/50,000 mile requirement for light duty vehicles was based simply on a half-total-life concept, that motorcycles are necessarily light duty vehicles, or that standards for vehicles other than light duty vehicles must be applicable for half the total life. However, even if these were the case, I am not persuaded that Congress meant to require California to adopt the same period of applicability. In effect, the length of time a vehicle must meet the standard is merely one way of affecting the stringency of the standard. The longer the amount of time or distance for which the manufacturers will have to comply with the standard, the lower will have to be the motorcycle's designed initial emission level (if it is assumed that emission performance deteriorates with time and use). I therefore consider this issue to be really one of determining the stringency of the California standard. Allowing California to adopt their total life concept is fully in keeping with the Congressional intent behind section 209, which is to permit California to pursue its own stringent emission control program.

Furthermore, the total life concept is not in violation of the requirement in section 209(b) that the California standards and accompanying enforcement procedures be consistent with section 202(a). The concept of being "consistent with section 202(a)" relates in this case to whether the standards are technologically feasible within the available lead time, giving appropriate consideration to the cost of compliance within this time frame. It is, therefore, in the framework of technology and lead time that California's use of total life has entered into the waiver decision, especially in analyzing durability data supplied by the manufacturers and in determining the lead time requirements for distance accumulation during certification.

An additional argument against granting the waiver was raised by the Motorcycle Industry Council and Yamaha, who contended that the CARB had violated due process when adopting their standards, by not allowing the manufacturers a fair and full opportunity to present their views at a State hearing. If this argument has any validity, the EPA waiver hearing is not the proper forum in which to raise it. Section 209(b) does not require that EPA insist on any particular procedures at the State level. Furthermore, a complete opportunity was provided at the EPA waiver hearing for the presentation of views.

A further objection to granting the waiver was raised by Suzuki, who claimed that if the California standards resulted in the elimination of two stroke motorcycles from the California market, this would be contrary to the result in "International Harvester v. Ruckelshaus," 478 F.2d 615 (D.C. Cir. 1973). I cannot agree. While California's emission stand-



ards may severely limit the number of two stroke motorcycles which may be sold in California in the future, this will not result in the unavailability of motorcycles which are substantially similar in size and function to the current two strokes. Two stroke and four stroke engines merely represent two different types of engines for the same general class of motorcycles.

I am not deciding here that the "basic demand" test of "International Harvester" is applicable in the context of a California waiver. However, as I stated in the May 28, 1975, (40 FR 23102) California waiver decision, I do believe that if the test were to be applied, it would not be applicable to its fullest stringency due to the degree of discretion given to California in dealing with its mobile source pollution problems. In addition, the court's approach in "International Harvester" is fully consistent with the potential outcome of eliminating some or all two stroke engines from the California motorcycle market. As the court stated:

We are inclined to agree with the Administrator that as long as feasible technology permits the demand for new passenger automobiles to be generally met, the basic requirements of the Act would be satisfied, even though this might occasion fewer models and a more limited choice of engine types. The driving preferences of hot rodders are not to outweigh the goal of a clean environment. (478 F.2d at 640)

**Findings.** Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I hereby make the following findings.

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles.

2. The California State emission standards applicable to 1978 and subsequent production year motorcycles are more stringent than applicable Federal standards, of which none are currently in effect.

3. Compelling and extraordinary conditions continue to exist in the State of California. The testimony of the representatives of the CARB revealed that the State oxidant pollution problem continues to be the worst in the nation. This situation exists in spite of the fact that the latest available data reveal that there has been a decrease in the frequency with which the one-hour oxidant standard has been exceeded in Los Angeles and San Francisco. California continues to struggle with an air pollution problem of unique proportions, and the recently indicated improvement in air quality is only a small step in the right direction.

4. I cannot find that the California hydrocarbon standards applicable to 1978 and subsequent production year motorcycles, and accompanying enforcement procedures, are not consistent with section 202(a) of the Clean Air Act, since, taking into account the cost of

compliance, sufficient lead time to permit the development and application of the requisite technology is clearly available for the 1978 and 1980 standards, and appears to be available to meet the 1982 standard.

#### IV. DECISION

Based upon the above discussion and findings, I hereby waive the application of section 209(a) to the State of California with respect to Section 1958 of Title 13, California Administrative Code, and "California Exhaust Emission Standards and Test Procedures for 1978 and Subsequent Production Motorcycles," adopted July 15, 1975, as amended February 20, 1976. If more stringent Federal standards are hereafter promulgated for 1978 or any subsequent model year, at that time I may have to reconsider the question of whether this California waiver will remain in effect.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1120 Q Street, Sacramento, California 95814.

Dated: October 1, 1976.

RUSSELL E. TRAIN,  
Administrator.

[FR Doc.76-29390 Filed 10-6-76; 8:45 am]

[OPP-50261; FRL 627-6]

#### FISONS CORP. AND MONSANTO

##### Issuance of Experimental Use Permits

Pursuant to section 5 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.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 10065-EUP-5 and No. 10065-EUP-8. Fisons Corporation, Bedford, Massachusetts 01730. These experimental use permits allow the use of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuran-yl methane-sulfonate to evaluate control of weeds in grass seed crops. Permit No. 10065-EUP-5 will use 3,000 pounds of the herbicide; Permit No. 10065-EUP-8 will use 1,040 pounds. A total of 3,040 acres are involved; both programs are authorized only in the States of Idaho, Oregon, and Washington. The experimental use permits are effective from September 10, 1976, to September 10, 1977. These permits are being issued with the

limitation that all the treated grasses will be used for seed production only. None of the treated grass will be used for forage, feed, or grazing of livestock.

No. 524-EUP-24. Monsanto Company, St. Louis, Missouri 63166. This experimental use permit allows the use of 737.5 pounds of the herbicide isopropylamine salt of glyphosate on cotton and soybeans to evaluate control or destruction of most herbaceous plants; the herbicide will be applied only through recirculating spray system applicators. A total of 2,950 acres is involved; the program is authorized only in the States of Alabama, Arkansas, North Carolina, South Carolina, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Iowa, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Virginia, Arizona, California, and New Mexico. The experimental use permit is effective from September 9, 1976, to September 9, 1977. Temporary tolerances for residues of the active ingredient in or on cotton forage, cottonseed, soybean grain, forage and hay, liver, kidney of cattle, goats, hogs, horses, poultry, and sheep have been established; a food additive tolerance for residues of the active ingredient in soybean hulls has also been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 30, 1976.

JOHN B. RITCH, JR.,  
Director,  
Registration Division.

[FR Doc.76-29535 Filed 10-6-76; 8:45 am]

[PF49; FRL 627-7]

#### MOBAY CHEMICAL CO. ET AL.

##### Pesticide Petition; Notice of Filing

Pursuant to the provisions of section 408(d) (1) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP6F1835. Chemagro Agricultural Div., Mobay Chemical Co., Kansas City MO 64120. Proposes that 40 CFR 180.183 be amended by establishing a tolerance for residues of the insecticide O,O-diethyl S-[2(ethylthio)ethyl] phosphorodithioate in or on the raw agricultural commodities grass, grass chaff, and grass straw at 35 parts per million (ppm). Proposed analytical method for determining residues: a thermionic emission gas chromatographic procedure. PM15 (202/426-9425)

PP6F1859. Elanco Products Co., Division of Eli Lilly and Co., Indianapolis IN 46206. Proposes that 40 CFR 180.304 be amended by the establishment of a tolerance for combined residues of the herbicide oryzalin (3,5-dinitro-N,N'-dipropylsulfanilamide) at 0.05 ppm in or on the raw agricultural commodity groups citrus fruits, pome fruits, small fruits, and stone fruits, and in or on the raw agricultural commodities avocados, kiwi fruit,

olives, pomegranates, pistachios, figs, and almond hulls. The proposed analytical method for determining residues involves formation of the dimethyl derivative of oryzalin and analysis of the derivative by a gas-liquid chromatographic technique using an electron capture detector. PM25 (202/755-7012)

PP6F1860. Merck and Co. Inc., Rahway NJ 97965. Proposes that 40 CFR 180.242 be amended by the establishment of a tolerance for residues of the fungicide thiazobenzazole (2-(4-thiazolyl)-benzimidazole) in or on the raw agricultural commodity sugar beets at 4.0 ppm. Proposed analytical method for determining residues is a spectrophotofluorometric procedure in which the excitation wave length is 300 nm and the emission wave length is 360 nm. PM21 (202/426-2454)

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569) Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW., Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain.

Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.76-29536 Filed 10-6-76;8:45 am]

[OPP-50260; FRL 627-5]

#### NOR-AM AGRICULTURAL PRODUCTS, INC. AND ELANCO PRODUCTS CO.

##### Issuance of Experimental Use Permits

Pursuant to section 5 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.) experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 2139-EUP-23. Nor-Am Agricultural Products, Inc., Woodstock, Illinois 60098. This experimental use permit allows the use of 7.5 pounds of the plant regulator *N*-phenyl-*N*-1,2,3-thiadiazol-5-ylurea to defoliate cotton. A total of 36 acres is involved; the program is authorized only in the States of

California, Georgia, Mississippi, South Carolina, and Texas. The experimental use permit is effective from September 14, 1976, to September 14, 1977. This permit is being issued with the limitation that all treated cottonseed will be used for seed purposes only.

No. 1471-EUP-59. Elanco Products Company, Indianapolis, Indiana 46206. This experimental use permit allows the use of 112.5 pounds of the herbicide oryzalin on transplant burley and dark tobacco to evaluate control of annual grasses and broadleaf weeds. A total of 150 acres is involved; the program is authorized only in the States of Kentucky, Maryland, Ohio, and Wisconsin. The experimental use permit is effective from September 10, 1976, to September 10, 1977.

Interested parties wishing to review the experimental use permits are referred to Room E-315; Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.76-29534 Filed 10-6-76;8:45 am]

[OPP-50259; FRL 627-4]

#### PPG INDUSTRIES INC., AND ZOECON CORP.

##### Issuance of Experimental Use Permits

Pursuant to section 5 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.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 748-EUP-14. PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. This experimental use permit allows the use of 750 pounds of the fungicide sodium azide on chrysanthemums to evaluate control of *Fusarium*, *Phytophthora*, and *Pythium*. A total of 10 acres is involved; the program is authorized only in the State of Florida. The experimental use permit is effective from September 21, 1976, to September 21, 1977.

No. 20954-EUP-7. Zoecon Corporation, Palo Alto, California 94304. This experimental use permit allows the use of 36 pounds of the insecticide methoprene on stored tobacco to evaluate control of tobacco moth and cigarette beetle. Approximately 3,600 hogshead of stored tobacco will be treated; the program is authorized only in the States of California, Connecticut, Kentucky, North Carolina, Pennsylvania, South Carolina, Virginia, and Wisconsin. The experimental use permit is effective from September 21, 1976, to September 21, 1977.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/775-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc. 76-29533 Filed 10-6-76;8:45 am]

[FRL 626-8]

#### PROPOSED AIRCRAFT NOISE ABATEMENT REGULATIONS Submittal to FAA

Section 611(c)(1) of the Federal Aviation Act (the Act) of 1958, 49 U.S.C. 1431, as amended by section 7(b) of the Noise Control Act of 1972, 86 Stat. 1239, requires that the Administrator of the Environmental Protection Agency submit to the Federal Aviation Administration (FAA) proposed regulations to provide such control and abatement of aircraft noise and sonic boom including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations as EPA determines is necessary to protect the public health and welfare.

In compliance with the Act, the EPA submitted to the Administrator of the FAA on October 1, 1976, the proposed regulation on "Noise Levels for Turbojet Powered Airplanes and Large Propeller Driven Airplanes".

This proposed regulation has been submitted to the Federal Aviation Administration under the authority of 49 U.S.C. 1431.

ROGER STRELOW,  
Assistant Administrator for  
Air and Waste Management.

Dated: September 30, 1976.

[FR Doc.76-29388 Filed 10-6-76;8:45 am]

[OPP-50258; FRL 627-3]

#### UNIROYAL CHEMICAL

##### Issuance of an Experimental Use Permit

Pursuant to section 5 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.), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 400-EUP-53. Uniroyal Chemical, Bethany, Connecticut 06525. This experimental use permit allows the use of 15 pounds of the defoliant 2,3-Dihydro-5,6-dimethyl-1,4-dithiin 1,1,4,4-tetraoxide on cotton as a harvest aid. A total of 30 acres is involved; the program is authorized only in the States of Arkansas, California, Georgia, and Mississippi. The experimental use permit is effective from September 14, 1976 to September 14, 1977. This permit is issued with the limitation that all treated cottonseed be destroyed.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.76-29532 Filed 10-6-76; 8:45 am]

[OPP-33000/466; FRL 627-8]

**RECEIPT OF APPLICATION FOR  
PESTICIDE REGISTRATION**

**Data To Be Considered in Support of  
Applications**

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of a new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M

Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315  
PM 21 & 22—202/426-2454  
PM 24—202/755-2196  
PM 31—202/426-2635  
PM 33—202/755-9041  
PM 15, 16, & 17—202/426-9425  
PM 23—202/755-1397  
PM 25—202/755-7012  
PM 32—202/426-9486  
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: September 30, 1976.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

**APPLICATIONS RECEIVED (OPP-33000/466)**

EPA Reg. No. 100-549. Agr. Div., Ciba Geigy Corp., PO Box 11422, Greensboro NC 27409. COTORAN 80 WP. Active Ingredients: Fluometuron 1,1-dimethyl-3-(a,a,a-trifluorom-tolyl) urea 80%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: New use—aerial application on cotton. PM25

EPA Reg. No. 148-689. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. DU-TER FL-47. Active Ingredients: Triphenyltin hydroxide 47.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 148-1195. Thompson-Hayward Chemical Co. DU-TER FUNGICIDE. Active Ingredients: Triphenyltin hydroxide 47.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 239-2211. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. DIFOLATAN 4 FLOWABLE. Active Ingredients: Captafol 39%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 241-31. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. MALATHION 25% WETTABLE POWDER INSECTICIDE. Active Ingredients: Malathion 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 241-32. American Cyanamid Co. MALATHION 5% DUST INSECTICIDE. Active Ingredients: Malathion 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 241-33. American Cyanamid Co. MALATHION 4% DUST INSECTICIDE. Active Ingredients: Malathion 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 337-57. Lester Laboratories, Inc., 2370 Lawrence St., Atlanta GA 30344. LESTER BAC-20. Active Ingredients: 2,2-Dibromo - 3 - nitrilopropionamide 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 352-342. E. I. du Pont de Nemours & Co., Inc. Biochemicals Dept., 6054 Dupont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE FOR USE ON PEPPERS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 352-342. E. I. du Pont de Nemours & Co., Inc. METHOMYL INSECTICIDE FOR USE ON LETTUCE. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON LETTUCE. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON PEPPERS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12



- EPA File Symbol 359-AIE. Rhodia, Inc., Agricultural Div., PO Box 125, Monmouth Junction NJ 08852. RHOMENE-R. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 359-365. Rhodia, Inc. RHOMENE. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA File Symbol 359-AIG. Rhodia, Inc. CHIPTOX-R. Active Ingredients: Sodium salt of 2-methyl-4-chlorophenoxyacetic acid 24.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 359-170. Rhodia, Inc. CHIPTOX. Active Ingredients: Sodium salt of 2-methyl-4-chlorophenoxyacetic acid 24.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA File Symbol 464-LUN. Dow Chemical, U.S.A., PO Box 1706, Midland MI 48640. MCP AMINE HERBICIDE. Active Ingredients: 2-methyl-4-chlorophenoxyacetic acid, dimethylamine salt 52.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 476-2108. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. DEVRINOL 50-WP SELECTIVE HERBICIDE. Active Ingredients: 2-(alpha-naphthoxy)-N,N-diethylpropanamide 50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Amendment. PM25
- EPA Reg. No. 476-2150. Stauffer Chemical Co. DEVRINOL 2-E. Active Ingredients: 2-(alpha-naphthoxy)-N,N-diethylpropanamide 21.8%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Amendment. PM25
- EPA Reg. No. 538-130. Scotts, Marysville, OH 43040. SCOTTS TURF BUILDER PLUS MOSS CONTROL. Active Ingredients: Ferrous Ammonium Sulfate (hexahydrate) 14.67%; Pentachlorophenol 1.85%; Tetrachlorophenol 0.25%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM23
- EPA File Symbol 675-GR. National Laboratories, Lehn & Fink Industrial Products Div. of Sterling Drug, Inc., Distr., 225 Summit Ave., Montvale NJ 07645. ROCCAL MIST AIR SANITIZER ODOR NEUTRALIZER MODULE. Active Ingredients: Triethylene glycol 8.0%; Dipropylene glycol 2.0%; Alkyl dimethyl benzyl ammonium chloride 0.1%. Method of Support: Application proceeds under 2(b) of interim policy. PM33
- EPA Reg. No. 912-24. Farmers Union Central Exchange, Inc., PO Box "G", St. Paul MN 55165. MCP AMINE WEED KILLER. Active Ingredients: 2-Methyl-4-Chlorophenoxyacetic Acid, Dimethylamine salt 52.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 1159-183. Seacoast Laboratories, Inc., 257 Hwy. 18, PO Box 157, East Brunswick NJ 08816. BENOMYL TURF FUNGICIDE. Active Ingredients: Benomyl [Methyl 1-(butyl-carbamoyl)-2-benzimidazolecarbamate] 1.50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. FM22
- EPA Reg. No. 1911-198. Carolina Chemicals, Inc., Box 118, West Columbia SC 29169. 5% MALATHION DUST. Active Ingredients Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
- EPA Reg. No. 1339-79. Cotton States Chemical Co., Inc., Box 157, West Monroe LA 71291. COTTON STATES 5% MALATHION DUST. Active Ingredients: Malathion 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
- EPA File Symbol 1471-RNA. Elanco Products Co., A Div. of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206, U.S.A. SWARD 50W. Active Ingredients: Prosulfalin (N-[(4-dipropyl-amino)-3,5-dinitrophenyl]-sulfonyl)-S,S-dimethylsulfimine 50%. Method of Support: Application proceeds under 2(a) of interim policy. PM24
- EPA File Symbol 1471-RNT. Elanco Product Co. PROSULFALIN TECHNICAL. Active Ingredients: Prosulfalin, N-[(4-dipropyl-amino)-3,5-dinitrophenyl]-sulfonyl]-S,S-dimethylsulfimine 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM24
- EPA File Symbol 1638-RN. Geo. L. Williams Co., 5700 Train Ave., Cleveland OH 44102. WJW-1975. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31
- EPA Reg. No. 1839-71. Onyx Chemical Co., Div. of Millmaster-Onyx Corp., 190 Warren St., Jersey City NJ 07302. BTC-E 8248-80%. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 80.0%; Isopropyl Alcohol 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31
- EPA Reg. No. 1842-81. Triangle Chemical Co., Box 4528, Macon GA 31208. TRIANGLE MALATHION 25% WETTTABLE POWDER. Active Ingredients: 0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
- EPA Reg. No. 1842-110. Triangle Chemical. TRIANGLE 5% MALATHION DUST. Active Ingredients: 0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
- EPA Reg. No. 1842-151. Triangle Chemical. TRIANGLE 10% MALATHION DUST. Active Ingredients: 0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 10%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
- EPA File Symbol 1990-GIE. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. PROPACHLOR-ATRAZINE WETTTABLE POWDER. Active Ingredients: 2-Chloro-N-isopropylacetanilide 48.1%; Atrazine (2-Chloro-4-(ethylamino)-6-(isopropylamino)-s-triazine) 20.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM25
- EPA Reg. No. 3286-43. Ferd Staffel Co., 331 Burnet St., San Antonio TX 78298. MALATHION 25% WETTTABLE POWDER. Active Ingredients: Malathion 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
- EPA Reg. No. 3442-559. U.S.S. Agri-Chemicals, Div. of United States Steel Corp., PO Box 1685, Atlanta GA 30301. USS VERTAGREEN TRADEMARK CRABGRASS PREVENTER. Active Ingredients: Dimethyl ester of tetrachloroterephthalic acid 7.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23
- EPA Reg. No. 3743-207. Southern Agricultural Chem., Inc., PO Box 527, Kingstree SC 29556. STORED GRAIN DUST M-1. Active Ingredients: Malathion (0,0-Dimethyl dithiophosphate of diethylmercaptosuccinate) 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16
- EPA Reg. No. 4581-230. Agchem Div., Pennwalt Corp., PO Box C, King of Prussia PA 19406. ZIRAM F-4. Active Ingredients: Ziram (Zinc dimethyldithiocarbamate) 41.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21
- EPA File Symbol 4621-U. Mozel Chemical Products Co., 4003 Park Ave., St. Louis MO 63110. MOZEL SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM24
- EPA File Symbol 4822-RLG. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON BUGGY WHIP DUAL ACTION ROACH BAIT. Active Ingredients: Chloropyrifos [0,0-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM12
- EPA Reg. No. 4823-16. Maintenance Supply Service Corp., PO Box 498, Huntersville NC 28078. NORTHWOODS PINE ODOR DISINFECTANT DEODORANT CLEANSER. Active Ingredients: Soap 10.00%; Pine Oil 8.60%; Isopropyl Alcohol 8.00%; O-benzyl-p-chlorophenol 11.00%; Disodium ethylene diamine tetraacetate 0.50%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

[FR Doc.76-29537 Filed 10-6-76;8:45 am]

[FRL 627-1]

#### SCIENCE ADVISORY BOARD; ENVIRONMENTAL POLLUTANT MOVEMENT AND TRANSFORMATION ADVISORY COMMITTEE

##### Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Pollutant Movement and Transformation Advisory Committee of the Science Advisory Board will be held on October 28, 1976 at 2:00 p.m. to 4:30 p.m. at the Environmental Research Laboratory of the United States Environmental Protection Agency at Research Triangle Park, North Carolina. The address is located at the intersection of Highway N.C. 54 and T. W. Alexander Drive. The meeting is in conjunction with a visit of the Committee to laboratories studying problems in air chemistry, physics and meteorology.

The agenda includes status of upcoming Science Advisory Board activities with regard to lead, catalytic converters, and problems of sulfates research; future committee activities with regard to the evaluation of data from large scale atmospheric and oceanographic studies; and topics on ecological modeling strategies within the Office of Health and Ecological Effects related to future joint activities of the Ecology Advisory Committee and the Environmental Pollutant Movement and Transformation Advisory Committee; and items of Member interest.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Dr. Joel L. Fisher, Executive Secretary of the Environmental Pollutant Movement and Transformation Advisory Committee by close of business October 20, 1976 at (703)-557-7710.

THOMAS D. BATH,  
Staff Director,  
Science Advisory Board (A-101).

OCTOBER 1, 1976.

[FR Doc.76-29389 Filed 10-6-76;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-897]

### ESTABLISHING A BOARD OF COMMISSIONERS

#### Order

Adopted: September 28, 1976.

Released: October 6, 1976.

By the Commission: Commissioners Fogarty and White not participating.

1. To assure the continuity of Commission operations during pre-election period until November 3, 1976, and to enable the Commission to handle political broadcasting matters, in an expedited manner; we are hereby establishing a Board of Commissioners, to function during that period whenever a quorum of the Commission is not present and able to act.

2. Authority for this action is contained in section 5(d) of the Communications Act, 47 U.S.C. 155(d). Subject to the provisions of section 5(d), the Board shall have the authority of a Board established under § 0.212 of the Rules and Regulations, 47 CFR 0.212.

3. In view of the foregoing, it is hereby Ordered, effective September 29, 1976, that a Board of Commissioners composed of all Commissioners present and able to act, is established to function during the pre-election period in accordance with the provisions of this Order when a quorum of Commissioners is not present.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc.76-29460 Filed 10-6-76;8:45 am]

## FEDERAL MARITIME COMMISSION

[Independent ocean freight forwarder license No. 1030-R]

### ADVANCE SHIPPING CO.

#### Order of Revocation

By letter dated September 1, 1976, Mr. Lorenzo Rodriguez, Advance Shipping Company, 7251 Clinton, Houston, TX 77020 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1030-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before October 1, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Advance Shipping Company has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975;

It is ordered, that Independent Ocean Freight Forwarder License No. 1030-R issued to Advance Shipping Company be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1030-R be and is hereby revoked effective October 1, 1976.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Advance Shipping Company.

LEROY F. FULLER,  
Director, Bureau of  
Certification & Licensing.

[FR Doc.76-29484 Filed 10-6-76;8:45 am]

[Independent ocean freight forwarder license No. 559]

### P & R FORWARDING CO.

#### Revocation Notice

By certified letter dated December 5, 1973, Mrs. Angelea J. Ryan, P & R Forwarding Co., 127 Pollak Place, Hicksville, New York 11801, was notified that pursuant to Section 44(c), Shipping Act, 1916, and Section 510.9 of the Commission's General Order 4, License No. 559 issued to P & R Forwarding Co., would be automatically revoked January 3, 1974 unless a valid surety bond was filed with the Commission on or before that date.

P & R Forwarding Co. failed to file a surety bond with the Federal Maritime Commission and therefore, in accordance with said notice, revocation of License No. 559 became effective January 3, 1974. Through inadvertence, however, notice of such revocation of P & R Forwarding Co.'s License No. 559 was not published in the FEDERAL REGISTER pursuant to Section 510.9 of the Commission's General Order 4 (46 C.F.R. 510.9).

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 20, 1975, notice is hereby given that License No. 559, issued to P & R Forwarding Co., was revoked effective January 3, 1974 for failure to maintain a valid surety bond required under Section 44(c), Shipping Act, 1916.

LEROY F. FULLER,  
Director, Bureau of  
Certification & Licensing.

[FR Doc.76-29483 Filed 10-6-76;8:45 am]

## FEDERAL POWER COMMISSION

[Docket Nos. RP76-116—RP76-134]

### ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

#### Compliance With Commission Order

SEPTEMBER 30, 1976.

Alabama-Tennessee Natural Gas Company, Arkansas-Louisiana Gas Company, Cities Service Gas Company, Columbia Gas Transmission Corporation, East Tennessee Natural Gas Company, Eastern Shore Natural Gas Company, El Paso Natural Gas Company, Lawrenceburg Gas Transmission Corporation, Louisiana-Nevada Transit Company, Mid-Louisiana Gas Company, Northwest Pipeline Corporation, Panhandle Eastern Pipe Line Company, Tennessee Natural Gas Lines, Inc., Texas Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Transwestern Pipeline Company, Trunkline Gas Company, United Gas Pipe Line Company, Texas Eastern Transmission Corporation, Docket Nos. RP76-116, RP76-117, RP 76-118, MP76-119, RP76-120, RP76-121, RP76-122, RP76-123, RP76-124, RP76-125, RP76-126, RP76-127, RP76-128, RP76-129, RP76-130, RP76-131, RP76-132, RP76-133, RP76-134.

The Commission by order issued on September 15, 1976, in the above-styled proceedings directed that the Commission Staff on or before September 28, 1976, prepare and incorporate into the Commission's official files copies of the collated data developed from FPC Form No. 69 and FEA Form Nos. G-101-Q-O and G-101-P-O. In addition the Commission directed that five copies of this material be placed in the Office of Public Information for inspection by interested parties.

The Commission staff has prepared the aforementioned material and has had copies of it incorporated into the Commission's official files and has made five copies of this material available in the Office of Public Information of the Commission for inspection by interested parties.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29487 Filed 10-6-76;8:45 am]

[Docket No. RP72-110 (PGA76-6)]

### ALGONQUIN GAS TRANSMISSION CO.

#### Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

SEPTEMBER 30, 1976.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on September 27, 1976, tendered for filing Twenty-First Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that this sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. Al-

gonquin Gas states that the rate change is being filed to reflect a change in purchased gas costs under revised tariff sheets proposed to be put into effect by Algonquin Gas' supplier, Texas Eastern Transmission Corporation (Texas Eastern), on October 27, 1976, pursuant to the Commission's Opinion No. 770 issued July 27, 1976.

The proposed effective date of Twenty-First Revised Sheet No. 10 is October 27, 1976, in order to coincide with the effective date of the change in Algonquin Gas' cost of purchased gas under Texas Eastern's underlying rates.

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 protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc.76-29488 Filed 10-6-76;8:45 am]

[Docket Nos. AR61-2 etc.]

**AREA RATE PROCEEDINGS ET AL.**  
**Proposed Plan of Refund**

SEPTEMBER 29, 1976.

Area Rate Proceedings, et al., (Southern Louisiana Area), Docket Nos. AR61-2 and AR69-1, et al.; United Gas Pipe Line Company, Docket Nos. G-9547, et al., RP61-18, RP63-1, RP65-1, RP70-13 and RP71-11.

Take notice that United Gas Pipe Line Company (United), on April 6, 1976, tendered for filing, in accordance with the Commission's Order Directing Disbursement and Flow Through of Refunds issued on August 19, 1975, its proposed plan of refund to flow through monies received from producers pursuant to Opinion No. 598.

United proposes to flow through to its jurisdictional customers the jurisdictional portion of producer refunds received totaling \$1,323,291, including interest.

A copy of this filing has been served upon each interested State commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in deter-

mining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc.76-29497 Filed 10-6-76;8:45 am]

[Docket No. ER76-913]

**BOSTON EDISON CO.**

**Termination of Rate Schedule**

OCTOBER 1, 1976.

Take notice that on September 22, 1976, Boston Edison Company tendered for filing a Notice of Termination of its Rate Schedule FPC No. 109 with New England Power Company. The termination is proposed to be effective as of November 1, 1976, which Boston Edison states is the termination date established by the terms of the contract.

Boston Edison states that a copy of the notice has been sent to New England Power Company.

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 protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc.76-29509 Filed 10-6-76;8:45 am]

[Docket No. ER76-338]

**CAROLINA POWER & LIGHT CO.**

**Certification of Settlement Agreement**

OCTOBER 1, 1976.

Take notice that on September 20, 1976, Presiding Administrative Law Judge Samuel Kanell certified to the Commission a proposed settlement of the rate in the above-captioned docket.

Any person wishing to do so may file comments concerning the proposed settlement agreement. All such comments should be submitted in writing to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 15, 1976. The Commission will consider all comments in determining the proper action to be taken.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc.76-29508 Filed 10-6-76;8:45 am]

[Docket No. RP 72-142 (PGA76-8)]

**CITIES SERVICE GAS CO.**

**Proposed Changes in Gas Tariff;  
Amendment**

SEPTEMBER 30, 1976.

The "Notice of Proposed Changes in FPC Gas Tariff", issued September 23, 1976 in the above-referenced docket, is hereby supplemented so as to give public notice of the fact that the proposed changes filed herein by Cities Service Gas Company will result in an annual increase in jurisdictional revenues of \$28,081,649, based on sales volumes for the twelve month period ended July 22, 1976. In light of this supplemental information, the time for filing of all petitions to intervene or protests will be extended from October 6, 1976 to October 15, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, 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 October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc.76-29491 Filed 10-6-76;8:45 am]

[Docket No. ER76-887]

**DAYTON POWER AND LIGHT CO.**

**Order Accepting for Filing and Suspending Proposed Tariff Sheets and Establishing Procedure**

SEPTEMBER 30, 1976.

On September 1, 1976, Dayton Power and Light Company (Dayton) submitted for filing revised tariff sheets to its FPC Electric Tariff under which fourteen municipal customers are served. The proposed rate change would increase revenues by approximately \$988,273 (12.41%) for the twelve-month period following the proposed effective date of October 1, 1976.

Dayton presently serves its tariff customers under settlement rates which were filed in Docket No. E-9216 and approved by Commission order issued August 30, 1976. The rate contains a two-step kVa demand charge and three-step energy charge. It is subject to a fuel adjustment clause, a tax adjustment clause, minimum monthly charge provisions, and a high voltage discount.

The new rate design is considerably simplified and contains a demand charge based on kW and a reactive demand charge. The number of demand blocks are reduced from two to one and the energy blocks from three to one. The



proposed rates also contain a revised high voltage discount provision.

The company's case-in-chief is based on a test period consisting of the 12-months ended April 30, 1976. The proposed rates would increase revenues for this period by approximately \$993,603 (12.3%) based on a comparison with the proposed settlement rates in Docket No. E-9216 which were certified to the Commission by the presiding Administrative Law Judge on January 23, 1976. The company's Statement N for this period indicates that the proposed rate increase will result in an earned rate of return of 9.93 percent.

Public notice of the filing was issued on September 10, 1976, with comments, protests or petitions to intervene due on or before September 30, 1976. Although this order is issued prior to expiration of the period for comment, protest or petition to intervene, any such comments, protests or petitions timely filed will be given due consideration.

The Commission's review of Dayton's proposed rate charges indicates that Dayton's proposed rate increases have not been shown to be just and reasonable and therefore may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, the proposed rate increase should be accepted for filing and suspended for one month.

The Commission finds Dayton's proposed rate increase should be accepted for filing and suspended for one month.

The Commission orders. (A) Dayton's proposed rate increase is hereby accepted for filing and use thereof suspended for one month, or until November 2, 1976, at which time it may become effective, subject to refund, pending the outcome of the litigation thereon.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in Dayton's FPC Electric Tariff MRS as proposed to be revised by the subject filings.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before April 1, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose. (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consoli-

date and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(E) Dayton shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission regulations, 18 CFR 35.19a.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER and shall serve a copy thereof on the wholesale customers of Dayton.

By the Commission.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29495 Filed 10-6-76;8:45 am]

[Docket No. RP71-15 (PGA76-5)]

#### EAST TENNESSEE NATURAL GAS CO.

##### Proposed PGA Rate Adjustment

SEPTEMBER 30, 1976.

Take notice that on September 27, 1976, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Seventeenth Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective on October 27, 1976.

East Tennessee states that the purpose of this revised tariff sheet is to adjust East Tennessee's rates pursuant to the PGA provision of section 22 of the general terms and conditions to reflect increased purchased gas costs resulting from a rate increase filed September 27, 1976, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which is based solely on producer filings made pursuant to Opinion No. 770. The annualized amount of claimed purchased gas cost increases is \$21,157,621 or 36.54 cents per Mcf.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene: *Provided, however*, That any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29501 Filed 10-6-76;8:45 am]

[Docket No. RP76-142]

#### EL PASO NATURAL GAS CO.

##### Proposed Changes in FPC Gas Tariff; Correction

SEPTEMBER 24, 1976.

In FR Doc. 76-27805 appearing on page 41753 in the issue of Thursday, September 23, 1976, in the first paragraph, lines 1 and 2 change August 27, 1976, to read August 26, 1976.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29511 Filed 10-6-76;8:45 am]

[Docket Nos. CS66-126, et al.]

#### FIRST NATIONAL BANK IN DALLAS, EXECUTOR OF THE ESTATE OF ROSS R. BICKEL

##### Notice of Applications for "Small Producer" Certificates<sup>1</sup>

SEPTEMBER 28, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein in the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

LOIS D. CASHELL,  
Acting Secretary.

Docket No.	Date filed	Applicant
CS86-126..	Aug. 27, 1976	First National Bank in Dallas, executor of the estate of Ross H. Bickel, P.O. Box 6031, Dallas, Tex. 75283.
CS73-135..	Sept. 20, 1976 <sup>1</sup>	Wainoco, Inc., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS72-307..	Aug. 27, 1976 <sup>1</sup>	Western Petroleum Co., Inc., 809 Philtower Bldg., Tulsa, Okla. 74103.
CS76-956..	Sept. 13, 1976 <sup>1</sup>	R. J. Sullivan, d.b.a. Sullivan & Co., 1901 NBT Bldg., Tulsa, Okla. 74103.
SC76-1135.	Sept. 17, 1976	Echo Oil Corp., P.O. Box 3036, Casper, Wyo. 82602.
CS76-1136.....	do.....	Bradshaw Field Joint Venture, 3600 South Yosemite, Suite 910, Denver, Colo. 80237.
CS76-1137.	Sept. 16, 1976	Mercantile National Bank at Dallas, trustee of the Rose S. Van Wert Trust, Mercantile National Bank at Dallas, Mercantile National Bank Bldg., Dallas, Tex. 75201.
CS76-1138.	Sept. 20, 1976	Ozona Gas Co., 1014 Lane Bldg., Shreveport, La. 71101.
CS76-1139.....	do.....	Venture 1200, P.O. Box 504, Fairview, Okla. 73737.
CS76-1140.....	do.....	Commonwealth Exploration, Inc., P.O. Box 361, Owensboro, Ky. 42301.
CS76-1141.....	do.....	Viking Exploration, Inc., Suite 820, 1776 Lincoln St., Denver, Colo. 80203.
CS76-1142.....	do.....	Primor Production, P.O. Box 2664, Monroe, La. 71201.
CS76-1143.....	do.....	Sinclair Investment Co., Ltd., 1241 Glenbrook Dr., Oklahoma City, Okla. 73118.
CS76-1144.....	do.....	Tom Sinclair, 1241 Glenbrook Dr., Oklahoma City, Okla. 73118.
CS76-1145.....	do.....	Clover Jeweler's Blvd., Inc., 3498 Maryland Parkway, Las Vegas, Nev. 89109.
CS76-1146.....	do.....	Alma Beamon Anderson, 5211 Briar Dr., Houston, Tex. 77056.
CS76-1147.....	do.....	Sandor S. Hirsch, 10 East 70th St., New York, N.Y. 10021.
CS76-1149.	Sept. 22, 1976	Dr. Helen-Cheng, 201 East 79th St., New York, N.Y. 10023.
CS76-1150.....	do.....	Pachta Corp., 1102 Western Bank Bldg., Houston, Tex. 77056.

<sup>1</sup> Being renounced to reflect the estate as the certificate holder.

<sup>2</sup> Being renounced as an amendment of applicant's small-producer certificate to include sales from Lockridge Field, Ward County, Tex., to Natural Gas Pipeline Co. of America thereunder and for cancellation of both the certificate issued to Wainoco in docket No. C168-1231 and the corresponding gas rate schedule No. 1.

<sup>3</sup> Being renounced to amend the certificate issued in docket No. CS72-307 to include Western Petroleum Co., Inc., as coholder along with Western Petroleum Co., operator. Applicant further requests that the Sun Calvert interests acquired by Dundee Oil & Supply, Inc., be covered by the small-producer certificate issued in docket No. CS72-307.

<sup>4</sup> Being renounced to include requested information.  
[FR Doc.76-29360 Filed 10-6-76;8:45 am]

[Docket No. RP75-96]

**MICHIGAN WISCONSIN PIPE LINE CO.  
Postponing Procedural Dates**

SEPTEMBER 28, 1976.

On September 3, 1976, Michigan Wisconsin Pipe Line Company filed a motion

to postpone the procedural dates established by order issued October 31, 1975, as most recently modified by notice issued July 27, 1976, in the above-designated proceeding.

Notice is hereby given that the procedural dates in the above-designated matter are postponed pending Commission action on the proposed Stipulation and Agreement in this proceeding.  
By direction of the Commission.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29496 Filed 10-6-76;8:45 am]

[Docket No. CP76-255, etc.]

**MICHIGAN WISCONSIN PIPE LINE  
COMPANY, ET AL.**

**Order Consolidating Proceedings, Issuing  
Temporary Certificates, Granting Inter-  
ventions, Scheduling Formal Hearing  
and Establishing Procedures; Correction**

SEPTEMBER 23, 1976.

In FR Doc. 76-26869 appearing at page 39081 in the issue of Tuesday, September 14, 1976 on page 39081, add the finding paragraph to read as follows:

(10) Emergencies exist on the systems of NNG, and Natural such that temporary certificates should be issued in Docket Nos. CP76-271 and CP76-325 authorizing the transportation of natural gas to permit the redeliveries of stored natural gas volumes to their respective customers; and on page 39081, add the Ordering paragraph to read as follows:

(H) Temporary certificates are issued to NNG and Natural authorizing the redelivery of stored natural gas volumes as proposed in Docket Nos. CP76-271 and CP76-325, respectively.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29510 Filed 10-6-76;8:45 am]

[Docket No. ER76-585]

**MISSOURI PUBLIC SERVICE CO.**

**Order Accepting in Part and Rejecting in  
Part Proposed Rate Changes**

SEPTEMBER 30, 1976.

On March 30, 1976, Missouri Public Service Company (MPSC) tendered for filing revised rate schedules for service to seven wholesale municipal customers.<sup>1</sup> In its filing MPSC requested waiver of Section 35.13(b)(4)(iii) of the Commission's Regulations under the Federal Power Act, in order to permit the Company's use of Period I data ending 11 months prior to the March 30, 1976, filing date. By letter dated April 30, 1976, the Commission Secretary denied MPSC's waiver request and required MPSC to submit revised Period I data ending not more than seven months prior to the March 30, 1976, filing date, together with testimony and exhibits and other data

<sup>1</sup> Cities of El Dorado Springs, Galt, Gilman City, Harrisonville, Liberal, Odessa, and Rich Hill, Missouri.

required by the Commission's Regulations. In addition, the Secretary noted that preliminary review also revealed that certain of the Company's contracts incorporated specific rate review procedures, and therefore requested that MPSC show it had obtained all requisite agreement by the Cities of Odessa, El Dorado Springs, and Harrisonville for the proposed rate schedules, pursuant to Section 35.13(a) of the Regulations.

On August 2, 1976, MPSC tendered for filing the requested information including updated Period I data for a test year ended December 31, 1975. The filing also included an executed contract under the same rate schedule for an additional municipal customer not previously served.<sup>2</sup> The proposed revised rates would increase jurisdictional revenues by \$203,908 (25%) annually. MPSC requests an effective date of October 1, 1976.

Public notice of MPSC's filings<sup>3</sup> were issued on April 5 and August 20, 1976, with comments, protests, or petitions to intervene due on or before April 26 and September 1, 1976, respectively. On May 3, 1976, the Board of Aldermen and the Mayor of Galt, Missouri, filed an "objection" and "informal protest" to the proposed rate increase.

In its original filing of March 30, 1976, MPSC noted that the filing was accompanied by newly executed contracts with the Cities of Liberal and Rich Hill. MPSC stated further that it expected to sign new contracts with El Dorado Springs<sup>4</sup> and Harrisonville within the next two weeks and that negotiations were still underway to obtain newly executed contracts with the Cities of Odessa, Galt and Gilman City. MPSC thereby requested that the proposed rates be permitted to become effective to all current contracts or to new contracts that may have been finalized in the few weeks that followed. MPSC claimed that new contracts were not necessary to effectuate the proposed increased rates inasmuch as "all of our existing contracts with municipalities for wholesale power are subject to rates effectively approved (permitted to become effective) by the Federal Power Commission."

Our review indicates that all of the existing contracts provide for fixed rates over fixed terms, with no reservation of power to change unilaterally the existing rates. We find that all references to the rates being subject to "approval" of the Federal Power Commission do not establish rights to change unilaterally the rates but merely recognize our regulatory jurisdiction over such wholesale rate schedules. Pursuant to the *Mobile-Sierra* doctrine,<sup>5</sup> we must therefore re-

<sup>2</sup> City of Pleasant Hill, Missouri.

<sup>3</sup> The assigned filing date of the instant docket is August 2, 1976, on which date the deficiencies in the March 30, 1976, filing were cured.

<sup>4</sup> On April 13, 1976, MPSC supplemented its filing by tendering a new contract executed by the City of El Dorado Springs.

<sup>5</sup> *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

ject MPSC's filing as it applies to those customers\* who have not executed new contracts consenting to the change in rates. As to those customers' who have executed new contracts and to the new customer, Pleasant Hill, we shall accept the proposed rate schedule for filing and permit them to become effective October 1, 1976. We note that all of the proposed contracts contain the following restrictive language:

Energy delivered hereunder shall be used by Customer solely for the purpose of resale to its customers. The Customer shall not sell or deliver the electricity purchased from the Company to any customer, company, or person to be used outside of Customer's city limits, without written consent of Company.

Accordingly, we shall direct MPSC to revise its rate schedules so as to remove this restrictive language.

The Commission finds: (1) Good cause exists to reject MPSC's filing with respect to the Cities of Galt, Gilman City, Harrisonville and Odessa.

(2) Good cause exists to accept for filing as designated in the attached Appendix, the proposed rate schedules for the Cities of Liberal, Rich Hill, El Dorado Springs and Pleasant Hill and to permit them to become effective October 1, 1976.

(3) Good cause exists to require MPSC to omit the resale restriction provisions discussed hereinabove.

The Commission orders: (A) With respect to the Cities of Galt, Gilman City, Harrisonville and Odessa, MPSC's filing is hereby rejected.

(B) With respect to the Cities of Liberal, Rich Hill, El Dorado Springs and Pleasant Hill, the proposed rate schedules are hereby accepted for filing as designated in the attached Appendix, to become effective October 1, 1976.

(C) Within 30 days of the issuance of this order, MPSC shall file revised rate schedule sheets omitting the resale restriction provisions discussed hereinabove.

(D) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,  
Acting Secretary.

MISSOURI PUBLIC SERVICE COMPANY

RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS DOCKET NO. ER76-585

Filed: August 2, 1976 (Date of Completion of Filing).

Dated: July 27, 1976 (completed filing).

Effective: October 1, 1976.

Designations	Descriptions
(1) FPC electric rate schedule No. 34 (Pleasant Hill).	Initial wholesale service agreement.
(2) Supplement No. 1 to electric rate schedule FPC No. 34 (municipalities - resale).	Initial rate schedule for the city of Pleasant Hill.

\* Cities of Galt, Gilman City, Harrisonville, and Odessa.

† Cities of Liberal, Rich Hill and El Dorado Springs.

Designations	Descriptions
(3) FPC electric rate schedule No. 35 (Eldorado Springs — supersedes FPC Electric rate schedule No. 27).	Eldorado Springs signed new wholesale service agreement to replace fixed-rate contract.
(4) Supplement No. 1 to FPC electric rate schedule No. 35 (municipalities - resale).	Eldorado Springs new service agreement includes a rate increase over that of superseded contract.
(5) Supplement No. 5 to FPC electric rate schedule No. 30 (municipalities - resale — supersedes supplements Nos. 1, 3, and 4 to FPC electric rate schedule No. 30).	Wholesale rate increase for the city of Liberal.
(6) Supplement No. 5 to FPC electric rate schedule No. 32 (municipalities - resale — supersedes supplements No. 1, 3, and 4 to FPC electric rate schedule No. 32).	Wholesale rate increase for the city of Rich Hill.

[FR Doc.76-29485 Filed 10-6-76; 8:45 am]

[Docket No. RP72-149 (PGA 76-14, 76-15, 76-16)]

MISSISSIPPI RIVER TRANSMISSION CORP.

Tariff Change

OCTOBER 1, 1976.

Take notice that Mississippi River Transmission Corporation (MRT) on September 27, 1976, tendered for filing the following Revised Sheet Nos. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective on the dates indicated below:

Tariff Sheet No.	Effective date
Forty-Seventh Revised Sheet No. 3A	Oct. 9, 1976
Forty-Eighth Revised Sheet No. 3A	Oct. 27, 1976
Forty-Ninth Revised Sheet No. 3A	Nov. 1, 1976

MRT states that the instant filing is being made pursuant to the provisions of Mississippi's purchased gas cost adjustment clause to track the increased cost of gas associated with (1) a general rate increase application of United Gas Pipe Line Co. (United) at Docket No. RP76-84, proposed to become effective October 9, 1976, (2) increases in the cost of gas purchased from producers, United and Natural Gas Pipeline Co. of America associated with increases in the national rate as a result of Opinion No. 770, which are to become effective October 27, 1976, and (3) an increase in the cost of gas purchased from Trunkline Gas Company (Trunkline) which is also associated with increases resulting from Opinion No. 770, and which Trunkline has proposed to become effective November 1, 1976.

MRT states that it submitted schedules containing computations supporting such various rate changes. MRT states that copies of its filings were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission 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 October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29506 Filed 10-6-76; 8:45 am]

[Docket No. RP-74-96]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Proposed Settlement

SEPTEMBER 30, 1976.

Take notice that on September 22, 1976, Natural Gas Pipeline Company of America (Natural) filed with the Commission in the referenced docket a "Motion for Approval of Settlement Agreement" together with a "Settlement Agreement" which constitutes a proposal of settlement.

The Motion recites that the proposed settlement was prepared by Natural and circulated to the participants herein. The proposed settlement would dispose of all issues herein relating to advance payments made to Mesa Petroleum Co. and Mobil Oil Corporation.

Any person wishing to do so may submit written comments concerning the proposed settlement agreement. All such comments should be delivered or mailed to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before October 29, 1976.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29503 Filed 10-6-76; 8:45 am]

[Docket No. RP71-107 (PGA76-3)]

NORTHERN NATURAL GAS CO.

Amendment of Purchased Gas Cost Adjustment Rate Change

SEPTEMBER 30, 1976.

On September 23, 1976, the Acting Secretary issued notice of a purchased gas cost adjustment rate increase tendered by Northern Natural Gas Company (Northern) on August 27, 1976. That notice stated that the purchased gas cost adjustment rate increase would increase annual jurisdictional market area gas



sales revenues by approximately \$4,270,215 for the last two months of 1976 and \$142,634 for field area sales. Northern further states that total annual net increase in cost of purchased gas attributable to Opinion Nos. 770 and 742-A is \$48,659,629 based on producers increases to be effective July 27, 1976 and October 1, 1976 (one cent escalation).

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29504 Filed 10-6-76;8:45 am]

[Docket No. RP72-154 (PGA76-6)]

#### NORTHWEST PIPELINE CORP.

##### Change in Rates

OCTOBER 1, 1976.

Take notice that Northwest Pipeline Corporation, on September 27, 1976, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FPC Gas Tariff, Original Volume No. 1. Such change in rates is for the purpose of tracking producer and leasehold production gas cost increases to the national base rate levels prescribed in the Commission's Opinion No. 770 and Order in Docket No. RM75-14 issued on July 27, 1976.

The current PGAC adjustment, for which notice is given herein, aggregates an increase of .802¢ per therm in all rate schedules affected by and subject to the PGAC. As shown in Enclosure No. 1, Schedule A, such current adjustment is comprised of an annualized increase in purchased gas costs and leasehold production costs of .630¢ per therm and a surcharge adjustment of .172¢ per therm representing producer increases and leasehold production cost increases for the period of July 27, 1976 through October 26, 1976, plus a nine percent (9%) carrying charge during the duration of the surcharge. The annualized amount of claimed purchased gas cost increases under Opinion No. 770 is \$25,515,779. The proposed surcharge to recover unrecovered purchased gas costs attributable to Opinion No. 770 is \$6,507,763. Carrying charges on the unrecovered purchased gas costs are \$306,968. The total amount claimed is \$32,330,510, of which \$32,041,858 is applicable to jurisdictional sales and services.

Northwest is requesting that waiver be granted of Northwest's PGAC provisions and applicable Commission Regulations, as necessary, to permit recovery of the increased leasehold production gas costs from wells commenced on or after January 1, 1973, on leases acquired prior to October 7, 1969, as proposed herein, and to permit the acceptance and effectiveness of the proposed change in rates as of October 27, 1976, as specified in Opinion No. 770.

Northwest states that a copy of this filing is being served upon all parties of record in Docket No. RP72-154 and otherwise, upon all jurisdictional cus-

tomers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29507 Filed 10-6-76;8:45 am]

[Docket No. ER76-826]

#### PENNSYLVANIA POWER & LIGHT CO.

##### Order Accepting for Filing and Suspending Proposed Tariff Sheets, Granting Intervention and Establishing Procedure

SEPTEMBER 30, 1976.

On July 30, 1976, Pennsylvania Power & Light Company (PP&L) submitted for filing a proposed increase in rates for firm power service to its fifteen wholesale customers.<sup>1</sup> The proposed rates result in an estimated increase of \$930,598 (9.1%) for the twelve-month period following the proposed effective date of October 1, 1976.

<sup>1</sup> See table below:

Designations	Other party
Supp. No. 9 to rate schedule FPC No. 28 (supersedes supp. No. 6).	Borough of Watsonstown.
Supp. No. 10 to rate schedule FPC No. 28 (supersedes supp. No. 8).	Do.
Supp. No. 9 to rate schedule FPC No. 32 (supersedes supp. No. 6).	Borough of Duncannon.
Supp. No. 10 to rate schedule FPC No. 32 (supersedes supp. No. 8).	Do.
Supp. No. 7 to rate schedule FPC No. 45 (supersedes supp. No. 4).	Borough of Blakely.
Supp. No. 8 to rate schedule FPC No. 45 (supersedes supp. No. 6).	Do.
Supp. No. 7 to rate schedule FPC No. 50 (supersedes supp. No. 4).	Borough of Weatherly.
Supp. No. 8 to rate schedule FPC No. 50 (supersedes supp. No. 6).	Do.
Supp. No. 7 to rate schedule FPC No. 51 (supersedes supp. No. 4).	Borough of Schuylkill Haven.
Supp. No. 8 to rate schedule FPC No. 51 (supersedes supp. No. 6).	Do.
Supp. No. 5 to rate schedule FPC No. 54 (supersedes supp. No. 2).	Borough of Perkasio.
Supp. No. 6 to rate schedule FPC No. 54 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 55 (supersedes supp. No. 2).	Borough of Mifflinburg.
Supp. No. 6 to rate schedule FPC No. 55 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 56 (supersedes supp. No. 2).	Borough of Saint Clair.
Supp. No. 6 to rate schedule FPC No. 56 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 57 (supersedes supp. No. 2).	Borough of Catawissa.
Supp. No. 6 to rate schedule FPC No. 57 (supersedes supp. No. 4).	Do.

The Company's case-in-chief is based on a test period consisting of the 12 months ended December 31, 1975. The proposed rates would increase revenues for this period by approximately \$964,890 (11.4%). The Company's Statement N for this period indicates that the proposed rate increase will result in an earned rate of return of 7.73% for customers served at transmission level and 8.64% for customers served at primary distribution.

Public notice of the filing was issued on August 12, 1976, with comments, protests or petitions to intervene due on or before September 10, 1976. Timely petitions to intervene were filed by the Boroughs of Ephrata, Quakerstown, Watsonstown, Perkasio, Saint Clair, Hatfield, Catawissa, Lehighton, Weatherly and Schuylkill Haven and by Citizens Electric Company of Lewisburg, Pa. (Citizens' Electric).

Citizens' Electric states that the rates and charges proposed by PP&L are unjust and unreasonable, would subject petitioner and its customers to undue prejudice or disadvantage and therefore would be unlawful if permitted to become effective. Citizens' Electric therefore requests to intervene in this proceeding. In particular, Citizens' Electric contends that (1) PP&L's allocations methods and procedures are incorrect, (2) the Pennsylvania gross receipts tax is improperly allocated to transmission resale customers, including Citizens' Electric, and (3) a five month suspension is warranted to more fully protect Citizens' Electric's 3,900 residential customers where refund might be difficult.

Designations	Other party
Supp. No. 5 to rate schedule FPC No. 58 (supersedes supp. No. 2).	Borough of Ephrata.
Supp. No. 6 to rate schedule FPC No. 58 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 59 (supersedes supp. No. 2).	Borough of Hatfield.
Supp. No. 6 to rate schedule FPC No. 59 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 60 (supersedes supp. No. 2).	Borough of Quakertown.
Supp. No. 6 to rate schedule FPC No. 60 (supersedes supp. No. 4).	Do.
Supp. No. 5 to rate schedule FPC No. 61 (supersedes supp. No. 2).	Citizens Electric Co. of Lewisburg.
Supp. No. 6 to rate schedule FPC No. 61 (supersedes supp. No. 4).	Do.
Supp. No. 6 to rate schedule FPC No. 63 (supersedes supp. No. 3).	Borough of Lehighton.
Supp. No. 7 to rate schedule FPC No. 63 (supersedes supp. No. 5).	Do.
Supp. No. 2 to rate schedule FPC No. 65 (supersedes supp. No. 1).	Borough of Olyphant.
Supp. No. 3 to rate schedule FPC No. 65 (supersedes supp. No. 1 to supp. No. 1).	Do.

The Boroughs of Ephrata, Quakertown, Watstown, Perksie, Saint Clair, Hatfield, Catawissa, Lehighton, Weatherly and Schuylkill Haven contend that (1) the proposed increase is anti-competitive, (2) PP&L's allocation methods and procedures are incorrect, (3) the Pennsylvania gross receipts tax applies only to sales outside borough limits and PP&L has charged gross receipts tax for sales within the city, (4) the fuel clause is improper in that it purports to establish a fuel cost of June 30, 1970, which is not the current fuel cost, and (5) if the fuel clause revenues are excluded, the proposed increase is 18% and not 11.4%, as represented by the Company.

The Commission's review of PP&L's proposed rate charges indicates that PP&L's proposed rate increases have not been shown to be just and reasonable and, therefore, they may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. The proposed rate increase will produce only 1.75% of PP&L's total revenues, however each rate schedule subject to such increase represents the total electric requirements of the various wholesale customers. The relative impact of the rate schedule on the parties concerned, together with the arguments advanced have been given due consideration. Accordingly, the proposed rate increases should be accepted for filing and suspended for one month, or until November 2, 1976.

The Commission finds: (1) PP&L's proposed rate increases should be accepted for filing and suspended for one month.

(2) Good cause exists to allow Citizens' Electric and the Boroughs of Ephrata, Quakertown, Watstown, Perksie, Saint Clair, Hatfield, Catawissa, Lehighton, Weatherly and Schuylkill Haven (Boroughs) to intervene in this proceeding.

The Commission orders: (A) Supplement Nos. 9 and 10 to Rate Schedule FPC No. 28, Supplement Nos. 9 and 10 to Rate Schedule FPC No. 32, Supplement Nos. 7 and 8 to Rate Schedule FPC No. 45, Supplement Nos. 7 and 8 to Rate Schedule FPC No. 50, Supplement Nos.

7 and 8 to Rate Schedule FPC No. 51, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 54, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 55, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 56, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 57, Supplement Nos. 5 & 6 to Rate Schedule FPC No. 58, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 59, Supplement Nos. 5 and 6 to Rate Schedule FPC No. 60, Supplement Nos. 5 & 6 to Rate Schedule FPC No. 61, Supplement Nos. 6 and 7 to Rate Schedule FPC No. 63 and Supplement Nos. 2 and 3 to Rate Schedule FPC No. 65 are hereby accepted for filing and use thereof suspended for one month, or until November 2, 1976, at which time they may become effective, subject to refund, pending the outcome of the litigation thereon.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in PP&L's FPC Electric Tariff MRS as proposed to be revised by the subject filings.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before April 1, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) PP&L shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increase rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(F) Citizens' Electric and the Boroughs are hereby permitted to intervene in this proceeding, *Provided, however*, that participation by them shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further*, that the admission of these parties shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER and shall serve a copy thereof on the wholesale customers of PP&L.

By the Commission.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29486 Filed 10-6-76; 8:45 am]

[Docket No. CP76-533]

**PEOPLES NATURAL GAS AND  
NORTHERN NATURAL GAS CO.**

**Application**

SEPTEMBER 30, 1976.

Take notice that on September 22, 1976, Peoples Natural Gas Division of Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-533 an application pursuant to section 1(c) of the Natural Gas Act for an order declaring exempt from the provisions of the Natural Gas Act and the Regulations of the Commission pertaining thereto certain intrastate facilities of Applicant and natural gas transported in such facilities and distributed therefrom, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that Applicant owns, operates and maintains an extensive intrastate natural gas distribution system in Southeast Colorado which provides retail natural gas service to urban customers in several communities including Lamar, Springfield, Holly, Walsh, and Granada, and to rural customers in the countries of Prowers, Bent, Baca, and Kiowa. It is said that Applicant obtains the gas sold to its customers in Southeast Colorado from three supply sources: Colorado gas wells in the same area, which are owned and operated by others; Colorado Interstate Gas Company's (CIG) pipeline through delivery points located in Bent County and Baca County, Colorado; and a part of the Hugoton field in Western Kansas. Further, it is stated that the gas furnished by CIG is provided under an exchange agreement between CIG and Applicant, with Applicant delivering the exchange gas into CIG's system in Kearny County, Kansas.

The application shows that the Hugoton field will, at times during the year, flow into Applicant's Southeast Colorado gas distribution system through three segments of pipeline connecting that system with Applicant's gathering facilities in Western Kansas. Applicant asserts, however, that none of the gas from Applicant's Colorado supply sources does flow or can flow into Kansas because Applicant has installed equipment consisting of check valves to prevent any such flows; thus, all gas received into Applicant's Southeast Colorado facilities is consumed in Colorado. A certificate from the Colorado Public Utilities Commission which is attached to the application shows that the facilities of Applicant and the rates charged for gas sold and services rendered by Applicant in connection with sales of gas are subject to the regulatory jurisdiction of the Colorado Public Utilities Commission and that the Colorado Commission is exercising such jurisdiction.

Accordingly, Applicant requests an order declaring exempt from the provisions of the Natural Gas Act the facilities, transportation, delivery, and sale of natural gas involved in the above-described operations of its Southeast Colorado facilities located within Prowers, Baca, Bent, and Kiowa Counties, Colorado.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 76-29500 Filed 10-6-76; 8:45 am]

[Docket No. RI76-136]

**PETROLEUM CORP. OF TEXAS**  
Order Granting Special Relief

Issued September 29, 1976.

On July 6, 1976, Petroleum Corporation of Texas (Petitioner) filed a petition for special relief pursuant to Section 2.76<sup>1</sup> of the Commission's General Policy and Interpretations for sales of gas to Northern Natural Gas Company (Northern) from the Thonhoff "A" and "C" units Meade County, Kansas. Petitioner is a small producer and was granted a small producer certificate in Docket No. CS70-37.

<sup>1</sup> 18 C.F.R. § 2.76.

Petitioner states that at the present contract rate of 18.00 cents per Mcf, the capital expenditures necessary to continue to obtain additional production from the subject wells would be uneconomical. Petitioner avers that an acidizing treatment and the installation of a compressor are needed in order to prevent abandonment of the Thonhoff units.

Petroleum Corporation seeks a rate of 67.00 cents per Mcf at 14.65 psia. By contract amendment dated May 14, 1976, Northern agrees that it will purchase the subject gas at the requested price level.

Notice of the petition was issued July 29, 1976. A timely petition to intervene in support of the petition for special relief was filed by Northern on August 19, 1976.

Staff has reviewed the cost data submitted by petitioner.<sup>2</sup> Based thereon Staff life of the well. After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Petroleum Corporation's petition.

The Commission finds: The petition for special relief filed by Petroleum Corporation meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders: (A) For the above-stated reasons, the petition for special relief of Petroleum Corporation is hereby granted. Petroleum Corporation is authorized to collect a total rate of 67.00 cents per Mcf at 14.65 psia for all gas produced from the subject wells effective on the date that the proposed compressor is installed and made operative and the remedial work is completed,

or the date of issuance of this Commission order, whichever is later, subjective to the following conditions: (1) Petroleum Corporation must file, in Docket No. RI76-136, a statement signed by Northern, setting forth the date that the proposed work has been completed and (2) said statement is to be filed within 30 days of the date the equipment is made operative.

(B) Petroleum Corporation's May 14, 1976, contract amendment with Northern and the related rate increase filing are hereby accepted as Supplement Nos. 4 and 5, respectively, to Petroleum Corporation's FPC Gas Rate Schedule No. 44, effective as of the date of issuance of this order.

(C) Northern is permitted to intervene in this proceeding for relief subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition for leave 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 these proceedings, and that the intervenor agrees to accept the record as it now stands.

By the Commission.

[SEAL]

LOIS D. CASHELL,  
Acting Secretary.

<sup>2</sup> Staff's cost of service is attached hereto. has estimated that 187,309 Mcf of reserves remain to be produced over the

APPENDIX A.—Petroleum Corp. of Texas, Docket No. RI76-136, Thonhoff A and C units, Meade County, Kans.

CALCULATION OF UNIT COST OF GAS

Line No.	Description (a)	Volume (b)	Total cost (c)
1	Volumes (n.w.i.):		
2	Gas—1,000 ft <sup>3</sup> at 14.65 lb/in <sup>2</sup> .....	158,774	
3	Liquids—Barrels.....	0	
4	Average rate base:		
5	Average net investment.....		\$20,350
6	Average working capital allowance.....		866
7	Average rate base.....		21,216
8	Cost of production:		
9	Return on rate base.....		\$33,415
10	Production expense.....		72,716
11	D.D. & A. expense.....		30,452
12	Total cost of production.....		145,583
13	Unit cost of gas (cents):		
14	Cost of production (per 1,000 ft <sup>3</sup> ).....		91.69
15	Production tax.....		.09
16	Total cost of gas (per 1,000 ft <sup>3</sup> ).....		91.78

NOTE.—The above costs are based on representations of the applicant contained in his filing. The volumes are based on staff's recoverable reserve estimates of 187,309 Mft<sup>3</sup> of gas and no liquids (at 14.65 lb/in<sup>2</sup>). The production curve shown on sheet 3 is expected.

Line 1: Gross working interest is 84.765620 pct.

Line 5: From sheet 2, line 5.

Line 6: (Sheet 2, line 9 × 12.5 pct) divided by 10.5 yr production life.

Line 9: (Line 7 × 15 pct) times 10.5 yr production life.

Line 10: From sheet 2, line 9.

Line 11: From sheet 2, line 4, minus \$4,384 expected salvage value.

Line 14: Line 12 divided by line 2.



## SUMMARY OF APPLICANT'S FILED DATA

Line No.	Description (a)	Total cost (b)
1	Investment (Petroleum Corp.'s n.w.l.):	
2	Present net book value.....	33,986
3	Proposed new investment.....	34,850
4	Total project investment.....	43,836
5	Petroleum Corp.'s average net project investment.....	20,350
6	Production costs (Petroleum Corp.'s n.w.l.):	
7	Operating and maintenance expense.....	72,398
8	Regulatory expense.....	318
9	Total production expense.....	72,716

Line 5: From line 13, sheet 3.

Line 8: Regulatory expense as adopted in opinion No. 770 at 0.2c/M ft  $\times$  158,774 M ft  $^3$ .

Line No.	Year No.	Estimated production (1,000 ft $^3$ )	Reserves remaining at midyear (percent)	Midyear average investment
1	1	22,363	92.96	\$41,059
2	2	20,462	79.47	35,737
3	3	18,673	67.15	30,876
4	4	16,996	55.91	28,442
5	5	15,542	45.67	22,402
6	6	14,200	36.30	18,706
7	7	12,870	27.15	15,089
8	8	11,852	19.98	12,247
9	9	10,846	12.78	9,426
10	10	9,840	6.27	6,858
11	11	5,030	1.58	5,007
12 Total		158,774		223,854

<sup>1</sup> Petroleum Corp.'s average net project investment \$20,350.

Notice.—Estimated production is from staff's reserve estimate. Depreciable investment is \$39,452 based on total project investment (sheet 2, line 4) minus Petroleum Corp.'s \$4,384 estimated salvage value.

Line 12: Summation of lines 1 through 11.

Line 13: Line 12 divided by 11.

[FR Doc.76-29359 Filed 10-6-76;8:45 am]

[Docket No. E-7795, E-7989]

## PHILADELPHIA ELECTRIC CO.

## Order Denying Petition To Reopen Record and Setting Procedural Dates for Filing Briefs on Exceptions

SEPTEMBER 30, 1976.

On June 4, 1974, the Commission issued an order,<sup>1</sup> pursuant to court remand,<sup>2</sup> which instituted an investigation under Section 206(a) of the Federal Power Act, 16 U.S.C. 824e(a), concerning the question whether the fixed-rate contract<sup>3</sup> between Philadelphia Electric Company (PE) and the Borough of Lansdale, Pennsylvania, (Lansdale) was "so low as to adversely affect the public interest." "FPC v. Sierra Pacific Power Co.," 350 U.S. 348, 355 (1956). Said investigation resulted in the issuance of an initial decision by the Presiding Administrative Law Judge on June 28, 1976. The Presiding Judge found that the subject contract and the rates therein "are so low as to conflict with and adversely affect

the public interest."<sup>4</sup> Based upon this conclusion, the Presiding Judge then "determin[ed] the just and reasonable rate \* \* \* to be thereafter observed and in force \* \* \* fix[ing] the same by order." 16 U.S.C. 824e(a). The parties to this proceeding were permitted under the Commission's regulations to file exceptions to this initial decision on or before July 28, 1976. It is expected that substantive objections to any initial decision be voiced through the exceptions procedure.

However, on July 7, 1976, Lansdale petitioned the Commission to reopen the instant investigation, inter alia, for the receipt of evidence and further hearings on "the Conway issue."<sup>5</sup> In support of its petition, Lansdale complains that it "has not been afforded a reasonable opportunity to initiate discovery and/or to make a comprehensive and complete 'price squeeze' presentation." Petition, pg. 3. Lansdale further requested by concurrent motion that the procedural dates for filing exceptions to the initial decision be deferred pending the Commis-

ceeding To Determine Whether Or Not Rate Schedule Contained In Agreement Is In The Public Interest." Philadelphia Elec. Co., Docket Nos. E-7795 and E-7989, June 28, 1976, mimeo, pg. 46. (Initial Decision).

<sup>5</sup> "Petition To Reopen Record and Motion For Stay of Procedural Dates Pending Commission Disposition \* \* \*." Philadelphia Elec. Co., Docket Nos. E-7795 and E-7989, July 7, 1976. (Petition).

sion's disposition of its petition to reopen.<sup>6</sup> On July 21, 1976, PE answered Lansdale's petition, contending that the recent decision by the Supreme Court in "FPC v. Conway Corp.," — U.S. —, (June 7, 1976), does not represent a change in the law such as is required under the Commission's regulations, 18 CFR 1.33(d), to support the reopening of the record in a proceeding.<sup>7</sup> PE, moreover, contends that the instant record contains ample material of an evidentiary nature to support the conclusions of the Presiding Judge. Answer, pg. 2-3. Lansdale filed a reply to PE's answer on July 26, 1976, which reasserts the validity of its grounds for requesting a reopening of this record.<sup>8</sup>

I. A brief review of the initial decision is necessary and critical to an understanding of Lansdale's petition. The Presiding Judge was charged with the investigation of the PE-Lansdale fixed rate contract to determine whether the public interest requires an abrogation of such contract and the rates incorporated therein. The Presiding Judge starts from the premise that:

In a business affected with a public interest, such as Philadelphia's [footnote omitted] it would seem self evident that any contract rate so low as not to cover the utility's out-of-pocket cost of service is in conflict with that interest. (Initial Decision, pg. 28)

After analyzing the evidence and concluding that "Philadelphia sales to Lansdale under existing rates do not meet Philadelphia's out-of-pocket costs," Initial Decision, pg. 27, the Presiding Judge proceeded to detail the financial position of PE, ultimately concluding that "Philadelphia's financial status is not such that the Lansdale out-of-pocket loss operation can be countenanced as consistent with the public interest." Initial Decision, pg. 31; See also, Id. at 35.

The Presiding Judge also found that "[t]he Lansdale rate is unduly discriminatory and preferential \* \* \* as appears from the most superficial comparison of the average rate paid by Lansdale with that paid by similar sized direct retail (HT) industrial customers." Initial Decision, pg. 37. The Presiding Judge found support for the propriety of a comparison between jurisdictional wholesale rates and direct industrial

<sup>6</sup> See n. 5, *supra*. The procedural dates for filing exceptions were deferred by notice of the Commission's Secretary, issued July 28, 1976, pending Commission action on Lansdale's petition. On August 27, 1976, PE filed a petition for rehearing or reconsideration of the deferral of procedural dates. Our disposition herein effectively moots PE's petition of August 27, 1976, and it is, therefore, dismissed.

<sup>7</sup> "Answer of Philadelphia Electric Company to Lansdale Petition To Reopen Record And Motion For Stay Of Procedural Dates Pending Commission Disposition," Philadelphia Elec. Co., Docket Nos. E-7795 and E-7989, July 21, 1976 (Answer).

<sup>8</sup> "Reply of the Borough of Lansdale to the Answer of Philadelphia Electric Company \* \* \*," Philadelphia Elec. Co., Docket No. E-7795 and E-7989, July 26, 1976. (Reply).

rates for purposes of proving a discriminatory effect in the recent Conway decision by the Supreme Court. *FPC v. Conway Corp.*, — U.S. — (1976), 44 U.S.L.W. 4777 (Decided June 7, 1976). Apparently, upon evidence showing an unduly discriminatory rate differential between that rate charged Lansdale and those charged similarly-situated companies, the Presiding Judge found further support for the necessity to abrogate the subject fixed-rate contract in the interest of the public.

II. We are not at this time called upon to rule on the merits of the Presiding Judge's analysis or the sufficiency of the evidentiary record for purposes of Lansdale's instant petition and we do not do so. Lansdale argues that the record in this proceeding must be reopened because the Presiding Judge "based his conclusion" in this section 206(a) investigation on the Conway decision. Petition, pg. 2. Lansdale contends that there is no evidence in this record to support the Presiding Judge's reliance on the so-called Conway principle. Our reading of the initial decision does not indicate that the Presiding Judge based his conclusion on the Conway decision; rather, it appears that Conway was merely relied upon to support the propriety of a particular evidentiary comparison. To the extent that Lansdale argues that the Presiding Judge's legal conclusion is not supported by the evidentiary record, it is proper under the Commission's regulations, 18 C.F.R. 1.31, that this substantive objection be presented to the Commission via the exceptions procedure.

Our regulations require that petitions seeking to reopen proceedings "shall set forth clearly the facts claimed to constitute grounds requiring reopening \* \* \*, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing." 18 CFR 1.33(a). Lansdale presents no material change of fact which would compel further receipt of evidence in this proceeding. As far as the evidentiary record discloses, the opportunity was available at hearing in this case for any party to submit material and relevant evidence on the issue of discrimination. If certain evidentiary submittals were erroneously excluded by the Presiding Judge, the opportunity is available on exceptions to object to the initial decision on this ground. Lansdale does not contend that a material change of fact has occurred with respect to evidence introduced into, incorporated within, and, presumably, considered by the Presiding Judge as part of the evidentiary record. Consequently, Lansdale's petition proffers insufficient reasons to indicate that the public interest would be served by a reopening of this record for further receipt of evidence.

Furthermore, the Supreme Court's decision in *Conway*, supra, cannot be considered a material change in the law which might support further evidentiary presentations. *Conway* held that:

The Commission must arrive at a rate level deemed by it to be just and reasonable, but

in doing so it must consider the *tendered allegations* that the proposed rates are discriminatory and anticompetitive in effect. (*Conway*, Slip Op. at 7, emphasis supplied)

It appears that Lansdale alleges in its instant petition for the first time that "the new rate adopted by [the Presiding Judge] under cost of service principles creates a price squeeze against Lansdale vis-a-vis the Company's large industrial HT rate." Petition, pg. 3. At hearing Lansdale was bound to anticipate that PE might sustain its burden on the threshold Sierra question and that the Presiding Judge would be obligated to "determine the just and reasonable rate \* \* \* to be thereafter observed and in force." 16 U.S.C. 824e(a). Both PE and Commission staff presented evidence related to a "just and reasonable" rate for service to Lansdale. The opportunity was available for Lansdale to test such evidence and introduce rebuttal evidence tending to support a different "just and reasonable" remedial rate from the recommended by the other parties. If Lansdale failed to offer evidence of PE's industrial rates at hearing, it cannot now cure this defect through reopening this proceeding for the receipt of further evidence. On the other hand, if an offer of proof by Lansdale was erroneously ruled in admissible by the Presiding Judge—and, hence, not considered by the Judge in determining the appropriate remedial rate—Lansdale may except to the decision in this regard. The *Conway* case, in our view, does not undermine the validity of Commission decisions supported by evidentiary records where all parties were provided a full and complete opportunity to introduce all material evidence. Lansdale, insofar as we are able to determine at this time, has not preserved a right to introduce further evidence of PE's industrial rates because such opportunity was denied during hearing by the Presiding Judge or the Commission. It cannot now complain, therefore, that the Presiding Judge failed to consider evidence which was not at least offered during the hearing. In any event, the latter argument would run to the merits of the initial decision, and accordingly would properly be presented through the exceptions procedure.

III. We conclude that Lansdale's instant petition does not present good cause to reopen this proceeding for further hearing or receipt of evidence. Accordingly, it is necessary to establish new procedural dates for excepting to the initial decision in this proceeding. Briefs on exceptions to the Initial Decision shall be filed with the Commission on or before October 15, 1976, and shall conform in all respects to the Commission's regulations. Briefs opposing exceptions shall be filed on or before November 4, 1976. PE has argued that any delay in the resolution of this proceeding is prejudicial to its interest because it is in the nature of any section 206(a) proceeding that a remedy is prospective only. Answer, pg. 3-4. The lengthy record in this proceeding and the repeated delays which are evinced on the face of the record is of concern to this Commission.

Therefore, no further delay in the expeditious resolution of this proceeding will be tolerated. All parties are expected to proceed in accordance with the procedural schedule set forth herein.

*The Commission finds.* The Borough of Lansdale, Pennsylvania, has failed to demonstrate material changes of fact or law sufficient to warrant a reopening of this proceeding for further hearings or receipt of evidence.

*The Commission orders.* (A) The Petition to Reopen Record, filed by the Borough of Lansdale, Pennsylvania, is denied.

(B) Briefs on exceptions, if any, to the Initial Decision in this proceeding shall be filed on or before October 15, 1976, with the Commission's Secretary and in conformance with the Commission's applicable regulations.

(C) Briefs opposing exceptions, if any, to the Initial Decision in this proceeding shall be filed on or before November 4, 1976, with the Commission's Secretary and in conformance with the Commission's applicable regulations.

By the Commission.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29512 Filed 10-6-76;8:45 am]

[Docket No. ER76-221]

POTOMAC EDISON CO.

Order on Petitions for Rehearing

SEPTEMBER 30, 1976.

By order issued June 1, 1976, the Commission held that the Town of Williamsport, Maryland's contract with Potomac Edison Company (Edison) is a fixed rate contract and established an investigation pursuant to section 206 of the Federal Power Act to determine the appropriate rate to be applied prospectively. The June 1, 1976, order also found that Edison's contracts with the Cities of Hagerstown and Thurmont, Maryland, and Mont Alto, Pennsylvania, permitted the proposed rate increase to become effective as to those customers under section 205 of the Act. In addition, Edison's proposed increase was permitted to become effective for service over 15,000 kw to the Borough of Chambersburg, Pennsylvania.

On July 1, 1976, petitions for rehearing were filed by Edison and by Chambersburg, Mont Alto, Hagerstown and Thurmont. For the reasons stated below, the Commission will grant Edison's petition for rehearing and will grant in part and deny in part the petition for rehearing filed by Cities.

In its petition for rehearing, Edison states that the Electric Service Agreement between Edison and Williamsport dated July 1, 1964, contains language which permits unilateral rate increase

filings.<sup>1</sup> Edison relies upon the holding in *Memphis*<sup>2</sup> for the authority that the seller (Edison) had expressly reserved its right to make a unilateral change in the contract. Moreover, Edison adds that the Commission's determination with respect to Williamsport is inconsistent with Commission interpretation of similar language in other contracts as not requiring Commission action prior to placing rates into effect.<sup>3</sup>

Edison's point is well taken. The existing service agreement between Edison and Williamsport filed August 9, 1965, the pertinent language of which appears in footnote 1 *supra*, permits unilateral rate filings by the Company. Williamsport relies upon its refusal to sign a proposed contract amendment in 1972, which it alleges would have removed the fixed rate feature of its 1964 contract, as probative evidence of the intent of the parties not to construe the existing 1964 contract provision regarding regulatory change as permitting a unilateral rate increase.<sup>4</sup> For that reason, Cities urge that the Williamsport agreement with Edison has the status of a Mobile-Sierra contract. Edison's reason for proposing the 1972 revision to the Williamsport contract, however, is not the proper focus of attention. We find no ambiguity in the contract. Edison's reason for proposing examining the conduct of the parties. Even assuming, *arguendo*, that we were permitted to look to the conduct of the parties in construing their agreement, Edison's tender of the contract amendment in 1972 is not *prima facie* evidence that the Company under the existing agreement could not file unilaterally to increase its rates. Accordingly, we shall grant Edison's request on rehearing and modify the June 1, 1976, order herein to accept for filing and permit the rate increase to become effective as to Williamsport, subject to refund, as of April 14, 1976.

The Cities seek rehearing of that portion of the June 1, 1976, order which permits Edison's rate increase to Chambersburg to take effect subject to refund for deliveries over 15,000 kw. Cities argue that the Commission's determination is based upon misleading statements of

Edison in its petition for rehearing of the March 12, 1976, order. Specifically, Cities disavow Edison's interpretation of a resolution adopted by the town council of Chambersburg on May 10, 1972,<sup>5</sup> which suggests that Chambersburg intended to abandon its Mobile-Sierra rights. Chambersburg states the resolution was adopted only for the purpose of permitting Edison to reflect the increase in rates it was seeking to become effective June 1, 1972, without undergoing a proceeding pursuant to section 206 of the Federal Power Act. Moreover, Cities object to Edison's "attempt to bootstrap itself based on the City's internal resolution \* \* \*". Finally, Cities point to Edison's amendment providing for additional capacity which was prepared and executed but not filed with the Commission. Cities question Edison's execution of that amendment if acceptance by Chambersburg of a new regulatory change provision was an essential condition for the provision of additional power. Chambersburg provided consideration, they argue, by voluntarily not contesting the higher rates to avoid a Section 206 proceeding and by paying the higher rates. Cities contend that Edison may not now disavow the executed agreement providing for additional power up to 25,000 kw, notwithstanding the fact that the amendment is not on file with the Commission.<sup>6</sup>

The resolution of Chambersburg's town council limits the scope of Chambersburg's agreement to the particular rate increase Edison was seeking in May of 1972. Chambersburg could submit to a specific rate increase without thereby abrogating its protection from subsequent unilateral rate filings by Edison or amending the terms of its contract with Edison. However, irrespective of the resolution of the Chambersburg town council, Edison and Chambersburg executed an agreement to increase the capacity limit of the service rendered by Edison to Chambersburg from 15,000 kw to 25,000 kw. That amendment provided that Edison would make available to Chambersburg the additional 10,000 kw for which Chambersburg would of course pay Edison. There is no reason to look beyond

the agreement for additional, implied consideration. The amendment effectuated simply an increase in the ceiling capacity to which Chambersburg would be entitled. The remainder of the contract has remained in effect and unaffected by the change in volume. The fixed-rate<sup>7</sup> nature of the contract governs the entire capacity to Chambersburg up to 25,000 kw.<sup>8</sup> Edison's failure to file the executed agreement for the additional power is not relevant to the binding contractual effect of the agreement between the parties.<sup>9</sup> The fixed-rate contract<sup>10</sup> between Edison and Chambersburg prevents the proposed rate increase from becoming effective as to any of the capacity taken by Chambersburg up to 25,000 kw. Accordingly, Cities' request for rehearing of the June 1, 1976, order will be granted in that respect.

The Cities' second basis for rehearing is that the service to Hagerstown, Thurmont, Chambersburg (over 15,000 kw), and Mont Alto should be afforded the same treatment as the service to customers with fixed-rate contracts. Cities argue that the Supreme Court's decision in the *Conway*<sup>11</sup> proceeding supports the elimination of the alleged discrimination which those customers experience as the result of the difference between their contractual arrangements with Edison vis-a-vis Chambersburg, Williamsport and Front Royal. Cities contend it would be discriminatory to permit Edison to increase its rates to certain members of its municipal wholesale customers' class when other members of the same class have long term, fixed-rate contracts. Section 205(b) of the Federal Power Act prohibits such discrimination, Cities argue, as was described in the *Otter Tail*<sup>12</sup> case. Because all the contract terms among Edison's wholesale customers were executed at approximately the same time and because Edison has treated all of the municipals in the same class, it would be a violation of section 205(b), Cities argue, for the Commission to permit Edison to charge some members of the class a higher rate at an earlier date than others.

The discrimination which Cities allege to exist among the members of the mu-

<sup>1</sup> Fourth:—That the Customer agrees to receive, and use the electric energy of the Company, for its own general use and for resale at the hereinbefore mentioned location, and to pay for the same under terms and conditions similar to those set forth in the Company's Rate Schedule "WS-LV", a copy of which is attached to and made a part of this Agreement, or any other rate that is applicable to the Customer's electric load, and such revisions and reissues thereof that the Company may file with the Commission having jurisdiction over public service corporations, or which the said commission may from time to time publish or approve; anything herein to the contrary notwithstanding. [Emphasis added]

<sup>2</sup> *United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division*, 358 U.S. 103 (1958).

<sup>3</sup> See Order on Rehearing issued May 7, 1976, in *Illinois Power Company*, Docket No. E-9520; Order Denying Rehearing issued June 25, 1976.

<sup>4</sup> See Cities' petition for rehearing filed on April 12, 1976.

<sup>5</sup> "Now, be it resolved, That Borough does hereby indicate its willingness to execute the amendments to its Electric Service Agreements with Edison to reflect the increase in rates proposed to become effective June 1, 1972 and does hereby authorize the proper officers of the Borough to execute such agreements upon approval of the increase in rates by the Federal Power Commission, and does further indicate that it will not interpose any objection to such increases before the Federal Power Commission; and

"Be it further resolved, that Borough does hereby agree to amend its present Electric Service Agreements so as to increase the amount of electric current which Borough may purchase from Edison to 25 MVA and does hereby authorize its officers to join with Edison in obtaining the approval of the Federal Power Commission to such electric current, and to execute amendments to the Electric Service Agreements accordingly."

<sup>6</sup> *Borough of Lansdale v. F.P.C.*, 494 F.2d 1104 (D.C. Cir. 1975).

<sup>7</sup> The phrase "fixed-rate contract" used herein means one which permits applications pursuant to section 206 of the Federal Power Act to set the just and reasonable rate prospectively, without the need to meet the Sierra test, which requires as a prerequisite to any change in rate a showing that the utility's existing rates are so low as to affect adversely the public interest.

<sup>8</sup> *Gulf States Utilities Company*, 518 F.2d 450, (D.C. Cir. 1975).

<sup>9</sup> *Borough of Lansdale*, *supra*.

<sup>10</sup> Paragraph 9 of the agreement states as follows:

"9. *Regulatory Jurisdiction*. This agreement is subject to the jurisdiction of any governmental authority or authorities having the jurisdiction in the premises and may be changed from time to time upon duly authorized order entered by said authority or authorities."

<sup>11</sup> *F.P.C. v. Conway Corp.* — U.S. —, 44 U.S.L.W. 4777 (1976).

<sup>12</sup> *Otter Tail Power Company*, 2 F.P.C. 134 (1940).



nicipal wholesale customer class is simply a rate difference which arises from the fact that certain municipalities (Hagerstown, Thurmont and Mont Alto) executed amendments to their contracts to permit unilateral filings by Edison, thereby relinquishing their former status under the Mobile-Sierra doctrine. It cannot be concluded from these facts alone that such differences constitute undue discrimination. Therefore, Cities' petition for rehearing will be denied in this regard.

*The Commission finds.* (1) Good cause exists to grant Edison's petition for rehearing of the June 1, 1976, order in this proceeding.

(2) Good cause exists to grant in part and to deny in part Cities' petition for rehearing of the June 1, 1976, order in this proceeding.

*The Commission orders.* (A) Edison's petition for rehearing of the Commission's order of June 1, 1976, is hereby granted. Accordingly, the June 1, 1976, order is modified to recognize the legality of Edison's filing of the proposed rate increase pursuant to Section 205 of the Act. The rate increase filed by Edison as to Williamsport is accepted for filing and made effective as prescribed by the Commission's order of March 12, 1976.

(B) Cities' petition for rehearing of the Commission's order of June 1, 1976, is hereby granted in part. The June 1 order is modified to recognize that a fixed-rate contract exists between Edison and Chambersburg as to the latter's entire capacity requirement to 25,000 kw. Accordingly, a section 206 investigation is hereby initiated to determine the just and reasonable rate for prospective application to Chambersburg for service to 25,000 kw, irrespective of the 15,000 kw limitation. Moreover, within thirty days of the date of issuance of this order, Edison shall refund to Chambersburg any revenues collected heretofore for service between 15,000 kw and 25,000 kw above the amount which Edison is entitled to collect under the existing service agreement, with interest at 9 percent per annum.

(C) In all other respects, Cities' petition for rehearing is denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29493 Filed 10-6-76;8:45 am]

[Docket No. ID-1634]

**ROBERT J. HURSTAK**  
Amendment to Application

SEPTEMBER 30, 1976.

On August 30, 1976, Robert J. Hurstak filed an application pursuant to section 305(b) of the Federal Power Act seeking authorization to hold interlocking positions on the boards of Orange and Rockland Utilities, Inc., Rockland Electric

Company and Pike County Light and Power Company. Notice of this application was issued on September 7, 1976, indicating that responses or protests were due on or before September 28, 1976.

On September 9, 1976, Applicant filed a letter amending its application to include the information that Applicant presently serves as Director of Clove Development Corporation, a wholly-owned subsidiary of Orange and Rockland. Clove Development is neither a public utility, bank, trust company, banking association or firm authorized by law to underwrite or participate in the marketing of securities, nor is it a supplier of electrical equipment.

Response or protest to Mr. Hurstak's amended application is extended as follows:

Any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29489 Filed 10-6-76;8:45 am]

[Docket Nos. RP74-6, RP72-74]

**SOUTHERN NATURAL GAS CO.**  
Proposed Changes in FPC Gas Tariff

SEPTEMBER 30, 1976.

Take notice that Southern Natural Gas Company (Southern), on August 23, 1976, tendered for filing substitute revised sheets to its FPC Gas Tariff, Sixth Revised Volume No. 1.

Southern states that the substitute tariff sheets reflect a minor shift in its Index of Requirement between Priority-of-Service Categories for two customers with no resulting net change in total requirements.

The proposed effective date of the enclosed tariff sheets is September 1, 1976.

Copies of the filing were served upon the company's jurisdictional customers, interested state commissions, and the parties of record in Docket Nos. RP74-6 and RP72-74.

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 or 1.10 (18 CFR 1.8 and 1.10). All such petitions or pro-

tests should be filed on or before October 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29490 Filed 10-6-76;8:45 am]

[Docket No. RP72-98 (PGA76-8)]

**TEXAS EASTERN TRANSMISSION CORP.**  
Proposed Changes in Gas Tariff

SEPTEMBER 30, 1976.

Take notice that Texas Eastern Transmission Corporation on September 27, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Twenty-third Revised Sheet No. 14.  
Twenty-third Revised Sheet No. 14A.  
Twenty-third Revised Sheet No. 14B.  
Twenty-third Revised Sheet No. 14C.  
Twenty-third Revised Sheet No. 14D.

These sheets are being issued pursuant to Ordering Paragraph (D) of the Commission's Opinion No. 770 issued July 27, 1976 in Docket No. RM75-14 and Order Modifying Opinion No. 770 increases in Texas Eastern's cost of purchased gas from producer and pipeline suppliers including a special surcharge designed to recover over the twelve-month period, October 27, 1976—October 26, 1977, the cost associated with Opinion No. 770 increases from producers prior to October 27, 1976 with carrying charges at nine percent. The proposed effective date of the above tariff sheets is October 27, 1976. The annual increase in jurisdictional revenues under the revised PGA adjustment amounts to approximately \$236 million and the surcharge increase amounts to approximately \$40 million.

Copies of the filing were 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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29492 Filed 10-6-76;8:45 am]

[Docket Nos. RP72-156, etc. (PGA76-3b)]

**TEXAS GAS TRANSMISSION CORP.**

**PGA Filing**

SEPTEMBER 30, 1976.

Take notice that on September 20, 1976, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Substitute Fifteenth Revised Sheet No. 7 to Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1. Texas Gas states that Substitute Revised Sheet No. 7 as filed on September 20, 1976 reflects the level of rates prescribed for small producers in Opinion No. 742-A.

Texas Gas requests that Substitute Fifteenth Revised Sheet No. 7 be permitted to become effective on August 1, 1976. South Texas states that copies of its filing have been served upon Texas Gas' jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29499 Filed 10-6-76; 8:45 am]

[Docket No. RP75-75 (AP No. 76-11)]

**TRANSCONTINENTAL GAS PIPE LINE CORP.**

**Order Accepting Filing Subject to Refund**

SEPTEMBER 30, 1976.

On August 13, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets<sup>1</sup> containing an increase in rates reflecting increases in the level of advance payments<sup>2</sup> made by Transco to producers of natural gas. The proposed effective date is October 1, 1976. The filing is made pursuant to the terms of the settlement agreement approved by the Commission in Docket No. RP75-75. Because the advances may not be reasonable and appropriate, procedures will be established to undertake their review. In accordance with the terms of the set-

<sup>1</sup>Thirtieth Revised Sheet No. 5 and Twenty-Fifth Revised Sheet No. 6 to First Revised Volume No. 1 and Second Alternate Twenty-Third Revised Sheet No. 52, Second Alternate Eleventh Revised Sheet No. 121, Second Alternate Nineteenth Revised Sheet No. 321, Second Alternate Fifteenth Revised Sheet No. 416 and Second Alternate Fourteenth Revised Sheet No. 495 to Original Volume No. 2.

<sup>2</sup>18 C.F.R., Chapter 1, Part 201, Acc't 166.

tlement agreement the increase will be accepted for filing and the rates made effective without suspension but subject to refund.

Transco filed a 0.5¢ per Mcf rate increase, amounting to \$3,338,286 annually. Transco's proposed increase reflects an increase of \$24,246,586 in the advance payments amount over the level imbedded in Transco's rates which became effective September 1, 1976, subject to refund. This entire amount reflects additional advances less repayments received under agreements reflected in the presently effective rates. During July 1976 Transco had additions of \$24,751,182, less repayments of \$504,596, for an outstanding account balance as of July 31, 1976, of \$312,128,120.

Public notice of Transco's filing was issued September 1, 1976, with protests and petitions to intervene due on or before September 13, 1976.

Based on its review of the proposed advance payments, the Commission believes that the advances may not be reasonable and appropriate for rate base treatment, in that they may be in excess of the costs for exploration, development and production incurred by the producer within a reasonable time as required by Order Nos. 465 and 499. In addition, the advance payment agreements may not comply with Order Nos. 529 and 529-A, as well as Order Nos. 410, 410-A, 441, 465 and 499. Accordingly, the Commission shall accept the sheets to become effective October 1, 1976, subject to refund, and shall establish hearing procedures to determine their lawfulness.

*The Commission finds.* (1) Transco's rate increase, filed August 13, 1976, has not been shown to be just and reasonable, in that the advance payments upon which it is based have not been shown to be reasonable and appropriate.

(2) The Commission should convene a hearing concerning the lawfulness of the advances contained in the instant filing.

The Commission orders. (A) Transco's filing is accepted for filing to become effective October 1, 1976, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 to determine the lawfulness of Transco's proposed rate increase attributable to additional advance payments.

(C) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding on October 14, 1976, at 9:30 a.m. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(D) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29494 Filed 10-6-76; 8:45 am]

[Docket No. CP76-530]

**TRANSCONTINENTAL GAS PIPE LINE CORP.**

**Application**

SEPTEMBER 30, 1976.

Take notice that on September 20, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-530 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 for Philip Morris Incorporated (Philip Morris), an existing industrial customer of Commonwealth Natural Gas Corporation (Commonwealth), one of Applicant's resale customers served under rate schedule CD-2, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport on an interruptible basis for a two-year period up to 1,320 Mcf of gas per day that Philip Morris has purchased from Tribal Oil Corporation and six other sellers to be produced from the North Starks Field, Calcasieu Parish, Louisiana. The gas would be delivered to a mutually agreeable point on Applicant's main line system in Calcasieu Parish and Applicant would redeliver the gas to the existing points of delivery to Commonwealth for the account of Philip Morris, it is said.

Applicant proposes to charge 22 cents per Mcf of gas at 14.7 psia for the transportation service, and would retain 3.8 percent of the volumes transported as make-up for compressor fuel and line loss.

Applicant asserts that since the volumes to be transported under this and any similar transportation arrangements with customers of the distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day and an annual basis. Further, it is said that the proposed transportation service would have no impact on Applicant's ability to provide system-wide deliveries for Priority 1 markets.

Applicant maintains that the subject natural gas supply was not secured as part of Applicant's system gas supply because of the producers' unwillingness to sell such gas for resale in interstate commerce.

The application indicates that the gas to be transported would be used for Priority 2 process in Philip Morris' Blended Leaf Plant located in Richmond, Virginia, and that no alternate fuel can be used for that process.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 76-29498 Filed 10-6-76; 8:45 am]

[Docket No. ES76-66]

**UTAH POWER & LIGHT CO.**  
**Order Authorizing the Issuance of**  
**Short-Term Promissory Notes**

SEPTEMBER 30, 1976.

Utah Power & Light Company (Applicant) on August 20, 1976, filed an Application with the Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale of promissory notes to commercial banks and dealers in commercial paper during the period October 1, 1976, through September 30, 1977, in an amount aggregating not more than \$125,000,000.

Applicant is incorporated under the laws of State of Utah, with its principal business office at Salt Lake City, Utah, and is qualified to do business as a foreign corporation in the states of Colorado, Idaho, New Mexico and Wyoming. Applicant is engaged principally in the business of generating and selling electric energy in southeastern Idaho, Utah and southwestern Wyoming.

The net proceeds from the issuance and sale of the promissory notes will be applied to the construction program of Applicant.

Notes issued to commercial banks will be payable not more than nine months after the day thereof or September 30, 1977, whichever shall be earlier, and may be paid in whole or in part at any time prior to maturity. Notes maturing prior to September 30, 1977, will be renewable at the option of the Applicant. Each note will bear interest from the date thereof until paid at the rate per annum which shall be the prime commercial rate in effect from time to time for unsecured loans at the bank to which the note is issued. The rate of interest of each note shall change on the date of each change in the prime commercial rate at the bank to which the note is issued.

The Applicant also proposes, during the period October 1, 1976 through September 30, 1977, to issue and sell an aggregate principal amount of commercial paper which, in combination with the above-described bank borrowings; will not exceed \$125 million at any one time outstanding and in such amounts that the principal amount of commercial paper outstanding at any time does not exceed 25 percent of the total revenues of the Company during the twelve calendar months preceding the date of issue thereof. Such commercial papers will be sold by the Applicant directly to A. G. Becker & Company, Incorporated, a dealer in commercial paper, in denominations of not less than \$100,000. The commercial paper will have varying maturities of not exceeding 270 days and will not be repayable prior to maturity. No commission will be payable in connection with the issuance and sale of the commercial paper. However, the commercial paper Dealer will offer and sell the commercial paper at a discount rate of  $\frac{1}{8}$  of 1 percent per annum less than the prevailing discount rate to the Company.

Written notice of the application has been given to the Wyoming Public Service Commission, the Utah Public Service Commission, the Idaho Public Utilities Commission and to the Governor of each of those States. Notice was also given by publication in the FEDERAL REGISTER, stating that any person with reference to said application should on or before September 21, 1976, file petitions or protests with the Federal Power Commission, Washington, D.C. 20426. No petition, protest or request to be heard in opposition to the granting of the application has been received.

The Commission finds: (1) The Applicant, a corporation, is a public utility within the meaning of Section 204 of the

Federal Power Act, subject to the jurisdiction of the Commission.

(2) The proposed issuance and sale of not to exceed \$125 million of short term promissory notes, as described above, will constitute an issuance of securities within the purview of section 204 of the Federal Power Act.

(3) Applicant is not organized and operating in a State under the laws of which the security issue here involved is regulated by a State Commission within the meaning of section 204(f) of the Act; and the proposed issuance of securities is, therefore, not exempt by virtue of that Section from the requirements of section 204 of the Act.

(4) The proposed issuance of short-term promissory notes not exceeding \$125 million aggregate principal amount, all as described, will be in excess of 5 percent of the par value of the other securities of the Applicant now outstanding, and therefore, will not be exempt by virtue of section 204(e) from the requirements of 204(a).

(5) The proposed issuance of promissory notes will be exempt from the competitive bidding requirements of § 34.1a of the Commission's regulations under the Federal Power Act by reason of § 34.1a(2) thereof.

(6) The proposed issuance of securities, as herein authorized, will be for a lawful object within the corporate purposes of the Applicant and compatible with the public interest, which is appropriate for and consistent with the proper performance of service by Applicant as a public utility, and which will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purposes.

(7) The period of public notice given in this matter is reasonable.

The Commission orders: (A) The proposed issuance and sale of short-term promissory notes to commercial banks and dealers in commercial paper during the period October 1, 1976, through September 30, 1977, in an amount aggregating not more than \$125 million outstanding at any one time, upon the terms and conditions and for the purposes set forth in the application, all as described above, is hereby authorized, subject to the provisions of this order.

(B) This authorization is expressly conditioned upon all promissory notes maturing not later than September 30, 1977.

(C) This authorization is expressly conditioned upon the aggregate principal amount of short-term promissory notes outstanding at any one time not exceeding \$125 million.

(D) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates or determinations of cost or any other matter whatsoever now pending or which may come before this Commission.

(E) Nothing in this order shall be construed to imply any guarantee or obligation on the part of the United States



in respect to any security to which this order relates.

By the Commission.

LOUIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29502 Filed 10-6-76;8:45 am]

[Docket No. RP72-41 (PGA76-2)]

**WESTERN TRANSMISSION CORP.**

**Proposed Changes in Gas Tariff**

OCTOBER 1, 1976.

Take notice that Western Transmission Corporation (Western) on September 27, 1976, tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, the following sheet:

Second Revised Sheet No. 3A, superseding First Revised Sheet No. 3A-

This sheet is issued pursuant to Western's Purchased Gas Cost Adjustment provision as set forth in section 18 of its FPC Gas Tariff, Original Volume No. 1 and FPC Opinion No. 770. This change in Western's rates reflects a Cost of Gas Adjustment to track increased purchased gas costs and appropriate estimated surcharge (including a 9 percent carrying charge) due to FPC Opinion No. 770.

The proposed effective date of the above tariff sheet is October 27, 1976.

Copies of the filing were served upon the company's sole jurisdictional customer, Colorado Interstate Gas Company.

The proposed purchased gas cost adjustment provides for increased annual jurisdictional revenues of approximately \$1.7 million and the surcharge provides for revenues of approximately \$312,000.

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 protests should be filed on or before October 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOUIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-29505 Filed 10-6-76;8:45 am]

**FEDERAL TRADE COMMISSION**

**ENERGY EFFICIENCY LABELING RULES**

**Opportunity To Provide Comments Concerning the Range of Comparability for Certain Appliances**

*Correction*

In FR Doc. 76-28388 appearing in the FEDERAL REGISTER of Thursday, Septem-

ber 30, 1976 on page 43250, the following corrections should be made:

1. On page 43251 the table should read as follows:

(1) *Refrigerators:*

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of comparability of total refrigerated volume in cubic feet
Less than 2.5	3.5 and less.
2.5 to 3.4	1.5 to 4.5.
3.5 to 4.4	2.5 to 5.5.
4.5 to 5.4	3.5 to 6.5.
5.5 to 6.4	4.5 to 7.5.
6.5 to 7.4	5.5 to 8.5.
7.5 to 8.4	6.5 to 9.5.
8.5 to 9.4	7.5 to 10.5.
9.5 to 10.4	8.5 to 11.5.
10.5 to 11.4	9.5 to 12.5.
11.5 to 12.4	10.5 to 13.5.
12.5 to 13.4	11.5 to 14.5.
13.5 to 14.4	12.5 to 15.5.
14.5 to 15.4	13.5 to 16.5.
15.5 to 16.4	14.5 to 17.5.
16.5 and over	15.5 and over.

SOURCE: Department of Commerce, Voluntary Energy Conservation Specification for Refrigerators, 40 FEDERAL REGISTER 32426, August 1, 1975.

2. On page 43252, the table in the 3rd column should be corrected to read as follows:

(7) *Room air conditioners:*

Manufacturer's rated cooling capacity of model to be labeled Btu per hour	Comparability range of cooling capacity for use on label Btu per hour
Up to 4,799	Up to 5,100.
4,800 to 5,299	4,500 to 5,600.
5,300 to 5,799	5,000 to 6,100.
5,800 to 6,299	5,500 to 6,600.
6,300 to 6,799	6,000 to 7,100.
6,800 to 7,299	6,500 to 7,600.
7,300 to 7,799	7,000 to 8,100.
7,800 to 8,299	7,500 to 8,600.
8,300 to 8,799	8,000 to 9,100.
8,800 to 9,299	8,500 to 9,600.
9,300 to 9,799	9,000 to 10,100.
9,800 to 10,299	9,500 to 10,600.
10,300 to 10,799	10,000 to 11,100.
10,800 to 11,299	10,500 to 11,600.
11,300 to 11,799	11,000 to 12,100.
11,800 to 12,299	11,500 to 12,600.
12,300 to 12,799	12,000 to 13,100.
12,800 to 13,299	12,500 to 13,600.
13,300 to 13,799	13,000 to 14,100.
13,800 to 14,299	13,500 to 14,600.
14,300 to 14,799	14,000 to 15,100.
14,800 to 15,299	14,500 to 15,600.
15,300 to 15,799	15,000 to 16,100.
15,800 to 16,499	15,500 to 16,800.
16,500 to 17,499	16,200 to 17,800.
17,500 to 18,499	17,200 to 18,800.
18,500 to 19,499	18,200 to 19,800.
19,500 to 20,499	19,200 to 20,800.
20,500 to 21,499	20,200 to 21,800.
21,500 to 22,499	21,200 to 22,800.
22,500 to 24,499	22,000 to 25,000.
24,500 to 26,499	24,000 to 27,000.
26,500 to 28,499	26,000 to 29,000.
28,500 to 30,499	28,000 to 31,000.
30,500 to 33,499	30,000 to 34,000.
33,500 to 36,000	32,500 to 36,000.

SOURCE: Department of Commerce, Voluntary Energy Conservation Specification for Room Air Conditioners, 41 FEDERAL REGISTER 14404, April 5, 1976 amended revisions.

**GENERAL SERVICES ADMINISTRATION**

**Federal Preparedness Agency**

**STOCKPILE GOAL ACTION 77-1**

Pursuant to Section 2(a) of Public Law 520 (79th Congress), Reorganization Plan No. 1 of 1958, as amended, Executive Order 11051, Executive Order 11725, and GSA Delegation of Authority Manual, ADM P 5450.39A dated November 5, 1974, I have this date determined the following stockpile goals:

Materials and units:	Quantities
Aluminum oxide, fused crude—ST	147,615
Aluminum oxide, abrasive grain—ST	75,000
Antimony—ST	20,130
Asbestos, amosite—ST	26,291
Asbestos, chrysotile—ST	0
Bauxite, metal Jamaica—TH LDT	523
Bauxite, metal Surinam—TH LDT	0
Alumina—TH ST	11,532
Aluminum—TH ST	0
Bauxite, refractory—TH LCT	2,083
Beryl ore—ST—11-percent BEO concentrates	0
Beryllium copper master alloy—ST	16,710
Beryllium metal—ST	895
Bismuth—TH LBS	771
Cadmium—TH LBS	24,701
Castor oil, sebacic, acid—TH LBS	0
Chromite, chemical—TH ST	734
Chromite, metallurgical, ORE—TH ST gross weight	2,550
Chromium, ferro, high carbon—TH ST	236
Chromium, ferro, low carbon—TH ST	124
Chromium, ferro, silicon—TH ST	69
Chromium, metal—TH ST	10
Chromite, refractory—TH ST gross weight	642
Cobalt—TH LBS contained	85,415
Columbium concentrates, contained CB—TH LBS	3,131
Columbium carbide powder, contained CB—TH LBS	0
Columbium, ferro, contained CB—TH LBS	0
Columbium, metal, contained CB—TH LBS	0
Copper—TH ST	1,299
Cordage fibers, abaca—MIL LBS	24
Cordage fibers, sisal—MIL LBS	114
Diamond dies, small—number	0
Diamond, industrial bort—TH KT	14,974
Diamond, industrial stone—TH KT	5,559
Feathers and down—TH LBS	3,494
Fluorspar, acid grade—TH ST	1,594
Fluorspar, metallurgical—TH ST	1,914
Graphite, natural, Ceylon—ST	6,271
Graphite, natural, Malagasy—ST	20,472
Graphite, other—ST	34,748
Iodine—TH LBS	3,333
Jewel bearings—TH of units	224,623
Lead—TH ST	865
Manganese, battery natural—ST	12,736
Manganese, battery, synthetic dioxide—ST	19,105
Manganese ore, chemical—SH tons	247,136
Manganese ore, metallurgical—TH ST	2,052
Manganese, ferro, high carbon—TH ST	439

Materials and units:	Quantities
Manganese, ferro, low carbon—TH ST	0
Manganese, ferro, medium carbon—TH ST	99
Manganese, ferro silicon—TH ST	81
Manganese metal, electrolytic—TH ST	15
Mercury—76 LBS/flask	54,004
Mica, muscovite block—TH LBS	6,188
Mica, muscovite film, 1 and 2 quality—TH LBS	90
Mica, muscovite splittings—TH LBS	12,631
Mica, phlogopite block—LBS	206,064
Mica, phlogopite splittings—TH LBS	932
Molybdenum disulphide—TH LBS contained molybdenum	0
Molybdenum ferro—TH LBS contained molybdenum	0
Nickel—ST contained	204,335
Opium, gum—LBS	0
Opium, salt—LBS	75,000
Platinum group, iridium—TR OZ	97,761
Platinum group, palladium—TH TR OZ	2,450
Platinum group, platinum—TH TR OZ	1,314
Pyrethrum—LBS	377,851
Quartz crystals—TH LBS	0
Quinidine—TH AV OZ	6,841
Quinine—TH AV OZ	3,045
Rubber—LT	513,134
Rutile—ST	173,928
Sapphire and ruby—TH KT	0
Shellac—TH LBS	8,529
Silicon, carbide, crude—ST	306,628
Silver—TH TR OZ	0
Talc, steatite block and lump—ST	104
Tantalum minerals, contained TA—TH LBS	5,452
Tantalum carbide powder, contained TA—TH LBS	889
Tantalum metal, contained TA—TH LBS	1,650
Thorium nitrate—tons of THO2	418
Tin—LT	32,499
Titanium sponge—ST	131,503
Tungsten ores and concentrates—TH LBS contained	8,823
Tungsten carbide powder—TH LBS contained	12,845
Tungsten, ferro—TH LBS contained	17,769
Tungsten, metal powder—TH LBS contained	3,290
Vanadium ferro—ST	10,095
Vanadium pentoxide—ST	2,576
Vegetable tannin, chestnut—LT	6,942
Vegetable tannin, quebracho—LT	37,998
Vegetable tannin, wattle—LT	20,208
Zinc—TH ST	1,313

Dated: October 1, 1976.

LESLIE W. BRAY, Jr.,  
Director, Federal Preparedness  
Agency, General Services Administration.

[FR Doc.76-29473 Filed 10-6-76;8:45 am]

## NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

### COMMITTEE ON ADOLESCENCE AND COMMITTEE ON LEGISLATION

#### Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Committee on Adolescence and the Committee on Legislation of the National Advisory Council on the Education of Disadvantaged Children will meet on Friday, October 29,

1976. The Committee on Adolescence will hold a Seminar from 9:30 a.m.—4:00 p.m. at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004; and, the Committee on Legislation will meet from 10:00 a.m. to 4:00 p.m. in New York City at the LaGuardia Airport, UIP Room, Allegheny Airlines.

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.

The purpose of the Seminar of the Committee on Adolescence is to hear from various representatives of organizations and agencies involved in issues relating to serving the disadvantaged population.

The Committee on Legislation is meeting to review the preliminary draft of legislative issues and to further develop issues to be used in their section of the 1977 Annual Report.

Because of limited space, all persons wishing to attend should call for reservations by October 22, 1976, Area Code 202/382-6945.

Records shall be kept of all Committee 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, N.W., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on October 1, 1976.

ROBERTA LOVENHEIM,  
Executive Director.

[FR Doc.76-29445 Filed 10-6-76;8:45 am]

## NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR MEMORY AND COGNITIVE PROCESSES

#### 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 Memory and Cognitive Processes.

Date & time: October 27 and 28, 1976, 9:00 a.m. each day.

Place: Rm. 421, National Science Foundation, 1800 G St. NW., Washington, D.C.

Type of meeting: Part Open—Open—9 a.m. to 12 noon on Oct. 27, Closed—Balance of the meeting.

Contact person: Dr. Joseph L. Young, Program Director for Memory and Cognitive Processes, Rm. 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 634-1583.

Summary Minutes (Open Portion): May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248 National Science Foundation, Washington, D.C. 20550.

Purpose of panel: To provide advice and recommendations concerning support for research in Memory and Cognitive Processes. Agenda: October 27, 9 a.m.—12 noon—Open. General discussion of the current status and future plans of the Memory and Cognitive Processes Program. October 27—12 noon—5 p.m. and October 28—9 a.m.—5 p.m.—Closed.

The panel will be reviewing and evaluating research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act. Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determination by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

OCTOBER 4, 1976.

[FR Doc.76-29454 Filed 10-6-76;8:45 am]

## ADVISORY PANEL FOR SOCIAL AND DEVELOPMENTAL PSYCHOLOGY 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 Social and Developmental Psychology.

Date and time: October 25 and 26, 1976; 9:00 am—5:00 pm each day.

Place: National Science Foundation, 1800 G Street N.W., Washington, D.C., Room 511.

Type of meeting: Closed.

Contact person: Dr. Allen I. Teger, Program Director for Social and Developmental Psychology, Room 320, National Science Foundation, Washington, D.C., Telephone: (202) 632-5714.

Purpose of panel: To provide advice and recommendations concerning support for research in social and developmental psychology.

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 pursuant to provisions of section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

OCTOBER 4, 1976.

[FR Doc.76-29453 Filed 10-6-76;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471]

### BOSTON EDISON CO., ET AL., (PILGRIM NUCLEAR GENERATING STATION, UNIT NO. 2)

#### Order Regarding Evidentiary Hearing

It is ordered, That: The evidentiary hearing will resume to consider MWF contentions on October 18, 1976, at 1 p.m. at the Blue Room, Memorial Hall, 83 Court Street, Plymouth, Massachusetts, and will continue at that location through October 20, 1976; the place of hearing will be at the Middlesex County Bar Association Meeting Room, Middlesex County Superior Courthouse, 40 Thorndike Street, East Cambridge Massachusetts, on October 21 and 22, 1976.

Dated at Bethesda, Md., this 30th day of September 1976.

THE ATOMIC SAFETY AND  
LICENSING BOARD,  
FREDERIC J. COUFAL,  
*Chairman.*

[FR Doc.76-29549 Filed 10-6-76;8:45 am]

[Docket No. FRM-50-16A]

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Filing of Petition for Rule Making

Notice is hereby given that Edward J. Morris, Esq., and William G. Cohen, Esq., by letter dated September 8, 1976, have filed with the Nuclear Regulatory Commission a petition for rule making on behalf of the Pennsylvania Public Utility Commission, Room 118, North Office Building, Harrisburg, Pennsylvania, requesting amendment of the Commission's regulations "Licensing of Production and Utilization Facilities," 10 CFR Part 50 and "Physical Protection of Plants and Materials," 10 CFR Part 73.

The petitioner requests the Commission to amend 10 CFR Part 50 by adding the following at the end of § 50.34(c), *Physical security plan.*:

At multi-unit stations, each application to construct a production or utilization facility shall include a physical security plan for portions of the facility under construction from which access to an operating facility can be gained. The physical security plan for such facilities under construction shall consist of the same Parts I and II as the physical security plans for operational units.

The petitioner also requests the Commission to amend 10 CFR Part 73 by adding the following at the end of § 73.40, *Physical protection: General requirements at fixed sites.*:

At multi-unit stations, each production or utilization facility under construction shall provide physical protection against industrial sabotage and against theft of special nuclear material, if applicable, for those portions of the facility contiguous to an operational facility or from which access to an operational facility can be gained.

The petitioner also requests the Commission to issue a regulation under

which the Commission would exercise discretion to conduct investigations of labor disputes which threaten security.

The petitioner states that the requested amendments would apply to production and utilization facilities under construction at multiple unit nuclear power plant sites, where a unit under construction is adjacent to, or shares common facilities with, an operational unit. The petitioner states that at various sites around the nation, nuclear reactors are being constructed so as to share fuel-handling and storage areas with nuclear power plants already in operation; access to the operational plants may be gained more readily via the shared area than would otherwise be the case; and the proposed amendments would require physical security for the plants under construction to the same degree as for the plants under operation.

The petitioner states that the requested rule pertaining to investigations of labor disputes which threaten security would set forth the policy that in any labor dispute which threatens or tends to threaten the security of an operational nuclear power plant the Commission could in its discretion convene an investigation for the purpose of enabling it better to exercise its authority. The petitioner states also that at such an investigation the Commission would be authorized to take testimony under oath or affirmation and to require the attendance of persons and the production of documents; the investigation would not interfere with the jurisdiction of the National Labor Relations Board.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by December 6, 1976.

Dated at Washington, D.C., this 1st day of October 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
*Secretary of the Commission.*

[FR Doc.76-29551 Filed 10-6-76;8:45 am]

[Docket Nos. STN 50-546, STN 50-547]

### PUBLIC SERVICE COMPANY OF INDIANA, INC., (MARBLE HILL NUCLEAR GENERATING STATION, UNITS 1 AND 2)

#### Order Relative to a Second Prehearing Conference

The Board stated at the prehearing conference in January 1976 that other

prehearing conferences would be scheduled prior to the evidentiary hearing. It now appears appropriate to the Board to have a prehearing conference to consider consolidation of parties, to plan for future scheduling and to resolve other matters the parties may bring to the attention of the Board.

A prehearing conference will be held in the auditorium of the Madison-Jefferson Public Library, 420 West Main Street, Madison, Indiana commencing at 9:30 a.m. (local time) on October 21, 1976. Since all matters may not conclude in one day, the parties should make themselves available for the 21st and 22nd.

The public is invited to attend. No limited appearance statements will be accepted at this segment of the proceeding but will be called for at the evidentiary hearing to be scheduled at a later date.

Dated at Bethesda, Md., this 30th day of September 1976.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,  
*Chairman.*

[FR Doc.76-29553 Filed 10-6-76;8:45 am]

### SECURITY AGENCY STUDY

#### Availability of the Report

In furtherance of the provisions of section 204(b)(2)(C) of the Energy Reorganization Act of 1974 (Pub. L. 93-438), notice is hereby given that the Security Agency Study Report (NUREG-0015) to the Congress, prepared by the U.S. Nuclear Regulatory Commission's Office of Nuclear Material Safety and Safeguards, is available for inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555, and the NRC's five Regional Offices. The Regional Offices' addresses are as follows: U.S. Nuclear Regulatory Commission, Office of Inspection and Enforcement, Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406; U.S. Nuclear Regulatory Commission, Office of Inspection and Enforcement, Region II, 230 Peachtree Street, NW., Suite 818, Atlanta, Georgia 30303; U.S. Nuclear Regulatory Commission, Office of Inspection and Enforcement, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137; U.S. Nuclear Regulatory Commission, Office of Inspection and Enforcement, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76012; and U.S. Nuclear Regulatory Commission, Office of Inspection and Enforcement, Region V, Suite 202, 1990 N. California Boulevard, Walnut Creek, California 94596.

The Energy Reorganization Act of 1974 (the Act), established within the United States Nuclear Regulatory Commission an Office of Nuclear Material Safety and Safeguards. Section 204(b)(2)(C) of the Act directed the Director of the Office of Nuclear Material Safety and Safeguards to assess the need for



## NOTICES

and the feasibility of establishing a security agency within that office for the performance of safeguards functions. This requirement had its genesis in several earlier studies and in subsequent Congressional hearings in which substantive questions about the adequacy of safeguards were raised, and in which it was suggested that the seriousness of the situation might dictate direct federal involvements in security forces. The Security Agency Study Report presents the results of the Assessment of the need for and feasibility of establishing a security agency within the Office of Nuclear Material Safety and Safeguards which the Congress mandated.

The Security Agency Study concluded that there is no need at this time to create a federal security agency within NRC to protect commercial nuclear facilities from sabotage and nuclear materials from theft or diversion. Furthermore, the Study concludes that creation of a special security force within NRC would not result in a higher degree of guard force effectiveness that can be achieved through the use of private guards who have been properly trained and certified. The Study identifies means by which guard forces could be upgraded through imposition of new requirements under current authority and identifies actions for which new legislative authority might be required.

The projected nuclear industry covered by the Security Agency Study consists of privately and publicly owned facilities, most of which are involved in the production and use of nuclear materials as fuel for electric generating plants. It also includes related transportation activities.

More than 300 persons contributed to the Congressionally-mandated Study. In addition to a survey of available literature, the Study group used special consultants and contractors to prepare reports on various aspects of the safeguards problem. Additional information was supplied by other Federal Agencies. Unclassified portions of the contractors' reports are publicly available at the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

A limited number of copies of the Executive Summary are presently available and can be obtained by writing to the U.S. Nuclear Regulatory Commission, Division of Document Control, Washington, D.C. 20555. When this limited supply is exhausted, copies may be purchased from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 29th of September 1976

For the U.S. Nuclear Regulatory Commission.

KENNETH R. CHAPMAN,  
Director, Office of Nuclear  
Material Safety and Safeguards.

[FR Doc.76-29550 Filed 10-6-76;8:45 am]

[Docket Nos. STN-50-483, STN 50-486]

**UNION ELECTRIC CO. (CALLAWAY PLANT,  
UNITS 1 AND 2)**

**Order Regarding Oral Argument**

SEPTEMBER 30, 1976.

This Board will convene to hear oral argument at 9:00 a.m. on Wednesday, October 13, 1976, on Joint Intervenor's motion to suspend the Callaway construction permit and for other relief. The argument will be held in the Board Room (room 208), City Hall, 12th and Market Streets, St. Louis, Missouri.

Each party will be allowed one hour for argument, which will be heard in the following order: Applicant; Staff; Joint Intervenor. The Applicant and Staff may reserve a portion of their time for rebuttal.

In addition to points the respective parties deem significant, counsel are to be prepared to discuss the relevance for this case of the decision rendered today by another Appeal Board in Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-349, Docket Nos. 50-443 and 50-444.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,  
Secretary to the  
Appeal Board.

[FR Doc.76-29552 Filed 10-6-76;8:45 am]

[Docket No. 50-271]

**VERMONT YANKEE NUCLEAR POWER  
CORP., (VERMONT YANKEE NUCLEAR  
POWER STATION)**

**Order Convening Prehearing Conference**

The Atomic Safety and Licensing Board has inquired of the parties active in this proceeding for their availability for a prehearing conference respecting the matters specified by the Nuclear Regulatory Commission in its Memorandum and Order (Order) dated August 16, 1976 in this proceeding. That Order referred to the Commission's General Statement of Policy on the environmental effects of the uranium fuel cycle. The precise issue to be considered as specified by the Commission is whether the full term license previously issued to the Vermont Yankee Nuclear Power Corporation " \* \* \* should be continued, modified, or suspended until an interim fuel cycle rule has been made effective."

The Regulatory Staff of the Commission and the intervenor New England Coalition on Nuclear Pollution have indicated their availability for a prehearing conference on October 14, 1976 in Brattleboro, Vermont. The Licensing Board assumes that the Licensee will be available in order to promptly consider the issue prescribed by the Commission.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as

amended, and the rules of practice of the Nuclear Regulatory Commission, particularly 10 CFR 2.752 thereof, that a prehearing conference shall convene at 9:00 a.m., (e.d.t.) on Thursday, October 14, 1976 in the Courtroom (which is room number 200) of the United States District Court Courthouse, 205 Main Street, Brattleboro, Vermont.

Issued: September 29, 1976, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,  
SAMUEL W. JENSCH,  
Chairman.

[FR Doc.76-29554 Filed 10-6-76;8:45 am]

[Dockets 50-346A, 50-500A, 50-501A 50-440A and 50-441A.]

**CLEVELAND EDISON CO. AND CLEVELAND  
ELECTRIC ILLUMINATING CO. ET AL.  
(DAVIS-BESSE NUCLEAR POWER STA-  
TION, UNITS 1, 2 AND 3) (PERRY NU-  
CLEAR POWER PLANT, UNITS 1 AND 2)**

**Order**

OCTOBER 5, 1976.

This Special Board has now received the brief of the City of Cleveland in opposition to the motion filed on August 26, 1976 by Squire, Sanders & Dempsey moving the Special Board to dismiss the disqualification proceedings pending in this matter.<sup>1</sup> Answers to the SS&D dismissal motion by the Applicants and by the NRC Staff have also been filed. Upon examination of the motion and the responses thereto we have concluded that oral argument is warranted.

Inquiry has been made of the attorneys respecting a convenient date for calendaring the argument and October 15, 1976 has been agreed upon as suitable by counsel for each of the parties.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that oral argument on the motion of Squire, Sanders & Dempsey to dismiss the disqualification proceedings pending in this matter, is calendared for 11:00 a.m. on Friday, October 15, 1976, in the NRC Public Hearing Room, 5th Floor, East-West Towers, 4350 East/West Highway, Bethesda, Maryland.

Issued at Bethesda, Maryland this 5th day of October, 1976.

For the Atomic Safety and Licensing Special Board.

ROBERT M. LAZO,  
Chairman.

[FR Doc. 76-29760 Filed 10-6-76;10:03 am]

<sup>1</sup> By order of September 1, 1976, the time for the filing of the answer by the City of Cleveland to the SS&D dismissal motion was extended to September 15, 1976. The time for filing the answers by the NRC Staff and the Applicants was extended to September 24, 1976.

## NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-41]

### ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

#### Availability and Receipt

**Aircraft Accident Report.** The fatal, emergency landing last February 8 of a Mercer Airlines Douglas DC-6 has been investigated by the National Transportation Safety Board. The aircraft crashed on a golf course 1 mile short of the Van Nuys (California) Airport. In its report No. NTSB-AAR-76-17, released September 28, the Board determined that the probable cause of the accident was the degraded performance of the aircraft after two engines failed. The dual failure was precipitated by the in-flight failure of the No. 1 blade of the No. 3 propeller assembly. The failure of the propeller blade resulted from a fatigue crack which originated in the leading edge under the deicer boot. The crack had not been detected during an improperly performed overhaul.

As a result of investigation of this accident, the Safety Board recommended on June 3 that the Federal Aviation Administration (1) review propeller overhaul manuals for requirements to insure detection of cracks beneath deicer boots, (2) remind air carriers of their responsibility for adequate maintenance even when it is performed by an outside repair station, and (3) review its procedures for surveillance of certificated repair stations. (Safety recommendations A-76-77 through A-76-79; see 41 FR 23487, June 10, 1976.)

In response to these three recommendations, FAA, by letter dated August 30, told the Board that during October it will issue a notice to emphasize the need for field inspectors to assure that repair stations and operators are using complete and current data in inspection, maintenance, and overhaul, placing special emphasis on data used for metal, sheath, or deicer equipped propeller blades. FAA further stated that a notice, N8320.196—Metal Propellers Used in Air Carrier Service, issued July 16, requires principal inspectors to review operators' maintenance and overhaul manuals to assure adequate instructions, to emphasize operator's responsibility for assuring airworthiness, to review certificated repair stations' technical data to determine that the manufacturers' manuals reflect the most recent information available, and to advise FAA Headquarters within 30 days of receipt of the notice whether the certificate holders' manuals are adequate.

**Railroad/Highway Accident Report.** Investigation of the collision of a Baltimore and Ohio freight train with a pickup truck last February 7 at Beckemeyer, Illinois, is now complete, and the Board has issued its report. The report, NTSB-RHR-76-3 released September 30, indicates that the probable cause of the accident was the failure of the truckdriver to see the approaching train and to stop

his vehicle short of the tracks. The lack of active grade crossing signals at the crossing probably contributed to his failure to perceive the train. Of the 16 persons in the truck, 12 were killed and 3 were injured.

Also on September 30, by separate letter, the Safety Board recommended that the Federal Highway Administration: Develop models, formulae, and criteria to assess the hazard levels of grade crossings and to produce an output which indicates the need to consolidate and upgrade crossings or to close certain crossings (recommendation H-76-31); and publish these models, formulae, and criteria, make them available to each State and to the operating railroads, and urge their use in assessing grade crossings (H-76-32). Both recommendations are Class II, for priority followup.

**Pipeline Safety Recommendations.** Six Class I, urgent followup recommendations were issued by letter of October 2 to the Mayor of Phenix City, Alabama, following investigation of the explosion and fire which, last March 27, destroyed a two-story building in Phenix City and killed six persons.

The Board's investigation disclosed that natural gas at 20-psig pressure had leaked from a cracked, 3-inch cast iron main located 12 feet from the building under concrete steps leading from the street up to the sidewalk. The 3-inch pipe was cracked circumferentially, and gas leaked from this crack was trapped from above by the concrete steps. Consequently, gas seeped into a vaulted area under the sidewalk and into the basement of the building through holes in the wall, where it was ignited by an unknown source.

The Board recommended that the Utilities Board of Phenix City: Inspect its cast iron piping system through a random sampling program to determine whether other areas are covered sufficiently to prevent damage from external loads, if piping in other areas is graphitized to a degree that it should be removed from service, and to rectify any potentially hazardous conditions found (recommendation P-76-67); perform tests after repairing a leak to assure adequacy of repairs and to assure that no other source of gas was contributing to the leak area (P-76-68); assure that when a cast iron caulked bell and spigot joint is exposed, a leak clamp is installed as required by 49 CFR 192.753(b) (P-76-69); train gas system personnel in the use of available leak detection equipment to locate areas of gas leakage and to pinpoint the leakage source (P-76-70); test leak detection equipment and, if necessary, recalibrate it periodically to assure proper operation (P-76-71); and correct promptly all outstanding deficiencies documented by the Alabama Public Service Commission (P-76-72).

Also as a result of investigation of the Phenix City accident, the Board issued on October 2 a recommendation letter addressed jointly to the U.S. Department of Transportation and to DOT's State Agent, the Alabama Public Service Com-

mission, asking that actions taken by officials of Phenix City be monitored to determine the degree of compliance and to institute necessary corrective action. Priority followup is requested for this Class II recommendation, No. P-76-73.

**Responses to Safety Board Recommendations.** Addressees of earlier recommendations have recently supplied the Board with letter responses as follows:

**Federal Aviation Administration,** on September 22, answered the Safety Board's letter of August 26, regarding recommendations A-76-59 through A-76-64, wherein the Board asked why FAA considers it unnecessary to apply Advisory Circular AC 33-1A bird ingestion tests on the General Electric CF6 engine. (See 41 FR 14954, April 8, 1976, for recommendations, and 41 FR 34125, August 12, 1976, for FAA's initial response dated July 26.) FAA's September 22 letter states, "Advisory circulars are not regulatory and only provide advisory information on what is considered an acceptable means of showing compliance with a specific regulation. Such means are often modified in order to be appropriate for a particular application." FAA also notes that it has accepted the test program proposed by General Electric which involved a volley of 20 small birds rather than 16, and 6 medium birds fired at 5 critical areas rather than random firing of 10 birds. The rationale for this, according to FAA, was covered in detail at the Safety Board's hearings held in New York last March and deposition given at Evendale, Ohio, in May. FAA concludes, "In view of the dynamic structural testing conducted by General Electric to demonstrate the effectiveness of the changes now being implemented by airworthiness directives, we do not believe that a requirement for further bird testing would be justified."

FAA's letter of September 24 concerns recommendations A-76-95 and A-76-96 directed to the use of the word "beacon" in the air traffic control system. (See 41 FR 31625, July 29, 1976.) FAA states that by Air Traffic Technical Bulletin 76-2 dated June 1976, it has alerted air traffic control personnel to the possibility that "beacon" could be misunderstood when used without a qualifying prefix. FAA further notes that the various meanings of the word "beacon" in the Pilot/Controller Glossary will appear in Handbooks 7110.65, Change 4, and 7110.10D, effective January 1977, and in the Airman's Information Manual, effective February 1977.

**Federal Highway Administration,** by letter of September 24, responds to recommendations H-76-12 through H-76-14 which were issued following investigation of the collapse of the Yadkin River Bridge near Siloam, North Carolina, February 23, 1975, after an automobile impacted a vital structural member of the bridge. (See 41 FR 20747, May 20, 1976.) FHWA states that actions proposed by recommendation H-76-12 are now partially covered by requirements of the National Bridge Inspection Standards, 23 CFR 650.311, which reads, "Newly completed structures or any modifica-

tion of existing structures which would alter previously recorded data on the inventory forms shall be entered in the State's records within 90 days." FHWA states that if requirements were expanded to require analysis and evaluation within a specified time period, it would be necessary to define within carefully prescribed limits the methods to be used and need for corrective action. FHWA adds that since issuance of the standards, the States have been using the information gained from the inspections and inspection reports in a most responsible manner, and that issuance of additional regulations are not warranted at this time.

Re recommendation H-76-13, FHWA indicates that the action proposed will require special legislation or the modification of the existing Federal-Aid Highway Act of 1968, 23 U.S.C. 116, to include the inspection of bridges off the Federal-aid highway system. Any proposed legislation for the inspection of off-system bridges will be ineffective and unimplementable if not adequately funded, according to FHWA. FHWA is reviewing proposed legislation which, if enacted, would consolidate all safety programs, both on and off the Federal-aid highway system. Administration of such a provision would permit inspection of off-system bridges before establishing replacement priorities, FHWA comments. FHWA considers that no further action is necessary in view of this proposed legislation.

Re H-76-14, FHWA comments that the various State highway departments are now investigating catastrophic bridge failures, and remarks that it would be "counterproductive and unjustifiable on a cost effective basis for the States and FHWA to organize multidisciplinary accident investigating teams for the limited number of bridge collapses occurring nationwide each year." According to FHWA, States experiencing bridge collapses are advised to retain the service of engineering firms nationally recognized in the field of bridge failure investigations. FHWA believes that the time to investigate a structure is prior to the collapse. FHWA is now organizing a multidisciplinary team that would be made available to the States on request to investigate primary bridge members that have fractured in order to document information helpful in preventing major failures.

*U.S. Coast Guard*, by letter of September 24, updates response to recommendation M-74-21, issued as a result of investigation of the explosion and fire on board the *M/V Venus* on the St. Lawrence River, May 4, 1972. Coast Guard notes completion of the recommended inspection of the *Venus* and similar tank vessels operating on the Great Lakes to correct inadequacies concerning the prevention of entry of flammable vapors into the deckhouses as revealed by investigation of the accident. Coast Guard states that the deficiencies have been corrected.

*U.S. Department of Commerce*, by letter of September 16, responds to recom-

mendations I-76-7 and I-76-8 concerning the September 1, 1975, Rock Island tank car derailment near Des Moines, Iowa. (See 41 FR 37166, September 2, 1976.) The letter indicates that Commerce Department's National Fire Prevention and Control Administration is well aware of the problems faced by emergency forces in controlling transportation accidents involving hazardous materials but that very limited funds and numbers of personnel have prevented a more direct attack on the problem through research and development and delivery of training programs to the fire service. Commerce notes that NFPCA has, however, been working with the Department of Transportation, which also has responsibility in this area, and has assisted in formulating a project to develop and test a hazardous materials training course for the fire service and other emergency personnel. Work with DOT and its contractor for this project, the National Fire Protection Association, will continue. Through NFPCA's National Academy for Fire Prevention and Control, delivery of training courses to emergency service personnel will be provided, and other initiatives will be undertaken as soon as resources permit, according to the Commerce letter.

*Bay Area Rapid Transit District (BART)*, by letter of September 24 concerning recommendations R-76-42 through R-76-44 (41 FR 34125, August 12, 1976), indicates that current BART Operations Rules and Procedures prohibit the dispatch of a train with malfunctioning automatic train control (ATC) from a yard or terminal zone into revenue service. Procedures also are in effect requiring removal of trains experiencing ATC malfunctions at the nearest yard or storage area. BART notes that in this circumstance, passengers are not immediately off-loaded but are allowed to remain on board until the train is removed from mainline operations. BART states that the train experiencing ATC malfunction can only be operated in the "manual mode" which limits the maximum speed of the train to 25 mph by an automatic feature of the on-board equipment. Additionally, all manual movement of trains is strictly enforced and controlled by the Central Train Controller, with issuance of formal movement instructions to the Train Operator specifying the track or tracks to be used, routes through interlocking as required, and the operating limits which shall not be exceeded.

BART considers its communication facilities to be adequate and dependable, and notes that procedures are in effect to govern Train Operators in the event of radio failure anywhere on the System.

*Chicago Transit Authority (CTA)* letter of September 21 concerns recommendations R-76-35 through R-76-41 which relate to the collision of two CTA trains in Chicago last January 9. (See 41 FR 37166, September 2, 1976.) Accompanying the letter are copies of CTA statements released to the public during August 1976. The release of August 23 reports steps taken by CTA to implement each of the subject recommendations.

Re recommendation R-76-35, CTA indicates that its procedures concerning the operation of trains with defective cab signals have been steadily improved and are now in compliance. Re R-76-36, CTA states that predeparture general check-out of cab signal and train telephone equipment has been instituted at all CTA rapid transit terminals, and that a CTA-developed comprehensive checkout system, which completely cycles the cab signal equipment, has been tested successfully at the Jefferson Park terminal. CTA is seeking Government funding to install comprehensive checkout equipment at all other appropriate locations. Re R-76-37, the CTA cab signaling maintenance program has been intensified, procedures have been improved where necessary to detect failures of nonvital functions, and components replaced on a preventive maintenance basis.

To implement R-76-38, CTA has intensified maintenance procedures for both carborne and wayside train phone equipment and has made a survey of train phone signal strength over all trackage, which has led to the installation of additional wayside equipment. Also, CTA states, a radio system is being designed to supplement the existing train phone system which operates over the electrified power rail. Re R-76-39, CTA notes that a thorough revision of the rail operating rule book is now underway to provide a better understanding of titles and functions. In accord with R-76-40, all training programs and the methods by which CTA measures their effectiveness are being strengthened. Topics for special emphasis include alertness, sensitivity to imperfect equipment, troubleshooting, and responsibilities when emergency procedures are in effect.

With reference to R-76-31, CTA notes that its safety department, which had reported below the division level, now reports directly to the general manager. Line safety functions within the operations division have been reorganized for greater effectiveness and to provide a more direct liaison with the staff safety function, according to CTA. Also, a safety and system assurance study is to be undertaken with funding from the U.S. Urban Mass Transportation Administration. CTA states that its safety department has been asked to participate in the development of the U.S. Department of Transportation's new safety and system assurance program of rapid transit nationwide.

The accident reports and the safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations, and Safety Board replies thereto, may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased by mail from the National Technical Information Service, U.S. Depart-



ment 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.

OCTOBER 4, 1976.

[FR Doc.76-29517 Filed 10-6-76; 8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy CONTRACT PRICING AND PROFIT POLICIES

#### Public Meeting

The Notice of Public Meeting to consider major issues pertinent to the adoption of Government-wide profit policies on negotiated procurements published in the FEDERAL REGISTER of September 17, 1976, 40238 is revised as follows.

At the completion of the hearings on November 4, 1976, the public meeting will be recessed until 10:00 a.m. on November 8, 1976. Any interested person, organization, or Government agency desiring to make an oral presentation should indicate in their request to be heard which of these two dates their oral presentation will be made.

The Notice is further revised to substitute the word "explicit" for "implicit" in the third and fourth sentences of paragraph 5.

Dated: September 30, 1976.

HUGH E. WITT,  
Administrator.

[FR Doc.76-29476 Filed 10-6-76; 8:45 am]

[Docket No. MC76-5]

## POSTAL RATE COMMISSION BASIC MAIL CLASSIFICATION REFORM SCHEDULE, 1976

### Rescheduling of Prehearing Conference

SEPTEMBER 30, 1976.

Notice is hereby given that the Presiding Officer has rescheduled the prehearing conference previously scheduled in the above-designated proceeding for Tuesday, October 5, 1976, to Monday, October 18, 1976 at 9:30 a.m., in the Commission's Hearing Room, Suite 500, 2000 L Street, NW., Washington, D.C.

JAMES R. LINDSAY,  
Secretary to the Commission.

[FR Doc.76-29411 Filed 10-6-76; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12836; File No. SR-Amex-76-20]

### AMERICAN STOCK EXCHANGE, INC. Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub.

L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 20, 1976, the American Stock Exchange, Inc. (the "Amex") filed with the Securities and Exchange Commission a proposed rule change as follows:

#### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The rescission of Rule 23 and the Commentary thereto will eliminate the requirement that any member or member organization who has purchased from off the Floor any security on the Exchange for personal or firm account, in order to establish or increase a position, at a price above the previous day's close on a "plus" or "0-plus" tick, except a "0-plus" tick on the bid, shall not sell such security until at least the same time as the time of execution on the following trading day. A copy of Rule 23 and the Commentary thereto is annexed hereto as Exhibit A.

#### STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this rule rescission is to permit off-Floor members and member organizations to liquidate positions in Amex traded stocks previously acquired pursuant to off-Floor orders at a price above the previous day's close on a "plus" or "zero plus" tick without the 24 hour limitation presently imposed on such sales.

This rule rescission will also eliminate the competitive discrimination currently existing against Amex members and member organizations since the restrictions embodied in Rule 23 and the Commentary thereto are not imposed upon members of any other exchange or market where Amex stocks are traded, and are no longer imposed upon New York Stock Exchange members or member organizations with regard to securities traded thereon (SR-NYSE-76-27, effective August 27, 1976).

The proposed rule change is authorized by section 6(b) and 11A of the Securities Exchange Act, as amended by the Securities Acts Amendments of 1975, and relates to subsection (a)(v)(D) of Item 4 hereof by promoting equal regulation and fair competition among brokers and dealers, and among exchange and non-exchange markets.

No comments were solicited or received with respect to the proposed rule change.

The Amex has determined that the proposed rescission of Rule 23 and the Commentary thereto will not impose any burden on competition. In addition, it will eliminate the competitive disadvantage presently imposed solely upon Amex members and member organizations.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions

will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 28, 1976.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and, in particular, the requirements of section 6 and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The Commission has recently approved the rescission of a similar New York Stock Exchange rule (Securities Exchange Act Release No. 12739 (August 26, 1976), 41 FR 37863 (September 8, 1976)). Interested persons were given the opportunity to comment on the rescission of these types of restrictions on members' off-floor trading at that time.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

SEPTEMBER 28, 1976.

EXHIBIT A.—AMERICAN STOCK EXCHANGE, INC.

The following Rule and Commentary are deleted in their entirety:

#### MEMBERS' OFF-FLOOR TRADING

Rule 23. (a) A regular or associate member or regular or associate member organization who shall purchase any security on the Exchange for his or its account to establish or increase a position, pursuant to an order entered from off the Floor, at or above the previous day's closing price on a "plus" or a "zero plus" tick, except a "zero plus" tick on the bid, shall not sell such security until at least the same time as the time of execution on the following trading day, unless such liquidating transaction is at a loss of not less than the minimum fraction of trading permitted in such security, calculated on a "first in, first out" (FIFO) basis.

(b) The provisions of this rule do not apply to:

(1) any bona fide arbitrage transaction or any transaction which is part of a purchase and sale or sale and purchase of securities of companies involved in a publicly announced merger, acquisition, tender offer, etc.;

(2) any transaction made with the prior approval of a Senior Floor Official to permit the member or member organization to contribute to the maintenance of a fair and orderly market in a security;

(3) any transaction which is on the opposite side of a block order being executed by the member or member organization for the account of its customer and the transaction is made to facilitate the execution of such order;

(4) any transaction to offset a transaction made in error;

(5) any transaction for the account of a member or member organization registered as a specialist on another securities exchange in a security in which the member or member organization is so registered, if such transaction is effected in connection with the performance by such member or member

organization of his or its function as a specialist on such other exchange;

(6) any purchase or sale of a security against which a member organization has sold a call and bought a put endorsed by such member organization (conversion account);

(7) any transaction for an individual member on which a commission is charged unless the member or member organization shall have been notified by the Exchange that this exemption shall not apply to it;

(8) "held" orders entered before the opening of the Exchange or prior to the establishment of the day's first quotation in a particular security.

#### COMMENTARY

.01 Rule 23 is applicable to regular and associate members and member organizations, provided, however, that the rule shall also be applicable to any allied member if the Exchange shall have determined that it is in the interest of the Exchange to make the rule applicable to such allied member and shall have so informed such allied member.

.02 Every order entered from off the Floor for the purchase or sale of a security for the account of a regular or associate member or a regular or associate member organization, and every such order entered for the account of an allied member who has been notified by the Exchange that he is subject to the provisions of Rule 23, shall be designated with the letters "OF."

.03 Every regular and associate member and every regular and associate member organization, and every allied member who has been notified by the Exchange that he is subject to the provisions of Rule 23, who shall effect purchases or sales on the Exchange for his or its account amounting to 500 shares or more of any security during any trading session shall report such transactions to the Exchange on a weekly basis on a form prescribed by the Exchange. Such reports shall be due not later than 10:00 a.m. on Tuesday of each week with respect to all such transactions effected during the previous week. No report need be filed with respect to a week in which no such transactions were effected or with respect to which all such transactions were exempt under the provisions of paragraph (b) of Rule 23.

.04 A broker executing a buy order which is marked pursuant to paragraph .02 of this Commentary must record any purchase of 500 shares or more which he effects with respect to such order on a card designated for such purpose if the purchase is on a "plus" or "zero plus" tick at or above the previous day's closing price, except for a "zero plus" tick on the bid. This card shall be posted in such place and according to such procedure as the Exchange shall direct.

.05 In order to avail himself or itself of the exemption provided in subparagraph (5) of paragraph (b) of Rule 23, a member or member organization must file with the Exchange a current schedule of the securities in which he is registered as a specialist on another securities exchange.

[FR Doc.76-29428 Filed 10-6-76;8:45 am]

[812-4001]

#### AXE-HOUGHTON FUND A, INC. ET AL.

##### Filing of Application for an Order of Exemption From Provisions

Notice is hereby given that Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., and Axe-Houghton Stock Fund, Inc. (collectively referred to as the "Funds"), 400 Benedict Avenue, Tarrytown, New York 10591, open-end, diversi-

fied, management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Axe Securities Corporation ("Axe Securities"), the principal underwriter of each of the Funds (collectively referred to with Funds as "Applicants"), filed an application on August 2, 1976, pursuant to section 6(c) of the Act, for an order of the Commission exempting Applicants from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. Shares of each of the Funds are currently offered to the public at a price based on net asset value plus a sales charge that varies with the quantity of securities purchased.

Each of the Funds proposes to offer to shareholders of each of the other Funds who have open accounts in the offering Fund, or who simultaneously establish such open accounts, the option of having the capital gain distributions or both the income dividends and capital gain distributions, paid to them by either or both of the other Funds, automatically reinvested on the payment date of such dividend or distribution in shares of the offering Fund at net asset value without the payment of a sales charge (the "Reinvestment Privilege"). In addition, shareholders of each of the other Funds who have open accounts in the offering Fund, or simultaneously establish such open accounts, would be permitted to return any cash dividend or distribution received by them from either or both of the other Funds within 30 days after the payment thereof for reinvestment in shares of the offering Fund at net asset value without a sales charge (the "Distribution Return Privilege"). Prospectuses of all the Funds will be available upon request from Axe Securities, and one will be sent to shareholders who notify Axe Securities of their desire to establish such an open account.

No sales commission would be received by Axe Securities or any dealer on any such reinvestment or return, and there will be no service charge. A shareholder will be permitted to cancel either privilege by written notice to the Funds' transfer agent. Axe Securities and the Funds' transfer agent reserve the right to cancel such privileges on thirty days written notice.

Pursuant to the Reinvestment Privilege distributions, or dividends and distributions, would be reinvested at the net asset value per share of the Fund whose shares were being acquired (the "offering Fund") on the payment date for the dividend or distribution of the Fund whose dividend or distribution is

used to make the investment (the "paying Fund"). Pursuant to the Distribution Return Privilege, cash dividends or distributions would be reinvested at the net asset value per share of the offering Fund on the day the reinvestment is received by the Funds' transfer agent or on the next day the New York Stock Exchange is open for trading if such Exchange is closed on the day the money is received. None of the Funds would bear any expense pursuant to the proposed privileges other than transfer agency costs and the costs of furnishing prospectuses of the offering Funds.

Applicants assert that the purpose of the proposed privilege is to give Fund shareholders the opportunity to invest their dividends and distributions at no sales charge in the shares of any other Fund in which they have or simultaneously establish an open account; thus, each shareholder using the option will already have selected the shares of the offering Fund as an investment medium and may make additional investments in the shares of the offering Fund while maintaining his initial investment in the shares of the paying Fund.

Applicants state that the shareholders of each of the Funds could, in effect, accomplish the result proposed by this exemption request by electing to receive distributions, or dividends and distributions, in additional shares of the paying Fund and then exchanging such additional shares for shares of the offering Fund pursuant to the exchange privilege described in the Fund's current prospectuses. The proposed privilege would permit such reinvestment without the delay caused by the cumbersome procedure associated with such exchanges.

Applicants propose to make such privileges available to the shareholders of each Fund coincident with the first income dividend or capital gain distribution issued by each such Fund following receipt of the order requested hereby.

Section 6(c) of the Act provides, in pertinent part, that the Commission upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provisions of the Act or of any Rule or Regulation promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 26, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally

or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-29420 Filed 10-6-76;8:45 am]

[SR-CBOE-76-17]

**CHICAGO BOARD OPTIONS EXCHANGE**  
**Order Approving Proposed Rule Change**

On August 9, 1976, the Chicago Board Options Exchange, Inc. ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend a number of sections of the CBOE Constitution relating to the composition of the Exchange's Nominating Committee and Appeals Committee, and to an expansion of the number of subjects which may be considered at the Annual Election Meeting of the Exchange Membership.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12726, (August 23, 1976)) and by publication in the FEDERAL REGISTER (41 FR 36272 (August 27, 1976)).

On September 15, 1976 the CBOE filed an amendment to its rule filing which stated that the changes proposed to existing section 4.1 of the CBOE Constitution were withdrawn. The language of section 4.3 of the CBOE Constitution as proposed was amended through the deletion of reference to section 4.1. The CBOE Special Meeting of Members held on September 13 and 14, 1976 resulted in the approval of those changes relating to the conduct of business at the Annual Election Meeting and to the creation of the Appeals Committee as an elected body. The proposed changes to the sections of the CBOE Constitution dealing with the Nominating Committee were defeated.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to

registered national securities exchanges, and in particular, the requirements of section 6, the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on August 9, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-29421 Filed 10-6-76;8:45 am]

[812-3961]

**CONTINENTAL INDIVIDUAL RETIREMENT TRUST AND CONTINENTAL ILLINOIS NATIONAL BANK AND TRUST COMPANY OF CHICAGO, TRUSTEE**

**Filing of Application for an Order of Exemption From All Provisions**

Notice is hereby given that Continental Individual Retirement Trust ("CIRT") and Continental Illinois National Bank and Trust Company of Chicago ("Continental Bank") (collectively referred to as "Applicants"), 231 South LaSalle Street, Chicago, Illinois 60693, have filed an application on June 1, 1976, and amendments thereto on August 18 and September 21, 1976, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting CIRT from all provisions of the Act except sections 36(a) and 36(b) thereof. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, CIRT is a collective investment trust, as described in Regulation 9.18(a)(2) of the regulations of the Comptroller of the Currency (the "Comptroller"), 12 CFR § 9.18(a)(2), for the investment of assets of self-employed retirement plans and trusts ("H.R. 10 Plans") meeting the requirements for qualification under section 401 of the Internal Revenue Code of 1954, as amended (the "Code"), established with Continental Bank as trustee. CIRT states that it has filed a registration statement with the Commission under the Securities Act of 1933 ("1933 Act"), but that it presently is exempt from the provisions of the Act by reason of section 3(c)(11) thereof, which, in part, excepts from the definition of "investment company" . . . "any collective trust fund maintained by a bank consisting solely of assets of (any employees' stock bonus, pension, or profit-sharing trust which meets the requirements for qualification under section 401 of the Code) . . . . Continental Bank states in the application that it maintains three funds within CIRT with separate investment policies, and that they are referred to as the Money Market Fund, the Equity Fund, and the Fixed Income Fund.

Continental Bank proposes to permit a person who establishes an individual

retirement account ("IRA ('s)') as described in section 408 of the Code, with Continental Bank as trustee, to direct the trustee to manage the assets contributed to his account in the funds of CIRT. Applicants state that IRA's are provided for by the Employee Retirement Income Security Act of 1974 ("ERISA"), and assert that the Conference Report to ERISA reflects the intention of its drafters that banks be authorized to utilize collective investment trusts as a funding medium for IRA's and to pool assets of IRA's in such trusts with assets of other plans qualified under Code section 401(a), i.e., H.R. 10 plans and qualified corporate pension and profit-sharing plans. (H.R. Rep. No. 93-1280, 93d Cong., 2d Sess. 337-38 (1974)). Applicants further assert that diversification of investment of assets of employee benefit plans is a fundamental objective of ERISA which cannot be achieved by the trustee of an IRA without such pooling because of the generally small asset value of such accounts.

Although Applicants do not concede that the exception provided by section 3(c)(11) would no longer be applicable to CIRT under their proposal, it appears that CIRT would then no longer be comprised solely of assets of trusts qualified under Section 401 of the Code, and that the provisions of the Act might, therefore, be applicable to Applicants.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class of classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Continental Bank states that it does not consider CIRT an appropriate subject of registration under the Act. In addition, the Applicants assert that the Commission's granting of the requested order will exempt CIRT from provisions of the Act with which it cannot, in any event, comply and from provisions with which compliance is possible but which Applicants submit, merely duplicate requirements and restrictions to which they are already subject. Continental Bank submits that, for reasons set forth in the application and summarized below, it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to issue the requested order.

Applicants state that CIRT is managed by Continental Bank, as trustee, through its trust department, that CIRT has no board of directors, and that it does not have an "investment adviser," all investment advisory services being provided by Continental Bank as the trustee. Applicants contend that units in the funds of CIRT do not have the characteristics of



shares of stock in a corporation or a mutual fund, since they are not transferable, are not evidenced by certificates, and do not entitle the holder to a vote or otherwise to participate in the management of the funds.

Continental Bank states that it does not recognize separate interests, as such, in CIRT, but that, for convenience, the value of a participant's account in CIRT is computed as his pro-rata, portion, expressed in units, of the current market value of the investment portfolio of the fund of CIRT in which the assets of his account are managed, less any liabilities of such fund. Continental Bank states that it does not issue certificates or any other document evidencing a unit or other interest in a fund, nor does it permit a participant to transfer or pledge a unit or other interest in a fund to any person.

According to the application, Continental Bank, as trustee, retains exclusive management and investment discretion over the assets of CIRT, and, in exercising this authority, Continental Bank is subject to the requirements of ERISA, Regulation 9 of the Comptroller, the Illinois Common Trust Fund Act, and fiduciary obligations imposed under Illinois common law. In addition, Applicants state, Continental Bank's investment discretion is prescribed as to each fund of CIRT by the terms of the Declaration of Trust by which it was established, and the investment policies stated in the Declaration of Trust may be amended by Continental Bank only after a minimum of 30 days' notice to participants.

According to the application, Continental Bank's present fees for managing CIRT and participating H.R. 10 Plans are fully set forth in the prospectuses included as a part of CIRT's Registration Statement under the 1933 Act, which prospectuses are incorporated in and made a part of the Application. Continental Bank represents in the application that fees charged to establish and administer a participating IRA will be no greater than those charged to a participant in an H.R. 10 Plan established in the form of the prototype Continental Self-Employed Retirement Plan and Trust for creating and administering his separate account, but that a lesser fee structure may be adopted for IRA's established in the form of a prototype plan established by agreement with an employer or association of employees for use by its employees or members. Continental Bank states that it currently charges an annual fee of one-half of one percent of the net asset value of the funds of CIRT for its services as trustee.

Continental Bank states that, following its current practice with respect to persons covered by H.R. 10 plans participating in CIRT, it will provide each IRA participant, within 45 days after the close of each calendar quarter, with a statement of the value of his account showing the amount held in savings accounts, in certificates of deposit, and in a fund of CIRT, specifically identifying the number

of units in a fund so held and the value of a unit. At the same time, except with respect to the fourth quarter, Continental Bank states that it will provide each participant with an unaudited quarterly financial report covering the results of Continental Bank's management of CIRT, and that it will also distribute to each participant by March 30 its annual report to the Comptroller on the investments and results of operations of CIRT. Applicants state that such report is audited and certified by an independent public accounting firm, currently Peat, Marwick, Mitchell and Co.

The Applicants assert that, if CIRT were required to register under the Act, it would require, at a minimum, exemptions from the following provisions of the Act: Sections 10(a), 10(b)(2), 10(b)(3), and 10(c), which in part, restrict the affiliations of directors, principal underwriters, and, by reason of section 10(h) of the Act, directors of depositories of registered investment companies; and sections 13(a), 15(a), 16(a), and 32(a) of the Act, which, in part, concern shareholder voting in the areas of investment policies, advisory contracts, and election of directors and independent public accountants.

With respect to the provisions of Section 10, Applicants assert that the abuses against which its restrictions are directed are regulated by provisions contained in ERISA, Regulation 9 of the Comptroller, and the Code, and that those statutes and regulations will therefore provide an adequate substitute for the protections afforded by section 10.

Regarding shareholder voting rights, Applicants assert that the nature of the relationship between the participant and the collective investment trust should make such rights unnecessary. In support of this assertion, Applicants state that a person who establishes an IRA with Continental Bank is, in effect, purchasing Continental Bank's fiduciary services, and that, should he become dissatisfied with Continental Bank's performance, he is free to remove it as trustee and to direct that the assets held for his account be withdrawn from the collective trust and transferred to a successor trustee. Furthermore, Applicants state, such a transfer is not a taxable event and Continental Bank does not exact any charge for such withdrawal.

Applicants contend that interjecting voting rights into this relationship would do no more than permit the holders of a majority of the beneficial interests in CIRT to achieve what the individual participant can achieve on his own behalf by removing Continental Bank as trustee of his account. Furthermore, Continental Bank states that it cannot operate a collective investment trust under the federal banking laws unless it has "exclusive management" thereof, and that, if the holders of a majority of the beneficial interests in CIRT, through election of independent directors, or rejection of a change in investment policy proposed by the trustee, should interfere with its "exclusive management", Continental Bank would be

forced to withdraw as trustee. Thus, it argues, imposition of the voting rights provisions of the Act on CIRT actually would lessen a participant's rights, since, absent the right to vote, he would have the continuing option of retaining or removing the trustee. With voting rights, the holders of a majority of the beneficial interests in CIRT could determine to remove Continental Bank as trustee over the objections of the minority. Applicants state that this is inappropriate, and that the trust relationship exists between the trustee and each participant, not between the trustee and the assembled body of participants.

Applicants contend that the difficulties encountered in applying the above-mentioned provisions of the Act which regulate the relationship between a registered investment company and its board of directors, investment adviser, underwriter and voting stockholders to a bank sponsored collective investment trust which has none of these features demonstrate the inappropriateness of any application of the Act to CIRT.

Applicants state further that other provisions of the Act, specifically section 17(a), which generally deals with purchases and sales of securities or other property between a registered investment company and its affiliates, section 17(d) which generally concerns joint transactions involving registered investment companies and their affiliates, or principal underwriters, and sections 30(a), (b) and (d), which generally concern periodic and other reporting by registered investment companies, might be applied to CIRT. However, Applicants assert, for reasons stated in the application and summarized below, that the application of these provisions to CIRT would not serve to increase materially the protections currently afforded participants in CIRT by other regulations and laws covering the same subject matter to which Continental Bank already is subject in its administration of CIRT.

Regarding section 17 of the Act, Applicants state that, if applied to CIRT, its provisions of Regulation 9, ERISA, and Illinois common law fiduciary principals dealing with conflicts of interest and prohibited transactions. Applicants submit that the resulting tangle of sometimes conflicting regulation is unnecessary and would be adverse to the public interest, and that whatever incremental advantage may accrue to participants in CIRT from the application of section 17 would be inadequate to justify the burden of the imposition of additional regulatory control over a fund already subject to scrutiny under other regulations.

With respect to the reporting requirements of section 30 of the Act, applicants state that, in light of the reporting requirements of the Commission and the Comptroller, to which Continental Bank is already subject, the imposition of section 30 of the Act would result in little additional information to the Commission or to CIRT participants.

In addition, Continental Bank undertakes in the application to provide the Commission with information similar to

that which would be required by Item 1 (relating to changes in portfolio securities) and Item 3 (relating to changes in policies with respect to securities investments) of the Commission's Form N-1Q.

Section 36(a) of the Act generally authorizes the Commission to bring an action alleging that a person serving or acting as an officer or director of a registered investment company or as its investment advisor, depositor, or, with respect to certain types of companies, as its principal underwriter, has engaged or is about to engage in any practice constituting a breach of fiduciary duty involving personal misconduct in respect of such company.

Section 36(b) generally authorizes the Commission and each security holder of a registered investment company to bring an action on behalf of such company against the company's investment adviser, its affiliated persons, or any other person enumerated in section 36 (a) of the Act who has a fiduciary duty with respect to the receipt of compensation for services or payments of a material nature made by such investment company or the security holders thereof, for breach of fiduciary duty with respect to such compensation or payments.

Continental Bank states that it presently is subject to the enforcement jurisdiction of the Secretary of Labor pursuant to ERISA and of the Comptroller pursuant to 12 USC § 1818 with respect to certain aspects of its fiduciary management of CIRT. Nonetheless, Applicants do not include sections 36(a) and 36(b) among the provisions of the Act from which exemption is sought.

According to the Applicants, the legislative history of ERISA supports the view that IRA's were regarded as substantially equivalent to H.R. 10 Plan trusts with a single owner-employee participant, and that the labor and tax-writing committees having jurisdiction over the bill envisioned that IRA's could be funded in collective trust funds on the same basis as H.R. 10 Plans.

Applicants further state that, in the Senate version of ERISA, IRA's would have been tax-exempt under section 501 (a) of the Code as employee benefit plans described in section 401(a) of the Code, but that Section 401 is a complex provision, made even more so by ERISA, which covers corporate as well as H.R. 10 Plans. Many of its requirements, Applicants state, and those of other Code sections which refer to section 401, are inappropriate to the relatively simple IRA concept, and thus the House-Senate conferees on ERISA adopted the less complex approach of the House version of the bill, and created a new Code section 408 exclusively for IRA's. Nevertheless, Applicants argue, the conferees stated it to be their intention that assets of IRA's may be pooled with assets of qualified Code section 401(a) trusts and that a collective trust including the assets of both 408 and 401 plans should itself be tax-exempt.

Applicants further state that the Treasury Department has implemented that intent of the conferees by issuing Revenue Ruling 75-530, 1975-49 I.R.B. 7,

which refers to this history and holds that a collective trust fund consisting of the assets of Code section 401 and 408 trusts shall continue to be exempt *pro tanto* under each section, and that the Comptroller has also recognized that assets of IRA's may be commingled with assets of Code section 401 trusts under the provisions of Regulation 9.

Applicants state that, prior to 1970 amendments to the Act, which gave specific recognition to an exemption for employee benefit plans and collective trusts therefor in section 3(c)(11), and which tied the exemption to section 401 of the Code, the Commission had nevertheless recognized the exemption for H.R. 10 Plans qualified under Code section 401, even though the Act, prior to such amendment, contained an outdated reference to section 165 of the Internal Revenue Code of 1939, under which section H.R. 10 trusts had never been tax-exempt.

Finally, Applicants contend that, in light of the above-mentioned legislative history of IRA's, and the Commission's administrative recognition of an exemption for H.R. 10 trusts prior to 1970 amendments to the Act, the Commission should issue the requested order under the authority of section 6(c) of the Act. In so doing, Applicants argue, the Commission would afford substantially the same exempt status to CIRT as is presently afforded by section 3(c)(11) of the Act to collective trusts consisting exclusively of assets of trusts meeting the requirements for qualification under Code section 401.

Notice is further given that any interested person may, not later than October 25, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-29422 Filed 10-6-76;8:45 am]

[File No. 500-1]

**KMS INDUSTRIES, INC.**

**Suspension of Trading**

SEPTEMBER 28, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of KMS Industries, 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 2:00 p.m., (e.d.t.) on September 28, 1976 through October 7, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-29424 Filed 10-6-76;8:45 am]

[File No. 81-215]

**KANSAS CITY STAR CO.**

**Notice of and Order for Hearing on Application for Exemption From Requirements**

SEPTEMBER 28, 1976.

Notice is hereby given that The Kansas City Star Company (the "Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "Exchange Act") for an order exempting the Applicant from the provisions of sections 12 (g) and 15(d) of the Act. Exemption from such sections would have the effect of exempting the Applicant from sections 13 and 14 of the Exchange Act and any officer, director or ten percent beneficial owner of the Applicant's securities from section 16 thereof.

Section 12(g) of the Act requires the registration of the securities of every issuer which is engaged in interstate commerce or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding \$1 million and a class of equity securities held of record by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the Exchange Act in respect of a security registered pursuant to section 12 of the Exchange Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any

issuer or class of issuers from the registration, periodic reporting, proxy solicitation and other provisions of the Exchange Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states in part:

1. The Applicant, a Missouri corporation, and its subsidiaries are primarily engaged in the publication of newspapers, the manufacture of fine paper, and the distribution of paper and paper products in several states, and as of December 31, 1975 owned total assets of approximately \$78,000,000.

2. Beneficial ownership of the Applicant's common stock is represented by two classes of securities:

(a) Participating Certificates held only by Applicant's employees and retired employees which holders comprised in excess of 500 persons as of December 31, 1975; and

(b) Beneficial Units held by Applicant's employees, retired employees and members of their immediate families which holders comprised less than 500 persons as of December 31, 1975.

Both classes of securities are restricted as to ownership and disposition.

3. The Applicant has been subject to the periodic reporting requirements of section 15(d) of the Exchange Act since 1968.

4. No public trading activity exists in either class of securities and none will develop.

5. The Participating Certificates, which unlike the Beneficial Units have full voting rights, are held by persons who are all knowledgeable of the Applicant's operations.

6. Compliance with the requirements of sections 13, 14 and 16 of the Exchange Act would involve significant and burdensome expenses and would not produce countervailing benefits for the protection of the public interest.

*It is ordered.* Pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, that a hearing on the application of The Kansas City Star Company be held on November 3, 1976 at 10:00 a.m. at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Room 776, Washington, D.C.

The purpose of such hearing shall be to consider whether an exemption from the provisions of sections 12(g) and/or 15(d) of the Securities Exchange Act of 1934 should be granted *in toto*, should be granted subject to any specified conditions or should be denied. An Administrative Law Judge will be designated to preside at the hearing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request as provided for by Rule 9(c) of the Commission's rules of practice, setting forth any issues of fact or law he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Division of Corporation Finance advises that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are to be presented for consideration in this proceeding:

1. Whether the number of public investors and the amount of trading interest, actual or potential, in the Applicant's securities, justify the requested exemption;

2. Whether the nature and extent of the Applicant's activities or the Applicant's income or assets are such to justify the requested exemption;

3. Whether the information concerning the Applicant which is or may be available to investors and/or the association of investors with the Applicant are adequate to justify the requested exemption;

4. Whether representations by the Applicant provide adequate protection to justify the requested exemption; and

5. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

*It is further ordered.* That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by certified mail to The Kansas City Star Company and its attorney and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect to this notice and order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-29423 Filed 10-6-76; 8:45 am]

[SR-PSE-76-21]

**PACIFIC STOCK EXCHANGE INC.**

**Order Approving Proposed Rule Change**

On June 21, 1976, the Pacific Stock Exchange Incorporated ("PSE") 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to expand its option program by up to ten (10) additional classes of call options.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12613 (July 9, 1976)) and by publication in the FEDERAL REGISTER (41 FR 29497 (July 16, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6

and the rules and regulations thereunder.

*It is therefore ordered.* Pursuant to section 19(b) (2) of the Act, that the proposed rule change filed with the Commission on July 21, 1976, be, and it hereby is, approved.

For the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-29425 Filed 10-6-76; 8:45 am]

[SR-PSE-76-27]

**PACIFIC STOCK EXCHANGE, INC.**

**Order Approving Proposed Rule Change**

On July 27, 1976, the Pacific Stock Exchange, 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change which would accommodate proposed amendments to Rule 15c3-1(b) (2) within Exchange Rule V, Section 1.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12701 (Aug. 12, 1976)) and by publication in the FEDERAL REGISTER (41 FR 33592 (Aug. 23, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder.

*It is therefore ordered.* Pursuant to section 19(b) (2) of the Act, that the proposed rule change filed with the Commission on July 27, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-29426 Filed 10-6-76; 8:45 am]

[812-3923]

**UNIVERSE TANKSHIPS, INC.**

**Filing of Application for Order of the Act Declaring Presumption of Control Created by That Section Rebutted by Evidence**

Notice is hereby given that Universe Tankships, Inc. ("Applicant"), 30 Broad Street, Monrovia, Liberia, has filed an application on March 10, 1976, and amendments thereto on April 29, 1976, and June 28, 1976, pursuant to section 2(a) (9) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Applicant does not control St. John D'el Rey Mining Company, Limited ("St. John D'el Rey"), a closed-end, non-diversified manage-



ment investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, St. John D'el Rey has two classes of voting shares, each of which is entitled to one vote per share: (1) "Ordinary Stock," of which there are 3,982,655 shares outstanding, and (2) "Preference Stock," of which there are 100,000 shares outstanding. Applicant states that it owns 28.25 percent of the outstanding Ordinary Stock and none of the Preference Stock, and that, accordingly, Applicant owns 27.60 percent of the outstanding voting securities of St. John D'el Rey. Applicant further states that the shares of Ordinary Stock owned by it do not have any special rights and that Applicant has no option to purchase additional shares.

It appears from the application that Hanna Mining Company ("Hanna"), through a wholly-owned subsidiary, owns 66.3 percent of the Ordinary Stock and none of the Preference Stock; that, accordingly, Hanna owns 64.7 percent of the outstanding voting securities of St. John D'el Rey; and that all of the directors of St. John D'el Rey are employees or nominees of Hanna.

Applicant states that the only asset of St. John D'el Rey is a 49 percent stock interest in Mineracoes Brasileiras Reunidas S.A. ("MBR"), and that the remaining 51 percent of MBR is owned by Empreendimentos Brasileiros de Mineracao ("EBM"), 19 percent of the outstanding stock of which, in turn, is owned by Applicant. Applicant further states that it does not control EBM, and that 51 percent of the stock of EBM is owned, either directly or through a subsidiary, by Companhia Auxiliar de Empresas de Mineracao.

Section 2(a) (9) of the Act (1) defines the term "control" to mean the power to exercise a controlling influence over the management or policies of a company (unless such power is solely the result of an official position with such company), and (2) provides further, in part, that any person who owns beneficially more than 25 percent of the voting securities of a company shall be presumed to control such company.

Applicant acknowledges that, by virtue of its ownership of 27.60 percent of the voting securities of St. John D'el Rey, it is presumed to control St. John D'el Rey by reason of the aforementioned provisions of section 2(a) (9). However, Applicant asserts that it does not in fact control St. John D'el Rey, and requests a declaratory order of the Commission to that effect in order to avoid any such question being raised in the future.

In support of the application, Applicant makes the following assertions: (1) That Hanna, through its ownership of 64.7 percent of the voting securities of St. John D'el Rey, effectively controls St. John D'el Rey; (2) that there is no written contract or oral understanding between Applicant and Hanna regarding

the exercise of control over the business affairs or operations of St. John D'el Rey; and (3) that neither Applicant nor its officers and directors own any shares of Hanna and are not employed by Hanna in any capacity. Applicant asserts further that it purchased and holds its shares of St. John D'el Rey as an investment; that it was not a founder of St. John D'el Rey and has never nominated persons to sit on the latter's Board of Directors; and that it has no authority to elect any such members to that Board.

Section 2(a) (9) also provides, in part, that the presumption of control described above may be rebutted by evidence, but shall continue until a determination to the contrary has been made by order of the Commission, on application by an interested person.

Notice is further given that any interested person may, not later than October 25, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-29427 Dated 10-6-76; 8:45 am]

### SMALL BUSINESS ADMINISTRATION

#### CLARKSBURG DISTRICT ADVISORY COUNCIL

##### Public Meeting

The Small Business Administration Clarksburg District Advisory Council will hold a public meeting at 9:30 a.m., Friday, October 29, 1976, at Oglebay Park, Wheeling, West Virginia, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Isaac R. Mayfield, 109 North Third Street, Clarksburg, West Virginia 26301, (304) 623-3461, extension 365.

Dated: September 30, 1976.

HENRY V. Z. HYDE, JR.,  
Deputy Advocate for  
Advisory Councils.

[FR Doc.76-29412 Filed 10-6-76; 8:45 am]

#### LOWER RIO GRANDE VALLEY DISTRICT ADVISORY COUNCIL

##### Public Meeting

The Small Business Administration Lower Rio Grande Valley District Advisory Council will hold a public meeting at 9:30 a.m., Tuesday, November 16, 1976, at Pan American University, Edinburg, Texas, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call James R. Woodall, U.S. Small Business Administration, 222 East Van Buren, Harlingen, Texas 78550, (512) 734-4533.

Dated: September 28, 1976.

HENRY V. Z. HYDE, JR.,  
Deputy Advocate for  
Advisory Councils.

[FR Doc.76-29413 Filed 10-6-76; 8:45 am]

#### NEWARK DISTRICT ADVISORY COUNCIL

##### Public Meeting

The Small Business Administration Newark District Advisory Council will hold a public meeting at 9:30 a.m., Friday, October 29, 1976, at the La Concha Hotel, 3101 Boardwalk, Atlantic City, New Jersey, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Andrew P. Lynch, U.S. Small Business Administration, 970 Broad Street, New Jersey 07102, (201) 645-3580.

Dated: September 28, 1976.

HENRY V. Z. HYDE, JR.,  
Deputy Advocate for  
Advisory Councils.

[FR Doc.76-29414 Filed 10-6-76; 8:45 am]

#### SAN FRANCISCO DISTRICT ADVISORY COUNCIL

##### Public Meeting

The Small Business Administration San Francisco District Advisory Council will hold a public meeting at 10:00 a.m., Thursday, October 21, 1976, at the Presidio of San Francisco, Officer's Club, San Francisco, California, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Don McMahon, U.S. Small Business Administration, 211 Main Street, San Francisco, California 94105, (415) 556-7490.

Dated: September 28, 1976.

HENRY V. Z. HYDE, JR.,  
Deputy Advocate for  
Advisory Councils.

[FR Doc.76-29415 Filed 10-6-76; 8:45 am]

### INTERSTATE COMMERCE COMMISSION

[I.C.C. Order No. 175, Amdt. 1; R. S. O. No. 904]

#### ARIZONA EASTERN RAILWAY CO. Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 175 (San Diego and Arizona Eastern Railway Company), and good cause appearing therefor:

*It is ordered, That:*

I.C.C. Order No. 175 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1976, unless otherwise modified, changed, or suspended.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., September 30, 1976, and 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., September 28, 1976.

INTERSTATE COMMERCE  
COMMISSION,  
JOEL E. BURNS,  
*Agent.*

[FR Doc.76-29521 Filed 10-6-76;8:45 am]

[Notice No. 163]

#### ASSIGNMENT OF HEARINGS

OCTOBER 4, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 73165 (Sub-No. 386), Eagle Motor Lines, Inc. now assigned November 30, 1976 at Dallas, Texas is cancelled, application dismissed.

MC 118178 (Sub-No. 25), Bill Meeker, now assigned November 4, 1976, at Kansas City, Mo. is cancelled and application dismissed.

MC 58923 (Sub-No. 33), Georgia Highway Express, Inc. and MC 58923 (Sub-No. 42), Georgia Highway Express, Inc., now assigned November 8, 1976 at Tallahassee, Florida; will be held in the Holiday Inn Downtown, 316 West Tennessee Street.

MC 106149 (Sub-No. 2), American Holiday Van Lines, Inc., now being assigned continued hearing December 6, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 141736, James A. Jana, dba Jana Cartage Company now being assigned November 30, 1976 (3 days) at Columbus, Ohio in a hearing room to be later designated.

MC 115841 Sub 519, Colonial Refrigerated Transportation, Inc., now being assigned December 6, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 1924 (Sub 11), Wallace-Colville Motor Freight, Inc. now assigned November 29, 1976 at Boise, Idaho is cancelled and re-assigned November 29, 1976 (3 weeks) at Lewiston, Idaho and will be held at the Elks Temple, 3565 Snake River Avenue.

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.76-29523 Filed 10-6-76;8:45 am]

[Rule 19, Ex Parte No. 241; Exemption No. 126, Amdt. 1]

#### EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 126 issued June 28, 1976.

*It is ordered,* That, under authority vested in me by Car Service Rule 19, Exemption No. 126 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire December 31, 1976.

This amendment shall become effective September 30, 1976.

Issued at Washington, D.C., September 23, 1976.

INTERSTATE COMMERCE  
COMMISSION,  
JOEL E. BURNS, *Agent.*

[FR Doc.76-29519 Filed 10-6-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption 95, Amdt. 7]

#### EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

To: Bessemer and Lake Erie Railroad Company, Norfolk and Western Railway Company.

Upon further consideration of Exemption No. 95 issued February 5, 1975.

*It is ordered,* That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire December 31, 1976.

This amendment shall become effective September 30, 1976.

Issued at Washington, D.C., September 23, 1976.

INTERSTATE COMMERCE  
COMMISSION,  
JOEL E. BURNS, *Agent.*

[FR Doc.76-29520 Filed 10-6-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 127, Amdt. 1]

#### EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 127 issued June 29, 1976.

*It is ordered,* That, under authority vested in me by Car Service Rule 19, Exemption No. 127 to the Mandatory Car

Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire December 31, 1976.

This amendment shall become effective September 30, 1976.

Issued at Washington, D.C., September 23, 1976.

INTERSTATE COMMERCE  
COMMISSION,  
JOEL E. BURNS,  
*Agent.*

[FR Doc.76-29522 Filed 10-6-76;8:45 am]

[AB 31 (Sub-No. 3)]

#### GRAND TRUNK WESTERN RAILROAD CO. Abandonment Between Imlay City and Caseville, in Lapeer, Tuscola and Huron Counties, Michigan

SEPTEMBER 28, 1976.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Environmental Affairs Staff to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*

The comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423; telephone 202-275-7011.

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.76-29524 Filed 10-6-76;8:45 am]

[AB2 (Sub-No. 11)]

#### LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment Between Rowland and Lancaster in Lincoln and Garrard Counties, Kentucky

SEPTEMBER 29, 1976.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Environmental Affairs Staff to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*

The comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423; telephone 202-275-7011.

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.76-29525 Filed 10-6-76;8:45 am]

[Volume No. 51]

**PERMANENT AUTHORITY PETITIONS AND APPLICATIONS; FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES); RAILROAD ABANDONMENTS; ALTERNATE ROUTE DEVIATION LETTER-NOTICES; AND INTRASTATE APPLICATIONS CONCURRENTLY SEEKING AUTHORITY ON INTERSTATE OR FOREIGN COMMERCE**

**PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY**

OCTOBER 1, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission 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)<sup>1</sup> 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 12960 (Notice of filing of petition for modification of brokers license), filed September 20, 1976. Petitioner: AUTO CLUB SERVICES, INC., Thirteenth & LaSalle Ave., Minneapolis, Minn. 55403. Petitioner's representative: J. G. Dail, Jr., P.O. Box 567, McLean, Va. 22101. Petitioner holds a license to engage in operations as a broker in interstate or foreign commerce, at Minneapolis, Minn., in No. MC 12960, issued June 11, 1971, in arranging the transportation by motor vehicle of passengers and their baggage, in special and charter operations, beginning and ending at points in Minnesota, and extending to points in the United States, including Alaska, but excluding Hawaii. By the instant petition, petitioner seeks to add St. Louis Park, Minn. as an additional point at which it is authorized to engage in the above operations.

No. MC 65802 (Sub-Nos. 32 and 41) (Notice of filing of petition to renew explosives authority), filed August 10, 1976 and September 20, 1976, respectively. Petitioner: LYNDEN TRANSPORT, INC., P.O. Box 433, Lynden, Wash. 98264. Petitioner's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Petitioner holds motor common carrier Certificates in No. MC 65802 (Sub-Nos. 32 and 41), issued December 18, 1975 and June 17, 1976, respectively, which with respect to its explosives authority, expired July 14, 1976 and September 11, 1976, respectively, authorizing transportation (1) in 65802

(Sub-No. 32) over irregular routes, as pertinent, of classes A and B explosives, between Seattle, Wash., on the one hand, and, on the other, points in Alaska, restricted to shipments moving to or from Alaska; and (2) in MC 65802 (Sub-No. 41) over irregular routes, as pertinent, of classes A and B explosives, between the port of entry on the United States-Canada (British Columbia) boundary line, located approximately 35 miles north of Prince Rupert, B. C., on the one hand, and, on the other, points in Alaska, restricted to the transportation of traffic moving from, to or through Prince Rupert, B.C. By the instant petition, petitioner seeks in both of the above Sub-Nos. to renew its authority to transport explosives for an additional five years.

No. MC 102616 (Sub-No. 875) (notice of filing of petition to modify restriction), filed September 13, 1976. Petitioner: COASTAL TANK LINES, INC., P.O. Box 5555, 250 Cleveland-Massillon Rd., Akron, Ohio 44313. Petitioner's representative: Donald B. Levine, 39 South LaSalle St., Chicago, Ill. 60603. Petitioner holds a motor common carrier certificate in No. MC 102616 (Sub-No. 875), issued November 29, 1973, authorizing transportation, over irregular routes, of corn products, in bulk (except corn oil, in bulk), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Cargill, Incorporated located at Dayton, Ohio. By the instant petition, petitioner seeks to modify the above restriction to include Car-Mi, Inc. as an additional origin plantsite.

No. MC 110420 (Sub-No. 669) (notice of petition) (correction), filed August 27, 1976, published in the FEDERAL REGISTER issue of September 16, 1976, and republished as corrected this issue. Petitioner: QUALITY CARRIERS, INC., I-94 County Highway C, Bristol, Kenosha Co., Wis. 53104. Petitioner's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. The purpose of this partial republication is to indicate the correct docket number assigned to this proceeding as MC 110420 Sub-No. 669), in lieu of MC 11040 (Sub-No. 669) as was previously published. The rest of the publication remains as previously published.

No. MC 115353 (Sub-No. 11) (notice of filing of petition to add additional plantsites), filed September 7, 1976. Petitioner: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, N.J. 07032. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor contract carrier Permit in No. MC 115353 (Sub-No. 11), issued August 3, 1976, author-

izing transportation over irregular routes, of building materials, gypsum and gypsum products, paint and paint products, lime (except liquid in bulk), and such materials and supplies as are used in the manufacture, installation and distribution of the aforementioned commodities (except commodities in bulk), between Stony Point, N.Y., Lisbon Falls, Maine, Boston, Mass., Philadelphia, Pa., Baltimore, Md., Kearny, and Woodbridge Township (Middlesex County), N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of cement, from and to Lisbon Falls, Maine, Boston, Mass., Philadelphia, Pa., and Baltimore, Md., and further restricted against the transportation of stone, gravel, slag, sand, lime, limestone, limestone products, fly ash, and bituminous concrete, in dump vehicles, from Philadelphia Pa., to points in Mercer County, N.J., and those points in that part of New Jersey on and south of New Jersey Highway 33, and to points in Delaware, Maryland, and the District of Columbia, under a continuing contract, or contracts, with United States Gypsum Company of Chicago, Ill. By the instant petition, petitioner seeks to modify its Permit by adding the additional base points of Genoa and Gypsum, Ohio and South Plainfield, N.J.

No. MC 124190 (Notice of filing of petition to change contract shippers), filed September 20, 1976. Petitioner: GRIFFIN MOBILE HOME TRANSPORTING CO., 9015 S.E. 29th St., Oklahoma City, Okla. 73130. Petitioner's representative: I. E. Chenoweth (same address as petitioner). Petitioner holds a motor contract carrier Permit in No. MC 124190, issued May 19, 1976, authorizing transportation over irregular routes, of home trailers, between points in Oklahoma, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, under a continuing contract, or contracts, with B & B Mobile Homes, Oklahoma City, Okla.; Baker Mobile Home Sales, Inc., Oklahoma City, Okla.; George Lane Mobile Homes, Oklahoma City, Okla.; Redman Industries, Inc., of Tulsa, Okla.; Atkinson Enterprises, Inc., of Midwest City, Okla.; and Chickasha Mobile Homes, Inc., of Chickasha, Okla. By the instant petition, petitioner seeks to eliminate B & B Mobile Homes, Inc. from the above Permit as a contract shipper and substitute in lieu thereof, Coach Sales, Inc., of Tulsa, Okla.

No. MC 135033 (notice of filing of petition for modification of permit), filed August 10, 1976. Petitioner: SILVEY RE-

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



FRIGERATED CARRIERS, INC., Gifford Rd. & So. Omaha Bridge Rd., Council Bluffs, Iowa 51501. Petitioner's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Petitioner holds a motor contract carrier Permit in No. MC 135033, issued August 18, 1976, authorizing transportation over irregular routes, of such commodities as are dealt in by retail department stores (except foodstuffs), (1) from points in Alabama, Connecticut, Georgia, Illinois, Kentucky, (except Louisville and points in its commercial zone as defined by the Commission), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Ohio (except Cleveland, Cincinnati, and Toledo and points in their respective commercial zones as defined by the Commission), to Omaha, Nebr., under a continuing contract, or contracts, with the following shippers: J. L. Brandeis & Sons, Inc.; Pamida, Inc.; Brinn & Jensen Company; Westside Supply Company, and Richmand Gordman Stores, Inc., all of Omaha, Nebr.; and (2) from points in Alabama, Connecticut, Georgia, Illinois, Kentucky (except Louisville and points in its commercial zone), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee (except Loudon, Ripley, and Pulaski), Virginia, West Virginia, and Ohio (except Cincinnati, Cleveland, and Toledo and points in their respective commercial zones, as defined by the Commission), to Omaha, Nebr., restricted to the transportation of shipments destined to the facilities of J. L. Brandeis & Sons, Inc., Pamida, Inc., Brinn & Jensen Company, Westside Supply Company, Richmand Gordman Stores, Inc., Sidles Distributing Co., and Midlands Automotive Warehouse, Inc., all located at Omaha, Nebr., under a continuing contract, or contracts, with Sidles Distributing Co., and Midlands Automotive Warehouse, Inc., both of Omaha, Nebr., 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 (a) to include Louisville, Ky., Cincinnati, Cleveland and Toledo, Ohio, and points in their four respective commercial zones as defined by the Commission, and points in Arkansas, Delaware, Indiana, Louisiana, Michigan, Mississippi, Missouri, Rhode Island, and Wisconsin, as origin points to the territorial descriptions stated in Parts (1) and (2) above; and (b) to add "candy, confectioneries and nuts" to the encompassing commodity description for Parts (1) and (2) above.

No. MC 139349 (Sub-No. 2) (notice of filing of petition to add contracting shipper and base points), filed September 9, 1976. Petitioner: JAYMAR TRUCKING CO., INC., 134 Garfield Avenue, Jersey City, N.J. 07305. Petitioner's representative: Robert B. Pep-

per, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor contract carrier Permit in No. MC 139349 (Sub-No. 2), issued November 8, 1974, authorizing transportation, as pertinent, over irregular routes of (1) *Lamps, lighting fixtures, and equipment, materials and supplies* used or sold by lighting fixture manufacturers, between Jersey City, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, Rockland, and Orange Counties, N.Y., Fairfield County, Conn., and Philadelphia, Pa., (2) *lighting fixtures and lamps, and equipment, materials, and supplies* used in their manufacture and sale (except commodities in bulk), between Jersey City and Kearney, N.J., on the one hand, and, on the other, points in Louisiana, Minnesota and Texas, and those points in the United States east of the Mississippi River, (1) and (2) above are under a continuing contract, or contracts, with Lightoiler, Inc., of Jersey City, N.J. By the instant petition, petitioner seeks (I) to add Duro-Test Corporation, of North Bergen, N.J. as an additional contracting shipper; and (II) to add Clifton, North Bergen, and Secaucus, N.J., as additional base points to the authority in (2) above.

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-F-6487 (Reopened on Reconsideration) filed December 31, 1956. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as applicant). By order dated August 1, 1963 and served September 9, 1963 in No. MC-C-3563, *Consolidated Copperstate Lines, Inc., et al. v. Navajo Freight Lines, Inc.*, 92 M.C.C. 516, the Commission in General Session, reopened for reconsideration the purchase in No. MC-F-6487, *Navajo Freight Lines, Inc.—Purchase—Arizona Nevada Express*, 75 M.C.C. 517, which rights are now embraced in Navajo's Certificate No.

MC 76032 (Sub-No. 132), issued March 3, 1961. The Commission found therein that the prior report and order at 75 M.C.C. 517 should be modified to eliminate a restriction "to traffic moving to or from points north and west of Kingman, Ariz." on intermediate points service over U.S. Highways 89 and 66 between Phoenix and Kingman, Ariz., and that a modified certificate should be granted 30 days after publication in the FEDERAL REGISTER of a notice of the authority actually granted.

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 no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1 (Sub-No. 7), filed August 27, 1976. Applicant: **ESCHENBACH & RODGERS TRUCKING, INC.**, 232 Division Street, Kingston, Pa. 18704. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Such commodities as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points within the territory bounded by a line beginning at Port Jervis, N.Y., and extending in a northeasterly direction through Wurtsboro to Ellenville, N.Y., thence in a northwesterly direction through Margaretville to Davenport Center, N.Y., thence west through Oneonta to Ithaca, N.Y., thence in a southwesterly direction through Alpine, Painted Post, Addison, and Woodhull, to Troupsburg, N.Y., thence in a southwesterly direction to North Fork, Pa., thence in a southeasterly direction through Sabinville, Gaines, Loganton, Livonia, Millerstown, and Newport, to Clarks Ferry, Pa., thence in a northeasterly direction through Lockdale, Fredericksburg, Bethel, Schubert, Shartlesville, Hamburg, New Tripoli, Neffs, Moores-town, Windgap, Bangor, and Mont Bethel, to Portland, Pa., thence along the west bank of the Delaware River to Matamoras, Pa., and thence across the river to Port Jervis, including the points named, and (b) between points in (a) above, on the one hand, and, on the other, New York, N.Y., Newark, Jersey City, Edgewater and Trenton, N.J., and Philadelphia, Pa.; and (2) *fruits vegetables, farm products, poultry, and seafood, in the respective seasons of their production, from points in New York, New Jersey, Pennsylvania, and Delaware, to points in (1) (a) above.**

**NOTE.**—Applicant states that the purpose of this filing is to convert its contract carrier authority to common carrier authority. If a hearing is deemed necessary, the applicant requests it be held at Wilkes-Barre, Pa.

No. MC 1328 (Sub-No. 22), filed Aug. 16, 1976. Applicant: **MGS TRANSPORTATION, INC.**, P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Charles Garrett (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock wool and rock wool products, from Rock Wool Industries, Inc., Missouri Division, at Cameron, Mo.; Rock Wool Industries, Pueblo, Colorado Division; and Rock Wool Industries, Belton, Texas Division, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode*

*Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Rock Wool Industries, Cameron, Missouri Division; Rock Wool Industries, Pueblo, Colorado, Division; and Rock Wool Industries, Belton, Texas Division.*

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Denver, Colo.

No. MC 1328 (Sub-No. 23), filed September 1, 1976. Applicant: **MGS TRANSPORTATION, INC.**, P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Charles Garrett, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay, in bags, from Drybranch and Savannah, Ga.; Mayfield, Ky.; and Sledge, Miss., to the plantsite of Johns-Manville Sales Corp., located at Alexandria, Ind., under a continuing contract, or contracts, with Johns-Manville Sales Corporation.*

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Denver, Colo.

No. MC 4963 (Sub-No. 50), filed September 2, 1976. Applicant: **ALLEGHANY CORPORATION**, doing business as **JONES MOTOR**, Bridge Street and Schuylkill Rd., Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 501 Perpetual Bldg., 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and 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), Regular: Serving the plantsite of Fairfield Graphics located at Fairfield, Pa., as an off-route point in connection with carriers presently authorize regular-route operations; Irregular: (2) between the plantsite of Fairfield Graphics located at Fairfield, Pa. and Kingsport, Tenn.*

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 29130 (Sub-No. 107), filed Aug. 9, 1976. Applicant: **THE ROCK ISLAND MOTOR TRANSIT COMPANY**, a Corporation, 2744 S.E. Market St., P.O. Box 1355, Des Moines, Iowa 50305. Applicant's representative: B. C. Spitzer, La-Salle Street Station, 139 West Van Buren Street, Chicago, Ill. 60605. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, livestock, nitroglycerine, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). Between junction of Kansas Highway 9 and U.S. Highway 75, at or near Netawaka, Kans., on the one hand, and, on the other, Omaha, Nebr. From junction Kansas Highway 9 and U.S. Highway 75, thence*

*over U.S. Highway 75 to Omaha and return over the same route, serving no intermediate points (except Fairview and Sabetha, Kans., which are authorized points of service on applicant's Route 14) as an alternate route for operating convenience only, in connection with applicant's regular-route operations.*

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 30844 (Sub-No. 573), filed August 18, 1976. Applicant: **KROBLIN REFRIGERATED XPRESS, INC.**, 2125 Commercial St., Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (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 of Mid-Continent Underground Storage, located at or near Kansas City, Kans., to points in Georgia, Kentucky, Tennessee, Virginia, West Virginia, and Little Rock, Ark.*

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 33919 (Sub-No. 15), filed August 16, 1976. Applicant: **FAIRCHILD GENERAL FREIGHT, INC.**, P.O. Box 1649, Yakima, Wash. 98907. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Materials and supplies, used in the manufacture of glass containers, corrugated fiber containers and corrugated fiber roll stock, from points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming, to the plantsites of Owens-Illinois, Glass Container Division, at or near Oakland, Tracy, Los Angeles and San Jose, Calif., and at or near Portland, Oreg. and (b) empty pallets, on return, from the destination points to the origin points named in (1) (a) above; and (2) (a) glass containers and plastic containers, and caps, tops and closures therefor, from the aforementioned plantsites of Owens-Illinois, Glass Container Division, in California and Oregon, to points in California, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming; and (b) empty pallets, on return, from the destination points to the origin points named in (2) (a) above; and (3) glass containers and closures therefor, glass manufacturing molds and empty pallets, between the aforementioned plantsites of Owens-Illinois, Glass Container Division, in California and Oregon.*

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 48958 (Sub-No. 130), filed August 23, 1976. Applicant: **ILLINOIS-CALIFORNIA EXPRESS, INC.**, 510 East 51st Avenue, P.O. Box 16404, Denver, Colo. 80216. Applicant's representative:

Morris G. Cobb, P.O. Box 9050, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, and those requiring special equipment), Serving the plantsite and facilities of American Cotton Growers, located at or near Littlefield, Tex., as an off-route points in connection with applicant presently authorized regular route operations to and from Lubbock, Tex., and Clovis, N. Mex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Dallas, Tex.

No. MC 52869 (Sub-No. 96), filed September 8, 1976. Applicant: NORTHERN TANK LINE, a Corporation, P.O. Box 970, Miles City, Mont. 59301. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from McKenzie County, N. Dak., to points in Montana, South Dakota and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 52979 (Sub-No. 17), filed September 3, 1976. Applicant: HUNT TRUCK LINES, INC., West High Street, P.O. Box 72, Rockwell City, Iowa 50579. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Rockwell City, Iowa, and Chicago, Ill., serving all intermediate points in Calhoun, Greene and Boone Counties, Iowa, and the off-route points of Audubon, Armstrong, Buffalo Center, Cherokee, Danbury, Denison, Harlan, Holstein, Ida Grove, Le Mars, Mapleton, Marcus, Quimby, and Remsen, Iowa, and off-route points in Buena Vista, Calhoun, Carroll, Greene, Humboldt, Kossuth, Palo Alto, Pocahontas, Sac and Webster Counties, Iowa: From Rockwell City over U.S. Highway 20 to junction Iowa Highway 4, thence over Iowa Highway 4 to junction Iowa Highway 175, thence over Iowa Highway 175 to junction Iowa Highway 4, thence over Iowa Highway 4 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 56, thence over Illinois Highway 56 to Chicago, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 53965 (Sub-No. 118), filed August 23, 1976. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio,

P.O. Box 1387, Salina, Kans. 67401. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. 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), between Great Bend and Topeka, Kans., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 59457 (Sub-No. 31), filed August 31, 1976. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. 06525. 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 irregular routes, transporting: *Materials and supplies*, used in the manufacture and preparation of dated, printed publications and parts thereof, between Lancaster, Pa.; Albany and New York, N.Y.; Bridgeport, Bethan, and Old Saybrook, Conn., on the one hand, and, on the other, Albany, New York, Hauppauge and Carle Place, N.Y., and points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 61592 (Sub-No. 394), filed August 30, 1976. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. Devine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products* (except commodities in bulk), between points in California, Colorado, Idaho, Montana, Oregon and Washington, on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or Chicago, Ill.

No. MC 74321 (Sub-No. 124), filed September 1, 1976. Applicant: B. F. WALKER, INC., P.O. Box 17-B, 1555 Tremont Place, Denver, Colo. 80217. Ap-

plicant's representative: Richard P. Kissinger, Cheery Creek Ctr., Suite 140, 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials, and equipment* used in the manufacture of aluminum and aluminum products (except in bulk) (1) between the plantsites of Alumax, Inc., located at Decatur, Ala., Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Perris Valley and Woodland, Calif.; Loveland, Colo.; Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Chicago and Morris, Ill.; Lebanon, Bristol and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Montevideo, Minn.; St. Louis, Mo.; Hernando, Miss.; Reidsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Stayton, Oreg.; Bloomington, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Ferndale, Wash.; and Marshfield, Wis.; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) between Twin Falls, Idaho, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Arizona, California, Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington and Wyoming).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Chicago, Ill.

No. MC 76032 (Sub-No. 320), filed August 2, 1976. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (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 packing houses* (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 Farmland Industries, Inc., located at Garden City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above 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 either Kansas City, Mo. or Denver, Colo.

No. MC 79267 (Sub-No. 1), filed August 30, 1976. Applicant: P & D WAREHOUSING & CARTAGE, INC., 7636 Canton Center Drive, Baltimore, Md. 21224. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common*



carrier, by motor vehicle, over irregular routes, transporting: *Molasses, syrup, cleaning, scouring and washing compounds, soap, soap powders and softeners, lard substitutes, drugs, chemicals, and toilet preparations*, from Baltimore, Md., to Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md.

No. MC 80430 (Sub-No. 158) (correction), filed July 27, 1976, published in the FEDERAL REGISTER issue of September 9, 1976, and republished as corrected this issue. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601. Applicant's representative: Drew L. Carraway, 501 Perpetual Bldg., 1111 E Street, N.W., Washington, D.C. 20004. 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 Iuka, Miss. and Memphis, Tenn. serving all intermediate points on U.S. Highway 72 from Iuka to junction Mississippi Highway 15: From Iuka, Miss. over U.S. Highway 72 to Memphis, Tenn., and return over the same route; (2) Between Columbus, Miss. and Corinth, Miss. serving all intermediate points: (a) From Columbus over U.S. Highway 45 to Corinth, Miss., and return over the same route; and (b) From Columbus over U.S. Highway 82 to junction U.S. Highway Alternate 45, thence over U.S. Highway Alternate 45 to junction U.S. Highway 45 and return over the same route; (3) Between Columbus, Miss. and Brownfield, Miss. serving all intermediate points: From Columbus, Miss. over U.S. Highway 82 to junction Mississippi Highway 15, thence over Mississippi Highway 15 to Brownfield, Miss., and return over the same route; (4) Between Columbus, Miss. and Iuka, Miss. serving all intermediate points: From Columbus, Miss. over U.S. Highway 45 to junction Mississippi Highway 25, thence over Mississippi Highway 25 to Iuka, Miss., and return over the same route.

(5) Between junction Mississippi Highway 15 with Mississippi Highway 32, and junction Mississippi Highway 32 with U.S. Highway Alternate 45, serving all intermediate points: From junction Mississippi Highway 15 and Mississippi Highway 32, thence over Mississippi Highway 32 to junction Mississippi Highway 32 and U.S. Highway Alternate 45, and return over the same route; and (6) Between Tremont, Miss. and Atlanta, Ga., serving no intermediate points: From Tremont, Miss. over U.S. Highway 78 to junction U.S. Highway 278 via Hamilton, Ala. thence over U.S. Highway 278 to junction Alabama Highway 5 via Natural Bridge, Ala., thence over Alabama Highway 5 to junction U.S. Highway 78 via Jasper, Ala., thence over U.S. Highway 78 to Atlanta, Ga., and return over the same route; serving as

off-route points in connection with applicant's regular route operations requested in (1) through (6) above, all points in that part of Mississippi bounded on the east by the Mississippi-Alabama State line, on the north by the Mississippi-Tennessee State Line, on the west by Mississippi Highway 15, and on the south by U.S. Highway 82, including points on the indicated portions of Mississippi Highway 15 and U.S. Highway 82.

NOTE.—The purpose of this republication is to correct applicant's requested authority. Applicant presently holds authority to serve some of the requested points over irregular routes in its Sub-No. 152. Applicant indicates it does not seek duplicating authority. If a hearing is deemed necessary, the applicant requests it be held at Tupelo, Miss. and Orlando, Fla.

No. MC 82101 (Sub-No. 15), filed August 30, 1976. Applicant: WESTWOOD CARTAGE, INC., 62 Everett Street, Westwood, Mass. 02090. Applicant's representative: Harry J. Jordan, 1000 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and general merchandise and food business houses, and in connection therewith, equipment, materials and supplies*, used in the conduct of such businesses, from points in New York and Pennsylvania, to Readville, Mass., and New Haven, Conn., under contract or contracts, with Stop and Shop Companies, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 83539 (Sub-No. 439), filed August 27, 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: *Lumber, lumber products, wood products and millwork*, between points in California, Idaho, Montana, Nevada, Oregon, and Washington, on the one hand, and, on the other, 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 San Francisco, Calif. or Seattle, Wash.

No. MC 94350 (Sub-No. 364), filed July 22, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in Hamilton, Merrick, and Scotts Bluff Counties, Nebr., to points

west of the Mississippi River (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 95876 (Sub-No. 191), filed September 9, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, 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: *Clay pipe, pipe fittings, pipe joints, and accessories, materials, and supplies* used in the installation thereof, from the plantsite and warehouse facilities of Clow Corporation located at or near Carol Stream, Ill., to points in Minnesota, North Dakota and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Minneapolis, Minn.

No. MC 101075 (Sub-No. 122), filed September 3, 1976. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, liquid fertilizer ingredients, liquid fertilizer solutions and anhydrous ammonia*, in bulk, (1) from points in North Dakota, to points in Minnesota, North Dakota, South Dakota and Wisconsin; and (2) from points in Minnesota, on and west of U.S. Highway 71, to points in Iowa, Minnesota, Montana, North Dakota, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 103926 (Sub-No. 51), filed August 18, 1976. Applicant: W. T. MAYFIELD SONS TRUCKING CO., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: K. Edward Wolcott, Suite 1600, First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock crusher equipment*, from the plantsite and facilities of Hewitt-Robins, Inc., located in Richland County, S.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C. or Atlanta, Ga.

No. MC 105813 (Sub-No. 214), filed August 19, 1976. Applicant: BELFORD TRUCKING CO., INC., 1759 SW. 12th Street, P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to oper-

## NOTICES

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk, in tank vehicles), in mechanically refrigerated equipment, in mixed loads with meats, meat products, meat by-products, and articles distributed by meat packinghouses, from the plantsite of Oscar Mayer & Co., Inc., at or near Goodlettsville, Tenn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina restricted to shipments originating at the above facilities and destined to points in states named; and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture, sale or distribution of foodstuffs, meats, meat products, meat by-products, and articles distributed by meat packinghouses, from points in states named in (1) above, to the plantsite and storage facilities utilized by Oscar Mayer & Co., at or near Goodlettsville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107064 (Sub-No. 116), filed August 20, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount St., Dallas, Tex. 75221. 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: *Nitrogen compounds*, from Eddy County, N. Mex., to points in and west of Colorado, Montana, New Mexico and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 826), filed August 20, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating cement* (except in bulk), from Kalamazoo, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 1042), filed August 18, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, (a) from Grant, Nebr., to points in Iowa, Missouri and North Dakota; (b) from Whiting, Iowa, to points in Minnesota, Nebraska and South Dakota; (c) from Salida, Colo., to points in Nebraska; and (d) from the storage facilities of Farmland Industries, Inc., lo-

cated at or near Barnesville and Benson, Minn., to points in Minnesota, Montana, North Dakota, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Chicago, Ill.

No. MC 107496 (Sub-No. 1044), filed August 18, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon dioxide*, in bulk, from Laramie County, Wyo., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Omaha, Nebr.

No. MC 107496 (Sub-No. 1045), filed September 2, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, in bulk, (a) from Sterling, Colo., to points in Colorado, Kansas, Montana, Nebraska, South Dakota and Wyoming; and (b) from Memphis, Tenn., to points in Alabama, Arkansas, Louisiana and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Des Moines, Iowa.

No. MC 108341 (Sub-No. 52), filed September 8, 1976. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, building materials and lime* (except liquid in bulk), and such *materials and supplies* as are used in the manufacture, installation and distribution of the aforementioned commodities (except commodities in bulk), between Plasterco, Va., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 762), filed August 30, 1976. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St., N.W., Washington, D.C. 20004. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Can coatings, paint and resins*, from Milwaukee, Wis., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 110563 (Sub-No. 187), filed August 16, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. 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 Denver, Colo., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Las Vegas, Nev.

No. MC 111375 (Sub-No. 81), filed August 20, 1976. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing and scouring compound*, from points in Illinois, to points in California, Colorado, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 111375 (Sub-No. 82), filed August 20, 1976. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., County CV and Arker Road, P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (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, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Colorado, to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co. located at or near Knoxville, Iowa, restricted to traffic originating at the named origins and destined to the named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Des Moines, Iowa.

No. MC 111375 (Sub-No. 83), filed August 30, 1976. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Ap-

applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities of Archer Daniels Midland Company located at or near Decatur, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 111611 (Sub-No. 29) filed September 9, 1976. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, Pa. 17044. Applicant's representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brass rods or brass unfinished shapes*, in straight or mixed loads, from the plantsites of Cerro Metal Products located at or near Bellefonte, Pa., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Harrisburg, Pa.

No. MC 113267 (Sub-No. 337), filed September 3, 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: *Wood pallets, and materials and supplies* used in the manufacturing, assembling and distribution thereof, from the plantsites, storage facilities and warehouses utilized by, and the suppliers of, the Atlantic Southern Corporation, located at points in Newton and Walton Counties, Ga., to points in Iowa, Minnesota, Nebraska, Oklahoma, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Memphis, Tenn.

No. MC 113362 (Sub-No. 302), filed September 7, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105 1/2 Eighth Avenue, SE., Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sweetened condensed whole milk* (except in bulk), from Rice Lake, Wis., to Covington, Tenn. and Freehold, N.J.; and (2) *sweetened condensed whole milk and candy, candy equipment, materials and supplies* used in the manufacture of candy (except in bulk), from the plant site and storage facilities of Charms Candy Co., located at Covington, Tenn., to Freehold, N.J., restricted in (1) and (2) above to traffic originating at the

above-named origins and destined to the above-named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113666 (Sub-No. 109), filed September 2, 1976. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: William H. Shawn, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry acrylic resin*, from ports of entry on the International Boundary line between the United States and Canada located in New York and Michigan, to Buffalo, N.Y.; Sheffield, Mass.; Anderson, Ind.; Perkasie, Pa.; Edison and Linden, N.J.; Chicago and Franklin Park, Ill.; Saline, Mich.; Addison, Tex.; and Sandusky, Columbus and Xenia, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 113678 (Sub-No. 635), filed August 17, 1976. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities owned and operated by Archer Daniels Midland Company, located in Decatur, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113828 (Sub-No. 240), filed September 1, 1976. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kyanite ore*, in bulk, from points in Buckingham and Prince Edward Counties, Va., to points in North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 448), filed August 30, 1976. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities of Archer

Daniels Midland Company located in Decatur, Ill., to points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Dallas, Tex.

No. MC 114118 (Sub-No. 4), filed September 7, 1976. Applicant: MARSHALL MCFARLAND, 145 Neville Street, Circleville, Ohio 43113. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Circleville, Ohio, to points in Maryland and West Virginia, under a continuing contract or contracts with the Ralston Purina Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 114273 (Sub-No. 259), September 2, 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, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 207 and 276 (except oilfield commodities as defined by the Commission in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459, and commodities which because of size or weight require special handling and/or special equipment, from Granite City, Ill. to Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114284 (Sub-No. 74), filed August 23, 1976. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Stockyards Station, Oklahoma City, Okla. 73108. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. 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 Section 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 of MBPXL Corporation located at or near Friona, Tex., to points in Illinois and Iowa; and (2) from the plantsite and storage facilities of MBPXL Corporation located at or near Plainview, Tex., to points in Arizona, California, Illinois, and Iowa, and Las Vegas and Reno, Nev., restricted to the transportation of shipments originating at the plantsites and storage facilities of MBPXL Corporation located at or near Friona and Plainview, Tex., and destined to the named destinations.



## NOTICES

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans. or Dallas, Tex.

No. MC 114293 (Sub-No. 4) (Correction), filed August 4, 1976, published in the FEDERAL REGISTER issue of September 9, 1976, and republished as corrected this issue. Applicant: SOUTHARD TRUCKING CO., INC., P.O. Box 326, Clinton, Ind. 47842. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crushed stone*, from points in Clark County, Ill., to points in Clay, Park, Sullivan, Vermillion and Vigo Counties, Ind.

NOTE.—The purpose of this republication is to indicate the correct commodity sought. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 114552 (Sub-No. 122), filed August 26, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceiling and acoustical systems, parts thereof, and accessories therefor* (except in bulk), from the facilities of Acoustiflex Corporation located at or near Plainfield, Ill., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114569 (Sub-No. 147), filed September 2, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Duane W. Ackle, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tires and tubes, and related items*, from Minneapolis, Minn., Buffalo, N.Y., and points in Allegany County, Md., to points in Nebraska and Pottawattamie County, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr. or Washington, D.C.

No. MC 114604 (Sub-No. 46), filed August 20, 1976. Applicant: CAUDELL TRANSPORT, INC., Building 33 State Farmers Market, P.O. Drawer I, Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between the plantsite and warehouse facilities of Saluto Foods Corporation, located in Montgomery County, Ala., on the one hand, and, on the other, points in Florida, Georgia, Louisiana, Mississippi,

North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 114604 (Sub-No. 47), filed September 2, 1976. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer "T", Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Rd., N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry animal feed* (except in bulk, in tank vehicles), from Red Bay, Ala. and Tupelo, Miss. to points in Florida, Georgia, North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Birmingham, Ala.

No. MC 115311 (Sub-No. 197), filed September 1, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plantsites of Champion International Corporation located at or near Oxford, Miss., to points in Kentucky, Louisiana and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Atlanta, Ga.

No. MC 115730 (Sub-No. 18), filed August 27, 1976. Applicant: THE MICKOW CORP., 113 East 1st St., Ankeny, Iowa 50021. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Muffler clamps, tailpipe hangers, U-bolts, and metal articles* (except commodities the transportation of which because of their size or weight, require the use of special equipment), between the plantsites of Emco Industries, Inc. located in Polk County, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Nebraska, Pennsylvania, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Washington, D.C.

No. MC 115860 (Sub-No. 11), filed September 9, 1976. Applicant: DALBY TRANSFER AND STORAGE, INC., P.O. Box 7187, Colorado Springs, Colo. 80933. Applicant's representative: Raymond M. Kelly, Jr., 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products* (except cement), from points in Chaffee, Fremont and Pueblo Counties, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 115904 (Sub-No. 59), filed September 2, 1976. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, gaskets and related commodities*, used in the installation of plastic pipe and plastic conduit (except commodities as described in *Mercer Extension, Oilfield Commodities*, 74 M.C.C. 459), from the plantsite and storage facilities of the Clow Corporation, located at or near Columbia, Mo., to points in the United States in and west of Iowa, Kansas, Oklahoma, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 115904 (Sub-No. 60), filed September 2, 1976. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulation* made from recyclable newspaper, chemically treated, from Denver, Colo., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic from the facilities of Fuelproof, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 116763 (Sub-No. 356), filed August 30, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk, in tank vehicles), from Allentown, Pa., to Boston, Mass.; Cleveland, Columbus and Cincinnati, Ohio; and points in West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 117068 (Sub-No. 70), filed September 8, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Highway 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Richard C. McGinnis, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe*; and (2) *fittings, cast iron manhole covers, jute, caulking leads, fire hydrants, and waterwork valves*, when

moving in mixed loads with cast iron pipe, from the plantsite and storage facilities of Clow Corporation, located at or near Coshocton, Ohio, to points in Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 117119 (Sub-No. 596), filed September 9, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Campbell Soup Company located at or near Clayton, Del., to the facilities of the Campbell Soup Company located at Modesto and Sacramento, Calif.; Paris, Tex.; Fayetteville, Ark.; Napoleon, Ohio; and Chicago, Ill., restricted to the transportation of traffic originating at and destined to the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 117119 (Sub-No. 597), filed September 3, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Deodorants, disinfectants, cleaning compounds, chemicals, packing materials and equipment* used in processing and packaging of above (except in bulk), in vehicles equipped with mechanical refrigeration, (1) from Carlstadt, N.J. to points in California, Texas, Colorado, Washington, and Oregon; and (2) from St. Peters, Mo. to points in California, Texas, Colorado, Washington and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 118142 (Sub-No. 133), filed September 1, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs* (except commodities in bulk, in tank vehicles); and (2) *frozen meats and meat byproducts* unfit for human consumption (except commodities in bulk, in tank vehicles), from the facilities of Wiscold, Inc., located at or near Beaver Dam, and Milwaukee, Wis., to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, South Carolina, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans. or Kansas City, Mo.

No. MC 118468 (Sub-No. 48), filed September 3, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos wallboard, insulation board, cement pipe and roofing materials* (except commodities in bulk and those which because of size or weight require the use of special equipment), from the facilities of Johns-Manville Sales Corporation, located at or near Waukegan, Ill., and Johns-Manville Perlite Corporation, located at or near Joliet, Ill., to points in Kansas and North Dakota, under a continuing contract, or contracts, with Johns-Manville Sales Corporation.

NOTE.—Applicant holds common carrier authority in No. MC 124813 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119670 (Sub-No. 25), filed Aug. 16, 1976. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Avenue, P.O. Box 32115, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cincinnati, Ohio, to points in Kentucky east and south of a line beginning at the Kentucky-Tennessee line over U.S. Highway 31-E to Bardstown, Ky., thence over U.S. Highway 150 to junction with Kentucky Highway 52 east of Danville, Ky., thence over Kentucky Highway 52 to Richmond, Ky., thence over Kentucky Highway 388 to junction with Kentucky Highway 627, thence over Kentucky Highway 627 to Winchester, Ky., thence over U.S. Highway 60, to Mt. Sterling, Ky., thence over Kentucky Highway 11 to the Kentucky-Ohio line at Maysville, Ky. (except points in Mason and Boyd Counties, Ky., and the Commercial Zones of Bardstown, Danville, Mt. Sterling, and Winchester, Ky.), and points in West Virginia (except points in Brooke, Cabill, Hancock, Kanawha, Ohio, and Wood Counties, W. Va.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 119789 (Sub-No. 299), filed August 30, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood printing paper*, in rolls, from the plantsite and warehouse facilities of Kimberly-Clark Corporation located in Talledega County, Ala., to points in Arkansas, Kansas, Louisiana (except New

Orleans and points in New Orleans Commercial zone), Missouri, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Dallas, Tex.

No. MC 119864 (Sub-No. 67), filed September 9, 1976. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Metal containers and metal container ends*, from the plant and warehouse facilities of Owens-Illinois located in Lucas and Wood Counties, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Pennsylvania, Tennessee and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 119988 (Sub-No. 94) (Amendment) filed June 16, 1976, published in the FEDERAL REGISTER issue of July 8, 1976, and republished as amended this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. 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: *Flat glass products*, (1) from the Ford Motor Company Glass Plant, at or near Tulsa, Okla., to points in New Mexico, Texas, Arizona, Colorado, Utah, Nevada, Washington, Idaho, Montana, and Wyoming, restricted to the transportation of shipments originating at said plantsite; (2) from Seattle, Wash., to points in New Mexico, Texas, Oklahoma, Arizona, Colorado, Utah, Nevada, Idaho, Montana, and Wyoming; and (3) from Denver, Colo., to points in New Mexico, Texas, Oklahoma, Arizona, Utah, Nevada, Washington, Idaho, Montana, and Wyoming.

NOTE.—The purpose of this amendment is to indicate the modification of the territorial description, and to add Texas as a destination point. Applicant holds contract carrier authority in MC 140271, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 119988 (Sub-No. 99), filed August 26, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products and lubricating oils*, in containers, from the plantsite and warehouses of the Mobil Oil Corporation located at or near Beaumont, Tex., to points in Arkansas, Louisiana, Oklahoma and New Mexico; and (2) *empty containers*, from points in

Arkansas, Louisiana, Oklahoma, and New Mexico, to Port Arthur, Tex.

NOTE.—Applicant holds contract carrier authority in No. MC 140271 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 120098 (Sub-No. 29), filed August 30, 1976. Applicant: UINTAH FREIGHTWAYS, a corporation, 1030 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Thomas M. Zarr, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Well drilling compounds*, between points in Colorado, Idaho, Nevada, Utah and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 120761 (Sub-No. 15), filed August 27, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboard products and materials and supplies* used in connection with the installation thereof; and (2) *roofing materials and supplies*, from the warehouse distribution center and storage facilities of Masonite Corporation located at or near Grand Prairie, Tex., to points in Kansas, Louisiana, New Mexico and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 123255 (Sub-No. 82), filed September 9, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic foam products*, from Latrobe, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the plantsite and warehouse facilities of Toyad Corporation located at or near Latrobe, Pa. 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 Columbus, Ohio.

No. MC 123263 (Sub-No. 6), filed August 17, 1976. Applicant: FLOYD R. WANGERIN AND LORRAINE C. WANGERIN, a partnership, doing business as WANGERIN TRUCKING CO., Rural Route No. 2, Stephenson, Mich. 49887. Applicant's representative: Michael S. Varda, 121 South Pinckney

St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bags, from points in Dickinson County, Mich., to points in Illinois, Indiana, Iowa, Minnesota, Missouri and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Green Bay, Wis. or Escanaba, Mich.

No. MC 123424 (Sub-No. 6), filed September 3, 1976. Applicant: POSA, INC., 122-24 Kingsland Avenue, 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: *Glass containers*, between the plantsite and storage facilities of Midland Glass Company, Inc., located at Cliffwood, N.J., and points in New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 124078 (Sub-No. 701), filed September 3, 1976. Applicant: SCHWERMANN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron ore dust compound*, from the facilities of Reiss Viking Corporation, located at or near Monongah, W. Va., to points in Kentucky, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

NOTE.—Applicant holds contract carrier authority in No. MC 113832 (Sub-No. 68), 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 either Chicago, Ill. or Milwaukee, Wis.

No. MC 124078 (Sub-No. 702), filed September 2, 1976. Applicant: SCHWERMANN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink and varnish*, in bulk in tank vehicles, from the plantsite of Flint Ink Corporation, at or near New Albany, Ind., to Glen Burnie, Md.

NOTE.—Applicant holds contract carrier authority in MC 113833 Sub 68, therefore dual operation may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Indianapolis, Ind.

No. MC 125950 (Sub-No. 11) (Correction), filed August 9, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, republished as corrected this issue. Applicant: C.B.S. TRANSPORTATION, INC., 1207 Columbus Circle, Wilmington, N.C. 28401. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Fruit and vegetable containers*, from the facilities of Corbett Package Company, at Wilmington, N.C., and Pierpont-Corbett Box Company, at Savannah, Ga., to points in Tennessee on and east of U.S. Highway 231 (except points in Hamilton County, Tenn.).

NOTE.—The purpose of this republication is to indicate the points in Tennessee are located on and east of U.S. Highway 231. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 126899 (Sub-No. 104), filed September 3, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in containers, from Paducah, Ky., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, Texas and those in Illinois on and south of U.S. Highway 136.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville or Paducah, Ky.

No. MC 126899 (Sub-No. 105), filed September 1, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, in tank vehicles, from Muscatine and Clinton, Iowa, and Atchison, Kans., to Paducah, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville or Paducah, Ky.

No. MC 126899 (Sub-No. 106), filed September 2, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Milwaukee, Wis., and Peoria, Ill., to Akron, Ohio; and (2) *empty malt beverage containers*, on return, from Akron, Ohio; to Milwaukee, Wis., and Peoria, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Akron or Columbus, Ohio.

No. MC 126904 (Sub-No. 18), filed August 19, 1976. Applicant: H. C. PARISH TRUCK SERVICE, INC., a corporation, RFD No. 2, Box 264, Freeburg, Ill. 62243. Applicant's representative: D. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, Clayton, Ohio 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated shipping containers*, from the plantsite of Weyerhaeuser Com-



pany, located at Omaha, Nebr. to Valmeyer, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo.; Chicago, Ill. or Washington, D.C.

No. MC 127187 (Sub-No. 16), filed June 24, 1976. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feed ingredients and animal and poultry health products*, (1) between points in Minnesota, Montana, North Dakota and Wisconsin, on the one hand, and, on the other, points in Arkansas, Iowa, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin and Wyoming and the upper peninsula of Michigan; and (2) between points in Iowa, Illinois, Indiana, Kansas, Minnesota, Missouri, Montana, Nebraska and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 133542 (Sub-No. 11), filed August 6, 1976. Applicant: FLOYD WILD, INC., P.O. Box 91, Route 2, Marshall, Minn. 56258. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets and vanity sets*, in shipper owned or leased trailers, from ports of entry on the International Boundary line between the United States and Canada, at or near Pembina or Portal, N. Dak., to Regina, Saskatchewan, Canada, under contract with Mid-continent Millwork, Inc., at Cottonwood, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 133689 (Sub-No. 81), filed September 8, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry core compounds, adhesives and chemicals* (except in bulk), from Bainbridge, N.Y., to points in Illinois, Indiana, Michigan, Minnesota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133706 (Sub-No. 3), filed September 3, 1976. Applicant: ROBERT L. HARROLD, 215 West Adams Street, Taylorville, Ill. 62568. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain drying and*

*storage equipment and component parts thereof, and harrows*, from Taylorville, Ill., to points in the United States (except Alaska, Georgia, Hawaii, Iowa, Missouri, Minnesota, North Dakota, South Carolina, and Tennessee), for the account of, and under a continuing contract, or contracts with, Baughman-Oster, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 134970 (Sub-No. 8), filed August 17, 1976. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Windows, doors, building woodwork and materials* used in the installation thereof, (1) from the Caradco Co., Division of Scovill, located at or near Rantoul, Ill., to points in Illinois; and (2) from points in Illinois, to the Caradco Co., located at or near Rantoul, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Des Moines, Iowa.

No. MC 135018 (Sub-No. 8), filed August 30, 1976. Applicant: SEAHORSE TRANSPORT, INC., P.O. Box 3707, Brownsville, Tex. 78520. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* utilized in the manufacture, production and distribution of electrical electromechanical, and electronic components (except commodities in bulk, in tank vehicles), from Cairo, Ga. and Selmer, Tenn. to Fayette, Miss. and Brownsville, Tex., restricted to the transportation of traffic either originating at, or destined to the facilities of ITT-Automotive Electrical Products Division and further restricted to service under a continuing contract, or contracts, with ITT-Automotive Electrical Products Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Houston, Tex.

No. MC 135052 (Sub-No. 10), filed August 19, 1976. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, other than expanded, and *materials, equipment and supplies* used in the manufacture and distribution thereof, between the facilities of PPG Industries, located at or near Columbus, Ind., and Newton, N.C., on the one hand, and, on the other, points in Arkansas, Delaware, Illinois, Iowa, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Washington, D.C.

No. MC 135082 (Sub-No. 35), filed August 31, 1976. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, N.E., Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, fire clay, furnace or kiln, refractory products, and commodities* incidental to the installation thereof (except commodities in bulk moving in tank vehicles), between points in Audrain and Callaway Counties, Mo., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Phoenix, Ariz.

No. MC 135751 (Sub-No. 8), filed August 16, 1976. Applicant: ATLANTIC CARRIERS, INC., P.O. Box 284, Atlantic, Iowa 50022. Applicant's representative: A. L. Ross (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of Joseph Schlitz Brewing Co. located at Milwaukee, Wis., to Ace Distributing Co., Inc. located at Atlantic, Iowa, under a continuing contract, or contracts, with Ace Distributing Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr.; Kansas City, Kans.; Minneapolis, Minn. or Chicago, Ill.

No. MC 136321 (Sub-No. 2), filed August 30, 1976. Applicant: JK EQUIPMENT CORPORATION, 151 Fulton Avenue, White Plains, N.Y. 10606. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nails, hardboard, ceiling tile, plywood, insulation board, reinforcing rods, reinforcing mesh, wire, aluminum rolls and sheets, copper rolls and sheets, construction hardware, and hardware cloth*, from points in the New York Commercial Zone, to White Plains and Kingston, N.Y., for the account of, and under a continuing contract, or contracts, with, Miller Supply Corp. and Guardian Purchasing Corp., restricted to the transportation of traffic having a prior movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either White Plains or New York, N.Y.

No. MC 138328 (Sub-No. 30), filed July 14, 1976. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr.

68501. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except commodities in bulk, in tank vehicles), (1) between points in Kansas and Nebraska, on the one hand, and on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington; (2) between points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri and Wisconsin, on the one hand, and, on the other, points in Arizona, California, and Nevada; and (3) from points in Iowa and Minnesota, to points in Arkansas, Oklahoma and Texas; the service sought herein is restricted as follows: (a) against the transportation of soybean meal from Nebraska to points in Idaho and Utah; (b) against the transportation of di-calcium phosphate from Weeping Water, Nebr., to points in Idaho and Utah; and (c) against the transportation of dry feed and feed ingredients from Buhl, Idaho, to points in Nebraska.

NOTE.—Applicant holds contract carrier authority in No. MC 133233 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Des Moines, Iowa.

No. MC 138328 (Sub-No. 31 (correction), filed August 11, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, and republished as corrected this issue. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous scrap metal*, from points in California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming, to the Nucor Steel Mill, located at or near Norfolk, Nebr.

NOTE.—The purpose of this republication is to indicate the above named plantsite as applicant's destination point. Applicant holds contract carrier authority in No. MC 133233 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138536 (Sub-No. 2), filed August 18, 1976. Applicant: METROPOLITAN VAN & STORAGE, INC., 635 Escobar Street, P.O. Box 829, Martinez, Calif. 94553. Applicant's representative: Keith V. Estates (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in California, restricted to the transportation of traffic having a prior or subsequent movement beyond said point in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Oakland, Calif.

No. MC 139017 (Sub-No. 3), filed September 2, 1976. Applicant: HEAD ENTERPRISES, INC., Route 2, Box 88, Adairsville, Ga. 30103. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene plastic child resistant prescription bottles and plastic caps*, from the plantsite of M & M Plastics, Inc., at Chattanooga, Tenn., to Escondido and North Hollywood, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139139 (Sub-No. 3), filed September 8, 1976. Applicant: LESTER GRAY, P.O. Box 372, Bemidji, Minn. 56601. Applicant's representative: Leseer Gray (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and rails*, from Kelliher, Minn., to points in Illinois (except Chicago), Iowa (except Des Moines, Dubuque, Fort Madison, Mason City, and Waterloo), Nebraska, North Dakota (except Bismarck, Fargo and Grand Forks), South Dakota (except Aberdeen and Sioux Falls), and to Fort Smith and Little Rock, Ark.; Michigan City, Ind.; Kansas City, Mo.; Billings, Mont.; Oklahoma City and Tulsa, Okla.; Memphis, Tenn.; Dallas and Fort Worth, Tex.; and Eau Claire and La Crosse, Wis., restricted to traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Duluth, Minn. or Grand Forks, N. Dak.

No. MC 139219 (Sub-No. 3), filed August 12, 1976. Applicant: LANE TRUCKING, INC., 2230 North Range, Dothan, Ala. 36301. Applicant's representative: William K. Martin, 57 Adams Avenue, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in open dump trucks and dump trailers, (1) from the plant sites of Montevallo Limestone Sales, Inc. and Southern Stone Company, Inc., located at or near Maylene (Shelby County), Ala., to points in Calhoun, Jackson, Holmes, Okaloosa, and Santa Rosa Counties, Fla., and points in Calhoun, Decatur, Dougherty, Early, Grady, Miller, Mitchell, Quitman, Randolph, and Seminole Counties, Ga., (2) from points in Lee County, Ala., to points in Calhoun, Dougherty, Early, and Seminole Counties, Ga., and points in Jackson County, Fla.; and (3) from points in Jackson and Santa Rosa Counties, Fla., to points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Pike, and Russell Counties, Ala., restricted against the transportation of ground dolomitic limestone and ground calcium limestone

from Dixie Lime & Stone Company, Jackson County, Fla., to points in Alabama.

NOTE.—Applicant states it intends to tack the requested authority above with its existing irregular route authority in Sub No. (1). (A) at Albany, Ga. to transport the requested commodities above (a) from the plantsites of Montevallo Limestone Sales, Inc., and Southern Stone Company, Inc., located at or near Maylene (Shelby County), Ala., to points in Calhoun, Holmes, Jackson, Okaloosa, and Santa Rosa Counties, Fla., and Calhoun, Decatur, Dougherty, Early, Grady, Quitman, Mitchell, Miller, Randolph, and Seminole Counties, Ga.; and (b) from points in Lee County, Ala., to points in Calhoun, Dougherty, and Early Counties, Ga. and Jackson County, Fla.; and (B) at Dothan, Ala. to transport the requested commodities above, from Jackson and Santa Rosa Counties, Fla. to points in Barbour, Bullock, Coffee, Crenshaw, Covington, Dale, Geneva, Henry, Houston, Pike and Russell Counties, Ala. If a hearing is deemed necessary, the applicant requests it be held at either Dothan, Montgomery or Birmingham, Ala.

No. MC 139482 (Sub-No. 7), filed August 31, 1976. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, County Rd. No. 29 West, New Ulm, Minn. 56073. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, wall board, insulating board, ceiling tile and accessories relating thereto, and materials and supplies, used in the installation thereof*, between Macon, Ga., on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 139495 (Sub-No. 165), filed August 30, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings, connectors and valves*, from Temple, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Boston, Mass.

No. MC 139495 (Sub-No. 166), filed August 30, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from the plantsite and storage facilities of Hartz Mountain Corporation

located at or near Wrens, Ga., to points in Illinois, Kansas, Kentucky, Michigan, Missouri, Texas, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. 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 140389 (Sub-No. 9), filed August 31, 1976. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets and textile products*, from points in Georgia, to points in Arizona, California and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., San Francisco, Calif. or Washington, D.C.

No. MC 140421 (Sub-No. 3), filed August 5, 1976. Applicant: ACTION MOTOR EXPRESS, INC., 8303 Old Gentilly Road, P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, from New Orleans, La. and its Commercial Zone, to Memphis, Tenn. and its Commercial Zone, under a continuing contract or contracts with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 140421 (Sub-No. 9), filed August 12, 1976. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bags and packages and *condiments*, in individual servings, from New Orleans and Arabi, La., and from the warehouse facilities of Amstar Corporation, located at Kenner, La., to points in Alabama, Arkansas, Mississippi and Tennessee, under a continuing contract, or contracts, with Amstar Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 140829 (Sub-No. 16), filed July 19, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk, in tank vehicles); and (2) *equipment, materials and*

*supplies* used in restaurants and cafeterias (except in bulk, in tank vehicles), from points in the United States on and east of Interstate Highway 25, and Interstate Highway 90, between its junction with Interstate Highway 25 and Interstate Highway 15, thence to Interstate Highway 15 between its junction with Interstate Highway 90, and the Canadian border, to Denver, Colo., and Albuquerque, N. Mex.

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141247 (Sub-No. 5), filed September 3, 1976. Applicant: LAWRENCE PILGRIM, doing business as PILGRIM TRUCKING COMPANY, P.O. Box 77, Cleveland, Ga. 30528. Applicant's representative: Jeffrey Kohlman, 1447 Peachtree Street, N.E., Suite 400, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated lumber, and plywood*, from Thomson, Ga., to points in Alabama, Florida, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia, under a continuing contract with Dixie Wood Preserving Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta or Savannah, Ga.

No. MC 141266 (Sub-No. 4), filed September 7, 1976. Applicant: WILLIAM T. AMERSON, doing business as BILL AMERSON TRUCKING, Route 1, Box 305, Georgetown, S.C. 29440. Applicant's representative: Mitchel King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products and supplies*, between the facilities of Oneita Knitting Mills, located at or near Andrews, S.C., on the one hand, and, on the other, the facilities of Porter Mills, division of Oneita Knitting Mills, located at or near Cullman, Ala., under a continuing contract, or contracts, with Oneita Knitting Mills located at or near Cullman, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 141402 (Sub-No. 3), filed August 27, 1976. Applicant: LINCOLN FREIGHT LINES, INC., Indiana State Highway 32, P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and closures and corrugated boxes*, from the plantsite of Star City Glass Company, Universal Glass Products Division, at Joliet, Ill., to St. Louis, Mo., and points in Indiana and Kentucky, under contract with Star City Glass Company, Universal Glass Products Division, at Joliet, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 141748 (Sub-No. 1), filed August 23, 1976. Applicant: JENSON-WILCKEN, INC., P.O. Box "R", Pocatello, Idaho 83201. Applicant's representative: Kenneth G. Bergouist, P.O. Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Metal cans and can ends*, from Ogden, Utah, to points in Ada, Bingham, Bonneville, Canyon, Cassia, Jefferson, Madison, Minidoka and Twin Falls Counties, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 141860 (Sub-No. 1), filed August 11, 1976. Applicant: C. A. CARTER, INC., 239 Broadturn Road, West Scarborough, Maine 04074. Applicant's representative: C. A. Carter (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Scrap metals*, (1) from points in Maine, to points in Connecticut, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) from points in Connecticut, New Hampshire, Massachusetts, Rhode Island, and Vermont, to Saco, Maine, restricted to a transportation performed in (1) and (2) above under a continuing contract or contracts with Saco Steel Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Maine or Boston, Mass.

No. MC 141907 (Sub-No. 3), filed September 3, 1976. Applicant: RAHIER TRUCKING, INC., 1822 South First Street, P.O. Box 3148, Yakima, Wash. 98901. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices*, in cans and bottles, from points in Yakima County, Wash., to Portland, Oreg., and points in Arizona and California, under a continuing contract, or contracts, with Tree Top, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 123556 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 141912 (Sub-No. 7), filed August 30, 1976. Applicant: MIDWEST TRANSPORT, INC., 65 State Street, Hutchinson, Kans. 67505. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc. located at or near Henryetta, Okla., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota,



## NOTICES

Oklahoma, South Dakota, Tennessee, Texas, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with (10) other shippers at either Oklahoma City, Okla. or Tulsa, Okla.

No. MC 141991 (Sub-No. 2), filed September 7, 1976. Applicant: JAMES R. BLACKMON, doing business as BLACKMON HAULERS, Rt. 1, Box 169, Calera, Ala. 35040. Applicant's representative: James R. Blackmon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural lime, sand, gravel, crushed stone and coal*, in dump vehicles, between points in Alabama, on the one hand, and, on the other, points in Georgia, Florida, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 142109 (Sub-No. 1), filed August 20, 1976. Applicant: BRUCE MATTLA TRUCKING, 5601 E. Glenmore Road, Minnetonka, Minn. 55343. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and zinc waste and scrap, flux and silicon*, from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, North Dakota, South Dakota, and Wisconsin, to Rosemount, Minn.; and (2) *recycled aluminum and zinc* (except commodities moving in dump vehicles), from Rosemount, Minn., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, North Dakota, South Dakota, and Wisconsin, under a continuing contract or contracts with Spectro Alloys Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 142204 (Sub-No. 3), filed September 7, 1976. Applicant: ROBERT R. GUNVILLE, JR., P.O. Box 27, Iron Mountain, Mich. 49801. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Escanaba and Gladstone, Mich., to Niagara, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 142208 (Sub-No. 1), filed August 20, 1976. Applicant: CLIFFORD J. McINTOSH, 29678 Vlaeminck Road, Rt. 8, Elkhart, Ind. 46514. Applicant's representative: Clifford J. McIntosh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and fifth wheel trailers* via towaway, from Bristol, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Wayne or Indianapolis, Ind.

No. MC 142212 (Sub-No. 1), filed August 17, 1976. Applicant: COUTURE TRANSPORT, INC., Box 279, Saranac, N.Y. 12981. Applicant's representative: Neil D. Breslin, 99 Washington Ave., Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum poles and related parts*, between the Village of Champlain, N.Y., on the one hand, and, on the other, points in Connecticut, Florida, Georgia, Illinois, Indiana, Louisiana, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas and Wisconsin, under a continuing contract or contracts with Pole-Lite Industries Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 142227 (Sub-No. 2), filed August 13, 1976. Applicant: W. EARL HUMPHRIES, doing business as BUSPAK, 212 East Daniel Morgan Avenue, Spartanburg, S.C. 29301. Applicant's representative: W. Earl Humphries (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Spartanburg County, S.C., in packages not to exceed 200 pounds in weight, restricted against the transportation of packages or articles weighting in the aggregate more than 1,000 pounds.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Spartanburg or Greenville, S.C.

No. MC 142245, filed July 6, 1976. Applicant: NATIONWIDE TRUCK BROKERS, INC., 2101 Martindale Ave., S.W., Wyoming, Mich. 49509. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Bldg., Grand Rapids, Mich. 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice and apple cider* in bottles, jars, and cans, from Fremont, Mich., to Rogers, Ark.; Delta and Denver, Colo.; Albert Lea, Hopkins, Minneapolis, Roseville, St. Paul, and Thief River Falls, Minn.; Kansas City, Hazelwood and Springfield, Mo.; Bismarck and Fargo, N. Dak.; Milwaukee and Stevens Point, Wis. and Chicago, Ill., under a continuing contract or contracts with Speas Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich.

No. MC 142251, filed June 7, 1976. Applicant: ILL-MO AIR FREIGHT, INC., 9339 Woodson Terrace Industrial Court, St. Louis, Mo. 63134. Applicant's representative: Daniel A. Gallagher, Suite 2210, 180 North LaSalle Street, Chicago, Ill. 60601. 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 those requiring special equipment), between O'Hare International Airport, Chicago, Ill.; Lambert Field, St. Louis, Mo., and Kansas City International Airport, Kansas City, Mo.; points in Adams, Brown, Schuyler, Pike, Cook, Scott, Morgan, Cass, Mason, Menard, Logan, De Witt, Macon, Piatt, Champaign, Vermillion, Sangamon, Christian, Moultrie, Douglas, Edgar, Coles, Shelby, Clark, Cumberland, Montgomery, Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Fayette, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Marion, Clinton, St. Clair, Monroe, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties, Ill., and points in Warren, St. Louis, St. Charles, Franklin, Jefferson, Ste. Genevieve, St. Francois, Perry, Iron, Reynolds, Madison, Bolinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, New Madrid, Dunkin, Pemiscot, Butler, Ripley, Carter, Washington, Crawford, Phelps, Maries, Miller, Glasconade, Osage, Cole, Morgan, Moniteau, Callaway, Cooper, Boone, Montgomery, Lincoln, Pike, Audrain, Saline, Howard, Chariton, Macon, Randolph, Shelby, Monroe, Marion, Ralls, Lewis, Jackson, and Platte Counties, Mo., restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or at St. Louis, Mo.

No. MC 142258, filed June 16, 1976. Applicant: DALE BLAND TRUCKING, INC., R.R. No. 1, Switz City, Ind. 47465. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and dry commodities*, in bulk, between the Southwind Maritime Centre, at or near Mount Vernon (Posey County), Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.; Washington, D.C.; or Chicago, Ill.

No. MC 142279 (Sub-No. 1), filed August 10, 1976. Applicant: RAY A. REICH, an individual, doing business as RAY REICH TRUCKING CO., Route 1, Box 133F, Forest Hill, La. 71430. Applicant's representative: Wallace H. Nations, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products; wood and wood products, forest products and mill work; lumber, timbers,*

*piling, poles, posts and cross ties*, treated and untreated, between points in Rapides Parish, La., on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi and Texas, under a continuing contract or contracts with Roy O. Martin Industries, Inc., and its subsidiaries, Dura-Wood Treating Company and Colfax Creosoting Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baton Rouge or New Orleans, La., or Dallas, Tex.

No. MC 142342 (Sub-No. 1), filed September 8, 1976. Applicant: AGGREGATE TRANSPORT, INC., P.O. Drawer P, Albany, Ga. 31702. Applicant's representative: J. Michael May, Suite 400, 1447 Peachtree Street, N.E., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Atlanta, Eden and Thomasville, Ga., to points in Alabama, Florida, Kentucky, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 142354 (Sub-No. 1), filed September 2, 1976. Applicant: ALL-WAYS TRUCKING CO., INC., 7737 Hampton Blvd., Norfolk, Va. 23505. Applicant's representative: Henry U. Snavelly, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, in containers having a subsequent movement by water, from the facilities of the Hoerner Waldorf Corporation located at Roanoke Rapids, N.C., to Norfolk, Va.; and (2) *empty containers*, from Norfolk, Va., to the facilities of the Hoerner Waldorf Corporation located at Roanoke Rapids, N.C., under a continuing contract or contracts with the Hoerner Waldorf Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Norfolk, Va.

No. MC 142382 (Sub-No. 2), filed September 3, 1976. Applicant: SCHIERDING CO., 3690 W. Clay, St. Charles, Mo. 63301. Applicant's representative: James E. Schierding (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty return containers*, between the facilities of the Pabst Brewing Co., located at Peoria, Ill., on the one hand, and, on the other, St. Charles, Union and St. Louis, Mo., under a continuing contract, or contracts, with Ed Windler & Sons Inc.; Quality Beverage Distributing Co.; and Jim's Distributing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Jefferson City, Mo.

No. MC 142386 (Sub-No. 1), filed August 24, 1976. Applicant: HEDLEY BENNETT TRUCKING LIMITED, 1681 Pension Lane, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 783 Investment Building,

Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet brewers' grain*, in bulk, in sealed, dump vehicles, from ports of entry on the International Boundary Line between the United States and Canada located at or near Buffalo, N.Y., and Detroit and Port Huron, Mich., to points in New York and Michigan, under a continuing contract, or contracts, with Miracle Feeds, A Division of Ogilvie Mills, Ltd., located in Ontario, Canada, restricted to foreign commerce and to traffic originating at the facilities of Labatt Breweries Ontario Limited, located at Toronto, Ontario, Canada, and London, Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 142400, filed August 16, 1976. Applicant: NICHOLS TRUCKING, INC., 295 Broad St., Manchester, Conn. 06040. Applicant's representative: Gerald A. Joseloff, 80 State St., Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New tires and tire tubes*, from Memphis, Tenn., to Manchester and West Haven, Conn.; Cranston, R.I.; Everett, East Earl and Franconia, Pa., and Clinton, Md., under a continuing contract or contracts with Mohawk Rubber Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn. or Washington, D.C.

No. MC 142404, filed August 19, 1976. Applicant: BAYSIDE MOVING & STORAGE, INC., 316 West 30th Street, National City, Calif. 92050. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Riverside, Los Angeles, Orange, San Bernardino, Ventura, Imperial and San Diego Counties, Calif., restricted to the transportation of traffic 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 packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142407, filed August 19, 1976. Applicant: ROLL-ON, INC., P.O. Box 1962, Clovis, N. Mex. 88101. Applicant's representative: Richard Hubbert, 1607 Broadway, Lubbock, Tex. 79408. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat by-products, and articles* distributed by meat packing houses (except hides and commodities in bulk), from the plantsite of Great Western Meat Company, located near Morton, Tex., to

points in the United States (except Alaska and Hawaii), for export only, under continuing contract, or contracts, with Great Western Meat Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lubbock, Tex. or Clovis, N. Mex.

No. MC 142413 (Sub-No. 1), filed August 20, 1976. Applicant: ROBERT STEVEN IRWIN, 422 Connell Road, Valdosta, Ga. 31601. Applicant's representative: John H. Wilbur, 1700 Barnett Bank Building, Jacksonville, Fla. 32201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roof and floor joists, and materials, accessories and completed products thereof*, from Valdosta, Ga., to points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Texas; and (2) *lumber, plywood, metal materials and supplies*, used in the manufacture, packaging, transporting and distribution of the commodities named in (1) above, on return, under a continuing contract, or contracts, with Trus Joint Corporation, and restricted in (1) and (2) above to traffic moving on shipper-owned trailers.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Valdosta, Ga.

No. MC 142416 (Sub-No. 1), filed August 7, 1976. Applicant: HAMILTON TRANSFER STORAGE & FEEDS, INCORPORATED, Highway 26 West, Torrington, Wyo. 82240. Applicant's representative: Rufus Paul Brott (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, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Cheyenne, Wyo. and Casper, Wyo.: From Cheyenne over Interstate Highway 25 to Casper, serving all intermediate points and serving off route points of Natrona County Airport approximately ten miles west of Casper over U.S. Highway 26 including intermediate points; Wardell Airfield site approximately ten miles north of Casper, Wyo., over Interstate Highway 25, including all intermediate points; and Paradise Valley approximately ten miles southwest of Casper over U.S. Highway 220 including all intermediate points; and the off route points of the Exxon Company U.S.A. ten miles north of Douglas, Wyo. on Wyoming State Highway 59, including all intermediate points; (2) Between Cheyenne, Wyo. and Torrington, Wyo.: From Cheyenne over U.S. Highway 85 to Torrington, serving all intermediate points, and serving all off route points in Laramie County east of U.S. Highway 85 and all points in Goshen County; (3) Between Torrington, Wyo. and Junctions of U.S. Highway 26 and Interstate Highway 25 west of Dwyer, Wyo.: From Torrington over U.S. Highway 26 to Junctions of U.S. Highway 26 and Interstate Highway 25,

## NOTICES

serving all intermediate points and all off route points in Platte County, Wyo., east of Interstate Highway 25; and (4) Between Lingle, Wyo. and Orin Junction, Wyo., via Lusk, Wyo.: From Lingle over U.S. Highway 85 to Lusk, and thence over U.S. Highway 20 to Orin Junction, serving all intermediate points and off route points of Lance Creek, Wyo., including in (1) through (4) above the commercial zones of all points proposed to be served.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Casper or Cheyenne, Wyo.

No. MC 142420 (Sub-No. 1), filed August 30, 1976. Applicant: INTERNATIONAL TRAFFIC DEVELOPMENT, INC., 2000 N.W. 70th Avenue, Miami, Fla. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles, which, because of size or weight require special handling and special equipment, Classes A and B explosives, commodities requiring refrigeration, household goods, livestock, and commodities in bulk), between Miami, Fla., and the Miami, Fla. Commercial Zone, having a prior or subsequent movement by water, under contract with Florida International Forwarders, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 142424, filed September 1, 1976. Applicant: EUGENE F. LADE, 728 Plymouth Street, Holbrook, Mass. 02343. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Food service equipment*, uncrated, from Boston, Mass., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia, under a continuing contract, or contracts, with Serve-O-Lift Corporation and Eastern Steel Rack Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141426 (Sub-No. 1), filed September 1, 1976. Applicant: WHEATON CARTAGE CO., a corporation, Millville, N.J. 08332. 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 contract carrier, by motor vehicle, over irregular routes, transporting: *Glass, metal, plastic, paper, wax, and wood products, foodstuffs, anti-pollution and bio-chemical apparatus products* used in radiological research, *organic chemistry, kits, clay, talc, feldspar, clay products, feldspar products, candles, pottery, chinaware, ceramics, gifts, items, materials and supplies* used in the repair and maintenance of boats, *machinery*

*and machine parts, presses, molders, bottle coating systems, parts and accessories* for all the above-described commodities, and *materials, equipment and supplies* used or useful in the production, fabrication, sale, distribution, assembly, finishing, coating, pressing, maintenance, and molding of the above-named commodities, between the facilities utilized by Wheaton Industries, Dorchester, Industries, Inc., and Decora, Inc., located in Atlantic, Cape May, Cumberland, Gloucester, Mercer and Ocean Counties, N.J., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington, restricted against the transportation of commodities in bulk, in tank vehicles; and further restricted to a service to be performed under a continuing contract or contracts with Wheaton Industries, Dorchester Industries, Inc., both of Millville, N.J. and Decora, Inc., of Williamstown, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142428, filed August 26, 1976. Applicant: CENTRAL DISPATCH, INC., 650 Manhattan Street, Harvey, La. 70058. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Engine and motor parts, and equipment and parts thereof*, used on ships and ocean going vessels for the operation, maintenance and safety of such ships and vessels, between points in the Parishes of Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, East Baton Rouge, Iberville, West Baton Rouge, and Calcasieu Parish, La., points in Harrison County, Miss., Orange and Jefferson Counties, Tex., and Bay Town, Houston, Galveston, Corpus Christie, Texas City and Freeport, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 142433, filed August 31, 1976. Applicant: F. V. T. TRUCKING, INC., 106 Howard Drive, Williamstown, N.J. 08094. Applicant's representative: L. Agnew Myers, Jr., Suite 406-08 Walker Building, 734-15th Street, N.W., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulating material*, viz: mineral wool, from the plant facilities and warehouse locations of Certain-Teed Products Corporation, CSG Group, located at points in Carbon, Lackawanna, Luzerne and Schuylkill Counties, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 142438, filed August 23, 1976. Applicant: MIDLAND CARRIERS, INC., R.D. No. 3, Alverton, Pa. 15612. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Conduit outlet boxes, structural braces and components* used in the installation thereof, electrical plugs and receptacles and parts, (1) from the plantsite and warehouse facilities of Midland-Ross Corporation, Electrical Products Division, located at Pittsburgh, Pa., and Leetsdale, Pa., to Atlanta, Ga.; Cincinnati, Ohio; Broadview, Ill.; Carteret, N.J.; and Boston, Mass.; (2) from the named plantsite located at Athens, Tenn., to Atlanta, Ga.; Cincinnati, Ohio; Broadview, Ill.; Carteret, N.J.; Pittsburgh and Leetsdale, Pa.; and Boston, Mass., under a continuing contract, or contracts, with Midland-Ross Corporation, Electrical Products Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 142442, filed September 1, 1976. Applicant: CUSTOM SKIN COMPANY, 2800 North Bell Street, San Angelo, Tex. 76901. Applicant's representative: Richard Hubbert, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal hides and skins and pieces thereof*, (1) from Brownwood, Tex., Denver and Greeley, Colo., Cedar Rapids, Iowa, Albert Sea, Minn., Scottsbluff, Nebr., and Chino, Calif., to the plantsite of A. C. Lawrence Leather Company, located at or near Winchester, N. H.; (2) from Brownwood, Tex., to San Angelo, Tex., Denver, Colo., Scottsbluff, Nebr., and ports of entry on the International Boundary line between the United States and Canada, located at points in Michigan and New York; (3) from Scottsbluff, Nebr. and Sioux Falls, S. Dak., to the plantsite of Southern Wool & Skin Company, located at or near San Antonio, Tex.; (4) from the plantsite of Southern Wool & Skin Company, located at or near San Antonio, Tex., to the plantsite of Southern Wool and Skin Company, located at or near Boston, Mass.; (5) from Chino, Calif., and Denver, Colo., to the Plantsite of Trietel & Co., located at or near San Antonio, Tex.; (6) from Columbus, Ohio; Denver, Colo., Philadelphia, Pa., St. Paul, Minn., Fort Wayne, Ind., Cedar Rapids, Iowa, Emporia, Kans., to the ports of entry on the International Boundary line between the United States and the Republic of Mexico located at points in Texas, and to Houston, Tex., and Los Angeles, Calif., for export only; (7) from a line bounded by the Texas-Oklahoma Boundary line and U.S. Highway 83 in a southerly direction to its junction with U.S. Highway 380, thence west along U.S. Highway 380 to the Texas-New Mexico Boundary line, to points in Houston, Tex. and Los Angeles, Calif., for export only; (8) from Brownwood, Tex., and Denver, Colo., to the



plantsite of Henry S. Grossman & Company, located at or near Los Angeles, Calif.; and (9) from Brownwood, Tex., Chino, Calif., and Denver, Colo., to the plantsite of Great Lakes Tanning Co., located at or near Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Austin or Dallas, Tex.

No. MC 142446, filed August 27, 1976. Applicant: K & T TRANSPORT, INC., R.R. No. 1, Wyalusing, Pa. 18853. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of J. V. Taylor, Inc., at Wyalusing, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142447, filed August 20, 1976. Applicant: LOUISIANA - PACIFIC TRUCKING COMPANY, P.O. Drawer AB, New Waverly, Tex. 77358. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Wood chips, pine and hardwood chips*, from points in Louisiana and Texas to points in Calcasieu Parish, La., under a continuing contract, or contracts, with Louisiana Pacific Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 142449, filed August 26, 1976. Applicant: SPEEDWAY HAULERS, INC., P.O. Box 1463, South Bend, Ind. 46624. Applicant's representative: James L. Beattey, 130 East Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Indiana on and north of U.S. Highway 40 (except Indianapolis, Ind.), on the one hand, and, on the other, rail ramps presently situated at Elkhart and Fort Wayne, Ind., and Chicago, Ill., restricted to traffic having a prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either South Bend or Indianapolis, Ind.

No. MC 142452, filed September 1, 1976. Applicant: RIMAR TRANSPORT, a corporation, 850 Curie Road, North Brunswick, N.J. 08902. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a contract carrier, by motor

vehicle, over irregular routes, transporting: *Expanded plastic foam insulating material*, from Linden, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, under a continuing contract, or contracts, with Apache Foam Products Division of Millmaster Onyx Corp.

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 142463, filed August 9, 1976. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, P.O. Box 567, Sioux City, Iowa 51102. 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: (1) *Hides*, from Sioux City, Iowa and its Commercial Zone, to points in Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin; (2) *hides*, from Minnesota, North Dakota and South Dakota, to Sioux City, Iowa and its Commercial Zone; and (3) *iron and steel, iron and steel products and articles, metal conduit, copper wiring, copper tubing, fiber glass products, and aluminum and aluminum products*, from points in Colorado, Illinois, Indiana, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, Texas, West Virginia and Wisconsin, to Sioux City, Iowa and its Commercial Zone, restricted in (1), (2) and (3) above to the transportation of traffic originating at the named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 135117 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa or Omaha, Nebr.

#### PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 219), filed August 24, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) Between the junction of Interstate Highway 94 and Business Route Interstate Highway 94 east of Benton Harbor, Mich. and the junction of Interstate Highway 94 and Business Route Interstate Highway 94 south of St. Joseph, Mich., serving all intermediate points: From the junction of Interstate Highway 94 and Business Route Interstate Highway 94 over Interstate Highway 94 to its junction with Business Route Interstate Highway 94 and return over the same route. (2) Between the junction of Interstate Highway 94 and Business Route Interstate Highway 94

east of Benton Harbor, Mich., and Benton Harbor, Mich. serving all intermediate points: From the junction of Interstate Highway 94 and Business Route Interstate Highway 94 over Business Route Interstate Highway 94 to Benton Harbor, Mich., and return over the same route. (3) Between the junction of Interstate Highway 94 and Michigan Highway 139 and Benton Harbor, Mich., serving all intermediate points: From the junction of Interstate Highway 93 and Michigan Highway 139 over Michigan Highway 139 to its junction with unnumbered highway, thence over unnumbered highway to Benton Harbor, Mich., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Benton Harbor, Mich.

No. MC 61335 (Sub-No. 14), filed September 2, 1976. Applicant: TRANSBRIDGE LINES, INC., P.O. Box 146, Phillipsburg, N.J. 08865. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at points in Lehigh, Monroe, and Northampton Counties, Pa., and points in that part of Bucks County, Pa., on and east of U.S. Highway 611 from Doylestown, Pa. to the county line near Riegelsville, Pa., and on and north of U.S. Highway 202 from Doylestown, Pa. to New Hope, Pa., and extending to the plantsite of the New Jersey Sports and Exposition Authority, located at or near East Rutherford, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Allentown, Pa.

No. MC 125076 (Sub-No. 8), filed August 31, 1976. Applicant: SUPERIOR BUS SERVICE, INCORPORATED, doing business as TRAVELINES UNITED, 4450 Newbern Drive, New Acres, Knotts Island, N.C. 27950. Applicant's representative: Michael A. Inman, Suite 211 Pembroke Four Bldg., Pembroke Office Park, Virginia Beach, Va. 23462. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at Chesapeake, Norfolk, Portsmouth, Virginia Beach, Hampton, and Newport News, Va., and Gibbs (Currituck County), N.C., 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 either Norfolk or Chesapeake, Va.

No. MC 140390 (Sub-No. 3), filed September 8, 1976. Applicant: DAVID P. DUBERSTEIN, doing business as DAYBROOK BUS LINES, 4178 Saylor Street, Dayton, Ohio 45416. Applicant's representative: Edgar M. Hymans, 1587 Elizabeth Place, Cincinnati, Ohio 45237. Authority sought to operate as a common

carrier, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *Passengers and their baggage, and express and newspapers* in the same vehicle as passengers, (1) Between Dayton, Ohio and Xenia, Ohio, serving all intermediate points: From Dayton, Ohio, over the Dayton-Xenia Pike, to junction U.S. Highway 35, and thence over U.S. Highway 35 Xenia, Ohio; and (2) Between Dayton, Ohio and Lewisburg, Ohio, serving all intermediate points: From Dayton, Ohio over Wolf Creek Pike to Stillwater Junction, thence over Olive Road to Trotwood, Ohio; thence over Free Pike and Main Street to junction with Wolf Creek Pike, thence over Wolf Creek Pike to Brookville, Ohio, thence over Arlington Pike to junction U.S. Highway 40 (the National Road) to Lewisburg, Ohio. (B) Irregular routes: *Passengers and their baggage*, in the same vehicle with passengers, in one-way and round-trip charter and group operations, (1) from all points on the two (2) above described regular routes (except Dayton and Xenia, Ohio), to points in the United States (except Alaska and Hawaii); (2) from points in Madison and Perry Townships, and Montgomery County, Ohio, on and north of Little Richmond Road, to points in the United States (except Alaska and Hawaii); and (3) from points in Preble County, Ohio, on and north of U.S. Highway 40, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dayton or Columbus, Ohio.

No. MC 141875 (Sub-No. 2), filed August 19, 1976. Applicant: CURRIE BUS LINES, LTD., P.O. Box 1300, Merritt, British Columbia, Canada VOK 2B0. Applicant's representative: Henry C. Winters, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and round-trip sightseeing and pleasure tours, and round-trip charter operations, between ports of entry on the International Boundary line between the United States and Canada, located at points in Idaho and Washington, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to traffic originating at or destined to Merritt or Princeton, in the Providence of British Columbia, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bellingham or Seattle, Wash.

No. MC 142089, filed May 20, 1976. Applicant: GOOD NEWS TAXI SERVICE INC., 64 Ransler Drive, West Seneca, N.Y. 14224. Applicant's representative: James M. Lanzerio, 261 North Seine Drive, Cheektowaga, N.Y. 14227. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, who are railroad crews, and their baggage*,

limited to the transportation of not more than 5 passengers in any one vehicle, not including the driver thereof, between points in Erie County, N.Y., on the one hand, and, on the other, Altoona, Bradford, Erie, Ronova, and Sayre, Pa.; Cleveland, Ashtabula, and Arkon, Ohio, and the port of entry on the International Boundary line between the United States and Canada, located at Buffalo, N.Y., under contract with Consolidated Rail Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., New Haven, Conn., or Albany, N.Y.

No. MC 142259, filed June 21, 1976. Applicant: JACK D. STEEL, 322 East Mountain View Drive, Sheridan, Wyo. 82801. Applicant's representative: Robert Connor, Jr., 40 South Main St., Sheridan, Wyo. 82801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, round-trip, sightseeing, and pleasure tours, beginning and ending in Wyoming and extending to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sheridan or Casper, Wyo.

#### BROKER APPLICATIONS

No. MC 130395, filed June 23, 1976. Applicant: TOUR WEST, INC., 270 South State St., Orem, Utah 84057. Applicant's representative: Byron L. Stubbs, 530 East Fifth South, Salt Lake City, Utah 84102. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Orem, Utah, to sell or offer to sell the transportation of *Passengers and their baggage*, in groups, in special and charter operations, by motor carrier, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 130403, filed August 17, 1976. Applicant: EDNA J. LAWTON, doing business as LAWTON'S TRAVEL SERVICE, 103 Ingalls Road, Fort Monroe, Va. 23651. Applicant's representative: Edna J. Lawton (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Fort Monroe, Va., to sell or offer to sell the transportation of individual *passengers and their baggage*, in charter operations, in sightseeing and pleasure tours, by motor, air, water, and rail carriers, beginning and ending at Hampton, Va. and extending to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Richmond or Norfolk, Va.

#### 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 carrier or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12986. Authority sought for control and merger by ALL-AMERICAN, INC., 900 West Delaware, Sioux Falls, S.D., 57104, of the operating rights and properties of MID-CONTINENT FREIGHT LINES, INC., 2711 Fairview Avenue, North St. Paul, MN 55113. Applicants' attorneys: Carl L. Steiner, 39 S. LaSalle Street, Chicago, IL 60603 and William R. Busch, 803 Degree of Honor Bldg., St. Paul, MN 55101. Operating rights and properties sought to be controlled and merged: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over regular routes serving Portage, Ind., as an off-route point in connection with carrier's regular-route operations to and from Chicago, Ill. *General commodities*, except those of unusual value, classes A and B Explosives and ammunition and component parts of ammunition, however classified, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between El Reno, Okla. and Tulsa, Okla.; between Tulsa, Okla. and Kansas City, Mo.; between Tulsa, Okla. and junction U.S. Highways 169 and 160, near Cherryvale, Kans.; between junction U.S. Highway 66 and Alternate U.S. Highway 66, and Chicago, Ill.; between Oklahoma City, Okla. and Kansas City, Mo.; between El Reno, Okla. and Pond Creek, Okla.; between Pond Creek, Okla. and Bartlesville, Okla.; between Lincoln, Ill. and Savanna Ordnance Depot or Proving Ground, Ill.; between Peoria, Ill. and Rock Island, Ill.; between Dallas, Tex. and Oklahoma City, Okla.; between Duncan, Okla. and El Reno, Okla.; between Kansas City, Mo. and junction U.S. Highway 69 and 65, near Albert Lea, Minn.; between junction U.S. Highways 69 and 65 at or near Albert Lea, Minn. and St. Paul, Minn.; between Chicago, Ill. and St. Paul, Minn.; between Green Bay, Wis. and St. Paul, Minn.; between Chicago, Ill. and Green Bay, Wis.; between junction U.S. Highways 66 and 24



near Cheno, Ill. and Kansas City, Mo.; between Cheno, Ill. and junction U.S. Highway 66 and Alternate U.S. Highway 66; between Rock Island, Ill. and St. Paul, Minn.; between Augusta, Kans. and Wichita, Kans. The service authorized over the above regular routes is as follows:

(a) Between Enid, Ponca City, Bartlesville, and Oklahoma City, Okla. on the one hand, and, on the other, Dallas, Tex., serving no other points, intermediate or terminal, except the intermediate points specified in (b) below. (b) Between points in Oklahoma on the above-described routes on the one hand, and, on the other, Kansas City, Mo., Wichita, and Augusta, Kans., Chicago, Joliet, Rock Island, and Peoria, Ill., St. Paul, Minn., Green Bay, Manitowoc, La Crosse, and Milwaukee, Wis., serving no other points intermediate or terminal. Serving on Route No. 10 is limited to service at Ardmore, Pauls Valley, and Norman, Okla. (c) The above-described rights shall be restricted to preclude the transportation of any traffic between the two terminal points of Dallas, Tex. and St. Louis, Mo., and between St. Louis and Dallas on the one hand, and, on the other, Tulsa and Oklahoma City, Oklahoma. Alternate routes for operating convenience only: *General commodities*, except those of unusual value, classes A and B explosives, and ammunitions and component parts of ammunition, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U.S. Highways 66 and 24, near Cheno, Ill. and Dallas, Tex., in connection with carrier's regular-route operations, serving no intermediate points; between Minneapolis, Minn. and Tulsa, Okla., in connection with carrier's regular-route operations, serving no intermediate points; between Tulsa, Okla. and Dallas, Tex., in connection with carrier's regular-route operations, serving no intermediate points; between Minneapolis, Minn. and Dallas, Tex., in connection with Carrier's regular route operations, serving no intermediate points; between Rock Island, Ill. and junction U.S. Highways 61 and 24 at or near Taylor, Mo., in connection with carrier's regular-route operations, serving no intermediate points, and serving the junction U.S. Highways 61 and 24 near Taylor as a point of joinder only; between Rock Island, Ill. and Chicago, Ill., in connection with carrier's regular-route operations, serving no intermediate points; between Rock Island, Ill. and Milwaukee, Wis., in connection with Carrier's regular-route operations, serving no intermediate points with restrictions. *Glass containers* over irregular routes from Sand Springs, Okla., to points in Missouri (except Joplin, St. Louis, and Springfield, Mo.), and Illinois (Except Flora, Salem, Vandalia, and Effingham, Ill.) with no transportation for compensation on return except as otherwise authorized. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right. *General commodities*, with exceptions between points in that

part of Illinois on and north of U.S. Highway 36.

*General commodities*, with exceptions between Minneapolis, St. Paul, St. Louis Par, Hopkins, Robbinsdale, Columbia Heights, Golden Valley, Fort Snelling, Brooklyn Center, McCarron's Lake Richfield, New Brighton, Morningside, Fridley, Edina, Redrock, Brownale, North St. Paul, South St. Paul, West St. Paul, Invergrove Heights, St. Paul Park, Mendota, State Fair Grounds, Newport, and points in Rose Township, Ramsey County, Minn., with restrictions. *General commodities*, with exceptions over regular routes serving the facilities of Western Electric Company, Inc., at or near Goddard, Kans., as an off-route point in connection with carrier's authorized regular-route operations between Augusta and Wichita, Kans. Vendee is authorized to operate as a common carrier in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Wisconsin, and Wyoming. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-12983. Authority sought for purchase by **TIMBER TRUCKING, INC.**, 4235 South 300 West, Salt Lake City, UT 84107, of a portion of the operating rights of **F-B TRUCK LINE COMPANY**, 1945 South Redwood Road, Salt Lake City, UT 84104, and for acquisition by **DAVID R. DAVIDSON, JR.**, 4641 Holly Lane, Salt Lake City, UT 84117, of control of such rights through the purchase. Applicants' attorney: Miss Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Operating rights sought to be transferred: *Salt and Salt products*, as a common carrier over irregular routes from Flux, Lake Point, and Saltair, Utah, to points in Oregon and Washington, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *contract carrier* in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-12982. Authority sought for control by **JOHN SCHMITZ** and **JEFFREY MAYNARD**, individuals, 338 South 17th Street, Milwaukee, WI 53233, of **LANG CARTAGE CORP.**, 338 South 17th Street, Milwaukee, WI 53233. Applicants' attorney: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Operating rights sought to be controlled: *General commodities*, with exceptions as a *contract carrier* over irregular routes from Milwaukee, Wis., to dealers of Stanley Home Products, Inc., located at points in Door, Oconto, Shawano, Brown, Dodge, Racine, Outagamie, Winnebago, Manitowoc, Calumet, Waukesha, Kewaunee, Fond du Lac, Sheboygan, Washington, Ozaukee, Milwaukee, Waupaca, Kenosha, Jefferson, Walworth, Rock Marquette, Waushara, Portage, Columbia, Green Lake, Menomonie, Marathon,

Langlade, Dane, Green, and Sauk Counties, Wis., with no transportation for compensation on return except as otherwise authorized. *Such merchandise* as is dealt in by retail mail order houses, from La Crosse, Wis., to points in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmsted, Fillmore, and Waseca Counties, Minn., and *Returned shipments* of the next above described commodities, from points in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmsted, Fillmore, and Waseca Counties, Minn., to La Crosse, Wis., with restrictions. *Such merchandise* as is dealt in by wholesale business houses (except in bulk, in tank vehicles), from the plant site and storage facilities of McKesson & Robbins Drug Co., at West Allis, Wis., to points in Boone, De Kalb, Du Page, Kane, Lake, McHenry, Ogle, Stephenson, and Winnebago Counties, Ill., with no transportation for compensation on return except as otherwise authorized, with restrictions. John Schmitz and Jeffrey Maynard holds no authority from this Commission. However, John Schmitz is a controlling stockholder of Hennes Erecting Company, Inc., a Wisconsin Corporation, under certificate No. MC 141785, which is authorized to operate as a common carrier in Wisconsin and Illinois. John Schmitz also owns 25% interest in Hennes Trucking Co., an Ohio corporation under certificate No. MC 111862 and various subs which is authorized to operate as a contract carrier in Ohio, West Virginia, Indiana, Kentucky, Pennsylvania, Iowa, Arkansas, Illinois, Kansas, Michigan, Missouri, Oklahoma, Tennessee, Wisconsin, Nebraska, South Dakota, North Dakota, and Minnesota. Application has not been filed for temporary authority under Section 210a(b).

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights applications are filed in connection with pending finance application under Section 5 (2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR §1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.



No. MC 2229 (Sub-No. 196), filed August 20, 1976. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247. Applicant's representative: Russell R. Sage, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. 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 points in Bernalillo, Colfax, Curry, DeBaca, Guadalupe, Harding, Las Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, and Valencia Counties, N. Mex., restricted (a) against service between Albuquerque and Belen, N. Mex., and (b) to the transportation of packages or articles weighing 500 pounds or less.

NOTE.—The purpose of this filing is to join (by tacking) the separate paragraphs of the vendor's authority which is the subject of the directly related finance application in No. MC-F-12953 published in the FEDERAL REGISTER issue of September 16, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 69512 (Sub-No. 11), filed August 20, 1976. Applicant: THUNDERBIRD FREIGHT LINES, INC., 1515 South 22nd Avenue, Phoenix, Ariz. 85009. Applicant's representative: Russell R. Sage, Overlook Bldg., Suite 400, 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the Los Angeles, Calif. Commercial Zone and the Los Angeles Harbor, Calif. Commercial Zone, as defined by the Commission, and Indio, Calif. serving no intermediate points beyond the eastern boundary of the Los Angeles, Calif. Commercial Zone, and serving Indio for joinder only with applicant's existing authority between Indio, Calif. and Phoenix, Ariz.: From points in the Los Angeles, Calif. Commercial Zone and the Los Angeles Harbor, Calif. Commercial Zone, over Interstate Highway 10 to Indio, and return over the same route.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12953, published in the FEDERAL REGISTER issue of September 16, 1976. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142268 (Sub-No. 1), filed July 22, 1976. Applicant: GORSKI BULK TRANSPORT, INC., Box 700, Harrow, Ontario, Canada. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: (1) *Alcoholic beverages*, in bulk, in tank vehicles, from points on the United States-Canada boundary line at or near Champlain, Rouses Point and Trout River, N.Y.; and Derby Line and Newport, Vt.; and located on the Niagara and St. Lawrence Rivers, to Hartford, Conn.; (2) *alcoholic beverages*, in containers, from Allen Park, Mich., to points in Alabama, Arkansas, Kentucky (except Louisville, Ky. and points in its commercial zone, as defined by the Commission), Louisiana, Mississippi, Missouri and Tennessee; (3) *plastic resins* (except in bulk), from Washington, W. Va., and Ottawa, Ill., to ports of entry on the United States-Canada boundary line located at or near Rouses Point and Champlain, N.Y.; and Derby Line and Newport, Vt.; and points located on the St. Clair, Detroit, Niagara and St. Lawrence Rivers; (4) *methylene diphenyl diisocyanate*, in bulk, in tank vehicles, from Elizabethtown, N.J. and Geismar, La., to ports of entry on the United States-Canada boundary line located on the Detroit, St. Clair, Niagara and St. Lawrence Rivers; and at Champlain, Rouses Point and Trout River, N.Y.; and Derby Line and Newport, Vt.; (5) *synthetic rubber*, from Buffalo, N.Y. and Geismar, La., to ports of entry on the United States-Canada boundary line located on the Detroit, St. Clair, Niagara and St. Lawrence Rivers; and at Champlain, Rouses Point and Trout River, N.Y.; and Derby Line and Newport, Vt.

(6) *Synthetic latex*, in bulk, in tank vehicles, from Naugatuck, Conn., to ports of entry on the United States-Canada boundary line located on the Detroit and St. Clair Rivers; and at Champlain, Rouses Point and Trout River, N.Y.; and Derby Line and Newport, Vt.; (7) *plastic resins*, in bulk, from Detroit, Mich., to ports of entry on the United States-Canada boundary line located on the Detroit and St. Clair Rivers; (8) *plastic resins*, from Baton Rouge, La., to ports of entry on the United States-Canada boundary line located on the Detroit, St. Clair, Niagara and St. Lawrence Rivers; Champlain, Rouses Point and Trout River, N.Y. and Derby Line and Newport, Vt.; (9) *chemicals*, from Painesville, Ohio, to ports of entry on the United States-Canada boundary line located on the Detroit, St. Clair, Niagara and St. Lawrence Rivers; and at Champlain, Rouses Point and Trout River, N.Y.; and Derby Line and Newport, Vt.; (10) *chemicals* (except in bulk), from points on the United States-Canada boundary line at or near the Niagara, Detroit and St. Clair Rivers, to points in that part of the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except to Detroit, Mich., and points in its commercial zone, as defined by the Commission, and points in Wayne, Oakland, and Macomb Counties, Mich., within eight (8) miles of Detroit, Mich.); (11) *crude ammonia liquor*, in bulk, in tank vehicles, from the plantsite of the Semet-Solvay Division of the Allied Chemical and Die Corporation located at or near Buffalo (Harriet), N.Y., to the port of entry on the United States-Canada boundary line at or near

Buffalo, N.Y.; and from Cleveland, Ohio to the port of entry on the United States-Canada boundary line at or near Detroit, Mich.; (12) *sodium dichromate*, in containers, from the plantsite of Allied Chemical Corporation located at Baltimore, Md., to the port of entry on the United States-Canada boundary line at Detroit, Mich.; (13) *sodium bisulphate waste*, in drums, and *scrubber liquor*, in bulk, in tank vehicles, from the port of entry on the United States-Canada boundary line at Detroit, Mich., to the plantsite of Allied Chemical Corporation located at Baltimore, Md.; (14) *ammonium sulfide solution*, in bulk, in tank vehicles, from Phillipsburg, N.J., to the port of entry on the United States-Canada boundary line at Detroit, Mich.; and (15) *alcoholic beverages* (except wines), in bulk, in tank vehicles, between the port of entry on the United States-Canada boundary line located at or near Detroit, Mich., and Peoria, Ill.; and empty bottles and barrels, between Hillsboro and Peoria, Ill., on the one hand, and, on the other, the port of entry on the United States-Canada boundary line located at or near Detroit, Mich.

NOTE.—The purpose of this application is to convert a Permit to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12898 published in the FEDERAL REGISTER issue of August 19, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, or Lansing, Mich., or Washington, D.C.

#### 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 48958 (Deviation No. 75), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., Denver, Colo. 80216, filed September 20, 1976. Carrier proposes to operate as a common carrier by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Amarillo, Tex., over U.S. Highway 287 to junction U.S. Highway 54 (near Stratford, Tex.), thence over U.S. Highway 54 to junction Interstate Highway 35 (near Wichita, Kans.), thence over Interstate Highway 35 to Topeka, Kans., thence over U.S. Highway 75 to junction Nebraska Highway 2 (Near Nebraska City, Nebr.), thence over

Nebraska Highway 2 to Lincoln, Nebr., 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 Amarillo, Tex., over U.S. Highway 66 to San Jon, N. Mex., thence over New Mexico Highway 39 to junction New Mexico Highway 58, thence over New Mexico Highway 58 to junction U.S. Highway 85, thence over U.S. Highway 85 to Denver, Colo., thence over U.S. Highway 6 to Sterling, Colo., thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 34, thence over U.S. Highway 34 to Lincoln, Nebr., and return over the same route.

No. MC 76032 (Deviation No. 34), NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo. 80223, filed September 20, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction New York Highway 5 and Interstate Highway 81 at Syracuse, N.Y., over Interstate Highway 81 to junction Interstate Highway 80 near Saint Johns, Pa., thence over Interstate Highway 80 to junction Interstate Highway 76 near Mineral Ridge, Ohio, thence over Interstate Highway 76 to junction Interstate Highway 71 near Wadsworth, Ohio, thence over Interstate Highway 71 to junction Interstate Highway 70 near Columbus, Ohio, thence over Interstate Highway 70 to Indianapolis, Ind., 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 New York Highway 5 and Interstate Highway 81 at Syracuse, N.Y., over New York Highway 5 to Buffalo, N.Y., thence over U.S. Highway 62 to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, Ohio, thence over Ohio Highway 254 to junction Ohio Highway 57, thence over Ohio Highway 57 to Lorain, Ohio, thence over Ohio Highway 2 to junction unnumbered highway near Stryker, Ohio, thence over unnumbered highway to junction U.S. Highway 127 near Pulaski, Ohio, thence over U.S. Highway 127 to junction Ohio Highway 2 near Bryan, Ohio, thence over Ohio Highway 2 via Hicksville, Ohio to the Ohio-Indiana state line, thence over Indiana Highway 37 to Ft. Wayne, Ind., thence over U.S. Highway 24 to Huntington, Ind., thence over Indiana Highway 9 via Anderson, Ind., to junction U.S. Highway 36, thence over U.S. Highway 36 to Indianapolis, Ind., and return over the same route.

No. MC 112713 (Deviation No. 40), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed September 27, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Amarillo, Tex., over U.S. Highway

287 to junction U.S. Highway 54 at Stratford, Tex., thence over U.S. Highway 54 to junction Kansas Highway 61 near Pratt, Kans., thence over Kansas Highway 61 to junction U.S. Highway 50 near Parridge, Kans., thence over U.S. Highway 50 to Ottawa, Kans., thence over Interstate Highway 35 to Kansas City, Mo., 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 Amarillo, Tex., over U.S. Highway 66 to Oklahoma City, Okla., thence over Oklahoma Highway 77 (formerly U.S. Highway 66) to Edmond, Okla., thence over Oklahoma Highway 66 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Kansas Highway 26, thence over Kansas Highway 26 to junction U.S. Highway 69, thence over U.S. Highway 69 to Kansas City, Mo., and return over the same route.

No. MC 30504 (Deviation No. 16), TUCKER FREIGHT LINES, P.O. Box 3144, South Bend, Ind. 46619, filed September 27, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 74 to junction Interstate Highway 55, thence over Interstate Highway 55 to Springfield, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 40 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Ill., and return over the same route.

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

##### NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 715), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed September 22, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Inter-

state Highway 5 and Figueroa Street, over Interstate Highway 5 to junction California Highway 2, thence over California Highway 2 to junction California Highway 134, thence over California Highway 134 to Pasadena, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Los Angeles, Calif., over Figueroa Street to junction unnumbered highway (York Boulevard, Junction), thence over unnumbered highway to Pasadena, Calif., and return over the same route.

#### MOTOR CARRIER INTRASTATE APPLICATIONS NOTICE

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Florida Docket No. 760660-CCT, filed September 16, 1976. Applicant: BUCCANEER MOVING AND STORAGE CO., INC., 315 N. 2nd Street, Fernandina Beach, Fla. 32034. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except commodities in bulk, heavy hauling, explosives, and commodities requiring special equipment), between points in Jacksonville, Fla. and its Commercial Zone as now defined and points in Nassau County, Fla. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 Adams Street, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 760666-CCT, filed September 17, 1976. Applicant: STEPHENS VAN TERMINAL, INC., 9500 N. W. 27th Avenue, Miami, Fla. 33147. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Motor Vehicles*, to, from, and between all points and places in the state of Florida, restricted however, that the applicant shall not transport more than three (3) motor vehicles at any one time. In-

## NOTICES

trastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T9422, filed September 8, 1976. Applicant: DEWITT HOMES, INC., Rt. 104, Sodus, N.Y. 14551. Applicant's representative: Douglas DeWitt (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Mobile homes*, between all points in Cayuga, Monroe, Ontario and Wayne Counties, N.Y. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12232 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.76-29377 Filed 10-6-76;8:45 am]