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federal register

WEDNESDAY, DECEMBER 15, 1976

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	HEW/FDA			HEW/FDA

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

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

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

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[Lime Reg. 36, Amdt. 2]

PART 911—LIMES GROWN IN FLORIDA

Size Requirements

This amendment reduces the minimum size requirement for shipments of Persian "seedless" type limes grown in Florida to 1¾ inches for the period December 13, 1976, through April 30, 1977, instead of 1⅞ inches currently established for the period. This requirement is designed to promote orderly marketing and provide consumers with an increased supply of acceptable quality fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), rgeulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that, continuance of regulation, including the specification of a smaller minimum size as hereinafter provided, for the remainder of this marketing season will tend to avoid disruption of the orderly marketing of limes and will tend to effectuate the declared policy of the act.

(2) Shipment of Persian type limes 1⅞ inches in diameter and larger is currently authorized under Lime Regulation 36, Amendment 1 (41 FR 23929) during the period June 20, 1976, through April 30, 1977. However, this requirement should be modified to allow the shipment of limes 1¾ inches in diameter and larger during the period December 13, 1976, through April 30, 1977, as limes are now maturing at smaller sizes than earlier during the season. In addition, supplies of limes in the production area are declining seasonally. These smaller limes are of good quality, and they meet the minimum juice content requirements. Hence, the release of these smaller-sized limes would make larger supplies of fruit of acceptable quality available for market. Market supplies are also low and demand for fresh limes is presently strong.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes.

Order. The provisions of paragraph (a) (3) of § 911.338 Lime Regulation 36, Amendment 1 (41 FR 23929) are amended to read as follows:

§ 911.338 Lime Regulation 36.

(a) * * *

(3) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1¾ inches in diameter.

* * * * *

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

Dated: December 9, 1976, to become effective December 13, 1976.

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

[FR Doc.76–36788 Filed 12–14–76;8:45 am]

[Lime Reg. 5, Amdt. 6]

PART 944—FRUITS; IMPORT REGULATIONS

Size Requirements

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), paragraph (a) (3) of § 944.204 (Lime Regulation 5; 36 FR 10774; 22008; 38 FR 12603; 40 FR 2793; 41 FR 7384; 16548) is amended to read as follows:

§ 944.204 Lime Regulation 5.

(a) * * *

(3) Such limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1¾ inches in diameter: *Provided,* That on and after May 1, 1977, such limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter; and

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same requirements being made applicable to domestic shipments of limes under Lime Regulation 36, Amendment 2 (§ 911.338), which also becomes effective December 13, 1976; (c) compliance with this amendment import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of limes.

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

Dated: December 9, 1976, to become effective December 13, 1976.

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

[FR Doc.76–36789 Filed 12–14–76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 350—CERTIFICATION OF ELIGIBILITY OF FIRMS TO APPLY FOR ADJUSTMENT ASSISTANCE

PART 355—CERTIFICATION OF ELIGIBILITY OF COMMUNITIES FOR ADJUSTMENT ASSISTANCE

Deletion of Parts

Authority for issuance of 15 CFR Parts 350 and 355 (Trade Act of 1974, Pub. L. 93–618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.) delegated to the Assistant Secretary of Commerce for Domestic and International Business has been rescinded and such authority has been delegated to the Assistant Secretary of Commerce for Economic Development. Regulations appearing in 15 CFR Parts 350 and 355 (40 FR 14921), relating to the certification of eligibility of firms and communities for adjustment assistance, are withdrawn herewith and Parts 350 and 355 are deleted from the Code of Federal Regulations effective December 15, 1976. Regulations relating to the certification of eligibility of firms and communities for adjustment assistance issued by the Economic Development Administration will be found in 13 CFR Part 315, as revised (41 FR 52648).

Actions taken with respect to petitions for certification of eligibility of firms to apply for adjustment assistance under 15

CFR Part 350 shall remain in effect until they expire in due course or are revoked or amended by appropriate authority.

DONALD E. JOHNSON,
Acting Assistant Secretary for Domestic and International Business.

[FR Doc.76-36748 Filed 12-14-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. Nos. 4, 5, 10, 16]

PROGRAMS ADMINISTERED BY THE SOCIAL SECURITY ADMINISTRATION

Time Limitations for Appeals Council Review

On July 27, 1976, there was published in the FEDERAL REGISTER (41 FR 31229) a Notice of Proposed Rule Making with proposed amendments designed to achieve uniformity in the time limitation for requesting Appeals Council review under all programs so that such time limit would be consistent with the time limitations for requesting reconsideration and hearing, thereby establishing a uniform 60 day time limit for requesting an appeal under all programs and at all appellate steps. The amendments set forth below have no major program significance and will have no pecuniary effect upon the public.

Interested parties were given until August 26, 1976, to submit data, comments, or arguments in writing pertaining to the proposed amendments. We believe that such publication provided ample time and adequate notice to all interested individuals and organizations, so that promulgation at this time of the amendments set forth below is in keeping with the spirit and intent of Congress and the Secretary's regulations development policies published in the FEDERAL REGISTER on August 17, 1976 (41 FR 34811).

The amendments set forth below affect the time period for Appeals Council review in the following ways:

1. The time period for requesting Appeals Council review of a hearing decision, or dismissal of a request for hearing, is made uniform at 60 days after the date of receipt of notice of the hearing decision or dismissal under all programs. The time period is increased under the Supplemental Security Income program from 30 to 60 days, and, in all other programs, is changed from 60 days from the date of mailing of notice of the decision or dismissal to 60 days after the date of receipt of such notice, with a presumption of receipt within 5 days of the date of the notice. Regulations affected by these changes are §§ 404.946, 405.1562, 410.661, and 416.1462.

2. The time period within which the Appeals Council may review a hearing decision or dismissal of a request for hearing on its own motion is made uniform at 60 days under all programs. The own motion time period is reduced from 90 days to 60 days under all programs except that under title XVI, the own motion time period is increased from 30 days to 60 days. Regulations affected by these changes are §§ 404.947, 410.662, and 416.1463.

3. The time period within which a party may request vacation of a dismissal of a request for hearing is made uniform at 60 days after the date of receipt of the notice of dismissal under all programs. Previously the time period had been 6 months under title II and the black lung program, and 30 days under title XVI. Regulations affected by this change are §§ 404.938, 405.1556, 410.653, and 416.1454.

4. The time period within which a substitute party may request that the presiding officer proceed with the hearing where the original party has died is made uniform at 60 days under all programs. Previously, the period involved was 6 months from the date of mailing notice of a reconsideration determination or 3 months from the date of mailing notice of a dismissal of a request for hearing under all programs, except for title XVI where the time period was 30 days. Regulations affected by this change are §§ 404.937, 410.650, and 416.1451.

No comments were received from interested groups or individuals in response to the Notice of Proposed Rule Making. Minor editorial changes have been made, and § 405.1556 has been repositioned. Accordingly, these amendments to the regulations are adopted as set forth below.

(Secs. 205, 1102, 1631, 1869, and 1871 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act; 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 86 Stat. 1475, 79 Stat. 330, 79 Stat. 331, 83 Stat, 794; 42 U.S.C. 405, 421 (d), 1302, 1383, 1395ff, 1395hh, and 30 U.S.C. 923(b).)

Effective date: These amendments to the regulations shall be effective December 15, 1976.

(Catalog of Federal Domestic Assistance Programs No. 13.800—Health Insurance for the Agend and Disabled—Hospital Insurance; 13.801, Health Insurance for Aged and Disabled—Supplementary Medical Insurance; 13.802, Social Security—Disability Insurance; 13.803, Social Security—Retirement Insurance; 13.804, Social Security—Special Benefits for Persons Aged 72 and Over; 13.805, Social Security—Survivors Insurance; 13.806, Special Benefits for Disabled Coal Miners; 13.807, Supplemental Security Income for the Aged, Blind, and Disabled.

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

Dated: November 26, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 10, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Chapter III of title 20 of the Code of Federal Regulations is amended as set forth below:

PART 404—FEDERAL OLD AGE, SURVIVORS, AND DISABILITY INSURANCE

1. Section 404.937, the introductory text and paragraph (d) are amended to read as follows:

§ 404.937 Dismissal for cause.

The presiding officer may, on his own motion, dismiss a hearing request, either entirely or as to any stated issue, under any of the following circumstances:

* * * * *

(d) *Death of party*—Where the party who filed the hearing request dies and there is no information before the presiding officer or the Social Security Administration showing that an individual who is not a party may be prejudiced by the Social Security Administration's determination which is the subject of the request for hearing: *Provided;* That if within 60 days after the date notice of such dismissal is mailed to the original party at his last known address any such other individual states in writing that he desires a hearing on such claim and shows that he may be prejudiced by the Social Security Administration's initial determination, then the dismissal of the request for hearing shall be vacated.

2. Section 404.938 is amended to read as follows:

§ 404.938 Vacation of dismissal of request for hearing.

A presiding officer or the Appeals Council may vacate any dismissal of a request for hearing at any time for good cause shown and at the request of the party filed within 60 days after the date of receipt of such dismissal. For purposes of this section, the date of receipt of the dismissal notice shall be presumed to be 5 days after the date of such notice unless there is a reasonable showing to the contrary. In any case where a presiding officer has dismissed the hearing request, the Appeals Council may, on its own motion, within 60 days after the mailing of such notice, review such dismissal and may, in its discretion, vacate such dismissal.

3. Section 404.946 is revised to read as follows:

§ 404.946 Time and place of filing request.

The request for review shall be made in writing and filed with an office of the Social Security Administration, or in the case of an individual in the Philippines, with the Veterans' Administration Regional Office in the Philippines, or with a presiding officer or the Appeals Council, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this part) or an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing review with respect to his application to establish a period of disability under section 216(i) of the Act, at an office of the Railroad Retirement Board. Such request shall be accompanied by whatever documents or other evidence the party desires the Appeals Council to consider in its review.

The request for review must be filed within 60 days after the date of receipt of the notice of the presiding officer's decision or dismissal, except as provided in § 404.612 or § 404.954. For purposes of this section, the date of receipt of notice of the presiding officer's decision or dismissal shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

4. Section 404.947 is amended to read as follows:

§ 404.947 Action by Appeals Council on review.

The Appeals Council may dismiss (see § 404.952) or, in its discretion, deny or grant a party's request for review of a presiding officer's decision, or may, on its own motion, within 60 days after the date of the notice of such decision, reopen such decision for review or for the purpose of dismissing the party's request for hearing for any reason for which it could have been dismissed by the presiding officer (see §§ 404.935 through 404.937). Notice of the action by the Appeals Council shall be mailed to the party at his last known address.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

5. Section 405.1556 is revised to read as follows:

§ 405.1556 Vacation of dismissal of request for hearing.

On the request of a party filed within 60 days after the date of receipt of the notice of dismissal, a presiding officer or the Appeals Council may, for good cause shown, vacate any dismissal of a request for hearing. For purposes of this section, the date of receipt of the notice of dismissal shall be presumed to be 5 days after the date of such notice unless there is a reasonable showing to the contrary.

6. In § 405.1562, paragraph (a) is amended to read as follows:

§ 405.1562 Time and place of filing requests for review.

(a) The request for review shall be made in writing and filed with the Appeals Council. The request shall be accompanied by whatever additional documents or other evidence the requesting party desires the Appeals Council to consider in its review and must be filed within 60 days after the date of receipt of notice of the presiding officer's dismissal or decision except where the time is extended for good cause. For purposes of this section, the date of receipt of notice of the presiding officer's dismissal or decision shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

* * * * *

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV BLACK LUNG BENEFITS

7. In § 410.650, the introductory text and paragraph (d) are revised to read as follows:

§ 410.650 Dismissal for cause.

The presiding officer may, on his own motion, dismiss a hearing request, either entirely or as to any stated issue, under any of the following circumstances:

* * * * *

(d) *Death of party.*—Where the party who filed the hearing request dies and there is no information before the presiding officer or the Social Security Administration showing that an individual who is not a party may be prejudiced by the Social Security Administration's determination which is the subject of the request for hearing: *Provided;* That if, within 60 days after the date notice of such dismissal is mailed to the original party at his last known address any such other individual states in writing that he desires a hearing on such claim and shows that he may be prejudiced by the Social Security Administration's initial determination, then the dismissal of the request for hearing shall be vacated.

8. Section 410.653 is revised to read as follows:

§ 410.653 Vacation of dismissal of request for hearing.

A presiding officer or the Appeals Council may, on request of the party and for good cause shown, vacate any dismissal of a request for hearing at any time within 60 days after the date of receipt of the notice of dismissal by the party requesting the hearing at his last known address. For purposes of this section, the date of receipt of the dismissal notice shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary. In any case where a presiding officer has dismissed the hearing request, the Appeals Council may, on its own motion, within 60 days after the mailing of such notice, review such dismissal and may, in its discretion vacate such dismissal.

9. Section 410.661 is amended to read as follows:

§ 410.661 Time and place of filing request.

The request for review shall be made in writing and filed with an office of the Social Security Administration, or with a presiding officer, or the Appeals Council. Such request shall be accompanied by whatever documents or other evidence the party desires the Appeals Council to consider in its review. The request for review must be filed within 60 days after the date of receipt of notice of the presiding officer's decision or dismissal, unless the time is extended as provided in § 410.669. For purposes of this section, the date of receipt of notice of the presiding officer's decision or dismissal shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

10. Section 410.662 is amended to read as follows:

§ 410.662 Action by Appeals Council on review.

The Appeals Council may dismiss (see § 410.667) or, in its discretion, deny or grant a party's request for review of a presiding officer's decision, or may, on its own motion, within 60 days after the date of the notice of such decision, reopen such decision for review or for the purpose of dismissing the party's request for hearing for any reason for which it could have been dismissed by the presiding officer (see §§ 410.648 through 410.650). Notice of the action by the Appeals Council shall be mailed to the party at his last known address.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

11. In section 416.1451, introductory text and paragraph (d) are revised to read as follows:

§ 416.1451 Dismissal for cause.

The presiding officer may, on his own motion, dismiss a hearing request, either entirely or as to any stated issue, under any of the following circumstances:

* * * * *

(d) *Death of party.*—Where the party who filed the request for hearing dies and there are no other parties and there is no information before the Social Security Administration or the presiding officer showing the existence of an eligible spouse or person contending to be an eligible spouse or if there is such a person, the person has stated in writing that he does not wish to proceed with the hearing. The dismissal shall be vacated where an eligible spouse or person contending to be an eligible spouse requests in writing such vacation (within 60 days after receipt of the dismissal notice) and shows that he may be prejudiced by the reconsidered determination or initial determination, where applicable. For the purposes of this section, the date of receipt of the dismissal notice shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

12. Section 416.1454 is revised to read as follows:

§ 416.1454 Vacation of dismissal of requests for hearing.

A presiding officer or the Appeals Council may vacate any dismissal of a request for hearing at any time for good cause shown and at the request of the party filed within 60 days after the date of receipt of the notice of such dismissal. For purposes of this section, the date of receipt of such dismissal notice shall be presumed to be 5 days after the date of such notice, unless there is reasonable showing to the contrary. In any case where a presiding officer has dismissed the hearing request, the Appeals Council may, on its own motion, within 60 days after the date of such notice, review such dismissal and may, in its discretion, vacate such dismissal and remand the case for hearing, except where it decides to render a fully favorable decision.

13. Section 416.1462 is revised to read as follows:

§ 416.1462 Time and place of filing request.

(a) The request for review shall be in writing and filed with any office of the Social Security Administration, including a hearing office, or with the Appeals Council. The request shall be accompanied by such documents or other evidence the party desires to be considered on review. The request for review must be filed within 60 days after the date of receipt of the notice of the decision or dismissal. For purposes of this section, the date of receipt of notice of the decision or dismissal shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary. The time for filing such requests may be extended for cause shown as provided in § 416.1473.

(b) Where a consolidated hearing is conducted, as provided in § 416.1436, the request must be filed within 60 days after the date of receipt of notice of the decision in the manner and place as set forth in paragraph (a) of this section. The time for filing such request may be extended for cause shown as provided in § 404.954 and § 416.1473 of this chapter.

14. Section 416.1463 is revised to read as follows:

§ 416.1463 Appeals Council own motion review.

The Appeals Council may, on its own motion, within 60 days after the date of the notice of a decision, reopen a decision for review or for the purpose of dismissing the party's request for hearing for any reason for which it could have been dismissed by the presiding officer (see §§ 416.1449 through 416.1451). Notice of the action by the Appeals Council shall be mailed to the party at his last known address. Where a consolidated hearing is conducted, as provided in § 416.1436, the Appeals Council shall consider such cases at the same time and the Appeals Council action on such consolidated cases shall be in accordance with the appropriate procedures in accordance with Subpart J of Part 404, Subpart G of Part 405, or Subpart F of Part 410 of this Chapter.

[FR Doc.76-36874 Filed 12-14-76;8:45 am]

[Regs. Nos. 4, 16]

PART 404—FEDERAL OLD AGE, SURVIVORS', AND DISABILITY INSURANCE

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

On March 24, 1976, interim amendments to the regulations were published in the FEDERAL REGISTER (41 FR 12222) which: (1) provided procedures whereby cases in which a request for hearing has been filed may be reviewed, prior to hearing, to determine whether the determination upon which the request for hearing was based can be revised; (2) provided that where the determination is revised prior to hearing, notice thereof shall be sent to the claimant who shall have the right to proceed with the hearing if he chooses to do so; and, (3) provided that prehearing case review shall not delay the scheduling of the hearing. These amendments to the regulations shall be final upon publication. The public was allowed 30 days from the March 24 publication date within which to comment on these regulations. The comments received are discussed below. We believe that publication provided ample time for comment and adequate notice to all interested individuals and organizations, so that promulgation at this time of the amendments set forth below is in keeping with the Secretary's policies for developing regulations as announced on July 25, 1976 (41 FR 34811, August 17, 1976).

The prehearing case review is for the purpose of determining whether favorable action can be taken prior to the hearing. Where additional evidence is necessary, it may be requested for consideration prior to hearing. Also, where additional evidence is received prior to the hearing, consideration can be given to favorable action before a hearing is held.

Hearings are scheduled in the order of the date the request for hearing is filed. Any prehearing review, including requests for additional evidence, is terminated and the case forwarded to a presiding officer if it comes up for scheduling of hearing prior to completion of such action, except where a favorable revised determination is being processed or the claimant consents in writing to a delay in scheduling and agrees to the rescheduling of the hearing. Therefore, the case review does not ordinarily cause delay in scheduling of the hearing in its regular order.

Where a revised determination is made which is wholly favorable to the parties, the parties are sent a notice advising that they have 30 days to request that the presiding officer proceed on the pending hearing request. If the parties do not request within 30 days that the presiding officer proceed with the hearing, the request for hearing is dismissed. Where the revised determination is partially favorable, the presiding officer proceeds with the hearing unless the parties agree to a dismissal of the hearing request. If the parties disagree with the revised determination, they have 60 days from the date they receive the notice of the revised determination to file a request for hearing on the revising determination, as provided in regulations § 404.961 and § 416.1483, respectively.

Experience shows that, in a significant number of cases, an individual filing a request for hearing submits additional evidence which would permit the issuance of a favorable determination, or there is evidence available which when obtained would permit a favorable determination. The most recent study shows that approximately 44 percent of favorable hearing decisions were based on additional documentary evidence received at the hearing level. The Bureau of Hearings and Appeals is currently faced with a large backlog of cases pending hearing. Because of the backlog, it is often several months before a case is reviewed by a presiding officer, a hearing is scheduled, and additional evidence can be considered.

The procedures which are set forth in these regulations provide for review of the claim immediately upon the filing of a hearing request, and the prompt requesting of additional evidence where appropriate. Where upon prehearing review it is decided that a favorable determination may be made without the need for a hearing, a revised determination is rendered, and payment started more expeditiously than if the individual had to wait several months to go to hearing before the favorable action could be taken.

Even if favorable action cannot be taken under these procedures, since additional evidence can be obtained as part of this review, those cases which do ultimately go to hearing should be better documented which should expedite the rendering of a hearing decision. The scheduling of the requested hearing is not delayed unless a favorable revised determination is in process. Consequently, these procedures do not adversely affect the claimant's receipt of a timely hearing.

The procedures do not alter any rights of parties but rather permit speedier action on their claims, particularly where additional evidence permits a favorable determination without their having to wait for a hearing. The procedures were instituted primarily because of the large volume of cases awaiting hearing and the resultant delay in scheduling hearings because of the backlog. Where a favorable revised determination may be rendered without the need for a hearing, the appeals process is less costly and also assists in keeping the hearing workload at a reasonable level facilitating the holding of hearings on other cases more timely.

Regulations No. 10, Subpart F (20 CFR Part 410) relating to appeals involving claims for Black Lung benefits (title IV, part B of the Federal Coal Mine Health and Safety Act (30 U.S.C. 901 et seq.)) are not being amended since the Social Security Adminisration appeals responsibility in the Black Lung program will be minimal after disposition of the pending requests for hearing.

Regulations No. 5, Subpart G, Reconsideration and Appeals Under the Hospital Insurance Program (20 CFR Part 405) incorporates by reference the provisions of Regulations No. 4, Subpart J. Therefore, these procedures are applicable to hearings under that subpart. Regulations No. 5, Subpart O relating to providers and suppliers of medical services has not been amended, since, because of the nature of those hearings (i.e., both the Bureau of Health Insurance and the provider, independent laboratory, etc., are parties), these procedures would be inappropriate.

Interested parties were given the opportunity to submit their views and comments on the interim regulations. Three letters were received from the public with comments, many of which were favorable. All comments received were given due consideration. One change was made as a result of the comments as herein discussed.

The first writer suggested that the regulations be made applicable to claims for black lung benefits. As indicated previously and when the interim regulations were published on March 24, 1976, there are few appeals now pending with regards to the Black Lung Program and the responsibility of the Social Security Administration with respect to that program is now minimal. Therefore, we are not amending the regulations to extend the procedure to the Black Lung Program.

The second letter writer made two comments. First, the writer pointed out that 416.1427a(b)(1) provides that prehearing case review is applicable where additional evidence is submitted at the time the request for hearing is made. The writer feels that this language limits prehearing case review in that it would not be applicable when additional evidence is submitted after the request for hearing is filed, but prior to the actual hearing. In order to make it clear that the prehearing case review is not limited in this manner, the language has been changed in the final regulations. The second comment indicates some confusion regarding the right of the claimant to file a new hearing request on the revised determination. Where the request for hearing filed prior to the issuance of the revised determination is dismissed in accordance with these regulations (see § 404.918b(d) (1) and (2) and § 416.1427a(d) (1) and (2)) the individual has the right to file a new request for hearing (as reflected in §§ 404.918b (d)(3) and 416.1427a(d)(3)) based on the revised determination. Sections 205 (b) and 1631(c)(1) of the Social Security Act provide the right to request a hearing after a determination. The notice of revised determination shall inform the parties of such right (§§ 404.961 and 416.1483).

The third letter dealt primarily with management concerns regarding the administration of the disability program rather than specifically with the substance of these regulations. The writer felt that other actions could be taken to improve the administration of the program thereby making prehearing case review unnecessary. The administration of the disability program has been the subject of a number of recent studies both within and outside of the Social Security Administration. The writer's comments are similar to others that have been made. They will be given consideration along with others regarding the administration of that program.

Section 4 of Pub. L. 94-202 amended section 205(b) of the Social Security Act by changing the time for requesting a hearing to within 60 days after receipt of notice of a determination. This provision was effective with notices received after February 29, 1976. Section 404.918b (d)(3) has been revised to reflect the statutory change.

With the clarifying and editorial changes, the proposed rules are adopted as set forth below.

(Secs. 205, 1102, 1631(c), 1869, and 1871 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 49 Stat. 647 as amended, 86 Stat. 1476, 79 Stat. 330, 79 Stat. 331; 42 U.S.C. 405, 1302, 1382(c), 1395ff, and 1395hh and section 1 of Pub. L. 94-202, 89 Stat. 1135, 42 U.S.C. 1383.)

Effective date: These amendments to the regulations shall be effective December 15, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance; 13.801, Health Insurance for the Aged and Disabled—Supplementary Medical Insurance; 13.802, Social Security—Disability Insurance Benefits; 13.803, Social Security—Retirement Insurance; 13.804, Social Security—Benefits for Persons Aged 72 and Over; 13.805, Social Security—Survivors Insurance; and 13.807, Supplemental Security Income for the Aged, Blind, and Disabled.)

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

Dated: November 26, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 10, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Chapter III of title 20 of the Code of Federal Regulations is amended as set forth below:

1. Section 409.918b is added to read as follows:

§ 404.918b Prehearing case review.

(a) *General.* Under the circumstances set forth in this section, a case in which a request for hearing has been filed, may, at any time prior to the hearing, be forwarded to the component of the Social Security Administration (including a State Agency) which issued the determination upon which the request for hearing was based for the purpose of determining whether such determination may be revised. The parties to the prehearing case review shall be the parties referred to in § 404.919.

(b) *Criteria for prehearing case review.* Prehearing case review shall be applicable where:

(1) Additional evidence is submitted in connection with the request for hearing or,

(2) There is an allegation or indication that additional evidence is available; or

(3) There are other indications that the prior determination may be revised, e.g., error noted in the file, a change in law or regulation.

(c) *Prehearing case review and determination.* The component of the Social Security Administration which issued the determination upon which the request for hearing was filed shall, upon receipt of the case, ascertain whether such determination may be revised. A revised determination may be either wholly or partially favorable to the claimant. Prehearing review shall not delay the scheduling of a hearing in the regular order unless the claimant consents to the continuation of such review. Where prehearing review is not completed prior to the date on which the case is to be scheduled for hearing, the case shall be forwarded to the presiding officer for hearing, except where a favorable revised determination is in process or the parties, in writing, consent to the scheduling of the hearing being delayed until the completion of such review.

(d) *Notice of prehearing revised determination.* Where a revised determination is made as a result of the prehearing case review, notice of such revised determination and the basis therefor shall be sent to the parties to such determination and the request for hearing at their last known addresses.

(1) *Revised determination wholly favorable.* Where the revised determination is wholly favorable to the claimant, the notice shall also inform the claimant that the presiding officer may dismiss the request for hearing unless the parties request, in writing, within 30 days after the mailing date of notice of such revised determination, that the presiding officer proceed with the request for hearing.

(2) *Revised determination partially favorable.* Where the revised determination is partially favorable to the claimant, the notice of such revised determination shall also inform the claimant of the matter not found favorable to the claimant. The notice shall also inform the claimant that the presiding officer shall proceed with the hearing, unless the parties to such revised determination and the request for hearing affirmatively assent to the dismissal of the hearing request.

(3) *Right to hearing on prehearing revised determination.* The notice shall also advise the parties of their right to file, within 60 days after the date of receipt of notice of the prehearing revised determination, a request for hearing on such revised determination, as provided in § 404.961(b).

2. Section 416.1427a is added to read as follows:

§ 416.1427a Prehearing case review.

(a) *General.* Under the circumstances set forth in this section, a case in which a request for hearing has been filed may at any time prior to the hearing, be forwarded to the component of the Social Security Administration (including a State Agency) which issued the determination upon which the request for hearing was based for the purpose of determining whether such determination may be revised. The parties to the prehearing case review shall be the parties referred to in § 416.1428.

(b) *Criteria for prehearing case review.* Prehearing case review shall be applicable where:

(1) Additional evidence is submitted in connection with the request for hearing or,

(2) There is an allegation or indication that additional evidence is available; or

(3) There are other indications that the prior determination may be revised, e.g., error noted in the file, a change in law or regulation.

(c) *Prehearing case review and determination.* The component of the Social Security Administration which issued the determination upon which the request for hearing was filed shall upon receipt of the case ascertain whether such determination may be revised. A revised determination may be either wholly or partially favorable to the claimant. Prehearing review shall not delay the scheduling of a hearing in the regular order unless the claimant consents to the continuation of such review. Where prehearing review is not completed prior to the date on which the case is to be scheduled for hearing, the case shall be forwarded to the presiding officer for hearing, except where a favorable revised determination is in process or the parties, in writing, consent to the scheduling of the hearing being delayed pending the completion of such review.

(d) *Notice of prehearing revised determination.* Where a revised determination is made as a result of the prehearing case review, notice of such revised determination and the basis therefor shall be sent to the parties to such determination and the request for hearing at their last known addresses.

(1) *Revised determination wholly favorable.* Where the revised determination is wholly favorable to the claimant, the notice shall also inform the claimant that the presiding officer may dismiss the request for hearing unless the parties request, in writing, within 30 days after the mailing date of notice of such revised determination, that the presiding officer proceed with the request for hearing.

(2) *Revised determination partially favorable.* Where the revised determination is partially favorable to the claimant, the notice of such revised determination shall also inform the claimant of the matter not found favorable to the claimant. The notice shall also inform the claimant that the presiding officer shall proceed with the hearing, unless the parties to such revised determination and the request for hearing affirmatively assent to the dismissal of the hearing request.

(3) *Right to hearing on prehearing revised determination.* The notice shall also advise the parties of their right to file, within 60 days after the date of receipt of notice of the prehearing revised determination, a request for hearing on such revised determination is provided in § 416.1483.

[FR Doc.76-36875 Filed 12-14-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 740—RELOCATION ASSISTANCE

Technical Amendments

• *Purpose.* The purpose of this document is to make technical amendments to the regulation on Relocation Assistance. •

The three technical amendments set forth below are made to 23 CFR Part 740 was published at 41 FR 48682, November 4, 1976, FR document 76-30327.

(1) On page 48682, the Act cited in the first sentence of the purpose statement should read "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970";

(2) On page 48694, in § 740.57(b)(4) the heading of paragraph (4) should read "Owner must provide information"; and

(3) On page 48703, in § 740.118 the paragraphs numbered under (a)(5) as "(vi) through (xi)" should read "(6) through (11)."

Issued on: December 9, 1976.

CHARLES B. HOLLIS,
Special Assistant.

[FR Doc.76-36790 Filed 12-14-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 656-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revision to the Maryland State Implementation Plan

On December 11, 1974, the State of Maryland submitted to the Regional Administrator, EPA, Region III, amendments to Section .04B(3) of Maryland Regulations 10.03.36-41. The State requested that each of these amendments be reviewed and processed as a revision to the Maryland State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards (NAAQS). The amendments, as submitted, delete the requirement for fuel burning equipment located in the State of Maryland to burn residual fuel oil with not more than 0.5 percent sulfur content after July 1, 1975. (The 0.5 percent sulfur-in-fuel requirement will be reimposed by Maryland on July 1, 1980 if necessary to meet the State's Lower Limit of the "More Adverse" Secondary Standards. Depending upon future air quality levels, such a State action may not be required by EPA as a change to the SIP for the attainment and maintenance of NAAQS.) The statewide sulfur requirement for residual oil as of the aforementioned December 11, 1974 submittal date was 1.0 percent. The State had contended that the 0.5 percent provision was unnecessary for attainment of federal sulfur dioxide (SO_2) standards.

On September 17, 1974, the State submitted adequate proof that hearings regarding these amendments were held on August 6, 1974 in Takoma Park and on August 7, 1974 in Baltimore, in accordance with 40 CFR 51.4.

On January 30, 1975 (40 FR 4447), the Regional Administrator acknowledged receipt of these amendments, proposed them as a revision to the Maryland SIP, and provided for a 30-day public comment period. In conjunction with these amendments, the Regional Administrator also proposed the deletion of the compliance schedules promulgated by the Administrator on August 23, 1973 (38 FR 22736) (40 CFR 52.1080(b)). These compliance schedules had been included in the Maryland SIP to assure compliance with the 0.5 percent requirement. Because of confusion that may have resulted in EPA's interpretation of the contents of the Maryland submittal as described in the proposed rulemaking of January 30, 1975 (40 FR 4447), a subsequent FEDERAL REGISTER notice on March 27, 1975 (40 FR 13521) extended the comment period for an additional 30 days, until April 28, 1975.

During the extended comment period, the Commonwealth of Virginia submitted comments supporting the continuation of the 1.0% sulfur-in-fuel content for residual oil. Virginia stated that the 1.0% level was more compatible with its regulations for the National Capital Interstate AQCR which is comprised of the District of Columbia and surrounding areas in Maryland and Virginia. The Maryland State Chamber of Commerce and the Baltimore Gas and Electric Company also supported continuation of the 1.0% requirement. No adverse comments were received.

Before considering approval of the deletion of the 0.5 percent sulfur-in-fuel regulations as a SIP revision, EPA required proof that NAAQS for sulfur dioxide were not being violated, and further, that these standards were likely to be maintained in the State of Maryland through 1985. After reviewing the air quality data for each AQCR located in the State of Maryland, it was apparent that of the six AQCR's only the Metropolitan Baltimore Intrastate AQCR might have difficulty maintaining the standards because sulfur dioxide standards were barely being attained. In all other AQCR's, standards were being attained by a comfortable margin. In view of such findings, the Agency was of the opinion that the best alternative would be to approve without qualification the proposed deletion of the 0.5 percent sulfur-in-fuel regulation for all Maryland AQCR's with the exception of the Baltimore region.

Therefore, on December 5, 1975 (41 FR 56888) the Administrator modified 40

CFR 52.1080(b) to acknowledge the deletion of Section .04B(3) from Maryland Regulations 10.03.36, .37, .39, .40, and .41 as a revision to the Maryland SIP effective immediately.

At the same time rather than approve without qualification the proposed deletion of Section .04B(3) for Maryland Regulation 10.03.38 which applies to the Baltimore Region, the Administrator approved a temporary deletion for a one-year period. In effect, this postponed until July 1, 1976 the requirement to change from a 1 percent to 0.5 percent maximum content of sulfur in residual fuel oil. It was felt that within a one-year period the State should be able to submit to the Environmental Protection Agency ambient air quality data and a completed air quality maintenance planning analysis for the Metropolitan Baltimore Intrastate AQCR which would assist the Administrator in his ultimate decision as to the propriety of a permanent deletion of Section .04B(3) of Maryland Regulation 10.03.38 from the SIP.

On July 29, 1976 (41 FR 31573), the Regional Administrator acknowledged receipt of a March 31, 1976 study which was submitted by Maryland to support its proposal to retain the 1.0 percent sulfur-in-fuel limitation for the Metropolitan Baltimore Intrastate AQCR (Maryland Regulation 10.03.38. 04B(3)). A public comment period, ending August 30, 1976 was provided for, and two comments were received. One response came from the Baltimore Gas and Electric Company and the other from Venable, Baetjer and Howard, Attorneys at Law, who submitted comments on behalf of the Bethlehem Steel Corporation. In both instances, the commentors favored approval of retaining the 1.0 percent sulfur-in-fuel limitation.

A review conducted by EPA indicates that the technical analysis submitted by Maryland entitled, "Air Quality Maintenance Analysis for the Baltimore, Maryland Intrastate Air Quality Control Region for Total Suspended Particulate Matter and Sulfur Dioxide," in support of the proposed revision, demonstrates that a 1.0 percent sulfur-in-fuel limitation will not interfere with the maintenance of sulfur dioxide standards in the Baltimore region. In view of the EPA's evaluation, the Administrator hereby approves the amendment to Maryland Regulation 10.03.38.04(b)(3), which deletes the 0.5 percent sulfur-in-fuel limitation and allows for the retention of the 1.0 percent sulfur-in-fuel limitation, as a revision to the Maryland State Implementation Plan.

The Administrator acknowledges that a number of assumptions and judgments are exercised in drawing conclusions derived from modeling predictions of air quality. Therefore, EPA will carefully track the air quality situation in the region. Furthermore, as part of EPA's Air Quality Maintenance procedures, a reassessment of the adequacy of control strategies and associated regulations will be made. Further, if we receive any information which indicates that the 1.0 percent sulfur limitation is an inadequate maintenance strategy, the Administrator will initiate corrective action in a timely manner.

Effective date: Inasmuch as the Administrator's previous action to allow retention of the 1.0 percent sulfur-in-fuel limitation in the Metropolitan Baltimore Intrastate AQCR expired on July 1, 1976, and that it would serve no useful purpose to defer the effective date of this revision for 30 days, the Administrator hereby finds good cause for instituting the rulemaking effective immediately.

Copies of the approved Maryland revision and the analysis on which it is based are available during normal business hours at the following locations:

U.S. Environmental Protection Agency, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Mr. Harold Frankford.

Maryland Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Maryland 21201, ATTN: Mr. William Bonta.

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(42 U.S.C. 1857–c(5).)

Dated: December 8, 1976.

RUSSELL E. TRAIN,
Administrator.

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

Subpart V—Maryland

1. In § 52.1070, Paragraph (c) is amended to read as follows:

§ 52.1070 **Identification of plan.**

* * * * *

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

(15) Amendments to Maryland Regulations 10.03.36, 10.03.37, 10.03.39, 10.03.40 and 10.03.41; deleting subsection .04B(3), which requires the lowering of the allowable sulfur-in-fuel limitation to 0.5 percent submitted on December 11, 1974 by the Governor.

* * * * *

(18) Amendment to Maryland Regulation 10.03.38, deleting subsection .04B(3), which requires the lowering of the allowable sulfur-in-fuel limitation to 0.5 percent, submitted on December 11, 1974 by the Governor.

§ 52.1080 [Amended]

2. In § 52.1080, paragraph (b) is revoked.

§ 52.1117 [Amended]

3. In § 52.1117, paragraph (a) is revoked.

[FR Doc.76-36924 Filed 12-14-76;8:45 am]

[FRL 657-2]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to State of California on Behalf of San Diego County Air Pollution Control District

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of California on behalf of the San Diego County Air Pollution Control District, dated November 8, 1976, EPA is today amending 40 CFR 60.4 Address, to reflect this delegation. A Notice announcing this delegation is published in the Notices section of this issue, under EPA (FR Doc. 76-36929 at page 54798). The amended § 60.4 is set forth below. It adds the address of the San Diego County Air Pollution Control District, to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NSPS located within this Air Pollution Control District.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected in this administrative amendment was effective on November 8, 1976 and it serves no purpose to delay the technical change on this addition of the Air Pollution Control District's address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 111 of the Clean Air Act, as amended (42 U.S.C. 1857c-6).

Dated: November 26, 1976.

SHELIA M. PRINDIRVILLE,
Acting Regional Administrator, Environmental Protection Agency, Region IX.

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

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

§ 60.4 **Address.**

* * * * *

(b) * * *

(A)–(E) * * *

F–California:

Bay Area Air Pollution Control District, 939 Ellis Street, San Francisco, CA 94109.

Del Norte County Air Pollution Control District, Courthouse, Crescent City, CA 95531.

Fresno County Air Pollution Control District, 515 S. Cedar Avenue, Fresno, CA 93702.

Humboldt County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501.

Kern County Air Pollution Control District, 1700 Flower Street (P.O. Box 997), Bakersfield, CA 93302.

Madera County Air Pollution Control District, 135 W. Yosemite Avenue, Madera, CA 93637.

Mendocino County Air Pollution Control District, County Courthouse, Ukiah, CA 95482.

Monterey Bay Unified Air Pollution Control District, 420 Church Street (P.O. Box 487) Salinas, CA 93901.

Northern Sonoma County Air Pollution Control District, 3313 Chanate Road, Santa Rosa, CA 95404.

Sacramento County Air Pollution Control District, 3701 Branch Center Road, Sacramento, CA 95827.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123.

San Joaquin County Air Pollution Control District, 1601 E. Hazelton Street (P.O. Box 2009) Stockton, CA 95201.

Santa Barbara County Air Pollution Control District, 4440 Calle Real, Santa Barbara, CA 93110 .

Stanislaus County Air Pollution Control District, 820 Scenic Drive, Modesto, CA 95350.

Trinity County Air Pollution Control District, Box AJ, Weaverville, CA 96093.

Ventura County Air Pollution Control District, 625 E. Santa Clara Street, Ventura, CA 93001.

* * * * *

[FR Doc.76-36925 Filed 12-14-76;8:45 am]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of California on Behalf of San Diego County Air Pollution Control District

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of California on behalf of the San Diego County Air Pollution Control District, dated November 8, 1976, EPA is today amending 40 CFR 61.04, Address, to reflect this delegation. A Notice announcing this delegation is published in the Notices section of this issue, under EPA (FR Doc. 76-36929). The amended § 61.04 is set forth below. It adds the address of the San Diego County Air Pollution Control District to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NESHAPS located within Air Pollution Control District.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on November 8, 1976 and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District's address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 112 of the Clean Air Act, as amended (42 U.S.C. 1857c-7).

Dated: November 26, 1976.

SHEILA M. PRINDIRVILLE,
Acting Regional Administrator, Environmental Protection Agency, Region IX.

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

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

§ 61.04 Address.

* * * * *

(b) * * *

(A)-(E) * * *

F-California:

Bay Area Air Pollution Control District, 939 Ellis Street, San Francisco, CA 94109.

Del Norte County Air Pollution Control District, Courthouse, Crescent City, CA 95531.

Fresno County Air Pollution Control District, 515 S. Cedar Avenue, Fresno, CA 93702.

Humboldt County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501.

Kern County Air Pollution Control District, 1700 Flower Street (P.O. Box 997) Bakersfield, CA 93302.

Madera County Air Pollution Control District, 135 W. Yosemite Avenue, Madera, CA 93637.

Mendocino County Air Pollution Control District, County Courthouse, Ukiah, CA 95482.

Monterey Bay Unified Air Pollution Control District, 420 Church Street (P.O. Box 487), Salinas, CA 93901.

Northern Sonoma County Air Pollution Control District, 3313 Chanate Road, Santa Rosa, CA 95404.

Sacramento County Air Pollution Control District, 3701 Branch Center Road, Sacramento, CA 95827.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123.

San Joaquin County Air Pollution Control District, 1601 E. Hazelton Street (P.O. Box 2009), Stockton, CA 95201.

Santa Barbara Air Pollution Control District, 4440 Calle Real, Santa Barbara, CA 93110.

Stanislaus County Air Pollution Control District, 820 Scenic Drive, Modesto, CA 95350.

Trinity County Air Pollution Control District, Box AJ, Weaverville, CA 96093.

Ventura County Air Pollution Control District, 625 E. Santa Clara Street, Ventura, CA 93001.

* * * * *

[FR Doc.76-36926 Filed 12-14-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-2—PROCUREMENT BY FORMAL ADVERTISING

PART 14-3—PROCUREMENT BY NEGOTIATION

Protests Against Award

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Parts 14-2 and 14-3 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments herein are revisions to administrative procedures pertaining to the filing and processing of protests against award, which implement and supplement the Bid Protest Procedures of the General Accounting Office as published in the FEDERAL REGISTER (40 FR 17979, 40 FR 60035, 41 FR 2073, and 41 FR 2367). Subpart 14-2.4 is amended to provide for revised internal procedures for handling protest against award and to bring filing procedures in line with those set forth in the General Accounting Office Bid Protest Procedures and under 41 CFR 1-2.4. Subpart 14-3.1 is amended by adding a new Section 14-3.152 which references the procedures under 14-2.407-8 for protests involving negotiated procurements. Because the amendments are entirely administrative in nature, the public rulemaking process is waived in this instance and the amendments will become effective immediately.

Dated: December 1, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. Subpart 14-2.4 of 41 CFR is amended by revising § 14-2.407-8 to read as follows:

Subpart 14-2.4—Opening of Bids and Award of Contract

§14-2.407-8 Protests against award.

(a) *Resolution by procuring activities.* Protesters are urged to seek resolution of their complaints initially with the procuring activity. Contracting officers may act on any formal protest initially filed with the procuring activity as provided for in § 1-2.407-8(a) of this title in attempting to resolve a protest informally. When a contracting officer has reason to believe a protest situation is developing, every effort should be made by the contracting officer to informally resolve the matter. Contracting officers should try to determine the reasons for the protest and explain to the protesters the reasons for the Government's action. In many cases, proper explanation of the Government's position to the protester will result in resolution of the matter without further action.

(b) *Responsibility.* The Office of Administrative and Management Policy shall be responsible for handling matters relative to protests against award of contracts within the Department of the Interior, and for liaison between the Department and the GAO. All communications relative to protest cases at the GAO shall be coordinated with the Office of Administrative and Management Policy. All written communications to the GAO shall be prepared by the office concerned for the signature of the Director, Office of Administrative and Management Policy.

(c) *Time for filing.* (1) Protests to the GAO based on alleged improprieties in any type of solicitation which are apparent prior to the bid opening date or the closing date for receipt of initial proposals must be filed by the protester prior to the bid opening or the closing date for receipt of initial proposals. In the case of negotiated procurements, alleged improprieties which do not exist in the initial solicitation but which are subsequently incorporated therein must be protested not later than the next closing date for receipt of proposals following the incorporation. In other cases, bid protests must be filed in time to be received in the GAO not later than 10 working days after the basis for the protest is known, or should have been known, whichever is earlier. If a protest has been filed initially with the procuring activity, any subsequent protest to the GAO must be received in the GAO within 10 working days of formal notification of, or actual or constructive knowledge of, initial adverse action by the procuring activity.

(2) Any additional statement by the protester in support of the initial protest which is required by the GAO must be mailed or otherwise furnished to the GAO no later than 5 working days after receipt of notification from the GAO of the need for such additional statement. One copy shall, at the same time, be mailed or otherwise furnished to the procuring activity concerned.

(3) "Working days" as used in this § 14–2.407–8 means the working days of the agencies of the Federal Government. The term excludes Saturdays, Sundays, and Federal holidays.

(d) *Notice of protest.* Upon being advised by the GAO of the receipt of a notice of protest, the Office of Administrative and Management Policy will so inform the head of the procuring activity concern, who will immediately notify the contracting officer involved. Concurrently, a copy of the notice will be sent to the Office of the Solicitor, Division of General Law. The contracting officer shall promptly notify the contractor (if award has been made) or, if award has not been made, all bidders or offerors who, in the opinion of the contracting officer, appear to have a substantial and reasonable prospect of receiving an award if the protest is denied. In addition, copies of such notices shall be sent directly to the Office of Administrative and Management Policy. Upon receipt from the GAO a copy of the actual protest and a written request for a formal report, the Office of Administrative and Management Policy will transmit copies to the head of the procuring activity concerned (with a copy to the Office of the Solicitor, Division of General Law), who shall promptly transmit copies to the contracting officer involved and request a written report on the protest. Except to the extent that withholding of information is permitted or required by law or regulation, the contracting officer shall not withhold material submitted by a protester from any interested party and shall furnish copies of the protest and any supplemental material submitted by the protester, to such parties upon request. These parties shall be advised to communicate with the GAO of they desire to comment on the protest, and to furnish two copies of such comments, if any, to the contracting officer. The contracting officer shall promptly transmit one copy of any such comments directly to the Office of Administrative and Management Policy.

(e) *Determination to make award.* (1) If a written protest before award has been lodged with the procuring activity only, the procedures of § 1–2.407–8(b) of this title shall be followed. Prior to making an award of contract under the circumstances set forth in § 1–2.407–8(b)(4) of this title, the contracting officer shall secure the advice of the appropriate office of the Solicitor.

(2) If a protest before award has been lodged directly with the GAO, and the contracting officer determines in writing that it is necessary to make an award under § 1–2.407–8(b)(4) of this title, such determination must be supported by a strong justification and must be approved by the head of the procuring activity concerned and by the Director, Office of Administrative Management Policy, before award is made. The Office of Administrative and Management Policy shall obtain advice from the GAO as to the current status of the protest before approving any such determination to make award. If the Office of Administrative and Management Policy then determines that the facts presented in the determination justify and warrant the making of award prior to resolution of the protest, the Director may approve such determination to make award. The Office of Administrative and Management Policy shall notify the GAO by telephone that award has been authorized, and a copy of the approved determination to make the award shall be transmitted to the GAO, the protester, and others who were notified of the protest.

(f) *Submission of report.* (1) Within 25 working days after receipt by the Office of Administrative and Management Policy of the complete statement of protest, a report on the protest or a written statement setting forth the reasons for any delay and the expected date of submission shall be submitted to the GAO as prescribed in this § 14–2.407–8.

(2) The Office of Administrative and Management Policy will transmit the formal GAO request for a report to the head of the procuring activity concerned using a "Protest Transmittal/Scheduling Record" (hereinafter called "Transmittal Record").[1] This Transmittal Record will originate in the Office of Administrative and Management Policy. It will be sent in duplicate to the head of the procuring activity and will show all pertinent data available at the time it is prepared, including the tentative date the report is due in the Office of Administrative and Management Policy (normally 20 working days from the date of the preparation of the Transmittal Record) and the tentative date the report is due in the GAO. If GAO furnishes the Department with a full and complete statement on the protest with its report request, the dates for report submission in the Transmittal Record will be firm instead of tentative.

(3) The head of the procuring activity shall, within 2 working days after receipt of the Transmittal Record, transmit the written statement of protest, with the duplicate Transmittal Record, to the contracting officer involved. The initial transmittal shall be made by facsimile, if available, followed by transmittal of the actual protest documents in the next mail.

(4) If the GAO furnishes a complete statement of the protest at a later time than the date the initial request for a report is made, a new submission date will be established by the Office of Administrative and Management Policy, and the head of the procuring activity will be notified accordingly. In each case, the contracting officer shall be promptly notified by the head of the procuring activity and the new submission date shall be entered on the Transmittal Record in the space for "Authorized Time Extensions", along with the reasons therefor.

(5)(i) The contracting officer shall prepare a written report responsive to the protest. The report shall be appropriately titled and dated; shall cite the GAO case file (B–) number assigned to the protest; shall include the documents and statements required by § 1–2.407–8(a)(2) of this title, and must be signed by the contracting officer. Other relevant supporting documents may also be appended.

(ii) If appropriate, the report shall contain a statement regarding any urgency for the procurement and the extent to which a delay in award may result in significant performance difficulties or additional expense to the Government. If award is not urgent, a statement shall be included giving an estimate of the length of time an award may be delayed without significant expense or difficulty in performance.

(iii) A letter transmitting the contracting officer's report on the protest to the GAO shall be prepared by the procuring activity, for signature of the Director, Office of Administrative and Management Policy. The letter must be addressed to the individual in the GAO who signed the request for the initial or supplementary report on the protest. It shall state that copies thereof have been sent to the protester and other named parties who had been given notice of the protest. Prior to submission of the report to the Office of Administrative and Management Policy, the transmittal letter and complete protest report shall be approved for legal sufficiency by the appropriate office of the Solicitor, in accordance with legal review procedures of the procuring activity concerned. Information copies of the letter and report shall be prepared for the cognizant Assistant Secretary; the Assistant Secretary—Administration and Management; the Director, Office of Administrative and Management Policy; the Associate Solicitor, Division of General Law; the protester; and other interested parties. The external distribution only, must be shown on the original of the transmittal letter to the GAO. In addition, there shall be prepared for the signature of the Director, Office of Administrative and Management Policy, letters to the protester and other interested parties, transmitting a copy of the complete report on the protest, including all appendices and attachments. The letters shall include a statement on any information which has been withheld and the justification for such withholding. The letters shall advise recipients that any comments they desire to make must be filed with the Office of the General Counsel, GAO, with copies to the procuring activity concerned and the Office of Administrative and Management Policy, within 10 working days after receipt of the report. After

[1] This form is shown in Appendix A hereof.

signature, all letters will be concurrently mailed by the Office of Administrative and Management Policy.

(iv) The transmittal letters to the GAO shall, unless otherwise directed by the Office of Administrative and Management Policy, be prepared in a format similar to the following:

Mr. (name of GAO person requesting report),
(Title),
General Accounting Office,
Washington, D.C. 20548

Dear _____:
Enclosed are the contracting officer's report and supporting documents relating to a protest filed with your office. The GAO case file number for this protest is B-_____. Matter of: (Name of Protester).

If additional information is needed to assist in making a decision in case, please contact the Division of Procurement and Grants, Office of Administrative and Management Policy, telephone (202) 343-5914, and ask for the protest control officer. Copies of this letter and its enclosures have been sent to the protester and to the following:

(List here the names of all parties who are to be furnished a copy of the report and enclosures.)

We recommend that the protest be (Insert recommended disposition).

Sincerely yours,
Director, Office of Administrative and Management Policy.

Enclosures.

(v) When preparing copies of the report for external distribution, contracting officers must assure that no trade secrets or commercial or financial information which is privileged or confidential and is obtained from any person is furnished to those not authorized to have access thereto, and must place a notice that such material has been withheld in each such copy. This notice of information withheld must also appear in the GAO copy of the report.

(vi) When the contracting officer's protest report and all transmittal letters are completed, the date of completion shall be entered in the appropriate space on the Transmittal Record, and the report file sent to the appropriate office of the Solicitor for legal review. When the Solicitor's review is completed, this date shall be entered on the Transmittal Record.

(vii) After initial review and approval by the appropriate office of the Solicitor, the entire report, covered by the duplicate Transmittal Record, shall be further reviewed in accordance with any procedures of the procuring activity concerned and forwarded to the Office of Administrative and Management Policy for final action. The Office of Administrative and Management Policy will obtain final legal review by the Associate Solicitor, Division of General Law, prior to submitting the report to the GAO.

(viii) If, after final review, it is determined that revisions to the report are necessary, the report package will be returned to the head of the procuring activity concerned for appropriate action. If the Office of the Solicitor or the Office of Administrative and Management Policy desires to make additional comments on the protest report, such comments will normally be prepared as addenda to the protest report and referenced in the letter transmitting the report.

(ix) If the GAO requests additional information, a supplementary report must be sent to the GAO within 5 working days after the request is received by the Department, following the procedures in § 14-2.407-8(f)(5) of this section.

(g) *Conference on protest.* Any interested party may request a conference with the GAO on the merits of a protest. All interested parties will be invited to attend such a conference and present their comments. Any requests for a conference from within the Department shall be made through the Office of Administrative and Management Policy, in coordination with the Office of the Solicitor, Division of General Law.

(h) *Protests after award.* Protests received after award of contract are subject to the same procedures for processing as set forth in this § 14-2.407-8 and § 1-2.407-8(c) of this title. They shall be given priority treatment by all personnel. Protest reports on protests after award shall include a statement on the status of performance under the contract and the date anticipated for contract completion.

(i) *Report of corrective action.* When a GAO decision contains a recommendation for corrective action and directs the agency's attention to section 236 of the Legislative Reorganization Act (31 U.S.C. 1176), the GAO will transmit a copy of the decision to the Congressional committees named in section 232 of the Act (31 U.S.C. 1172). The Department is required by section 236 of the Act to submit to the House and Senate Committees on Appropriations and Government Operations a written statement of the corrective action taken. The required statement shall be prepared and submitted by the head of the procuring activity involved to the Office of Administrative and Management Policy within 50 calendar days after the date of the GAO decision. After review and approval, the statement will be transmitted to the appropriate committees by the Office of Administrative and Management Policy.

2. The Table of Contents of Part 14-3 is amended by adding a new § 14-3.152 to Subpart 14-3.1 as follows:

Sec.

* * * * *

14-3.152 Protests against award.

3. Subpart 14-3.1 is amended by adding a new § 14-3.152 as follows:

Subpart 14-3.1—Use of Negotiation

* * * * *

14-3.152 Protests against award.

The procedures set forth in § 1-2.407-8 of this title and 14-2.407-8 of this chapter shall be followed for protests involving negotiated procurements.

APPENDIX A

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF ADMINISTRATIVE AND MANAGEMENT POLICY
DIVISION OF PROCUREMENT AND GRANTS

PROTEST TRANSMITTAL/SCHEDULING RECORD

GAO File No. B–	
Transaction No.	
IPR Reference § 14–2.407–8	

To	FROM: Office of Secretary, Div. of Procurement & Grants, AMP	Date
Protester *(name)*	Address *(include zip code)*	
GAO notification *(date)* ☐ Oral *(date)*	☐ Written *(date)*	
CO report due in AMP *(date)*	CO report due in GAO *(date)*	
Basis for protest		

The following must be completed by the procuring activity.

CO report completed *(date)*	Field legal review completed *(date)*
Authorized time extensions	
Reasons for time extensions	
Remarks/status information *(attach additional sheets, if necessary)*	

INSTRUCTIONS

Form will be used to transmit to bureaus and offices GAO requests for CO reports in connection with protests received on procurement or grant transactions. The Division of Procurement & Grants, AMP, will furnish as much data as it can. Addressee *must* complete balance of form and return it with complete report and supporting documents through their headquarters offices to the Office of Administrative and Management Policy in time to be received within 20 working days from date of this transmittal record.

[FR Doc.76–36463 Filed 12–14–76;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amendment G-36]

PART 101-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 101-40.1—General Provisions

OFFICE RELOCATION MOVING CONTRACTS

This regulation increases to $5,000 the ceiling on term moving contracts for office relocations entered into by GSA on behalf of civilian executive agencies.

1. Section 101-40.109-1(a) is revised as follows:

§ 101-40.109-1 Miscellaneous contracts and agreements.

(a) The Federal Supply Service, General Services Administration, will, as deemed necessary, enter into term contracts for transportation and related services including but not limited to contracts for stevedoring, storage, drayage, packing, marking, ocean freight forwarding, and other accessorial services, and will enter into agreements concerning such matters as demurrage, weighing, and the use of commercial documents and procedures in lieu of Government bills of lading. Such contracts and agreements will be made for and in behalf of all civilian executive agencies.

* * * * *

2. Section 101-40.109-2 is revised as follows:

§ 101-40.109-2 Office relocation contracts.

(a) GSA will enter into term moving contracts for office relocations estimated to cost $5,000 or less in cities where it is determined that such contracts are warranted. Availability of term moving contracts will be announced through GSA bulletins as provided in § 101-40.109-1(b).

(b) For office relocations in cities where term moving contracts are not available or for relocations expected to cost more than $5,000, agencies may obtain their own moving contracts either by formal advertising or by negotiation (41 CFR 1-7.7 and 1-19.7), as appropriate. Also, an agency may request GSA to enter into a specific moving contract to meet the agency's requirements.

(c) Relocation of offices occupying space which has been assigned by GSA requires prior approval by the Public Buildings Service, GSA, in accordance with the provisions of Part 101-17, Assignment and Utilization of Space.

(d) Whether an office relocation is made under a GSA term moving contract, a contract entered into by an individual agency, or a contract entered into by GSA on behalf of an individual agency, the agency being relocated or GSA, as appropriate, shall make arrangements direct with the moving contractor. These arrangements shall include (1) Issuing the purchase order or placing the work order; (2) Arranging for direct billing; (3) Making all operational arrangements; (4) Supervising the actual moving; (5) Processing loss and damage claims; (6) Providing certification on the contractor's invoice; and (7) Processing the invoice for direct payment to the contractor.

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

Effective date: This amendment is effective December 1, 1976.

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

Dated: December 7, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-36749 Filed 12-14-76;8:45 am]

Title 45—Public Welfare

SUBTITLE B—REGULATIONS RELATING TO PUBLIC WELFARE

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1340—CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM

Subpart D—Coordination of Federal Programs and Activities Related to Child Abuse and Neglect

Notice of proposed rule making was published in the FEDERAL REGISTER on April 28, 1976, at 41 FR 17761, setting forth a new Subpart D of Part 1340, Chapter XIII, Subtitle B, Title 45 of the Code of Federal Regulations.

The basis of this regulation is found in sections 7 and 6(a) of the Child Abuse Prevention and Treatment Act (Pub. L. 93-247). Section 7 of that act requires the Secretary of Health, Education, and Welfare to promulgate regulations and make arrangements to ensure that there is effective coordination among programs assisted by Federal funds. Therefore, this regulation was required as a means of achieving coordination.

The basis of the use of the Advisory Board as a means of coordinating Federal programs and activities related to child abuse and neglect lies in section 6(a) of Pub. L. 93-247. That section requires that the Secretary appoint an Advisory Board on Child Abuse and Neglect, composed of representatives of Federal agencies that administer programs or conduct activities related to child abuse and neglect. Among the Advisory Board's required statutory responsibilities is the provision of assistance to the Secretary in coordinating Federal programs and activities related to child abuse and neglect.

The Advisory Board, in accordance with the mandates of Pub. L. 93-247 was appointed by the Secretary shortly after the enactment of the statute. Among the Advisory Board's duties under the charter creating it is the coordination of programs and activities related to child abuse and neglect administered or supervised by member agencies. Subpart D of Part 1340 elaborates and states the specific procedures for achieving that end.

The basis of the requirement in §1340.4-3 of the regulation that various reports and materials be submitted to the Advisory Board is that only through these submissions can the Advisory Board identify possible unnecessary duplication among the programs and activities.

The purposes of the regulation are to ensure effective coordination among programs and activities related to child abuse and neglect, as required by section 7 of Pub. L. 93-247, and to bring about more efficient and effective use of Federal resources in the various phases of Federal programs and activities related to the prevention, identification, and treatment of child abuse and neglect. The regulation is not directed toward altering the basic responsibility of agencies to administer and manage their programs and activities.

The alternatives examined were basically similar. Both required the submission of reports and materials to the Advisory Board and both involved the Advisory Board, since these are necessary in order to effectuate coordination. During the drafting of the proposed rules, one addition was made to the first draft alternatives. The procedure in paragraph (b) of § 1340.4-4 for ensuring coordination was strengthened so that the agencies with apparent inappropriate duplication in programs or activities will state timeliness for resolution of their coordination problems, with the Advisory Board setting deadlines where necessary. No alternatives were found that might accomplish the purposes of the statute, of ensuring coordination.

Interested persons were invited to submit comments, suggestions, or objections regarding the proposed rule. Six comments were received. All inquired about the nature of the Advisory Board on Child Abuse and Neglect. Therefore, no changes in the regulations were necessary for any reason.

Effective date: This subpart shall become effective on January 1, 1977.

(Catalogue of Federal Domestic Assistance Programs No. 13.628, Child Abuse and Neglect Prevention and Treatment.)

NOTE.—It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821 and does not require an Inflation Impact Evaluation.

Dated: August 24, 1976.

JANE A. LAMPMANN,
Acting Assistant Secretary for Human Development.

Approved: December 10, 1976.

MARJORIE LYNCH,
Acting Secretary.

Part 1340, Subtitle B of 45 CFR Chapter XIII is amended by adding Subpart D as follows:

Subpart D—Coordination of Federal Programs and Activities Related to Child Abuse and Neglect

Sec.

AUTHORITY: Sec. 6(a), 88 Stat. 7 (Sec. 6(a), Pub. L. 93–247); Sec. 7, 88 Stat. 8 (Sec. 7, Pub. L. 93–247).

Subpart D—Coordination of Program Activities

§ 1340.4–1 Purposes.

(a) There are a number of Federal agencies which expend Federal funds to administer or assist programs and activities related to child abuse and neglect.

(b) The purposes of this subpart are:

(1) To ensure effective coordination among programs and activities related to child abuse and neglect under the Act and other such programs and activities administered and assisted by other Federal agencies, as required by Section 7 of the Act;

(2) To achieve the most effective and efficient utilization of Federal resources in the design, development, implementation and management of programs and activities related to the prevention, identification or treatment of child abuse and neglect;

(3) To ensure that programs and activities are not undertaken in a unilateral manner;

(4) To ensure that programs and activities are not duplicative; and,

(5) To provide that the results, outcomes, or data generated by programs and activities are made known and available to each of the agencies participating.

(c) In order to accomplish these purposes, it is necessary that there be established and maintained an ongoing effort among the participating agencies to clarify their respective roles; identify and centrally maintain information about their respective efforts; establish and maintain appropriate program interaction; and, achieve the maximum feasible level of synchronization of effort.

(d) It is not the purpose of this subpart to alter in any manner the basic responsibility of an agency to administer and manage its programs and activities.

§ 1340.4–2 Definitions.

For purposes of this subpart.

(a) "Advisory Board" means the Advisory Board on Child Abuse and Neglect, established by the Secretary under the Act.

(b) "Executive Secretariat" means the National Center on Child Abuse and Neglect in its performance of the supportive administrative functions of the Advisory Board.

(c) "Assistant Secretary" means the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare.

(d) "Activities" (and in the singular, "activity" as indicated by the context) means programs and activities related to child abuse and neglect administered or assisted by participating agencies, including but not limited to:

(1) Grants in aid;

(2) Grants for research and demonstration projects;

(3) Contracts conduct activities related to child abuse and neglect;

(4) Development of training curricula and supporting educational materials;

(5) Provision of technical assistance;

(6) Provision of services;

(7) Data collection;

(8) Development of program standards;

(9) Development of short and long range plans;

(10) Development of rules, regulations, policies or procedures.

(e) "Participating agencies" means the various Federal agencies with responsibilities for activities related to child abuse and neglect which by virtue of such responsibilities are, or are eligible to be, represented on the Advisory Board.

§ 1340.4–3 Reports and Materials.

Each participating agency shall, as a minimum, provide the following reports and material regarding its activities at the central and regional office levels to the Advisory Board:

(a) An annual written report on long range plans and budget projections;

(b) An annual written report on contemplated activities and budget projections for the succeeding fiscal year with a specific description of what those activities are to achieve and how they relate to existing activities;

(c) An annual written report at the conclusion of each fiscal year on the results and accomplishments of activities conducted during that year and a recapitulation of funds expended;

(d) Interim reports on activities which appear to warrant consideration or some coordinating action by the Advisory Board prior to the submission of annual reports;

(e) Draft copies of statements of work for contracts or grants, for information, review, and coordination;

(f) Final copies of statements of work referred to in paragraph (e) of this section, provided at the time of issuance;

(g) Brief statements of the subject matter, methodology, and objectives of unannounced or solicited activities approved for funding, at the time of award;

(h) Draft regulations or other requirements, guidelines, and standards for activities provided in timely fashion for review and coordination; and,

(i) Final copies of the materials referred to in paragraph (h) of this section, at the time of issuance.

§ 1340.4–4 Coordination Process.

(a) The Advisory Board shall be informed of all the planned activities reported to it pursuant to § 1340.4–3, in the context of the total Federal effort at both central and regional office levels.

(b) If the Advisory Board finds that the planned activities appear to represent an inappropriate duplication or overlap of efforts with another participating agency or that more effective coordination can be achieved, the Advisory Board, through Assistant Secretary for Human Development, shall bring such matter and its recommendations to the attention of the agencies involved. Those agencies shall expeditiously develop and report to the Advisory Board how they propose to coordinate their activities as well as a timetable for the actions proposed. In the event that there is an urgency for the rapid resolution of the problem, the Board shall set a deadline for the resolution of the problem.

(c) The Board shall report to the Secretary on a regular basis if there are inappropriate duplications or overlap of efforts in planned activities.

(d) Participating agencies shall encourage their regional office representatives to undertake joint planning and coordination of activities in their regions within the framework of national coordination under the Advisory Board, through such means as inter-agency committees and agreements.

[FR Doc.76–36876 Filed 12–14–76;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–1080]

COMMUNICATIONS COMMON CARRIERS

Report and Order on Tariff Changes

Adopted: November 23, 1976.

Released: December 9, 1976.

Report and order. In the matter of amendment of Parts 0, 1 and 61 of the Commission's rules.

1. In this Report and Order the Commission amends some of its procedural rules because of recent amendments to the Communications Act. On August 4, 1976, the President signed Pub. L. 94–376. This legislation sponsored by the Commission amends Sections 203 and 204 of the Communications Act which involve the regulation of communications common carriers. It establishes a 90 day period of public notice for proposed tariff changes unless the Commission specifies a shorter period of public notice; extends the maximum period for suspension of new or revised tariff provisions from three to five months; authorizes the Commission to allow part of a proposed charge, classification, regulation or practice to go into effect; and gives the Commission authority to "allow all or part of a charge, classification, regulation, or practice to go into effect on a temporary basis pending further order" of the Commission.

2. Pub. L. 94–376 became effective immediately upon the President's signature. Accordingly, the Commission issued two Public Notices to temporarily implement the new law. FCC 76–774, released August 13, 1976, 41 FR 35098 (August 19, 1976); FCC 76–811, released August 30, 1976, 41 FR 37399 (September 3, 1976). The August 13 Public Notice required that all tariff changes filed after August 31, 1976 provide for 90 days public notice until such time as the Commission modified its rules to specify appro-

priate periods of public notice for various categories of tariff filings. The August 30 Public Notice, among other things, scheduled meetings with customers, carriers and other members of the public in order to obtain their views concerning appropriate periods of public notice for various types of tariff filings. A formal rulemaking proceeding was not instituted because the changes under consideration were designed to implement the new law and are procedural in nature and therefore not subject to the public notice and hearing requirements of Section 553 of the Administrative Procedure Act. (Oral and written comments are summarized in Appendix A to this Report.)

3. After careful consideration of the various comments and proposals made by all interested persons, the Commission is of the opinion that a system providing for four basic periods of public notice is appropriate. Briefly summarized, the four basic periods for public notice are:

(1) Minor changes—15 days notice.
(2) Changes in rate structure and new service offerings—60 days notice.
(3) Rate increases—90 days notice.
(4) Other Tariff filings—30 days notice.

4. The following types of tariff filings will be included in the "minor" category: (a) Change in name of carrier, (b) change in V&H coordinates which is defined as a change in the vertical and horizontal coordinates or the like used in determining airline miles as well as any change in lists of mileages calculated therefrom, (c) corrections, which refers to the correction of errors in typing, spelling, punctuation, grammar and the like, (d) text changes, i.e., changes in the text of a tariff which do not affect the tariff's meaning, (e) imposition of termination charges which is defined as the filing of termination charges calculated from previously effective tariff provisions, and (f) change in lists of connecting, concurring or other participating carriers.

5. A 60 day notice is applied to: (a) Changes in rate structure, i.e., the restructuring of the rate elements for an existing service, and (b) new service offerings which refers to tariff filings providing for classes or subclasses of service not previously offered. Rate increases as defined in § 61.21 are to be filed on 90 days notice. All other tariff filings are to provide for 30 days public notice except for the special situations provided for in §§ 61.60 through 61.66 of the Commission's Rules.[1]

6. In the case of a new or revised tariff provision which fits into more than one of the above categories, the longest period of public notice provided for shall be applicable. The Chief, Common Carrier Bureau will be given delegated authority to require the extension of the effective date of any tariff filing so as to provide for a full 90 days public notice when additional time is needed for review of the filing. Special permission[2] to file tariffs on less than the specified notice will continue to be granted when necessary although it is believed that a somewhat more stringent standard for justification of such requests is appropriate in light of the institution of a 15 day period of public notice for certain filings, the retention of the one day period of public notice provided for in §§ 61.60 through 61.66 of the rules and the retention of 30 days as the residuary period of public notice.

7. We will briefly set forth our reasons for the filing periods which we have adopted. First, the 15 day period of public notice for "minor" tariff filings was believed to be appropriate because these changes have little or no effect on the rights or obligations of the carriers and their customers. The Commission believes that a 15 day period of public notice for this category of tariff filing is preferable to the shorter periods of notice discussed at the public meetings for several reasons. Such a period of notice will permit the Common Carrier Bureau as well as interested members of the public to review such tariff filings before they become effective. In the event of objections to such tariff filings, the Chief, Common Carrier Bureau will have an opportunity to order deferral of the effective date when appropriate. A substantially shorter period of public notice would not permit this.

8. Second, a 60 day period of public notice for tariff filings involving new service offerings and changes in rate structure is believed to be appropriate because these filings frequently raise complex questions. When the rate structure for an existing service is changed the possibility of unlawful discrimination between various categories of customers must be examined. The Commission staff and other interested parties must also attempt to determine whether the new rate elements are reasonably related to the costs associated with the provision of the relevant portion of service. Competing carriers must analyze the impact of the revised rate structure on their interests. In the case of a new service offering, the Commission staff, competing carriers and customers must examine the implications of a service not previously offered by that particular carrier. They must also review an unfamiliar rate structure. In light of these facts, the Commission believes that it is appropriate to require that such tariff filings provide for 60 days public notice.

9. Third, a 90 day period of public notice will be required for all rate increases because of the important public interest questions involved in such filings. This provision is also consistent with the Commission's previous requirement that rate increases be filed on 60 days notice while most other tariff filings could be made on 30 days notice. The Commission decided not to attempt to distinguish between "major" and "minor" rate increases because of definitional difficulties. For example, a rate increase which is small in terms of the total increase in revenue as well as in relation to the carrier's overall revenue may be a major rate increase in tefms of its effect on certain customers.

10. Fourth, a proper balancing of the interests involved supports the adoption of a 30 day period of public notice for all tariff filings not specifically assigned a different period of public notice in Part 61 of the Commission's rules. The requirement of 30 days public notice will give the Commission staff, competing carriers and customers a reasonable period of time in which to analyze such filings. The Commission will also have sufficient time in which to rule on petitions for suspension in many instances. In cases involving more complex issues the Chief, Common Carrier Bureau will be able to require deferral of the tariff filing's effective date so as to provide for a maximum total of 90 days public notice. As a result of these provisions many tariff filings will be able to become effective on 30 days public notice while an extension of the effective date can be ordered when additional time is necessary.

11. The passage of Pub. L. 94-376 also requires some changes in the Commission's rules concerning the time for filing petitions for suspension of tariff filings. Section 1.773(b) of the Commission's rules presently provides:

> Any petition for suspension shall be filed with the Commission * * * at least 14 days before the effective date of the tariff schedule, except in those cases in which the tariff schedule in question is filed on 60, or more, days' notice * * *. In the latter cases, a petition for suspension shall be filed with the Commission * * * at least 35 days before the effective date of the tariff schedule.

Retention of this basic filing schedule is desirable. However, certain changes should be made to provide for the filing of petitions for suspension of tariff filings made on the new 15 and 90 day periods of public notice. Thus, the Commission will require that petitions for suspension of tariff filings made on less than 30 days notice be filed at least 8 days before the effective date of the tariff filing. Petitions for suspension of tariff

[1] These provisions allow the following types of tariff filings to become effective on one days notice under certain circumstances: (1) Tariffs for wire service filed by carriers which have not previously established any charges or regulations; (2) tariff filings involving charges and regulations for service on new lines; (3) tariff filings involving charges and regulations for service via new radio stations (4) tariff filings involving charges and regulations for service via new points by radio; (5) tariff filings involving charges and regulations for individual installations of certain ticker services and (6) tariff filings involving changes in message telegraph and money order service point listings. The Commission does not believe that modification of these rules is appropriate at present because their amendment was not the subject of discussion at the meetings with the carriers, customers and other members of the public on September 8 and 16, 1976.

[2] Section 61.151 of the rules provides that a special permission is "permission to establish charges or regulations, on less than statutory notice, or for waiver of any of the provisions of the rules in this part * * *." Sections 61.151, 61.152 and 61.153 of the Commission's rules involve the issuance of special permissions.

filings made on 30 or more, but less than 60 days notice will be due 15 days before the effective date. Petitions for suspension of tariff filings providing for 60 or more, but less than 90 days notice are to be filed 35 days before the effective date. Petitions for suspension of tariff filings made on 90 or more days notice are to be filed 45 days before the effective date. These deadlines for the filing of petitions for suspension, we believe, represent a reasonable accommodation of the needs of those who wish to oppose tariff filings and the requirements of the Commission staff which must analyze such petitions.

12. Certain changes in the Rules regarding the filing of replies to petitions for suspension are also necessary in order to reflect the institution of 15 and 90 day periods of public notice. At present § 1.773(c) of the Commission's rules provides:

> A publishing carrier may reply to a petition for suspension, but any such reply shall be filed with the Commission and served simultaneously upon petitioner and the Chief, Common Carrier Bureau within 3 days after service of the petition for suspension.

Section 1.4 of the rules, Computation of Time, provides for additional time in certain circumstances. Thus, the Commission's Rules will be amended to provide the following periods for the filing of replies to petitions for suspension. Replies to petitions for suspension of tariff filings made on less than 30 days notice shall be filed 4 days after service of the petition for suspension. In the case of such replies §§ 1.4(f) and 1.4(g) shall not apply. Replies to petitions for suspension of tariff filings made on 30 or more, but less than 60 days notice shall be filed 3 days after service of the petition for suspension.[3] In the case of petitions for suspension of tariff filings made on 60 or more, but less than 90 days notice, replies shall be filed 6 days after service of the petition for suspension. Replies to petitions for suspension of tariff filings made on 90 or more days notice are to be filed 10 days after service of the petition for suspension. The Commission believes that these filing periods will help to alleviate the problems which have previously arisen concerning the filing of replies by publishing carriers, while allowing the Commission adequate time in which to prepare its decisions in such cases.

13. Although these rules are not being adopted on a temporary basis, the Commission recognizes that experience may indicate that certain changes are appropriate. Thus, the Commission would welcome suggestions in this regard after the revised rules have been in effect for a reasonable period of time.[4]

14. *Accordingly, it is ordered,* That effective January 1, 1977 Parts 0, 1 and 61 of the Commission's rules are amended as set forth below.[5]

15. *It is further ordered,* That these changes in the Commission's rules shall not apply to tariff filings made prior to January 1, 1977 and that the interim procedures for tariff filings specified in the Commission's Public Notices, FCC 76–774, released August 13, 1976, 41 FR 35098 (August 19, 1976), and FCC 76–811, released August 30, 1976, 41 FR 37399 (September 3, 1976), shall continue to apply to such tariff filings.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX A

1. Pursuant to the announcement made in the August 30, 1976 public notice, a meeting with carrier representatives was held on September 8, 1976. A separate meeting with customer representatives and other members of the public was held on September 16, 1976. At these meetings members of the Common Carrier Bureau staff received comments and suggestions concerning appropriate periods of public notice for various types of tariff filings. The following periods of public notice were suggested by the carriers:

(1) Change in name of carrier—5 or 10 days.
(2) Change in regulation which does not involve a rate increase—30 days.
(3) Change in regulation which involves a rate increase—60 or 90 days.
(4) Change in rate for foreign correspondent—10 days.
(5) Change in V&H coordinates—10 days.
(6) Corrections—10 days.
(7) Discontinuance of service—30 or 10 days.
(8) Experimental services—30 days.
(9) Exception rates constituting rate decreases—30 or 60 days.
(10) Exception rates constituting rate increases—90 days.
(11) Elimination of exception rates so that carrier may offer the same service or price as AT&T—10 days.
(12) Change in list of connecting, concurring or other participating carriers—10 days.
(13) Minor rate changes—30 days.
(14) New rate—30 days.
(15) New regulation—30 days.
(16) New service offering—30 days.
(17) Rate decreases—30 or 60 days.
(18) Major rate increases—90 days.
(19) Minor rate increases—60 days.
(20) Text changes—10 days.
(21) Imposition of termination charges—10 days.

The customers and other interested members of the public suggested the following periods for public notice:

(1) Change in name of carrier—10 days.
(2) Change in regulation—30 days.
(3) Change in rate for foreign correspondent—10 days.
(4) Change in V&H coordinates—10 days.
(5) Corrections—10 days.
(6) Discontinuance of service when a Section 214 authorization has been granted or when there are no customers for the service—10 days.
(7) Experimental services—30 days.
(8) Exception rates constituting a rate decrease—60 days.
(9) Exception rates constituting a rate increase—90 days.
(10) Change in list of connecting, concurring or other participating carriers—10 days.
(11) New rate—90 days or 30 days subject to deferral.
(12) New regulation—30 days subject to deferral.
(13) New service offering—60 or 90 days.
(14) Rate decreases—30 or 60 days.
(15) Minor rate increase—60 days.
(16) Major rate increase—90 days.
(17) Text changes—10 days.
(18) Imposition of termination charges—10 days.

Although there were certain differences of opinion, a review of these suggestions reveals a substantial amount of agreement between the two groups.

2. Comments concerning the need for changes, if any, in the existing filing deadlines for petitions for suspension and replies thereto were also requested. It was believed that discussion of such changes was appropriate in conjunction with consideration of changes in the period of public notice for tariff filings. If the period for public notice of tariff filings was increased the Commission might be able to allocate a greater portion of that time to parties filing petitions for suspension and carriers responding to such petitions. The customers generally favored an increase in the time for filing petitions for suspension while the carriers supported an extension of the time for filing replies.

3. At the conclusion of each of these meetings a brief period for the filing of supplementary comments was established. Additional written comments were filed by Communications Satellite Corporation (Comsat), the Department of Defense (DOD) and the Defense Communications Agency (DCA), the law firm of Wilkinson, Cragun & Barker and Western Union International, Inc. (WUI). Supplementary oral comments were presented by Southern Pacific Communications Co. (SPC). Comsat argued that "the maximum notice period can rarely be justified in the case of tariff publications which do not constitute rate changes * * *." It suggested a 30 day period of public notice for "tariff filings which contain new service offerings, new or changed regulations, or new rates * * *." Comsat also suggested a 10 day period of public notice for "filings which contain merely cosmetic or mechanical changes such as text changes and corrections as well as tariff effective date deferrals and tariff extensions * * *." In addition, Comsat supported the continuation of the one day period of public notice provided for certain tariff filings in §§ 61.60 through 61.64 of the Commission's rules. It contended that the short period of public notice for these tariff filings is appropriate and "should

[3] The application of §§ 1.4(f) and 1.4(g) will usually add several days to this filing period.

[4] Prior to the enactment of Pub. L. 94–376, the amendment of § 61.58 which establishes the period of public notice for most tariff filings and § 1.773 which sets the date for filing petitions for suspension was the subject of a non-restricted rulemaking proceeding in Docket No. 20698. FCC 76–82, released February 10, 1976, 57 FCC 2d 1148 (1976). However, the Commission is of the opinion that the enactment of Pub. L. 94–376 moots this proceeding insofar as it involves amendment of these provisions. Docket No. 20698 will go forward but only with respect to amendment of those sections of the Rules not affected by this legislation.

[5] This action is taken pursuant to the Commission's authority under section 4(i) and 4(j) of the Communications Act and section 203(b) of the Communications Act as amended by Pub. L. 94–376, August 4, 1976. Section 553(d) of the Administrative Procedure Act which states that "[t]he required publication or service of a substantive rule shall be made not less than 30 days before its effective date * * *." does not apply because the rule changes adopted in this Order are procedural in nature.

be expanded to include certain satellite filings * * * adding new points of communication for * * * existing earth stations."

4. The additional comments filed by DOD and DCA concentrated on the question of modification of the filing times for petitions for suspension. DOD and DCA argued that Pub. L. 94-376 was designed, in part, "to better protect the rights of the customers or potential customers affected by [a] tariff filing." They took the position that "any new Rules regarding petitions to suspend tariff filings should provide deadlines of no more than 45 days prior to the effective date of 90-day notice tariffs; no more than 30 days prior to the effective date of 60-day notice tariffs; and no more than 15 days prior to the effective date of 30-day notice tariffs." While DOD and DCA indicated that a requirement that petitions for suspension be filed 45 days prior to the effective date of tariff filings made on 90 days notice would be acceptable from their point of view, they stated that requiring such petitions to be filed 35 days prior to the effective date "would offer the greatest benefit to the customer."

5. The law firm of Wilkinson, Cragun & Barker also filed supplementary written comments. It suggested that "consideration should be given to making the new rules temporary" because experience with the new filing periods may indicate that certain changes are appropriate. The law firm also suggested a 90 day period of public notice for significant rate decreases and a 60 day period of public notice for all other rate decreases. It argued that these lengthy periods of public notice are justified because rate decreases can have a serious impact on competing carriers. In addition Wilkinson, Cragun & Barker took the position that changes in regulations should be filed on 60 or 90 days notice because the impact of non-revenue affecting regulations, for example, in the area of interconnection, can be very important.

6. WUI also filed additional written comments concerning the changes in the Commission's rules discussed at the September 8, 1976 meeting. It argued that a 90 day period of public notice should be required only in the case of rate increases. Supplementary oral comments were received from SPC. SPC suggested a one day period of public notice for experimental services if that term is defined so as to refer to custom services or special construction which does not involve a general offering to the public at large. SPC argued that such a minimal period of public notice is appropriate in these circumstances because the charges filed have already been agreed to by the customer and a long period of public notice would only result in unnecessary delay. SPC also suggested a very short period of public notice or the frequent use of special permissions in the case of competitive filings. SPC argued that this is necessary because competing carriers may not know whether a tariff filing made by another carrier will go into effect until the day before the filing's effective date. If competing carriers cannot match the new rates within a short period of time they will lose customers. SPC also pointed out that treatment of minor rate changes as a separate category would present certain definitional problems. SPC suggested that similar problems could be involved in the use of "new services" as a separate filing category. SPC also endorsed the proposal for 60 and 90 day periods of public notice for minor and major rate increases respectively. SPC also supported 60 and 30 day periods of public notice for major and minor rate decreases respectively. With regard to the proposal for changes in the rules relating to the filing of petitions for suspension, SPC recommended an increase in the time allowed for the filing of replies to petitions for suspension. SPC also suggested that it would have been more appropriate to consider these changes in the Commission's rules in the context of a formal rulemaking proceeding.

PART 0—COMMISSION ORGANIZATION

Subpart B—Delegations of Authority

Part 0, Subpart B, is amended as follows:

1. In § 0.291 paragraph (d) is amended as follows:

§ 0.291 Authority delegated.

* * * * *

(d) *Authority concerning tariff regulations.* Authority to determine whether a tariff shall be suspended. However, the Chief, Common Carrier Bureau may issue orders requiring the issuing carrier to defer the effective date of a tariff filing made on less than 90 days public notice so as to provide for a maximum total of 90 days public notice regardless of whether petitions opposing the tariff filing have been filed.

* * * * *

PART 1—PRACTICE AND PROCEDURE

Subpart A—General Rules of Practice and Procedure

Part 1, Subpart A, is amended as follows:

1. In § 1.4, paragraphs (f) and (g) are amended as follows:

§ 1.4 Computation of time.

* * * * *

(f) If the filing period is less than 7 days, intermediate holidays shall be excluded in determining the filing date. This paragraph shall not apply in the case of replies to petitions for suspension of tariff filings made on less than 30 days public notice pursuant to § 1.773(c)(1).

(g) Where service of a document is required by statute or by the provisions of this chapter, where the document is in fact served by mail (see § 1.47(f)), and where the filing period for a response thereto is 10 days or less, an additional 3 days, excluding holidays will be allowed for filing the response. This paragraph shall not apply to documents which are filed pursuant to the provisions of § 1.89, § 1.120(d), § 1.315(b), § 1.316, or § 1.773(c)(1).

* * * * *

Subpart E—Complaints, Applications, Tariffs, and Reports Involving Common Carriers

Part 1, Subpart E, is amended as follows:

1. In Section 1.773, paragraphs (b) and (c) are amended as follows:

§ 1.773 Petitions for suspension of tariff schedules.

* * * * *

(b) *When filed.* All petitions for suspension shall be filed with the Commission and served upon the publishing carrier and the Chief, Common Carrier Bureau, and the Chief of the appropriate Division of that Bureau in accordance with the schedule set forth in this paragraph. In case of emergency and within the time limits provided herein, a telegraphic request for suspension may be sent to the Commission setting forth succinctly the substance of the matters required by paragraph (a) of this section. A copy of any such telegraphic request shall be sent simultaneously to the publishing carrier and the Chief, Common Carrier Bureau, and the Chief of the appropriate Division of that Bureau and forthwith confirmed by petition filed and served in accordance with this section. (Section 1.4 does not apply to this § 1.773(b).)

(1) Petitions for suspension of tariff filings made on less than 30 days notice shall be filed and served at least 8 days prior to the effective date of the tariff filing.

(2) Petitions for suspension of tariff filings made on 30 or more, but less than 60 days notice shall be filed and served at least 15 days before the effective date of the tariff filing.

(3) Petitions for suspension of tariff filings made on 60 or more, but less than 90 days notice shall be filed and served at least 35 days before the effective date of the tariff filing.

(4) Petitions for suspension of tariff filings made on 90 or more days notice shall be filed and served 45 days before the effective date of the tariff filing.

(c) *Reply.* A publishing carrier may reply to a petition for suspension, but any such reply shall be filed with the Commission and served simultaneously upon petitioner and the Chief, Common Carrier Bureau in accordance with the following schedule.

(1) Replies to petitions for suspension of tariff filings made on less than 30 days notice shall be filed and served within 4 days after service of the petition for suspension. Section 1.4(f) and (g) shall not apply to the filing of such replies.

(2) Replies to petitions for suspension of tariff filings made on 30 or more, but less than 60 days notice shall be filed and served within 3 days after service of the petition for suspension.

(3) Replies to petitions for suspension of tariff filings made on 60 or more, but less than 90 days notice shall be filed and served within 6 days after service of the petition for suspension.

(4) Replies to petitions for suspension of tariff filings made on 90 or more days notice shall be filed and served within 10 days after service of the petition for suspension.

* * * * *

PART 61—TARIFFS

Part 61 is amended as follows:

1. Section 61.21, headnote and text, are amended to read as follows:

§ 61.21 Categories of tariff filings.

The following terms whenever used in this part shall be defined as follows:

(a) The term "change in V&H coordinates" means a change in the vertical

and horizontal coordinates or the like used in determining airline miles as well as any change in lists of mileages calculated therefrom.

(b) The term "corrections" means the correction of errors in typing, spelling, punctuation, grammar or the like.

(c) The term "text change" means a change in the text of a tariff which does not result in a change in any rate or regulation.

(d) The term "Imposition of termination charges" means the filing of termination charges calculated from previously effective tariff provisions.

(e) The term "change in rate structure" means a restructuring of the rate elements for an existing service.

(f) The term "new service offering" means a tariff filing which provides for classes or sub-classes of service not previously offered.

(g) The term "rate increase" means a change in a tariff publication which results in an increased charge to any of the carrier customers.

2. Section 61.58 is amended to read as follows:

§ 61.58 Notice requirements.

Every tariff publication or filing shall bear an effective date and, except as otherwise provided by regulation, special permission, or order of the Commission, shall give at least the number of days notice to the public and to the Commission specified hereinafter. If a new or revised tariff provision fits into more than one of the categories listed below, the longest period of public notice provided for shall apply. Notice shall be given by filing with the Commission such proposed tariff publications. In addition to this notice, if the tariff publication proposes to increase any charge or to effectuate an authorized discontinuance, reduction or other impairment of service to any customer, the filing carrier shall take such steps as are appropriate under the circumstances to inform the affected customers of the content of the tariff publication. Any period of notice required herein shall begin on and shall include the date the tariff is received by the Commission, but shall not include the effective date. In computing the notice required, Sundays and holidays shall be counted.

(a) Tariff filings involving a change in the name of a carrier, a change in V&H coordinates, corrections, a change in the lists of connecting, concurring or other participating carriers, text changes or the imposition of termination charges shall give not less than 15 days notice to the public and to the Commission.

(b) Tariff filings involving changes in rate structure or new service offerings shall give at least 60 days notice to the public and to the Commission.

(c) All tariff filings which constitute a rate increase shall give at least 90 days notice to the public and to the Commission.

(d) All tariff filings not specifically assigned a different period of public notice in this part shall give at least 30 days notice to the public and to the Commission.

(e) The Chief, Common Carrier Bureau may issue orders requiring the deferral of the effective date of any tariff filing made on less than 90 days notice so as to provide for a maximum total of 90 days notice to the public and to the Commission regardless of whether petitions opposing the tariff filing have been filed.

3. Section 61.152 is amended to read as follows:

§ 61.152 Factors considered; terms of permission.

When passing upon applications, the Commission gives consideration to all the facts and circumstances set forth in the application, including a showing of good cause why the tariff filing should be made on the shorter period of public notice proposed by the carrier rather than on the full period of public notice. If approved, the special permission is issued with the understanding that all its terms are to be complied with and that all the authority dealing with the same subject matter will be used. Therefore, if all related matter authorized by special permissions will not be established, and more limited authority is desired, a new application complying with the provisions of this section in all respects and making reference to the previous authority shall be filed.

4. Section 61.153 is amended to read as follows:

§ 61.153 Form and contents of application and fee required.

Applications (including amendments thereto and exhibits made a part thereof) for permission to change charges or regulations, on less than statutory notice (for prescribed fee, see Subpart G of Part 1 of this chapter), or for waiver of any of the provisions of the rules in this part, shall be made and filed in duplicate, and addressed to the Federal Communications Commission, Washington, D.C., 20554. Such applications shall be made on paper of size 8½ by 11 inches, shall be numbered consecutively, and shall bear the signature of the proper officer of the carrier, or a duly authorized attorney or agent, the title of whom shall be specified. Such applications shall give the information required in the following form:

Application No.----------,
(Type of service)----------,
(Place where rendered)-----.

----------,
(Name of carrier)

----------,
(Place and date)

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C. 20554.
ATTENTION: COMMON CARRIER BUREAU

Gentlemen: Application is hereby made for permission to put in force the following charges or regulations to become effective ---- days after they are filed with the Federal Communications Commission:

(Here give a full description of the charges or regulations which it is desired to put into effect and statement of points of origin and destination. If permission is sought to establish a rule or regulation, the exact wording of the proposed rule or regulation shall be shown.)

(Here follow with a statement showing good cause why the tariff filing should be made on the shorter period of public notice proposed by the carrier rather than on the full period of public notice.)

(If the application requests waiver of rules, other than those relating to notice, it shall specify by section number the rule to be waived and the reasons therefor.)

(Exact name of carrier)

(Name of officer)

(Title of officer)

[FR Doc.76-36866 Filed 12-14-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Eastern Neck National Wildlife Refuge; Md.

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuges.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Entrance into the refuge and use of parking areas and facilities is permitted during daylight hours for photography, hiking, nature study, bicycling, and access to fin fishing, shell fishing, and crabbing.

Boat access is permitted at Bogle's Wharf for commercial and sport fin and shell fishing and crabbing in accordance with Federal and State regulations.

The Ingleside Recreation Area is open from May 1, 1977 through September 30, 1977. Boats may be launched at the launching site from May 1, 1977 through September 30, 1977.

Pets are permitted if on a leash not exceeding 10 feet in length, only in designated parking areas. Camping is not permitted.

The following activities are not permitted at the Eastern Neck Narrows during the period May 1, 1977 through September 30, 1977. Stopping or parking vehicles, standing on or fishing and crabbing from the roadside or shoreline and launching or removing boats.

Designated nature trails, boardwalks, and recreation sites are open for use except during refuge deer hunts. All other areas are closed.

Registered motor vehicles are permitted on refuge roads and in designated parking areas only. Parking and leaving vehicles unattended along the refuge roads is not permitted.

The refuge, comprising approximately 2,286 acres, is delineated on a map available from the Refuge Manager, Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Maryland 21661, or from the Regional Director, U.S. Fish

and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 20158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

DALE T. COGGESHALL,
Acting Regional Director,
Fish and Wildlife Service.

DECEMBER 7, 1976.

[FR Doc.76-36848 Filed 12-14-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Rachel Carson National Wildlife Refuge; Maine

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use, and recreation for individual wildlife refuges.

MAINE

RACHEL CARSON NATIONAL WILDLIFE REFUGE

Entry by foot is permitted during daylight hours for nature study, hiking, wildlife observation, photography, and clamming.

No motor vehicles of any kind are permitted on the refuge. Open fires and camping are prohibited. Pets are permitted if on a leash not over 10 feet in length.

Information about the refuge is available from the Refuge Manager, Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations governing public use on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
Fish and Wildlife Service.

DECEMBER 7, 1976.

[FR Doc.76-36851 Filed 12-14-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Parker River National Wildlife Refuge; Mass.

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuges.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into those portions of the refuge not posted as closed is permitted for public use specified herein. Visitor hours are designated at the entrance gate at the north refuge boundary on Sunset Blvd. This gate is the only legal point of access on the island portion of the refuge. Visitor hours are generally down to dusk, but at times of high public use the entrance gate may be closed and access denied by refuge officials to protect the wildlife habitat from overuse. Sightseeing, nature study, photography, hiking, snowshoeing, and cross-country skiing are permitted.

Vehicle parking is permitted only in designated lots. Parking may be restricted to certain purposes and conditions designated by special signs.

Boating is permitted on navigable tidal waters which lie within the refuge.

Public boat launching and landing is not permitted on the refuge except during the waterfowl hunting season (see Part 32.12—Hunting).

The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk.

A limit of 3 quarts each of plums and cranberries per person per year may be picked from September 6 through October 31. Cranberry rakes or scoops are not permitted.

Access to clam flats for clamming is permitted across refuge marshes on designated trails. Permits are required and may be obtained at the refuge.

Small cooking fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge.

Alcoholic beverages, camping, tents, camping trailers, floating devices (including surfboards), and nudity are not permitted on the refuge. Nudity is defined as failure by persons over 10 years of age to cover with fully opaque covering their own genitals, pubic areas, rectal area or female breasts below a point immediately above the top of the areola when in a public place.

Pets under full control on a leash not exceeding 10 feet in length are permitted on the refuge from January 1 through March 31 and from November 1 through December 31. Pets are not allowed on the refuge at any other time or under any other condition except by Special Use Permit.

Group activities may be confined to the northern one-quarter mile of ocean beach east of Lot 1. Advance reservations and permits are required and there must be at least one adult supervisor for every 10 children.

The possession of any device (clubs, knives, metal knuckles, etc.) prohibited by State law or deemed a dangerous weapon by refuge officials is prohibited.

Bicycles and registered motor vehicles are permitted only on the main refuge road and in numbered parking areas except when being used under the terms of a special permit for over-the-sand surf fishing vehicles (see Part 33—Sport Fishing).

Snowmobiles, air-cushion, all-terrain, hang-gliders or other similar vehicles deemed improper by refuge agents are not permitted on the refuge.

A map of the refuge is available from the Refuge Manager, Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations governing public use on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 7, 1976.

[FR Doc.76-36852 Filed 12-14-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Wapack National Wildlife Refuge; N.H.

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuges.

NEW HAMPSHIRE

WAPACK NATIONAL WILDLIFE REFUGE

Entry by foot is permitted during daylight hours for hiking, nature and geology study, photography, and blueberry picking.

No motor vehicle of any kind is permitted on the refuge. Open fires and camping are prohibited. Pets are permitted if on a leash not over 10 feet in length.

Information about the refuge is available from the Refuge Manager, Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations governing public use on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 7, 1976.

[FR Doc.76-36853 Filed 12-14-76;8:45 am]

PART 33—SPORT FISHING

Brigantine National Wildlife Refuge, N.J.

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Saltwater sport fishing is permitted from the beach on Holgate Peninsula and Little Beach Island, except from those areas posted as closed. Saltwater sport fishing from the auto tour route is prohibited.

Freshwater sport fishing from the South Dike of the William Vogt Pool is permitted during daylight hours from July 20 through September 21, 1977. The possession of fish or minnows for use as bait is not permitted. Freshwater fishermen may park at the headquarters and South Tower parking areas only.

Sport fishing shall be in accordance with all applicable State regulations.

Areas open to sport fishing are delineated on maps available at refuge headquarters, P.O. Box 72, Great Creek Rd., Oceanville, New Jersey 08231 or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 7, 1976.

[FR Doc.76-36850 Filed 12-14-76;8:45 am]

PART 33—SPORT FISHING

Parker River National Wildlife Refuge; Mass.

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the Parker River National Wildlife Refuge, Massachusetts, is permitted only on the ocean beach as follows:

Walk-in Fisherman:

Entire year: Day only. No permit required.

May 1 through October 16: Day and night. Night permit required.

Over-the-Sand Surf Fishing Vehicles:

May 1 through October 16 only: Permit required.

May 1 through May 26: Day and night.

May 27 through September 5: Night (6 p.m. to 8 a.m.) only: No vehicle shall be operated on the beach between the hours of 8 a.m. to 6 p.m. During these hours all permit vehicles shall remain in the designated over-the-sand fishing vehicle parking area in the unvegetated area between the dunes at the east end of Beach Access Trail No. 2 or exit from the beach area. This same designated daytime parking area must, however, be vacated by 8 p.m. each evening not to be reoccupied before 6 a.m. the next morning.

September 6 through October 16: Day and night.

No fishing is permitted on the northern one-quarter mile of beach east of Lot 1 from 8 a.m. to 6 p.m.

Permit requirements are as follows:

Night permittees may enter the refuge only until dusk except they may enter until 10 p.m. from May 27 through September 5. Night permittees may remain on the refuge, or may exit through a one-way gate at any time.

Vehicles with the special permit may be on the ocean beach only when the occupants over 12 years old are actively engaged in surf fishing and each have at least one fishing rod. Permission to inspect vehicle, sanitary facilities, and all fishing equipment must be granted to refuge agents upon request.

All vehicle permits must be affixed to the vehicles as instructed at the time of issuance.

Motorcycles, or any vehicle deemed improper by refuge agents, may not receive the permit.

Over-the-sand surf fishing vehicles must be equipped with spare tire, shovel, jack, tow rope, or chain, board or similar support for jack, and low-pressure tire gauge.

Vehicles, under the terms of an over-the-sand surf fishing permit, may drive only on designated beach access routes and on the unvegetated beach east of the line formed by the eastern base of the dunes. The maximum speed limit in these areas is 15 miles per hour.

No vehicle is permitted on the northern one-quarter mile of beach east of Lot 1 at any time.

Ruts or holes resulting from freeing a stuck vehicle shall be promptly filled in by the operator.

Riding on fenders, tailgates, roof, or any other position outside of the vehicle is prohibited.

Failure to comply with any regulation shall be grounds for immediate cancellation of all permits.

Sport fishing shall be in accordance with State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 7, 1976.

[FR Doc.76-36849 Filed 12-14-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 47; Notice 76-14]

PART 91—INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE PRACTICES

Establishment of Regulations

In a notice of proposed rulemaking ("NPRM") published October 13, 1976 (41 FR 44871) the Secretary of Transportation ("the Secretary") proposed to amend Title 49 of the Code of Federal Regulations to establish a new Part 91 setting forth the procedures the Department of Transportation ("DOT") would follow in discharging its responsibilities under the International Air Transportation Fair Competitive Practices Act of 1974 (Pub. L. 93-623, 88 Stat. 2103, 49 U.S.C. 1159a and 1159b) ("the Act") to remedy any discriminatory or unfair competitive practices which may exist in international air transportation. Under the Act the Secretary is charged with (1) surveying the fees exacted from United States flag air carriers ("U.S. carriers") by foreign governments or other foreign entities in order to determine the reasonableness and fairness of those charges and (2) taking all appropriate actions, to the extent of his jurisdiction under existing law, to eliminate all forms of discrimination or unfair competitive practices against U.S. carriers.

In accordance with section 3 of the Act, proposed Part 91 assigned certain staff responsibilities to the Federal Aviation Administrator, the Assistant Secretary for Policy, Plans and International Affairs of DOT, and the General Counsel of DOT and set forth standards to be used to determine whether a user charge assessed against U.S. carriers by a foreign authority or entity was excessive or otherwise discriminatory.

Interested parties were given an opportunity to participate in the rulemaking. Comments were received from the Department of State ("State") and the airline industry.

The Air Transport Association of America ("ATA"), representing most of the federally certificated scheduled air carriers, generally supported the proposed regulations and offered some editorial changes for clarification. One such suggestion is to add the word "excessive" to § 91.9(a) to make it clear that the distribution of compensatory funds includes "excessive" charges. To remove any ambiguity, we have modified the language

in § 91.9(a) to incorporate the exact statutory standard. Similar changes have been made throughout the proposed regulations. ATA also suggests a modification of § 91.11(b)(1) to list additional illustrations, uses, facilities, and services known to be subject to the regulations, i.e., runways, parking areas, and navigation and communications facilities. As the proposed regulation makes clear, the § 91.11(b)(1) listing is not intended to be exhaustive. Thus, the failure to include any service, facility or other item does not mean that such item is not within the ambit of the regulations. Nonetheless, since these items are known to be subject to user charges, the language of § 91.11(b)(1) is modified to incorporate the suggested additions.

The Airport Operators Council International, Inc. ("AOCI"), an association of state and local governmental bodies, urges the Secretary in administering the standards in § 91.11 to be cognizant of the many variables which constitute the cost of providing airport facilities and services. AOCI notes that many local, historical, operational and legal circumstances are unique to each airport location and, as such, are proper components of an airport owner's ratemaking base. British Airways supports AOCI and also argues that, to the extent U.S. user charges reflecting a return on investment are set at a level substantially above the cost of providing a particular service, the section does not define "comparable charges" consistent with the Act. There is not any question that the items that constitute "comparable charges" are variable. Indeed, one of the objectives of all investigations will be to review the appropriateness of the various factors which constitute specific charges. Thus we conclude that an ad hoc approach should be used in evaluating the many variables.

British Airways also argues that section 3 of the Act and the regulations proposed thereunder violate U.S. Treaty obligations, i.e., Article 15 of the Chicago Convention. British Airways does not support its contention with any specifics and its one sentence assertion of impermissibility is not convincing.

State generally supports the aim of the proposed regulations, but has expressed concern that paragraphs one and three of the NPRM and § 91.7 of the proposed regulations seem to suggest that the proposed regulations are designed to implement not only section 3 of the Act ("International User Charges") but also section 2 ("Discriminatory and Unfair Competitive Practices"). Section 91.7 establishes the procedure that DOT will follow in implementing section 3 with respect to international user charges. As reflected in the NPRM (see especially Paragraph 3), the Secretary, under section 2, is also obligated to review and act to reduce or eliminate *all* forms of discrimination or unfair competitive practices found to exist. Although some of the regulations (e.g., § 91.1(c)) contained herein may govern the exercise of this broader section 2 function, these regulations are intended principally to govern actions concerning international user charges under section 3.

State also observes that the first portion of the last sentence of § 91.3 confuses the language of the Act and that the latter portion of the same sentence does not add content to the statutory standards by using the terms "unjustifiable and disproportionate". Accepting State's suggestions, we have divided the first portion of the sentence into two new sentences. In the first new sentence we define by examples "excessive or otherwise discriminatory" user charges, while in the second new sentence we define by examples "discriminatory or unfair competitive practices". We have also deleted the reference to the term "unjustifiable and disproportionate".

State argues that § 91.9(f) is a useful provision that should be broadened (1) to include as a basis for refund a retroactive finding that the basis for a previously imposed charge is insufficient or invalid and (2) to establish a special fund to finance refunds for erroneous or invalid payments. We are persuaded that refunds predicated only on error or miscalculation are too narrow. Neither do we believe that adding one other basis is sufficient. We conclude that broad discretion should be retained to grant a refund whenever the Secretary determines that good cause has been shown. We are not persuaded that the resultant administrative and fiscal difficulties would justify the creation of a special fund for financing repayments. In addition it may prove inequitable to United States flag carriers to carry contingent liability for return of compensatory funds received. Finally, as State acknowledges, recovery of distributed funds is not contemplated by the Act. Thus we decline to accept this specific suggestion. On the other hand, we are persuaded that it would be equitable and consistent with the Act to stay the distribution of collected funds on a showing by a foreign government or entity that it may justify a claim for refund. To assure finality, we have added a provision to the effect that the issuance to a U.S. carrier of a certificate of entitlement to reimbursement or the distribution of compensatory funds shall be with prejudice to any claims for refunds. The changes discussed in this paragraph have been incorporated into a new § 91.13.

Relative to § 91.11, State requests DOT to provide more fully defined and objective standards for determining whether the compensatory charge is to equal the entire international user charges or only that portion which is considered to be excessive. As has been indicated above in our discussion relative to "comparable charges", we believe the most effective approach to furthering the purposes of the Act is to address the ingredients of "excessive", including computational methods, on an *ad hoc basis*. This approach provides for needed administrative flexibility.

State also suggested that a compensatory charge assessed against a specific type aircraft of a foreign flag carrier should equal but not exceed the amount of the excessive or otherwise discriminatory charge, or a portion thereof, being assessed against the single operation of a similar type aircraft by a U.S. carrier. Since the U.S. carriers frequently perform more operations to a given foreign country than that country's air carriers perform to the United States, adoption of this suggestion could result in funds being collected in amounts less than those necessary to compensate fully U.S. carriers. For this reason the suggestion is not accepted.

Accordingly, with the changes noted, the proposed regulations are adopted as set forth below effective December 15, 1976.

Issued in Washington, D.C., on December 10, 1976.

JOHN W. BARNUM,
Acting
Secretary of Transportation.

Part 91 is added to Title 49 CFR as follows:

Sec.
91.1 Purpose.
91.3 Investigations.
91.5 Findings and recommendations.
91.7 Determination of compensatory charges.
91.9 Distribution of compensatory funds.
91.11 Standards.
91.13 Refunds.

AUTHORITY: Secs. 2-3, 88 Stat. 2103, 49 U.S.C. 1159a and 1159b, Pub. L. 93-623.

§ 91.1 Purpose.

The purpose of this part is to prescribe the Secretary's role in executing his responsibilities under sections 2 and 3 of the International Air Transportation Fair Competitive Practices Act of 1974 to the end that United States flag air carriers operating in foreign air transportation are protected from all forms of discrimination or unfair competitive practices and are compensated for excessive or otherwise discriminatory charges levied by foreign governments or other foreign entities for the use of airport or airway property.

§ 91.3 Investigations.

The Assistant Secretary for Policy, Plans and International Affairs (Assistant Secretary), in coordination with the General Counsel and the Federal Aviation Administrator (Administrator), on complaint of any United States flag air carrier or on their own initiative, shall investigate (a) Instances of alleged excessive or otherwise discriminatory user charges or (b) discriminatory or unfair competitive practices to which United States flag air carriers are subjected by a foreign government or other foreign entity. Excessive or otherwise discriminatory charges include, but are not limited to, unreasonable landing fees, unreasonable monopoly ground handling fees and unreasonable air navigation charges. Discriminatory or unfair competitive practices include, but are not

limited to, unreasonably differentiated fuel allocations, cargo, charter or currency restrictions and inferior monopoly ground handling services.

§ 91.5 Findings and recommendations.

(a) Upon finding that a foreign government or entity imposes excessive or otherwise discriminatory charges against United States flag air carriers or causes such carriers to be subjected to discriminatory or unfair competitive practices, the Assistant Secretary, in coordination with the General Counsel and the Administrator, shall determine the extent of the discrimination or unfair competitive practices.

(b) Where the matter involves excessive or otherwise discriminatory charges, the Assistant Secretary shall prepare a report and recommend that the Secretary promptly submit a report of the case to the Secretary of State and the Civil Aeronautics Board in accordance with Section 11 of the International Aviation Facilities Act, 49 U.S.C. 1159a.

(c) Where the matter involves discrimination or unfair competitive practices other than user charges, the Assistant Secretary shall prepare a report and recommend that the Secretary take such other action within the jurisdiction of the Department as is appropriate under the circumstances in accordance with 49 U.S.C. 1159b.

(d) If the Secretary determines, after review of the report and recommendations made under paragraph (b) of this section, that unreasonably excessive or otherwise discriminatory charges exist, the Secretary will submit a report on the matter to the Secretary of State and the Chairman of the Civil Aeronautics Board in accordance with 49 U.S.C. 1159a.

(e) If the Secretary determines, after review of the report and recommendations made under paragraph (c) of this section, that discriminatory or unfair competitive practices exist, the Secretary will commence all appropriate action within his jurisdiction in accordance with 49 U.S.C. 1159b.

§ 91.7 Determination of compensatory charges.

(a) Upon indication by the Secretary of State that the excessive or otherwise discriminatory user charges have not been reduced or eliminated, the Secretary will direct the Assistant Secretary to compute the appropriate amount of compensatory charges.

(b) Upon approving the amount of compensatory charges computed under paragraph (a) of this section, the Secretary will notify the Secretary of State and the Secretary of the Treasury of his determination.

§ 91.9 Distribution of compensatory funds.

(a) On or after January 1 and July 1 of each year, each United States flag air carrier which has been subjected to excessive or otherwise discriminatory charges for which compensatory charges have been collected shall, upon compliance with paragraph (c) of this section, be entitled to pro rata reimbursement for excessive or otherwise discriminatory charges incurred to date, not to exceed the amount of such charges actually paid by that carrier.

(b) The Secretary will publish in the FEDERAL REGISTER, at least 30 days before a United States flag air carrier becomes entitled to reimbursement, a notice setting forth the procedures to be followed in making claims for reimbursement. This notice will specify the form in which application shall be made and the specific items of proof, if any, to be submitted.

(c) On or after January 1 and July 1 of each year, each United States flag carrier claiming a right to reimbursement shall apply for such reimbursement in accordance with the FEDERAL REGISTER notice referred to in paragraph (b) of this section.

(d) The Assistant Secretary shall, on the basis of the application and such other data as may be available, compute the amount to which such carrier is entitled.

(e) Subject to the provisions of § 91.13(b), upon approving the computation made by the Assistant Secretary, the Secretary shall issue such certificate as will entitle each such carrier to payment from the account maintained by the Secretary of the Treasury for this purpose.

§ 91.11 Standards.

(a) To minimize the burden of implementing this part on the United States, on United States flag air carriers and on foreign air carriers, estimates and periodic adjustments will be used to determine the amount of discrimination and compensatory charges therefor.

(b) For the purpose of determining the amount of excessive or otherwise discriminatory charges imposed upon United States flag air carriers by an entity:

(1) A service or use of airport or airway property includes, but is not limited to, fueling, food service, ticketing, baggage handling, runways, ramps, parking areas, navigational aids, communications facilities or any other service necessary and incidental to the conduct of a flight.

(2) An excessive or otherwise discriminatory charge includes, but is not limited to, a charge substantially above the cost of providing a service or any charge for a service that is substantially inferior to that which the United States flag air carrier could have provided for itself, at the same cost, by contract or otherwise (*see also* § 91.3).

(c) In determining the amount of compensatory charge:

(1) The total amount of excessive or otherwise discriminatory charges levied against United States flag air carriers will be estimated in dollars.

(2) The total volume of operations to the United States by air carriers of the nation concerned will be estimated for the succeeding six-month period.

(3) The total amount of excessive or otherwise discriminatory charges in paragraph (c)(1) of this section will be divided by the total volume of operations in paragraph (c)(2) of this section, and

(4) The quotient thus computed (which may be adjusted to reflect the type of aircraft) will constitute the compensatory charge to be collected as a condition to acceptance of the general declaration at the time of landing or takeoff of such air carriers of the nation concerned.

§ 91.13 Refunds.

(a) Where, in his discretion, the Secretary finds that good cause has been shown, the Secretary may authorize a refund of collected compensatory charges. For purposes of this section, good cause includes, but is not limited to, an error of fact, a miscalculation, or a determination that an original conclusion of entitlement was insufficient, invalid, erroneous or invalidated by subsequent events.

(b) Notwithstanding the provisions of § 91.9(e) the Secretary may suspend for a reasonable time the issuance of a certificate of entitlement upon a showing by a payor of compensatory charges that there is a substantial likelihood that the payor will make a showing of good cause under § 91.13(a).

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the issuance of a certificate of entitlement under § 91.9(e) or the distribution to United States flag air carriers of funds collected under this part shall be with prejudice to any claim for refund under this section.

[FR Doc.76-37021 Filed 12-14-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1255]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co. et al.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of December 1976.

It appearing, That because of tariff requirements The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company and the Western Maryland Railway Company, hereinafter designated Chessie System, are operating unit-grain-trains each transporting shipments of not less than 6,370 tons of 2,000 pounds in not less than 65 covered hopper cars; that compliance with such tariff provisions requires that each car be loaded with approximately 98 tons of grain; that such per car weights are causing severe problems in the operation of these trains; that after analysis of all of the available data, the Chessie System is of the opinion that an increase in the number of cars per train combined with a decrease in the maximum load per car may result in improved operating efficiency; that a series of

twelve test shipments has been scheduled; that such trial shipments are necessary to determine the validity of such analysis; that the severity of the operating problems caused by the present operation of these trains requires immediate correction; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1255 Service Order No. 1255.

(a) *The Baltimore and Ohio Railroad Company, the Chesapeake and Ohio Railway Company and the Western Maryland Railway Company authorized to operate certain unit-grain-trains comprising seventy cars.* The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company and the Western Maryland Railway Company, hereinafter designated Chessie System, be and it is hereby authorized to operate in test service, a total of twelve (12) unit-grain-trains of seventy (70) covered hopper cars in lieu of trains of sixty-five (65) covered hopper cars as provided in Trunk Line-Central Territory Railroads Tariff Bureau Freight Tariff 794–E, ICC C–918, subject to the following conditions:

(1) Consent of shipper must be obtained before the shipment is made and reference to this order endorsed on the billings.

(2) The minimum weight of each shipment shall be 6,370 tons of 2,000 pounds.

(3) The maximum weight of the lading in any one car shall not exceed 91 tons of 2,000 pounds.

(4) When, due to shipper's or consignee's disability the entire train of 70 cars cannot be placed for loading or unloading at one time, a maximum of four cuts will be allowed for placement of cars and for return of cars to carrier after loading or unloading.

(5) Test trains may be intermingled with 65-car unit-grain-trains being transported subject to the provisions of the aformentioned Tariff 794–E.

(6) The movement of test trains authorized herein shall be confined to Chessie System lines except that the lines of other carriers in terminal switching services at origin or destination may be used to the extent authorized in the applicable tariffs.

(7) All tariff provisions not specifically modified by this order shall remain in effect.

(8) The Chessie System shall report each test movement to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., 20423 within seven (7) days of release at destination. Such reports shall state date of shipment, date of departure, origin station, destination station, date of arrival, date of placement and date train unloaded.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., December 10, 1976.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1977.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36913 Filed 12-14-76;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 55 (Sub-No. 4)]

PART 1100—GENERAL RULES OF PRACTICE

Revised Guidelines for Implementation of the National Environmental Policy Act of 1969

The Interstate Commerce Commission hereby gives notice that the Environmental Affairs Staff has been constituted as a section within the Office of Proceedings, to be known as the Section of Energy and Environment. The Assistant to the Director for Environmental Affairs will now be known as the Chief of the Section of Energy and Environment.

Establishment of this new section requires that certain changes be made in the Commission's Environmental Rules, 49 CFR 1108, previously published at 41 FR 27838, July 7, 1976. The changes are as follows:

1. In § 1108.6(h), change "Environmental Affairs Staff" to "Section of Energy and Environment".

2. In § 1108.7(a) change "Environmental Affairs Staff" to "Section of Energy and Environment".

3. In § 1108.7(b), change "Assistant to the Director for Environmental Affairs" to "Chief of the Section of Energy and Environment" in both places.

4. In § 1108.7(b) (2) and (4), change "Environmental Affairs Staff" to "Section of Energy and Environment" in both subsections.

5. In § 1108.8(c), change "Environmental Affairs Staff" to "Section of Energy and Environment".

6. In § 1108.8(e), change "Environmental Affairs Staff" to "Section of Energy and Environment".

7. In § 1108.12(a)(b), change "Assistant to the Director for Environmental Affairs" to "Chief of the Section of Energy and Environment" in both places.

8. In § 1108.14(a), change "Environmental Affairs Staff" to "Section of Energy and Environment".

9. In § 1108.14(b), change "Environmental Affaris Staff" to "Section of Energy and Environment".

10. In § 1108.14(e), change "Environmental Affairs Staff" to "Section of Energy and Environment".

11. In § 1108.17(b), change "Environmental Affairs Staff" to "Section of Energy and Environment" in both places.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36721 Filed 12-14-76;8:45 am]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 32448 (Sub-No. 2)]

PART 1253—RATE-MAKING ORGANIZATION; RECORDS AND REPORTS

Revisions to Annual Report Form RBO for Rate-Making Organizations

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of November 1976.

All rate bureaus, conferences, committees or other organizations subject to section 5a, Part I of the Interstate Commerce Act, are required to file Annual Report Form RBO. Items 10 and 11 on page 3 of this report provide for reporting of limited financial data by such bureaus and organizations.

Ex Parte No. 297, Rate Bureau Investigation, 349 I.C.C. 811 and 351 I.C.C. 437 requires the development of a Uniform System of Accounts for Rate-Making Organizations which will assist in our monitoring and inspection procedures. The development of such a system will facilitate the comparison of financial information between organizations and between years, assure that appropriate information is accumulated, provide for consistency of reported data, improve the quality of information and aid in auditing such organizations.

In view of the Commission's findings in Ex Parte No. 297, a review was made of data and information presently prescribed in Annual Report Form RBO. The financial statements currently submitted are very basic and provide only limited information concerning the overall operation and financial condition of the organization. Therefore, it is determined that financial statements meeting the requirements of generally accepted accounting principles (GAAP) replace these inadequate statements. Accordingly, we have modified the financial reporting statements for use prior to the implementation of the Uniform System of Accounts for Rate-Making Bureaus and Organizations, as proposed in Docket No. 32448 (Sub-No. 1) (41 FR 46013).

Upon review of the Freedom of Information Act, as amended by the Privacy Act of 1974, it is determined that the information concerning salary and

compensation paid by rate-making organizations required by Item 13 of the Annual Report Form RBO should not be made public. Accordingly, Item 13 of the present Annual Report Form RBO will be deleted and the information required therein will be reported on a separate page marked "Not for Public Inspection". Procedures have been established to insure the confidentiality of this information. Additionally, the reporting requirements for individual salaries and other compensation have been increased from $20,000 to $40,000.

As the revised statements require only basic financial data prepared according to GAAP and increase the minimum salary data to be reported in Item 13, there will be no additional burden to the reporting organizations. The modified financial statements will, however, allow for a general analysis of the data reported and provide uniformity in reporting this information.

On February 5, 1976, Pub. L. 94–210, 90 Stat. 31, entitled "Railroad Revitalization and Regulatory Reform Act of 1976" was enacted, which amended the Interstate Commerce Act by, among other things, establishing a new section 5b of the Act governing the standards for approval by the Commission of collective ratemaking agreements between and among railroads subject to Part I of the Act, and striking reference to railroads from section 5a of the Act. Section 5b(3) requires railroad ratemaking organizations to submit to the Commission such reports, as may be prescribed. 49 CFR 1253 identifies the records to be maintained, and the reporting requirements for ratemaking organizations operating pursuant to section 5a. To provide that railroad ratemaking organizations operating pursuant to section 5b of the Act are subject to the same record keeping and reporting requirements it is necessary to amend 49 CFR 1253 to make the provisions contained therein applicable to ratemaking organizations operating pursuant to "section 5a or 5b" in lieu of the present reference to "section 5a". Public comment and formal rulemaking procedures are unnecessary in this proceeding because of the minor and beneficial changes proposed and also because they will be in effect for only this annual report.

Upon consideration of the above-described matters and good cause appearing therefor:

1. *It is ordered,* That the financial statements required by Items 10 and 11 of the present Annual Report Form RBO be, and they are hereby modified as shown in Appendices A and B of this order.

2. *It is further ordered,* That Item 13 of the present Annual Report Form RBO be, and it is hereby deleted; and that Appendix C attached hereto, be, and it is hereby adopted for submission as an appended attachment to the Annual Report Form RBO marked "Not for Public Inspection".

3. *It is further ordered,* That the foregoing revisions be, and they are hereby effective with the filing of the 1976 Annual Report Form RBO, on or before March 31, 1977.

4. *It is further ordered,* That references to "section 5a" cited in 49 CFR Part 1253 be, and they are hereby, amended to read: "sections 5a or 5b".

5. *And it is further ordered,* That service of this order shall be made on ratemaking organizations subject to sections 5a or 5b and to the Governor of every state and to the Public Utilities Commission, or boards of each state having jurisdiction over transportation; and the notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of Federal Register, for publication in the FEDERAL REGISTER.

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

(Sec. 5a(3), 62 Stat. 472; 49 U.S.C. 5b; sec. 5b(3), 90 Stat. 43; 49 U.S.C. 5c.)

By the Commission. (Commissioners Gresham, Corber and Christian did not participate.)

ROBERT L. OSWALD,
Secretary.

APPENDIX A.— *Item 10, rate bureau statement of financial position*

	Balance at close of year	Balance at beginning of year
ASSETS		
Current assets:		
Cash		
Temporary cash investments		
Accounts receivable		
Less: Allowance for doubtful accounts.		
Notes receivable		
Other current assets		
Total, current assets		
Fixed assets:		
Building		
Less: Accumulated depreciation.		
Furniture and fixtures		
Less: Accumulated depreciation.		
Leasehold improvements		
Less: Accumulated amortization.		
Other		
Total, fixed assets		
Other assets:		
Deferred charges		
Other assets		
Total, other assets		
Total, assets		
LIABILITIES AND EQUITY		
Current liabilities:		
Notes payable		
Accounts payable		
Salaries payable		
Taxes payable		
Other current and accrued liabilities.		
Total, current liabilities		
Other liabilities:		
Long-term debt due after 1 yr		
Other liabilities		
Total, other liabilities		
Equity: Membership equity		
Total, liabilities and equity		

APPENDIX B.—*Item 11, rate bureau statement of results of operations*

Operating Revenues:	
Membership fees	
Tariff fees	
Bulletin and participation fees	
Other	
Total, operating revenues	
Operating expenses:	
Salaries and wages	
Employee benefits	
Payroll taxes	
Outside printing	
Postage and mailing fees	
Filing fees	
Operating supplies	
Depreciation and amortization	
Professional services	
Insurance	
Travel	
Utilities	
Communication services	
Rent of facilities, equipment, and vehicles	
Uncollectible accounts	
Property and other taxes	
Other (List individual items in excess of $25,000)	
Total, operating expenses	
Other income (List individual items in excess of $25,000)	
Other expenses: (List individual items in excess of $25,000)	
Excess (deficit) of revenues over expenses	

APPENDIX C.—*Item 13, rate bureau not for public inspection* [1]

Line No.	Name of person	Title	Salary per annum as of close of year	Other compensation during year
	(a)	(b)	(c)	(d)
1.			$	$
2.				
3.				
4.				
5.				
6.				

[1] Give the name, position, salary, and other compensation, such as bonus, commission, gift, reward, or fee, of each of the 5 principal officers to whom the respondent paid the largest amount during the year covered by this report as compensation for current or past service over and above necessary expenses incurred in discharge of duties, and in addition, all other officers, directors, pensioners or employees, if any, to whom the respondent similarly paid $40,000 or more.

[FR Doc.76–36634 Filed 12–14–76;8:45 am]

proposed rules

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

MANDATORY PETROLEUM PRICE REGULATIONS

Pricing By Refiners of Leaded and Unleaded Gasoline

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend the price regulations (10 CFR, Part 212, Subparts E and H) regarding the pricing by refiners of leaded and unleaded gasoline. Written comments will be received and a public hearing will be held with respect to this proposal.

I. Introduction

The purpose of these proposed amendments is to permit a greater flexibility in the pricing of gasoline by refiners and to replace the current mechanism for the pricing of unleaded gasoline. The FEA proposes to replace the current price rule for unleaded gasoline (which generally permits unleaded gasoline to be priced at one cent per gallon above the price for leaded gasoline of the same or nearest octane number) with a rule that would permit the allocation to gasoline prices of all increased non-product costs specifically associated with the refining of unleaded gasoline and which would permit the unrestricted allocation among types and grades of gasoline of the total amount of increased costs attributable to gasoline. A separate calculation of increased costs of purchased product for each type and grade of gasoline is also proposed.

The FEA has proposed to exempt motor gasoline from the Mandatory Petroleum Allocation and Price Regulations (41 FR 51832, November 24, 1976). If the exemption of gasoline from FEA regulations does not become effective, these proposed amendments would provide a measure of flexibility in the pricing of gasoline. If the exemption is not disapproved, the amendments would constitute part of a stand-by regulatory framework that would ease the transition should the reimposition of controls be necessary.

II. Increased Costs Associated with Refining Unleaded Gasoline

In early 1974, when many refiners began for the first time to market unleaded gasoline, it became apparent that the general refiner price regulations which generally prescribe prices for products based upon May 15, 1973 prices plus increased costs, did not provide an adequate basis for determining unleaded gasoline prices. Accordingly, a special iterim price rule for unleaded gasoline was issued (39 FR 18638, May 20, 1974). This rule provided, for refiners which did not sell unleaded gasoline on May 15, 1973 or within the 30-day period preceding that date, that for purposes of determining maximum allowable prices the weighted average price at which unleaded gasoline was sold to the class of purchaser concerned on May 15, 1973 would be deemed to be not in excess of the weighted average price at which premium grade gasoline was sold to the same class of purchaser.

Subsequent comments received with respect to this initial rule indicated that, because "the cost patterns related to refining unleaded gasoline [did] not vary significantly from the cost patterns associated with refining leaded gasoline of a similar octane grade" (39 FR 24923, July 8, 1974), this imputed May 15, 1973 price permitted a price for unleaded gasoline that was unrealistically high. Therefore, in July 1974, the FEA issued a revised interim price rule for unleaded gasoline, effective July 1, 1974, which has remained in effect (39 FR 24923, July 8, 1974). The revised interim rule provides, for refiners which did not sell unleaded gasoline on May 15, 1973 or during the 30-day period preceding that date, that for purposes of determining maximum allowable prices the weighted average price at which unleaded gasoline was sold to the class of purchaser concerned on May 15, 1973 would be deemed to be not greater than the price at which leaded gasoline of the same or nearest octane number had been sold, plus one cent per gallon.

Under present regulations, increased costs which can be added to May 15 weighted average prices to determine current month prices for gasoline to the class of purchaser concerned are computed pursuant to the general formula for gasoline. The calculation prescribed by the formula is made once a month for the product i=3, gasoline, and involves determining the total amount of available increased costs attributable to gasoline and dividing that amount by the total volume of all gasoline expected to be sold in the current month, thereby yielding a single per unit increment permitted to be added to the May 15, 1973 price for each type and grade of gasoline to the class of purchaser concerned.

The basis for permitting the one cent per gallon increment in the price of unleaded gasoline was an Environmental Protection Agency study which concluded that unleaded refining costs were only slightly above leaded refining costs. In the comments submitted to the FEA after publication of the interim price rule for unleaded gasoline, there was an absence of specific cost data which would justify more than a modest increment above the price of leaded gasoline of a similar octane grade.

Further comments, with specific attention given to actual cost data reflecting differences between leaded and unleaded refining costs, were requested at the time the revised interim rule was issued.

Such comments and other information developed during the ensuing period have shown that this one cent increment does not accurately reflect the special costs associated with the refining of unleaded gasoline. Further, it has become apparent that, because of disparities between refiners, any fixed increment intended to approximate those special costs for all refiners would be too high in the case of some refiners and too low in the case of others. The cost of producing unleaded gasoline varies significantly among refiners depending, for example, on the types of crude oil refined and on the type of process used to obtain the product.

In order to avoid the need to address these cost disparities, the FEA proposes to permit each refiner to calculate, in accordance with the provisions of the regulations dealing with the calculation of non-product costs, the actual increased non-product costs for that refiner specifically attributable to the refining of unleaded gasoline. These special costs may then be allocated entirely to gasoline prices instead of being allocated among all products on a pro rata volumetric basis.

For purposes of calculating a maximum allowable price, the May 15, 1973 weighted average price for unleaded gasoline is proposed to be the May 15, 1973 price for leaded gasoline of the same or nearest octane number. This proposal, in conjunction with the proposal to permit the allocation of differing amounts of increased costs among different types and grades of gasoline, as described below, would replace the current rule for the pricing of unleaded gasoline.

The FEA specifically requests comments on whether increased non-product costs associated with the refining of all types and grades of gasoline, rather than those associated only with the refining of unleaded gasoline, should be permitted to be allocated to gasoline and whether such a calculation is feasible. The FEA also requests comments on the types of non-product costs specifically associated with the refining of unleaded gasoline, discussed in terms of the non-product cost categories established in § 212.83(c)(2)(iii)(E), including the amount of such costs where that information is available.

III. Calculation of Prices for Gasoline

A. *Formula for Gasoline Pricing.* Application of the pricing formula for No. 2

oils, gasoline and aviation jet fuel, found in § 212.83(c)(2)(i), results in a single per unit increment which may be applied in determining maximum allowable prices, rather than a total dollar amount of increased costs which may be recovered through sales of the product, or product category, as is the case with the formula for general refinery products. This formula was originally written in this way in part because of the rule limiting price increases for these products to one per month. Because of the revocation of that rule for No. 2 oils, gasoline and aviation jet fuel, this formula is no longer required on that basis. A second reason for requiring a single per unit calculation of increased costs was that the products to which this formula applied each represented a single product, rather than a group of products among which the total sum of increased costs could be freely allocated. If the proposal discussed below to permit unrestricted allocation of costs among types and grades of gasoline is adopted, the category gasoline, for this purpose, would bear a greater similarity to the category of general refinery products and increased costs would therefore be calculated accordingly, as a total dollar amount.

The FEA therefore proposes to amend the pricing formula for No. 2 oils, aviation jet fuel, and gasoline found in § 212.83(c)(2)(i) to conform to the formula for general refinery products found in § 212.83(c)(2)(ii). This means that each covered product or group of covered products will be priced according to the same formula. Although increased costs will now be calculated according to the same formula for all products, the two separate sections (212.83(c)(2)(i) and 212.83(c)(2)(ii)) will be retained in order to avoid the need to redesignate existing cross-references in other sections of the regulations.

B. *Equal Application of Increased Costs.* As noted above, the FEA proposes to change the rule providing for equal application of increased costs as applied to the pricing of various types and grades of gasoline. This will be accomplished by permitting a refiner to designate specific categories within gasoline which reflect different types (unleaded gasoline as opposed to leaded gasoline) and grades (gasoline with different octane numbers) and to apportion increased costs among these categories of gasoline as it deems appropriate. The general provisions of the equal application rule in § 212.83(h) would continue to apply to each specific category of gasoline.

One purpose of this change is to permit refiners to allocate to unleaded gasoline all of the special non-product costs attributable to unleaded gasoline and allocated to gasoline under the proposal described in Part II above, so that the price of unleaded gasoline will more accurately reflect its relative cost to the refiner. Additionally, this proposal would promote greater flexibility in gasoline pricing and permit a restructuring of gasoline pricing more consistent with today's market.

The FEA specifically request comments as to whether or not there should be any limitation on the apportionment of costs among categories of gasoline.

C. Cost of Purchased Product. In conjunction with the proposal to permit separate pricing of different types and grades of gasoline, FEA also proposes separate increased cost calculations for the different categories of purchased gasoline. An amendment to the definition of "B_i" is therefore proposed which would require refiners to compute increased costs of purchased product separately for each type and grade of gasoline.

IV. Procedure for Receiving Comments and Public Hearing

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

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Pricing of Gasoline." Fifteen copies should be submitted. All comments received by December 29, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The public hearing in this proceeding will be held at 9:30 a.m., on December 29, 1976, and will be continued, if necessary, on December 30, 1976, in Room 2105, 2000 M St., NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., on December 21, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through December 27, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., December 23, 1976 and must submit 100 copies of his statement to Regulations Management, FEA, Room 2105, 2000 M St., NW., Washington, D.C. 20461, before 4:30 p.m., December 28, 1976.

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

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

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., December 23, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

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

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

The Federal Energy Administration has determined that this document contains a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Inflation Impact Statement has been prepared.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment.

The Administrator had no comments on this proposal.

(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. 94-365; 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).

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., December 13, 1976.

MICHAEL F. BUTLER,
GENERAL COUNSEL,
Federal Energy Administration.

1. Section 212.83(c) is amended to read as follows:

a. Paragraph (c)(1)(i) is renumbered (c)(1)(i)(A) and a new (c)(1)(i)(B) is added to read as set forth below;

b. Paragraph (c)(2)(i) is amended to read as set forth below;

c. Paragraph (c)(2)(iii)(B) is amended in the definition of "d_i^u" to read as set forth below;

d. Paragraph (c)(2)(iii)(D) is amended in the definition of "B_i" to read as set forth below;

e. Paragraph (c)(2)(iii)(E) is amended by amending the formula for "N_i^t"; and by amending the introductory language of the definition of "E^t"; and by inserting a new definition of "U_i^t" to read as set forth below.

§ 212.83 Price rule.

* * * * *

(c) *Allocation of increased costs.* * * *

(1) *Allocation of increased costs incurred in the period "t"—(i)(A) No. 2 oils, aviation jet fuel and gasoline.* * * *

(B) Notwithstanding any other provision of this Subpart, for purposes of this section, a refiner, upon notice to and unless disapproved by the FEA, may designate as categories within the product gasoline different types (unleaded gasoline as differentiated from leaded gasoline) and grades (differentiated by octane number), if the categories so designated by the refiner represent discrete gasoline types and grades that have been consistently and historically differentiated by that refiner. In apportioning the total amount of increased costs allocable to gasoline among categories of gasoline, a refiner may apportion amounts of increased costs to a particular category of gasoline in whatever amounts it deems appropriate.

(2) *Formulae—(i) No. 2 oils, aviation jet fuel, and gasoline.* For No. 2 oils, aviation jet fuel, and gasoline ($i=1$, $i=2$, and $i=3$):

$$d_i^u = A_i + B_i + N_i - G_i^t \pm H_i^u$$

(ii) * * *

(iii) *Definitions.* * * *

(B) *The "D" factors.*

d_i^u=The total dollar amount a refiner may apportion in the period "u" to No. 2 oils ($i=1$); aviation jet fuel ($i=2$); or gasoline ($i=3$). The formula for d_i^u must be computed separately for $i=1$, for $i=2$, and for $i=3$.

(C) * * *

(D) *The "B" Factor.*

$$B_i = B_i^t + B_i^s + B_i^r$$

"B_i is, for $i=1$, $i=2$, $i=3$, and $i=4$, the sum of the increased costs of the specific covered product or products of the type "t" purchased or landed on or after January 1, 1976 and prior to or during the period "s" and not recovered in sales of that product through the period "t" and the increased costs of the specific covered product or products of the type "t" purchased or landed on or after January 1, 1976 in the period "t"; *Provided,* That, for the product $i=3$, notwithstanding any other provision of this Subpart, for purposes of this section a refiner may designate as categories within the product gasoline different types (unleaded gasoline as differentiated from leaded gasoline) and grades (differentiated by octane number), if the categories so designated by the refiner represent discrete gasoline types and grades that have been consistently and historically differentiated by that refiner, and may compute "B_i" separately for each category so designated.

(E) *The "N" Factor.*

* * * * *

$$N_i^t = E_i \frac{V_i^t}{V^u} + U_i^t + F_i^t$$

* * * * *

Where E^t=the total increased non-product costs (excluding marketing cost increases, which are included in "F_i^t" and excluding such cost increases as are included by the refiner in "U_i^t" for $i=3$) incurred during the period "t": *Provided,* That such costs are included only to the extent that such costs are attributable to refining operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned, and are not included in computing May 15, 1973 prices or in computing increased product costs: *Further provided,* That to the extent such increased non-product costs can be shown to have been specifically incurred in the refining of unleaded gasoline as described by the Environmental Protection Agency (40 CF Ch. 1, Part 80), they may be excluded from the total increased non-product costs incurred in the period "t" and included in the price of gasoline (by inclusion in "U_i^t"): *And further provided,* That such costs are the sum of the following:

* * * * *

U_i^t=For $i=3$, the portion, if any, of the total dollar amount of increased non-product costs that can be shown to have been specifically incurred in the refining of unleaded gasoline, as described by the Environmental Protection Agency (40 CFR Ch. 1, Part 80), that pursuant to this paragraph the refiner elects to exclude from the "E^t" factor.

§ 212.112 [Amended]

2. Section 212.112 is amended by deleting the words "plus 1 cent" in paragraph (b)(1).

[FR Doc.76-36969 Filed 12-13-76;12:59 pm]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 371, 372, 372a, 378, 378a]

[SPDR-50A, Docket 29165, Dated December 10, 1976]

ADVANCE BOOKING; OVERSEAS MILITARY PERSONNEL; TRAVEL GROUP; INCLUSIVE TOUR; AND ONE-STOP-INCLUSIVE TOUR CHARTERS

Miscellaneous Provisions Relating to Charter Operations, Including Licensing of Charter Operators; Supplemental Advance Notice of Proposed Rulemaking

By advance Notice of Proposed Rulemaking SPDR-50, 41 FR 45024, October 14, 1976, the Civil Aeronautics Board gave notice that it had under consideration rulemaking action with respect to various suggestions for regulatory action affecting general charter operations, including the licensing of tour operators and the imposition of additional liabilities on them, set forth in a petition by the Board's Office of Consumer Advocate. The Board requested that interested parties file initial comments on or before November 29, 1976, and reply comments on or before December 20, 1976.

By letter dated December 8, 1976, counsel for David Travels, Inc., which had filed initial comments, requested that the due date for filing reply comments be extended to January 7, 1977. The reason for the request was the engagement of counsel in other matters before the Board and the absence from the country of other attorneys in the firm.

No previous extension of time has been granted in this proceeding, and it does not appear that the granting of the requested extension would prejudice any party to this proceeding. In the interest of receiving the views of all interested persons, the undersigned finds that good cause has been shown for an extension of time for filing comments.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the undersigned hereby extends the time for filing reply comments to January 7, 1977.

(Sec. 101, 204, 401, 402, 403, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 758, 771, as amended, 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1386.)

SIMON J. EILENBERG,
Associate General Counsel, Rules Division.

[FR Doc.76-36872 Filed 12-14-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. RM77-1]

JUST AND REASONABLE RATE OF RETURN ON EQUITY FOR NATURAL GAS PIPELINE COMPANIES AND PUBLIC UTILITIES

Supplemental Information Relating to Appendix of Notice of Proposed Statement of Policy; Correction

NOVEMBER 30, 1976.

In FR Doc. 76-33601, appearing at page 50574 in the issue for Tuesday, November 16, 1976, on pages 50594 and 50596 make the following change:

As referred to in Exhibit 5-1, pages 50594 and 50596, "$DPS(t)$" is defined as follows:

$$DPS(t) = \frac{CDPS(t)}{AF(t)}$$

where

$CDPS(t)$ = Common Dividends Paid Per Share (Exhibit 2-6).

$AF(t)$ = Adjustment Factor.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36635 Filed 12-14-76;8:45 am]

[18 CFR Part 2]

[Docket No. RM77-1]

JUST AND REASONABLE RATE OF RETURN ON EQUITY FOR NATURAL GAS PIPELINE COMPANIES AND PUBLIC UTILITIES

Extension of Time

DECEMBER 9, 1976.

On October 15, 1976, the Commission issued a notice of proposed rulemaking (published October 22, 1976, 41 FR 46618), calling for comments by December 14, 1976. The following have filed motions for an extension of time to file comments in this proceeding: The Interstate Natural Gas Association of America (INGAA), on November 12, 1976; Texas Gas Transmission Corporation and Edison Electric Institute, on November 22, 1976; Baltimore Gas and Electric Company, et al. and Southern Company Services, Inc., on December 2, 1976; Duke Power Company and Cities Service Gas Company on December 3, 1976. On November 17, and December 3, 1976, respectively, Southern Natural Gas Company and Northwest Pipeline Corporation filed motions in support of INGAA's request for an extension of time.

Upon consideration, notice is hereby given that the date for filing comments in this rulemaking is extended to and including February 28, 1977, and the date for filing reply comments is extended to and including March 31, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36877 Filed 12-14-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region IX

In order to provide better Customs Service to carriers, importers, and the public, it is considered desirable to extend the port limits of Akron, Ohio, in the Cleveland, Ohio, Customs district (Region IX).

Accordingly, notice is hereby given that, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II); and pursuant to authority provided by Treasury Department Order No. 190, Rev. 12 (September 14, 1976), it is hereby proposed to extend the port limits of Akron, Ohio, in the Cleveland, Ohio, Customs district (Region IX). As extended, the geographical limits of the port would include all of Summit County, and Lake Township in Stark County, all in Ohio.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than January 14, 1977.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: December 8, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-36910 Filed 12-14-76;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 204]

DANGER ZONE REGULATIONS PACIFIC OCEAN, CALIFORNIA

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the provisions of Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 3) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to amend 33 CFR 204.202 which establishes offshore danger zones in the Pacific Ocean between Point Sal and Point Conception, California.

The Commander, Space and Missile Test Center, Vandenberg Air Force Base, has requested the continuation of the danger zones Numbers 1 through 8. These danger zones were established on 11 October 1960 due to maximum security requirements of Vandenberg Air Force Base and exceptional hazards to persons and property due to missile launches and related activities. These regulations are reviewed periodically to determine the continuing need, and since the security requirements and hazards to personnel and property in these areas have not changed we propose to amend the regulation with respect only to paragraph (b)(8) to extend the period of use for a three year period.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building Washington, D.C. 20314, Attention: DAEN-CWO-N on or before January 10, 1977.

Section 204.202 is amended by revising paragraph (b)(8) as follows:

§ 204.202 Pacific Ocean, Space and Missile Test Center (SAMTEC), Vandenberg AFB, Calif.; danger zone.

* * * * * *

(b) *The regulations.* * * *

(8) These regulations shall be in effect for a period of three years from the effective date of this amendment unless terminated by the Secretary of the Army at an earlier date.

Dated: December 6, 1976.

Approved:

MARVIN W. REES,
Colonel, Corps of Engineers Executive Director of Civil Works.

[FR Doc.76-36747 Filed 12-14-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

UNITED STATES FLAG FOR BURIAL PURPOSES

Disposition

This is to notify that the Veterans Administration proposes to amend § 1.10(b)(2)(ii) relating to eligibility for a burial flag. Under current regulations in instances where there is no spouse, the flag may be given to children, according to age, the sons having preference over daughters. It is proposed to change the regulation to eliminate preference being given to sons and permitting the eldest child to be eligible to receive the flag. In addition, minor editorial changes have been made to reflect Agency policy of using precise terms denoting gender.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to

the Administrator of Veterans Affairs (271A), Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before January 14, 1977, will be considered. All written comments received will be available for inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any Veterans Administration field station will be informed that the records are available for inspection only in Central Office and furnished the address and above room number.

Notice is hereby given that it is proposed to make this regulation effective on the date of final approval.

The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Approved: December 9, 1976.

R. L. ROUDEBUSH,
Administrator.

1. In § 1.10, paragraph (b) (2) and (3) is revised to read as follows:

§ 1.10 Eligibility for and disposition of the United States flag for burial purposes.

* * * * *

(b) *Disposition of burial flags.* * * *

(2) The phrase "next of kin" for the purpose of disposing of the flag used for burial purposes is defined as follows, with preference to entitlement in the order listed:

(i) Widow or widower.

(ii) Children, according to age (minor child may be issued a flag on application signed by guardian).

(iii) Father, including adoptive, stepfather, and foster father.

(iv) Mother, including adoptive, stepmother, and foster mother.

(v) Brothers or sisters, including brothers or sisters of the halfblood.

(vi) Uncles or aunts.

(vii) Nephews or nieces.

(viii) Others—cousins, grandparents, etc. (but not in-laws).

(3) The phrase "close friend or associate" for the purpose of disposing of the burial flag means any person who because of his or her relationship with the deceased veteran arranged for the burial or assisted in the burial arrangements. In the absence of a person falling in either of these categories, any person who establishes by evidence that he or she was a close friend or associate of the veteran may be furnished the burial flag. Where more than one request for the burial flag is received and each is accompanied by satisfactory evidence of relationship or association, the head of the field station having jurisdiction of the burial flag quota will determine which applicant is the one most equitably entitled to the burial flag.

2. Immediately preceding § 1.12, the following centerhead is added "Public Participation."

[FR Doc.76-36834 Filed 12-14-76;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 522]

[General Order 24; Docket No. 76-63]

FILING OF AGREEMENTS BY COMMON CARRIERS AND OTHER PERSONS; SUPPORTING STATEMENTS AND EVIDENCE

Enlargement of Time To File Comment

DECEMBER 8, 1976.

Upon request of counsel for interested parties, and good cause appearing, time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding (41 FR 51622; November 23, 1976) is enlarged to and including January 28, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-36898 Filed 12-14-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20967; RM-2669]

FM BROADCAST STATIONS; TEX.

Order Extending Time for Filing Comments and Reply Comments

Adopted: December 8, 1976.

Released: December 9, 1976.

In the Matter of Amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations. (Austin, Boerne, Brady, New Braunfels, San Antonio, Sequin, and Victoria, Texas.)

1. Notice of Proposed Rule Making and Order to Show Cause in this proceeding was adopted on October 18, and released on October 28, 1976. Publication was made in the FEDERAL REGISTER on November 1, 1976, 41 FR 47956. Comments and reply comments are due December 2 and December 22, 1976, respectively.

2. On December 1, 1976, counsel for the University of Texas at Austin, proponent in this proceeding, requested the waiver of Section 1.46 of the Commission's Rules and the grant of a 30 day extension, until January 1, 1977, within which to file comments. Counsel states that in paragraph 5 of the Notice the Commission noted that the instant proposal would require Texas A & M University, applicant for Channel 212 at College Station, to amend its application to specify Channel 215 in lieu of Channel 212. The Commission directed the University of Texas at Austin to submit proper documentation demonstrating that Texas A & M University would concur in the amendment of its application so as to specify operation on Channel 215. Counsel states that the University of Texas at Austin has been negotiating with Texas A & M University to obtain such concurrence, however, it has not yet been obtained and negotiations between the two parties are still being conducted. Counsel adds that it received notification from the University of Texas at Austin as to this impasse late in the afternoon of November 30 and it is for this reason it requests a waiver of Section 1.46 of the Rules.

3. Section 1.46 of the Rules states that extension requests be filed seven days in advance but permits late-filed requests to be considered only in cases of last minute emergencies which could not have been anticipated by the party requesting the extension. The basis for the instant-filed request does not constitute such an emergency. Moreover, extensions in such cases do not extend beyond the duration of the emergency. The University of Texas at Austin should have anticipated that a longer period would be needed in order to conclude negotiations and notified counsel to that effect. Accordingly, the request must be denied. Again, we emphasize the importance of timely filings, not only in terms of Commission processes but in terms of fairness to other parties as well. However, since an extension of time would not prejudice any party to this proceeding, on our own motion we are granting the University of Texas at Austin an additional 15 days in which to file comments.

4. *Accordingly, it is ordered,* That the petition for waiver of Section 1.46 of the Commission's Rules and request for extension of time filed by the University of Texas at Austin is denied and *it is further ordered,* That on the Commission's own motion the dates for filing comments and reply comments are extended to and including December 17, 1976, and January 7, 1977, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-36859 Filed 12-14-76;8:45 am]

[47 CFR Part 76]

[FC 76-1109; Docket No. 21011]

OPERATOR NAME, MAIL ADDRESS, AND STATUS CHANGES BE FURNISHED TO THE COMMISSION

Notice of Proposed Rule Making

Adopted: November 30, 1976.

Released: December 9, 1976.

1. The Commission has heretofore had no requirement that cable television operators automatically notify the Commission of changes to, name, mail address, or system operational status. This has often resulted in considerable administrative difficulties. Documents are frequently returned through the mail as undeliverable or information is applied to the wrong record. The resulting con-

fusion, of course, benefits neither the Commission nor the cable operators. As the number of system communities increases, this problem is aggravated.

2. Also, because our new computer data managament program involves the solicitation of information by mail, it is imperative that we know the current operator legal name, mail address, and operational status for each system community as identified by its FCC assigned "Code." e.g. CA ØØØ1.[1] We therefore propose to add requirements to inform the Commission of changes in this critical data within 30 days of their occurrence. Such update requirements presently exist for nearly every other communications service regulated by the Commission. It should be noted that submission of data concerning changes in cable operators is not tantamount to requesting or receiving Commission approval for ownership changes. The proper role of the Commission in these transfer matters is under study in Docket 20023.

3. Authority for the rule making proposed herein is contained in 47 U.S.C. §§ 151, 152, 301, 303, 307, and 403. All interested parties are invited to file written comments on or before January 14, 1977 and reply comments on or before January 28, 1977. In reaching a decision in this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this Notice.

In accordance with the provisions of § 1.4. 19 of the Commission's Rules and Regulations, an original and 5 copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required 6 copies who also wish each Commissioner to have a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in a rulemaking proceeding may do so by submitting one copy of their comments, without regard to form, provided only that the Docket Number is specified in the heading. Such informal participants who wish responsible members of the staff to have a personal copy and to have an extra copy available for the Commissioners may file an additional 5 copies. Responses will be available for public inspection during regular business hours in the Commission's Dockets Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M St. N.W.).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended in the following manner:

2. A new § 76.400 is added as follows:

§ 76.400 Operator, mail address, and operational status changes.

Within 30 days following a change of Cable Television System Operator, and/or change of the operator's mail address, and/or change in the operational status of a cable television system, the Operator shall inform the Commission in writing of the following, as appropriate:

(a) The legal name and type of entity of the new operator. See § 76.5(ll). If the entity is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;

(b) The assumed name (if any) used for doing business in each community;

(c) The new mail address, including zip code, to which all communications are to be directed;

(d) The nature of the operational status change (e.g., became operational on [year] [month], exceeded subscribers, operation terminated temporarily, operation terminated permanently);

(e) The names and FCC identifiers (e.g., CA ØØØ1) of the system communities affected.

NOTES.—FCC system community identifiers are routinely assigned during pre-operational certification. They have been assigned to all reported system communities based on previous Form 325 data. If a system community in operation prior to March 31, 1972, has not previously been assigned a system community identifier, the operator shall provide the following information in lieu of the identified: Community Name, Community Type (i.e., incorporated town, unincorporated settlement, etc.), County Name, State, Operator Legal Name, Operator Assumed Name for Doing Business in the community, Operator Mail Address, and Year & Month service was first provided by the physical system.

[FR Doc.76-36860 Filed 12-14-76;8:45 am]

[1] It should be noted that the Commission has recently clarified the use of the word "operator" by Order, Nov. 30, 1976. "Cable Television System Operator or Operator. That local business entity, be it natural person, partnership, corporation, or association, which offers for sale services of a cable television system in the system community." 47 CFR 76.5 (ll).

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A407]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following North Carolina Counties as a result of extended drought April 1 through October 8, 1976, in Durham County; February 10 through September 30, 1976, in Rockingham County; April 1 through September 9, 1976, in Stokes County; April 1 through September 25, 1976, in Wilson County.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than January 18, 1977, for physical losses and August 18, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 9th day of December, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–36786 Filed 12–14–76;8:45 am]

[Notice of Designation No. A408]

OHIO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Athens County, Ohio, as a result of flooding July 11, 21, and 22, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James A. Rhodes that such designation be made.

Applications for emergency loans must be received by this Department no later than January 18, 1977, for physical losses and August 18, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 9th day of December, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–36787 Filed 12–14–76;8:45 am]

Forest Service

BIG SUR COASTAL UNIT-LOS PADRES NATIONAL FOREST; LAND MANAGEMENT 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 Land Management Plan, Big Sur Coastal Unit, Los Padres National Forest, California, USDA–FS–R5–DES (Adm)–77–02.

The statement concerns a proposed land management plan for the 112,000 acres of National Forest land, known as the Big Sur Coastal Unit of the Los Padres National Forest in Monterey County, California. Thirty-four thousand five hundred acres within this Unit have been inventoried as "roadless."

The plan recommends that maintenance of the unique visual qualities of the area be emphasized. It gives strong emphasis to dispersed types of recreation. There are provisions for a fuel modification program on 10,000 acres, and additional day use facilities along California State Highway 1. The plan also recommends purchase of 2,500 acres of privately owned lands if available and a study of the Cone Peak area for possible designation as a Research Natural Area. Adverse impacts include increased fire risk as a result of more people engaging in back country activities, and some short-term erosion and visual losses resulting from the use of prescribed fire.

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on December 7, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg. Rm. 3210, Washington, D.C. 20250.
Regional Forester, U.S. Forest Service, Rm. 529, 630 Sansome Street, San Francisco, California 94111.
Forest Supervisor, Los Padres National Forest, 42 Aero Camino, Goleta, California 93017.
Forest Service, District Ranger, 406 South Mildred, King City, California 93930.

A limited number of single copies are available, upon request, from Forest Supervisor Allan J. West, Los Padres National Forest, 42 Aero Camino, Goleta, California 93017. Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effects for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor Allan J. West, Los Padres National Forest, 42 Aero Camino, Goleta, California 93017. Comments must be received within 75 days after transmittal to CEQ in order to be considered in the preparation of the final environmental statement.

Dated: December 7, 1976.

T. W. KOSKELLA,
Acting Regional Forester.

[FR Doc.76–36662 Filed 12–14–76;8:45 am]

NORTH END PLANNING UNIT; DEER LODGE NATIONAL FOREST

Availability of Final Environmental Statement Regarding Land Use Plan

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan—North End Planning Unit, Forest Service Report Number USDA–FS–R1 (09)–FES–Adm–76–9.

The environmental statement concerns the proposed implementation of a revised Multiple Use Plan for the North End Planning Unit of the Deer Lodge Ranger District, Deerlodge National Forest, in Granite and Powell Counties, Montana. About 41,804 acres of National Forest land are included in the area un-

der consideration. This plan will provide the District Ranger with general management guidance. The planning unit is subdivided into five management areas which have different resource potentials and constraints.

Ths final environmental statement w..s transmitted to CEQ on December 6, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, DC 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59807.

USDA, Forest Service, Deerlodge National Forest, P.O. Box 400, Federal Building, Butte, MT 59701.

A limited number of single copies are available upon request to: USDA Forest Service, Deerlodge National Forest, P.O. Box 400, Federal Building, Butte, MT 59701.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

ROBERT H. TORHEIM,
Regional Forester,
Northern Region, Forest Service.

DECEMBER 6, 1976.

[FR Doc.76-36836 Filed 12-14-76;8:45 am]

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

PUBLIC HEARINGS

The National Study Commission on Records and Documents of Federal Officials (created by Pub. L. 93-526, 93rd Cong., Dec. 19, 1974) will hold public hearings at the time and place listed below:

Washington, D.C.—January 12 and 13, 1977, beginning at 9:30 a.m. in Room 924, Russell Senate Office Building.

Persons and organizations wishing to be heard at any one of these public hearings are requested to notify the Commission at 1000 Connecticut Avenue, NW, Washington, D.C. 20036, as soon as possible prior to the hearings, so that their appearances may be properly scheduled. Written statements without personal appearance will also be received by the Commission.

The topics to be considered at the public hearings are described in a memorandum prepared by the Commission. Copies of the memorandum may be obtained on request to the Commission. Persons appearing at the hearings will be heard on any one of these topics, within available time limits.

HERBERT BROWNELL,
Chairman.

[FR Doc.76-36746 Filed 12-14-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 13051; SR-Amex 76-21]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 9, 1976.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; (SR-Amex-76-21).

Securities Acts Amendments of 1975, and

On September 15, 1976, the American Stock Exchange, Inc. ("Amex") 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. This filing was amended by two separate amendments submitted on November 1, 1976 and December 8, 1976, respectively. The rule change amends Amex Rules 915 and 916 to provide new standards for the approval and withdrawal of approval of stocks underlying exchange listed 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. 12819 (September 21, 1976)), and by publication in the FEDERAL REGISTER (41 FR 43478 (October 1, 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 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change 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.76-36762 Filed 12-14-76;8:45 am]

[Rel. No. 13050; SR-CBOE-76-18]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 9, 1976.

In the matter of Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois, 60604; (SR-CBOE-76-18).

On August 15, 1976, the Chicago Board Options Exchange, Incorporated ("CBOE") 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. This filing was amended by five separate amendments submitted on September 27, 1976; October 15, 1976; November 16, 1976; November 26, 1976; and December 9, 1976, respectively. The rule change amends CBOE Rules 5.3 and 5.4 to provide new standards for the approval and withdrawal of approval of stocks underlying exchange listed options.[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. 12768 (September 2, 1976), and by publication in the FEDERAL REGISTER (41 FR 39108 (September 14, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change 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.76-36763 Filed 12-14-76;8:45 am]

[Rel. No. 13048; SR-CBDE-76-20]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 9, 1976.

In the matter of Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604; (SR-CBOE-76-20).

On September 22, 1976, the Chicago Board Options Exchange, Incorporated 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 proposed rule changes to (1) Require a decision by two floor officials to halt or resume trading in a particular option contract; (2) Define actions to be taken under unusual market conditions; (3) Clarify the appropriate use of hand signal communications; (4) Define when and how a Market-On-Close order is to

[1] The Commission approved a related CBOE rule change on this subject on August 19, 1976 (File No. SR-CBOE-76-6). See Securities Exchange Act Release No. 12719 (August 19, 1976).

be executed; (5) Clarify the procedure for entering orders at a price of $.01 per share at option and to eliminate the phrase "cabinet trading;" (6) Promote prompt payment of commissions between members; (7) Clarify the procedure for the acceptance of orders by Board Brokers prior to the commencement of trading; and (8) To require Board Brokers to have at least one assistant who is also a member of the exchange.

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of a Commission Release (Securities Exchange Act Release No. 12922 (October 26, 1976)) and by publication in the FEDERAL REGISTER (41 FR 48425 (November 3, 1976)). An amendment to the proposed rule change was filed on December 7, 1976 to make editorial corrections, to incorporate the manual referred to in the rule change (Rule 6.24.-03) as a part of the filing and to extend the time for Commission action on this rule change to December 10.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered 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 changes filed with the Commission on September 22, 1976, be, and they hereby are approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36764 Filed 12-14-76;8:45 am]

[Rel. No. 9561; 811-1812]

HAWICK FUND, INC.

Proposal To Terminate Registration

DECEMBER 8, 1976.

In the matter of The Hawick Fund, Inc., c/o De Vegh Mutual Fund, Inc., 20 Exchange Place, New York, New York, 10005; (811-1812).

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare, by order on its own motion, that The Hawick Fund, Inc. ("Fund"), registered under the Act as an open-end investment company, has ceased to be an investment company as defined in the Act.

The Fund registered under the Act on February 17, 1969, and it continuously offered its shares to the public pursuant to a registration statement under the Securities Act of 1933 which was declared effective on September 8, 1969. Information in the Commission's files indicates that the Funds' shareholders, at a special meeting of shareholders held on September 6, 1973, adopted a Plan of Reorganization pursuant to which substantially all the assets of the Fund were transferred to The De Vegh Mutual Fund, Inc. ("De Vegh") on September 28, 1973. Shares of De Vegh were issued to the Fund's shareholders on a pro-rata basis. The State of Delaware terminated the Fund's corporate existence on March 1, 1975, for non-payment of taxes. The Fund currently has no outstanding assets or liabilities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given, That any interested person may, not later than January 3, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons 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 the Fund 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 this matter 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 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.76-36765 Filed 12-14-76;8:45 am]

[File No. 81-243]

INTERNATIONAL FUNERAL SERVICES OF CALIFORNIA, INC.

Application and Opportunitey for Hearing

DECEMBER 8, 1976.

Notice is hereby given, That International Funeral Services of California, Inc. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from the provisions of sections 13 and 15(d) of the 1934 Act.

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the 1934 Act.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the periodic reporting provisions of section 13 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or protection of investors.

The applicant states, in part:

1. Applicant, an Iowa corporation, is a wholly-owned subsidiary of International Funeral Services, Inc. Applicant is presently engaged in the operation of funeral homes and related establishments, all of which are located within California.

2. In 1973, Applicant issued its 4½% debentures pursuant to an effective registration statement filed pursuant to the Securities Act of 1933. There is presently outstanding $1,843,000 in principal amount of debentures.

3. International Funeral Services, Inc. has agreed to guarantee fully and directly all interest, principal, and sinking fund payments of the debentures and will provide the Crocker National Bank as trustee under the related trust indenture dated January 31, 1973 with the 1934 Act reports of International Funeral Services, Inc.

4. Applicant undertakes to file an appropriate report under the 1934 Act should any action or event take place which would materially affect the rights of the holders of the debentures if such action or event were not fully disclosed in reports filed by International Funeral Services, Inc. under the 1934 Act.

In the absence of an exemption, Applicant would be subject to the provisions of section 15(d) relating to reports to be filed with the Commission pursuant to section 13 by reason of the fact that Applicant had a public offering of its 4½-percent debentures in 1973, which offering was registered and became effective under the Securities Act of 1933.

Applicant, accordingly, believes that the exemption order requested by it is appropriate in view of the fact that since the debentures will be fully guaranteed as to payments of interest, principal, and sinking fund by International Funeral Services, Inc., it is the reports of International Funeral Services, Inc. and not those of Applicant in which investors would be primarily interested and there

have not at any time been any public trades in said debentures.

For a more detailed statement of the information presented, all persons are referred to said Application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given, That any interested person not later than January 3, 1977 may submit to the Commission in writing his views or any substantial facts bearing on this Application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the Application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36799 Filed 12-14-76;8:45 am]

[Rel. No. 13044; SR-MSE-76-24]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 8, 1976.

In the matter of Midwest Stock Exchange, Incorporated, 120 South LaSalle Street, Chicago, Illinois 60603 (SR-MSE-76-24).

On October 22, 1976, the Midwest Stock Exchange, Incorporated ("MSE") 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 rule change proposal which would amend Article XVIII, Rule 8 and Article XXIV, Rule 12 of the Exchange's rules. These proposed rule changes would permit MSE equity specialists to take options positions upon their specialty stocks.

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 Exhange Act Release No. 12925 (October 27, 1976)), and by publication in the FEDERAL REGISTER (41 FR 48428 (November 3, 1976)).

MSE Article XVIII, Rule 8 and Article XXIV, Rule 12 were adopted by the Exchange at the urging of the Commission in 1935 for the purpose of deterring options-related manipulation of underlying stocks by specialists, odd-lot dealers, and floor traders. On the other hand, absent such restrictions it is argued that the MSE market could operate more efficiently.

Recently, the Commission advised the NASD of its view that "in an environment of vigorous competitive market making, it would be appropriate to permit market makers, if they choose, to make markets in both the options and the underlying securities." [1] The Commission recognized that the market operated through the NASDAQ system as "relatively free of anti-competitive restraints and should therefore provide an opportunity to test the extent to which competition can be an effective regulator of a unified market for options and their underlying securities." [2]

Currently, the market operated by the MSE is less free of anti-competitive restraints than is the case for the NASDAQ system. MSE rules, for example, prohibit certain members from effecting off-board principal transactions in MSE-traded stocks, and MSE rules maintain a unitary stock specialist system. Such rules may impose burdens on competition which, on examination, may not be necessary or appropriate or which may impede the development of "an environment of vigorous competitive market making." [3] On the other hand, since the MSE's approximate share of the total market volume in securities for which options trading would be permitted by the proposed rule change averages only 6.29 percent, and in no case does its market share for such underlying securities exceed 19.31 percent, the manipulative potential inherent in changing the current restrictions, in the manner proposed by the MSE, appears relatively insignificant.

The Commission finds, therefore, that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of sections 3(a)(36), 6(b)(5), 6(b)(8), 9, 11(b), 11A(a)(1)(C)(ii), 11A(c)(1)(F), and 15(c)(5), and the rules and regulations thereunder without giving separate consideration at this time to their interaction with other MSE rules of the types referred to above..

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36767 Filed 12-14-76;8:45 am]

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[1] Letter dated September 24, 1976, from Roderick M. Hills, Chairman, Securities and Exchange Commission, to Gordon Macklin, President, National Association of Securities Dealers, Inc.

[2] *Id.*

[Rel. No. 13043; SR-MSE-76-17]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change Nunc Pro Tunc

DECEMBER 6, 1976.

In the matter of Midwest Stock Exchange, Incorporated, 120 South LaSalle Street, Chicago, Illinois 60603; (SR-MSE-76-17).

On September 13, 1976, the Midwest Stock Exchange, Incorporated ("MSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposal added to the Exchange's Rules a provision making members and general partners and officers of member organizations personally liable for the acts or omissions of their member organizations in areas over which such persons have direct or supervisory responsibility.

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. 12809 (September 18, 1976)) and by publication in the FEDERAL REGISTER (41 FR 43481 (October 1, 1976)).

On November 5, 1976, the Commission by order (Securities Exchange Act Release No. 12955) approved the proposed rule change. In SEA Release No. 12955, however, the Commission, through inadvertence, identified the MSE's proposal as a "proposed Constitutional change" rather than, as it was, an addition to the Exchange's Rules.

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, nunc pro tunc, Pursuant to section 19(b)(2) of the Act that the above-mentioned proposed rule change be approved, effective November 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36768 Filed 12-14-76;8:45 am]

[Rel. No. 13045; SR-MSE-76-21]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes

DECEMBER 8, 1976.

In the matter of Midwest Stock Exchange, Incorporated, 120 South LaSalle Street, Chicago, Illinois 60603; (SR-MSE-76-21).

On October 1, 1976, the Midwest Stock Exchange, Incorporated ("MSE") 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 proposed rule changes which would add a new Part IV to the By Laws of the Exchange, entitled "Rules Applicable to Option Trading," and provide certain changes to existing rules in order to conform such existing rules to the implementation of an MSE pilot option program. As part of this filing, MSE also submitted certain stated policies and practices that it has elected to treat as Rules of the Exchange for the purpose of conducting its proposed options program. This submission (the "proposal") was amended by five separate amendments submitted on October 22, 1976, November 22, 1976 (Nos. 2 and 3), November 29, 1976 and December 3, 1976, respectively. Notice of the initial proposals together with the terms of substance thereof was given by publication of a Commission Release and by publication in the FEDERAL REGISTER.[1]

General Nature of the Proposal. MSE options will generally be traded in a manner very similar to the way in which options are traded on the Pacific Stock Exchange Incorporated ("PSE"). Thus, the agent (broker) and principal (dealer) functions of the traditional unitary specialist will be divided between an Order Book Official ("OBO") (agent), and assigned competing marketmakers (dealer).[2]

Under the terms of the proposal, which calls for the initiation of a pilot program, MSE intends initially to limit its operations to call options on twenty underlying stocks that are registered and listed on a national securities exchange.[3] The stocks (like those underlying the other exchange listed options) would be those characterized by a substantial number of outstanding shares which are widely held and actively traded.[4] As experience is gained and its system enlarged, the Exchange expects, with Commission approval, to increase the number of underlying stocks for option trading.[5]

None of the call options which the MSE has proposed to list will be of the same class as options which are presently listed on other exchanges.[6]

Each of the Exchange's twelve initial classes will have expiration months of March, June, September and December (the "March cycle"); however, the MSE option, like all listed options, will be for approximately three, six or nine months. Thus, options expiring in only three of the four expiration months will be listed.[7]

MSE will apply clearing principles and contract standardization methods which are generally the same as those currently used by other exchanges with options programs. Thus, MSE options will be made fungible by limiting the contract variables, and this, among other things, will make possible the secondary market for such options.

Clearing and Settlement. MSE will become a one-fifth owner of the Options Clearing Corporation ("OCC"), by purchasing 20 percent of OCC's outstanding common shares, and OCC will provide the same services with respect to options transactions occurring on the MSE as OCC currently provides with respect to options transactions occurring on the Amex, CBOE, PHLX and PSE. Thus, clearing and settlement of options transaction occurring on the MSE will be effected through the OCC which will be the issuer of and primary obligor on all outstanding MSE options. Also, MSE options will be registered by the OCC pursuant to the Securities Act of 1933 and pursuant to section 12(b) of the Act.[8] Because the Exchange's options will have standard terms and conditions, they will be fungible with other OCC-issued options of the same class and series; therefore, in the event that MSE decides to dually list any classes of options, positions in those dually traded options could be closed out through transactions on another exchange on which they are listed, and positions taken in such options on other exchanges could be closed out on MSE.

Rules and Procedures Regulating Trading of the Option on the Same Exchange as the Underlying Security. The Exchange has constructed a separate floor for trading options in an area adjacent to its present equity floor. MSE is the third exchange to propose trading of an option on the same exchange on which the underlying security is traded.[9] It will also prohibit trading in an option by a member who has obtained prior knowledge of a proposed block transaction, or one that has taken place but not been reported, in either the option or the underlying security until after the transaction is reported on the tape or otherwise disclosed.[10]

Last Sale and Quotations Reporting. Last sale information for the Exchange's options will be reported on the separate common option tape administered by the Option Price Reporting Authority. MSE will supply option market quotations from its floor to vendors to make them available to qualified non-members as well as members.

The MSE Order Book Official. MSE's OBO system is patterned after that of PSE, in that the OBO will be an exchange employee and MSE will charge its members a fixed fee (per transaction) for the services of the OBO in effecting such members' transactions on that exchange. In informing the Commission of the levels and structure of its proposed fees, the Exchange stated that, although it has had no experience along these lines, it has attempted to project its costs and revenues associated with providing the OBO service and to set rates competitively with those of other exchanges with options programs.[11] The Commission has

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[1] Securities Exchange Act ("SEA") Release No. 12831, October 12, 1976 and 41 FR 45921, October 18, 1976.

[2] With certain modifications applicable to their floor trading systems, both the American Stock Exchange, Inc ("Amex") and the Philadelphia Stock Exchange, Incorporated ("PHLX") utilize their present unitary specialist systems in their options programs. The Chicago Board Options Exchange, Incorporated ("CBOE") uses a system similar to that of both MSE and PSE with the exception that its board broker (corresponding to MSE's OBO) is a member of the Exchange rather than an exchange employee.

[3] Of this number, twelve will be listed on the first day of operation of the MSE program and the remaining eight will be added as the Exchange deems appropriate considering such factors as the capacity of its support systems to handle such increased listings.

[4] MSE Rules 3 and 4 of Article XLI adopt new initial listing and maintenance standards similar to those which each exchange with an approved options program either has submitted or expects to submit. See SR–CBOE–76–18, SEA Release No. 12768; and SR–Amex–76–21, SEA Release No. 12819.

[5] The procedures pursuant to Rule 19b–4 under the Act relating to the adoption and alteration of rules of registered securities exchanges would be applicable to such expansion.

[6] The term "class of options" means all option contracts of the same type; i.e., put or call, covering the same underlying stock. MSE Rule 10, Art. LI. Trading by MSE in put options is not a subject of this approval order. MSE indicates that the Exchange (like other exchanges with approved options programs) may consider dual listing of options which are traded on other exchanges in connection with possible future expansion of its options program.

[7] Currently, only the January (i.e., January, April, July and October) and February (i.e., February, May, August and November) cycles of expiration months are used by the other exchanges which list options. The Commission does not today consider the matter of MSE's trading of options of the same class as are traded on other exchanges but with different expiration dates; i.e., the "multiple cycle" proposals of other exchanges (See File No. SR–PSE–76–11, SEA Release No. 12250; and SR–PBW–76–8, SEA Release No. 12313).

[8] The OCC is a common clearing entity which clears and settles all transactions in listed options.

[9] PHLX first proposed such trading, followed by the PSE. See SEA Releases No. 11423, May 15, 1975; and No. 12283, March 30, 1976, respectively.

[10] MSE Rule 8, Art. XL. MSE may decide to amend this rule in light of a forthcoming Commission decision regarding the CBOE "frontrunning proposal", File No. SR–CBOE–76–8. In connection with the trading of options and the underlying securities on the same exchange, each exchange has submitted proposals relating to trading by specialists on the equity floor in options on their specialty securities. The separate MSE filing on this subject is not a part of the instant Commission order (See File No. SR–MSE–76–24).

[11] The MSE fees will be approximately equal to 80% of the old rates charged by the CBOE (these CBOE rates are not now in effect due to the impact of Rule 19b–3 under the Act which prohibits exchange members from charging fixed commissions on exchange transactions. The MSE OBO's are not affected by this rule because of their status as exchange employees rather than exchange members as are the CBOE board brokers).

examined the proposed fees and finds that consistent with the requirements of the Act, and especially section 6(b)(4), thereunder, the Exchange should be permitted to begin its program using such fees; however, the Commission expects the Exchange to provide further data in due course to demonstrate the cost of the service provided and to justify the fees on a basis consistent with the statutory standard of reasonableness.

The Exchange will establish an error fund to compensate members for OBO mistakes. In general, the MSE Rule would limit recovery on any one member claim against the error fund and/or against the Exchange to $100,000, and the Exchange's liability for all OBO errors on a given trading day will be limited to the amount in the fund when the fund contains $200,000.[12] MSE does not seek to limit its liability for criminal, dishonest, or fraudulent acts of its OBO's, and the Rule makes clear that the Exchange's limitation of liability has no application to claims of persons other than members, e.g., customers.[13]

Conclusion. The Commission finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of Section 6 of the Act.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the provisions relating to implementation of MSE's pilot option trading program as set forth in its proposal, as amended, be, and hereby are, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36769 Filed 12-14-76;8:45 am]

[Rel. No. 9560; 811-1602]

NEUWIRTH CENTURY FUND, INC.

Proposal To Terminate Registration Pursuant

DECEMBER 7, 1976.

In the matter of Neuwirth Century Fund, Inc., % Neuwirth Fund, Inc., Middletown Bank Building, 1250 Highway 35, Middletown, New Jersey, 07748; (811-1602).

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare, by order on its own motion, that Neuwirth Century Fund, Inc. ("Fund"), registered under the Act as a diversified, open-end management investment company, has ceased to be an investment company as defined in the Act.

The Fund registered under the Act on February 14, 1968, and it continuously offered its shares to the public pursuant to a registration statement under the Securities Act of 1933 which was declared effective on February 8, 1969. The Commission has information in its files which indicates that the Fund's shareholders, at a special meeting of shareholders held on March 27, 1975, adopted a Plan of Reorganization pursuant to which substantially all of the Fund's assets were transferred to Neuwirth Fund, Inc. ("Neuwirth") on March 31, 1975. Shares of Neuwirth were issued on a pro-rata basis to the Fund's shareholders. On March 31, 1975, the Plan of Reorganization was filed with the State of Delaware and by operation of Delaware law the separate existence of the Fund ceased as of that date. The Fund currently has no outstanding assets or liabilities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than January 3, 1977, 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 the Fund 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 matter 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 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.76-36770 Filed 12-14-76;8:45 am]

[Rel. No. 34-13046]

RESOLUTION OF INVESTOR DISPUTES

Extension of Public Comment Period

On November 15, 1976, the Commission issued Securities Exchange Act Release No. 34-12974 (41 FR 50880 (1976)) by which the Commission announced that it had approved, in principle, a report which it had received from the Office of Consumer Affairs concerning the establishment of a nationwide investor dispute grievance system and invited public comment on that proposed system. The comment period was originally scheduled to expire on December 31, 1976. Because there has been substantial interest in this report and because of the intervening holiday period, the Commission has concluded that it is in the public interest to extend the comment period to, and including, January 24, 1977 in order to accord all interested persons ample opportunity to comment.

The Commission also stated in Release 34-12974, that a public forum would be held in January, 1977 for the purpose of reviewing supplemental oral presentations from a representative selection of interested persons. The Commission today announced that the forum has been scheduled for 9:30 a.m. on January 28, 1977, and will be held in Room 776, 500 North Capitol Street, Washington, D.C. 20549. Persons wishing to appear and make a presentation should follow the procedures set forth in Release No. 34-12974.

For the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 8, 1976.

[FR Doc.76-36773 Filed 12-14-76;8:45 am]

[File No. 81-223]

RFI, INC.

Application and Opportunity for Hearing

DECEMBER 8, 1976.

In the matter of RFI, Inc., successor by merger to Rixson-Firemark, Inc., File No. 81-223.

Notice is hereby given, That RFI, Inc. ("Applicant"), as successor by merger to Rixson-Firemark, Inc. ("Rixson"), has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from filing with respect to Rixson an annual report on Form 10-K for the year ended March 31, 1976, required to be filed pursuant to sections 13 and 15(d) of the 1934 Act.

Section 12(g) of the 1934 Act requires the registration of the equity securities of every issuer which is engaged 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

[12] MSE Rule 8, Art. XLVI. If the error fund has less than $200,000, the Exchange's liability for members' claims is unlimited except for the $100,000 maximum for any one claim.

[13] No person may obtain a waiver of liability under Federal securities laws. See Sec. 29 of the Act.

of equity securities held of record of 500 or more persons.

Sections 13 and 15(d) of the 1934 Act require that issuers of securities registered pursuant to section 12 or that have filed a registration statement that has become effective pursuant to the Securities Act of 1933, must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the provisions of sections 13 and 15(d) of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or protection of investors.

The Applicant states in part that:

(1) Prior to the merger of Rixson into Applicant, Rixson was subject to the provisions of section 15(d) of the 1934 Act and its common stock was registered pursuant to section 12(g) of the 1934 Act.

(2) A plan to merge Rixson into Applicant was submitted to the shareholders of Rixson at a special meeting held on April 30, 1976, and proxy soliciting materials containing detailed information, including financial statements, concerning Rixson and the terms of the merger were filed with the Commission and distributed to shareholders. The plan was approved by the shareholders of Rixson and the merger was consummated on April 30, 1976.

(3) Pursuant to the terms of the merger, all of the outstanding securities of Rixson were converted into securities of Conrac Corporation. Applicant is a wholly-owned subsidiary of Conrac.

(4) There is no trading in Rixson's common stock.

In the absence of an exemption, Applicant is required to file pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder, an annual report on Form 10–K with respect to Rixson for the year ended March 31, 1976. Applicant believes that its request for an order exempting it from the provisions of sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that there is no public ownership and trading in Rixon's securities. Applicant believes that the effort and expense involved in preparation of a Form 10–K would be disproportionate to any useful purpose served in filing the report.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given, That any interested persons, not later than January 3, 1977, may submit to the Commission in writing his views on any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. At any time after that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36771 Filed 10-14-76;8:45 am]

[File No. 20-1782A5, 3-4749]

RANSOM HORNE, JR.

Permanently Suspending Regulation B Exemption

DECEMBER 8, 1976.

In the matter of the Schedule 13D offering sheets filed by Ransom Horne, Jr., Arlington, Texas, Matson #1, Woodland Prospect (File No. 20–1782A5, 3–4749).

I

On October 1, 1975, the Commission issued an order temporarily suspending the Regulation B exemption in the captioned offering sheet filed by Ransom Horne, Jr. stating that it had reasonable cause to believe that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(2) because Ransom Horne, Jr. was permanently enjoined on November 12, 1974, by the Supreme Court of the State of New York, in and for the County of New York, from offering or selling securities in violation of Article 23-A of the General Business Law of the State of New York.

2. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330 (a) and 330(b) of Regulation B by failure to disclose that on November 2, 1974, Ransom Horne, Jr. was permanently enjoined by the Supreme Court of the State of New York, in and for the County of New York, from offering or selling securities in violation of Article 23-A of the General Business Law of the State of New York.

II

No hearing having been requested by the issuer within thirty days after the entry of the order temporarily suspending its exemption under Regulation B, the Commission finds that it is in the public interest and for the protection of investors that the exemption be permanently suspended.

Accordingly, *it is ordered*, Pursuant to Rule 334 of Regulation B under the Securities Act of 1933, that the exemption from registration with respect to the Ransom Horne, Jr. offering be, and hereby is permanently suspended.

For the Commission, by its Secretary, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36772 Filed 12-14-76;8:45 am]

[Order 76-12-43; Docket No. 27813; Agreement CAB 26276]

CIVIL AERONAUTICS BOARD

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority December 8, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would permit American Airlines, Inc. to postpone to a date not later than April 30, 1977, the performance of its inaugural flight between New York and Bridgetown, Barbados.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14, it is not found that resolution 100 (Mail 73) 200h incorporated in Agreement C.A.B. 26276 as indicated, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, that:

Agreement C.A.B. 26276 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES R. DERSTINE,
Acting Secretary.

[FR Doc.76-36870 Filed 12-14-76;8:45 am]

[Order 76-12-44; Docket No. 27573; Agreement CAB 26277; R-1 and R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Commodity Rates

Issued under delegated authority December 8, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA).

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo

rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated November 24, 1976.

Agreement CAB	Specific commodity item No.	Description and rate
26277:		
R-1	1192	Sheep skins/hides not further processed excluding Astrakhan and Caraoul,[1] 146 c/kg., minimum weight 500 kg. From Tel Aviv to New York.
R-2	1407	Floral and nursery stock and seeds, excluding cut flowers, 164 c/kg., minimum weight 100 kg. From Copenhagen to New York.

[1] New description.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, that:

Agreement C.A.B. 26277, R-1 and R-2, is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES R. DERSTINE,
Acting Secretary.

[FR Doc.76-36871 Filed 12-14-76;8:45 am]

[Docket No. 29001, et al.]

SOUTHERN AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Prehearing Conference Regarding Route Transfer Agreement

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 15, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Stephen J. Gross.

In order to facilitate the conduct of the conference, parties are insrtucted to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before January 21, 1977, and the other parties on or before February 4, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., December 10, 1976.

ROSS I. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.76-36873 Filed 12-14-76;8:45 am]

[Docket No. 29387; Order 76-12-35]

MILITARY TRANSPORTATION, ER-962

Order Regarding Exemption of Air Carriers

Correction

In FR Doc. 36336, appearing at page 54011, in the issue of Friday, December 10, 1976, on page 54012, the last line of the last paragraph in column 1 should be placed between the 1st and 2nd lines of that column, and on page 54011, column 3, footnote "6" should have been at the bottom of column 1 on page 54012, just before footnote "7".

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CARAMANT GMBH ET AL.

Order Conditionally Restoring Export Privileges

In the matter of Caramant GmbH, Manfred Hardt, Werner Hardt, Adolfsallee 27/29, 62 Wiesbaden, Federal Republic of Germany, Bavaroil Establishment, Vaduz, Liechtenstein, Petroservice International GmbH (PSI), P.O. Box 1069, Wiesbaden, FRG, Michael Schmidt-Sandler, P.O. Box 1069, Wiesbaden, FRG, Joseph S. Versch, Alpepitzsr. 21, 81) Garmisch-Partenkirchen, Federal Republic of Germany, Respondents.

Each of the above-named respondents was denied all United States export privileges because of violations of the Export Administration Regulations, 15 CFR 368 *et seq.* See FR 9067 (July 20, 1965) as supplemented by 30 FR 10480; 33 FR 3395, 5425, 6487, 10408; 34 FR 564, 5186; 35 FR 8704, 8706. Manfred Hardt and Werner Hardt, trading as Caramant GmbH, petitioned for removal of their names from the Table of Denial and Probation Orders and for restoration of all United States export privileges. The other above-named respondents are considered in the nature of related parties; the petition is considered in behalf of all the respondents.

The application for restoration was referred to the Hearing Commissioner and duly considered by him. He reports that written submissions and information adduced at the hearing on August 30, 1976, by respondents and the Compliance Division, Office of Export Administration, indicate that restoration is consistent with the purposes of the export administration program. The Hearing Commissioner recommended that an order be entered restoring all export privileges to the respondents under certain terms and conditions.

The undersigned has considered the recommendation and concurs that restoration be made subject to probation and conditions outlined below and that restoration in such fashion is consistent with the purposes of the United States Export Administration Act of 1969 as amended, 50 USC App. 2401 et seq., and the regulations issued thereunder. Accordingly, it is hereby

ORDERED

1. Respondents are restored to U.S. export privileges for all general license commodities, i.e., commodities which may be shipped G-DEST to the Federal Republic of Germany. Prior to Jan. 1, 1978, no United States citizen and no other person, firm, corporation, partnership or other business organization in the United States, shall export to the respondents, or participate in any way in making or effecting an export to the respondents, of any commodity requiring a validated export license. Respondents shall report monthly to the Office of Export Administration, Department of Commerce, the proposed end-use and end-user of all U.S. goods which they receive and/or make disposition.

2. Effective Jan. 1, 1978, the respondents are restored to all export privileges subject, however, to the following period of probation:

a. Caramant GmbH, Manfred Hardt and Werner Hardt, will remain on probation until June 1, 1986.

b. Bavaroil Establishment, Petroservice International GmbH, Michael Schmidt-Sandler and Joseph S. Versch, shall remain on probation until June 1, 1979.

3. During the period of probation, each respondent must maintain a complete record showing receipt and disposition of all U.S. commodities. Such records shall be retained for a period of five (5) years and must be available for inspection during reasonable business hours to an authorized agent of the United States Government.

4. Respondents must comply with all the above conditions and must fully comply with all the regulations of the Export Administration Act and the Regulations, licenses and orders issued thereunder.

This order shall extend to the respondents, their partners, representatives, agents, employees and assigns and to any party with whom respondents now or hereafter may be related by affiliation, ownership, control or other connection in the conduct of trade or other services connected therewith. Upon request of the Office of Export Administration or an authorized representative of the United States, respondents must promptly and fully disclose the details of participation in any and all transactions involving U.S.-origin commodities

or technical data, including information as to disposition or intended disposition of such commodities or technical data and shall, upon request, furnish all records and documents relating to such matters. Further, on request, the respondents shall promptly disclose the names and addresses of partners, agents, representatives, employees and other persons associated with them in trade or commerce.

Upon a finding by the Director, Office of Export Administration or authorized officer, that the respondents, or any of them, have failed to comply with any of the conditions of probation, the Director, with or without prior notice to the respondents, may revoke the probation and deny all export privileges for such period as is deemed appropriate. Such supplementary order, if any, shall not preclude the Bureau of East-West Trade from taking further action as may be warranted for any violation.

This order is effective immediately and supercedes all orders previously issued against the respondents.

Dated: September 30, 1976.

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

[FR Doc.76-36838 Filed 12-14-76;8:45 am]

[File No. 22(73)-4]

HELMUT HOFFMAN ET AL.

Export Privileges Restored

In the Matter of Helmut Hoffman, Ubersee-Technik, Planung und Errichtung Von Industrieanlagen GmbH & Co., Kirchenallee 25, 2000 Hamburg 1, Federal Republic of Germany, Respondents.

On December 12, 1974, 39 FR 13322, the above-named respondents were denied all export privileges for an indefinite period, i.e., they were denied all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States. The Order was issued on November 8, 1974, in accordance with § 388.15 of the Export Administration Regulations, 15 CFR 388.15, because they failed to answer duly served interrogatories or to satisfactorily explain the reason for failing to do so.

Respondents have since appeared and petitioned for restoration, They answered the interrogatories and explained their previous failure to do so. The parties are now in compliance. Under such conditions, and in accordance with § 388.15, it is fitting and proper that they be restored to all export privileges. Accordingly, it is

ORDERED

The aforementioned indefinite denial order is terminated. Helmut Hoffman and Ubersee-Technik are unconditionally restored to all U.S. export privileges.

Date: December 1, 1976.

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

[FR Doc.76-36837 Filed 12-14-76;8:45 am]

AURA, INC.

Decision On Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00503. Applicant: Association of Universities for Research in Astronomy, Inc., 950 North Cherry Avenue, P.O. Box 26732, Tucson, Arizona 85726. Article: 4-channel uvby photoelectric photometer, with associated electronic components and wiring. Manufacturer: University of Aarhus, Denmark. Intended use of article: The article is intended to be used for photoelectric uvby photometry of stars brighter than twelfth magnitude. Results from the observational programs will include the distribution of the stars in space, their age, their chemical composition, and the distribution of interstellar absorbing matter in the solar neighborhood.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides simultaneous photometry in four accurately defined wave length regions (3358-3660, 4024-4213, 4561-4795, and 5320-5606 Angstroms) of stellar flux. The National Bureau of Standards advises in its memorandum dated November 4, 1976 that (1) the specification described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-36839 Filed 12-14-76;8:45 am]

BAYLOR COLLEGE OF MEDICINE

Decision On Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00488. Applicant: Baylor College of Medicine 1200 Moursund, Houston, Tex. 77030. Article: Elecsund, Houston, Texas 77030. Article: Electron Microscope, Model JEM-100C with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a variety of research and diagnostic projects which include: (1) high resolution studies of the plasma membrane of cardiac muscle cells, (2) microanalysis of particulate material within myocardial cells in normal and during pathologic conditions, (3) investigation of the role of the transverse tubules and sarcoplasmic reticulum in the normal and pathologic heart, (4) study of the growth patterns of endothelial cells over the surfaces of prosthetic materials which are employed in artificial heart valves and vessel grafts, and (5) diagnostic purposes in studies of approximately 200 surgical specimens per year. The article will also be used for the training of medical students, house staff physicians, attending physicians, and technical staff.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a eucentric side entry goniometer stage with +60° tilt, quick change holder with a guaranteed point-to-point resolution of 7 Angstroms (Å) and a high resolution scanning attachment which provides images in the scanning transmission, secondary electron, and back scattered electron modes as well as scanning microdiffraction from microareas as small as 200Å in diameter. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 4, 1976 that the goniometer and high resolution scanning capability of the article described above are pertinent to the applicant's intended uses. HEW further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which is being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-36840 Filed 12-14-76;8:45 am]

RUTGERS MEDICAL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00479. Applicant: Rutgers Medical School—College of Medicine & Dentistry of New Jersey, Department of Biochemistry, Piscataway, N.J. 08854. Article: Rotating Anode X-Ray System, 6KW. Manufacturer: Rigaku Inc., Japan. Intended use of article: The article is intended to be used to do low angle x-ray diffraction studies on a variety of connective tissues which contain collagen, including tendon, skin and the spleen reticulum. In addition, the article will be used to train students who are candidates for Ph. D. degrees in biochemistry, post-doctoral fellows who seek further research training, and medical students who are doing research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size (0.1 x 1.0 mm) and a rotating target for maximum x-ray beam intensity. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 4, 1976 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Imports Program Division.

[FR Doc.76–36841 Filed 12–14–76;8:45 am]

TEXAS A & M UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00482. Applicant: Texas A & M University, College of Science-Womack, Department of Physics, College Station, Texas 77843. Article: Pulsed Platinum NMR Thermometer, Model PLM–3. Manufacturer: Instruments for Technology Oy, Ab, Finland. Intended use of article: The article is intended to be used for research involving the study of the properties of liquid and solid ^{3}He at very low temperatures where important quantum mechanical effects are dominant. The experiments will investigate exchange energy and magnetic effects in solid. ^{3}He and Cooper pairing mechanisms in superfluid ^{3}He which is the only magnetic superfluid presently known in nature. These phenomena have to be studied at temperatures as low as one millikelvin above absolute zero.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides temperature measurements of ^{3}He in its superfluid phases (0.1 to 100 millikelvins). The National Bureau of Standards (NBS) advises in its memorandum dated November 2, 1976 that the specification described above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–36842 Filed 12–14–76;8:45 am]

UNIVERSITY OF ROCHESTER SCHOOL OF MEDICINE

Decision On Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00536. Applicant: University of Rochester School of Medicine, Dept. of Biochemistry, 601 Elmwood Avenue, Rochester, New York 14642. Article: Temperature-jump transient spectrometer with T-jump generator 5–50 kV; and accessories. Manufacturer: Messanlagen Studiengesellschaft mbH, West Germany. Intended use of article: The article is intended to be used for study of processes occurring in Poly (L-Tyrosine) on the order of microseconds to milliseconds. Another project will involve subjecting the enzyme cytochrome c oxidase to temperature jumps in this apparatus under, carefully controlled experimental conditions, in order to elucidate the mechanisms of electron flow in the molecule. The above research will be carried out by graduate students (pursuing studies toward the Ph.D. degree) and postdoctoral research associates.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of a temperature rise-time on the order of one microsecond. The most closely comparable domestic instrument is the Model D–150 temperature jump system manufactured by Durrum Instrument Corporation (Durrum). The National Bureau of Standards (NBS) advises in its memorandum dated November 11, 1976 that (1) a temperature rise time in the order of one microsecond is pertinent to the applicant's intended research and (2) the domestic Model D–150 does not provide the pertinent capability. For these reasons we find that the Model D–150 is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11. 105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–36843 Filed 12–14–76;8:45 am]

WAKE FOREST UNIVERSITY

Decision On Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public re-

view during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00481. Applicant: Wake Forest University, Winston-Salem, N.C. 27109. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for educational purposes in the following courses:

(1) *Biology III, Introductory Biology*—a general introduction to biological sciences presented in hierarchical order from molecular and cellular through organismic to environmental and evolutionary levels.

(2) *Biology 151, Introductory Cell Biology*—a sound and rigorous introduction to the concepts and methods of cell biology.

(3) *Biology 372, Histology, Cytology and Microtechnique*—a program of advanced study in the structure and function of cells and tissues and the associated research methods.

(4) *Biology 373, Methods in Electron Microscopy*—advanced training in the theory and methodology of electron microscopy.

(5) *Biology 391–4, Special Problems in Biology*—student development of their creativity and research capability by pursuing an independent research program.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 13, 1976). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 4, 1976 that simplicity and ease of operation are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–36844 Filed 12–14–76;8:45 am]

Economic Development Administration

BERNARD SCREEN PRINTING CORP.

Petition for a Determination of Eligibility to Apply for Trade Adjustment Assistance

A petition by Bernard Screen Printing Corporation (and its subsidiaries), New Hyde Park, New York 11043, a producer of printed textiles, was accepted for filing on December 9, 1976, under section 251 of the Trade Act of 1974 (Pub. L. 93–618). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than December 27, 1976.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76–36774 Filed 12–14–76;8:45 am]

National Oceanic and Atmospheric Administration

FOUKE CO.

Issuance of Permit to Import Marine Mammals

On November 2, 1976, notice was published in the FEDERAL REGISTER (41 FR 48149–48150) that an application had been filed with the National Marine Fisheries Service Service by the Fouke Company, Greenville, South Carolina, for a permit to import 13,000 Cape fur sealskins for the purpose of processing the skins in accordance with usual business practice.

Notice is hereby given that on December 10, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and 50 CFR 216.32, the National Marine Fisheries Service issued a permit for the above mentioned importing to the Fouke Co., subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following office: Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Dated: December 10, 1976.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.76–36922 Filed 12–14–76;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT–APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Bldg.

Patent 3,771,348: Analog Flueric Gas Concentration Sensor; filed 28 February 1972; patented 13 November 1973; not available NTIS.

Patent 3,915,645: Chemical Reaction Transducers for Use with Flueric Gas Concentration Sensing Systems; filed 24 April 1973; patented 28 October 1975; not available NTIS.

Patent 3,922,608: Electromagnetic Interference Locator; filed 29 November 1973; patented 25 November 1975; not available NTIS.

Patent 3,925,315: Diglycidyl Ether of 4-Methylol Resorcinol; filed 20 September 1974; patented 9 December 1975; not available NTIS.

Patent 3,926,221: Laminar Fluidic Multiplier; filed 14 August 1974; patented 15 December 1975; not available NTIS.

Patent 3,928,076: LiCl Inhibitor for Perchlorate Battery, filed 13 September 1974; patented 23 December 1975; not available NTIS.

Patent 3,928,112: Process for Producing Stabilized Anatase Titanium Dioxide Surfaces for Durable Adhesive Bonding; filed 4 January 1974; patented 23 December 1975; not available NTIS.

Patent 3,929,717: Alcohol Sensitive Repairable Epoxy Embedding Material; filed 28 June 1974; patented 30 December 1975; not available NTIS.

Patent 3,930,317: Electronic Azimuth Transfer Method and System, filed 10 May 1974; patented 6 January 1976; not available NTIS.

Patent 3,930,519: Pressure Regulator; filed 13 February 1975; patented 6 January 1976; not available NTIS.

Patent 3,930,541: Flame Prevention System for Fuel Tank Fires; filed 22 October 1974; patented 6 January 1976; not available NTIS.

Patent 3,930,550: Vehicle Drive and Suspension; filed 15 August 1974; patented 6 January 1976; not available NTIS.

Patent 3,930,553: Track Tension Control; filed 22 November 1974; patented 6 January 1976; not available NTIS.

Patent 3,941,345: Radial Arm Guidance Platform Tracker; filed 28 November 1973; patented 2 March 1976; not available NTIS.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 696-342: Probe System for Wind Tunnel Test Section; filed 15 June 1976; PC $3.50/MF $3.00.

Patent 3,970,006: Protective Cover for a Missile Nose Cone; filed 16 January 1975; patented 20 July 1976; not available NTIS.

DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, Agriculture Research Service, Hyattsville, Md. 20782.

Patent application 712,298: Insolubilization of Enzymes on Modified Phenolic Polymers; filed 8 August 1976; PC $3.50/MF $3.00.

Patent 3,972,897: Mosquito Larvicide; filed 30 October 1975; patented 3 August 1976; not available NTIS.

Patent 3,972,918; Process for Separating DOPA from Tyrosine; filed 28 June 1974; patented 3 August 1976; not available NTIS.

Patent 3,975,270: Process for Recovering Usable Olive-Processing Liquor from Olive-Processing Waste Solution; filed 3 December 1975; patented 17 August 1976; not available NTIS.

Patent 3,976,552: Water-Soluble Graft Polymers Produced by an Outwardly Dry Radiation Polymerization Process; filed 13 August 1975; patented 24 August 1976; not available NTIS.

DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW, Washington, D.C. 20240.

Patent application 702,262: Production of Alumina Monohydrate from Aluminum Nitrate Solutions; filed 2 July 1976; PC $3.50/MF $3.00.

Patent application 707,973: Method for Producing Raney Type Catalyst; filed 23 July 1976; PC $3.50/MF $3.00.

Patent application 713,452: Spectrally Selective Solar Absorbers; filed 11 August 1976; PC $3.50/MF $3.00.

DEPARTMENT OF THE NAVY, Assistant of the Research, Code 302, Arlington, Va. 22217.

Patent application 458,927: Suspension System for Directional Hydrophones; filed 1 April 1974; PC $3.50/MF $3.00.

Patent 3,970,862: Polymeric Sensor of Vibration and Dynamic Pressure; filed 25 June 1974; patented 20 July 1976; not available NTIS.

Patent 3,970,952: Broadband Output Circuit for Klystron Amplifier, filed 15 May 1975; patented 20 July 1976; not available NTIS.

Patent 3,970,965: Injection Locked Josephson Oscillator Systems, filed 26 March 1975; patented 20 July 1976; not available NTIS.

Patent 3,971,057: Lateral Photodetector of Improved Sensitivity; filed 21 August 1973; patented 20 July 1976; not available NTIS.

Patent 3,971,068: Image Processing System, filed 22 August 1975; patented 20 July 1976; not available NTIS.

Patent 3,971,939: Unitary Laser/IR Seeker; filed 19 August 1975; patented 27 July 1976; not available NTIS.

Patent 3,973,263: Sensitivity Improvement of Spaced-Loop Antenna by Capacitive Gap Loading; filed 20 April 1973; patented 3 August 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 692,413: Extraction and Separation of a Preferentially Photo-Dissociated Molecular Isotope into Positive and Negative Ions by Means of an Electric Field; filed 3 June 1976; PC $3.50/MF $3.00.

Patent 3,967,097: Capillary Flow Weld-Bonding; patented 29 June 1976; not available NTIS.

[FR Doc.76-36778 Filed 12-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

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DOUGLAS J. CAMPION,
Patent Program Coordinator.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 3,965,428: Spectrum-Shape Discriminating On/Off Target Indicator; filed 4 January 1971; patented 22 June 1976, not available NTIS.

Patent 3,965,470: Pulse Analyzer for an RF Moving Target Detector; filed 13 December 1972; patented 22 June 1976; not available NTIS.

Patent 3,965,471: Radiation Detection System; filed 13 August 1969; patented 22 June 1976; not available NTIS.

Patent 3,965,821: Low Spin-Deceleration Safing and Arming Mechanism; filed 16 January 1975; patented 29 June 1976; not available NTIS.

Patent 3,966,146: Air Bladder Seat Cushion for High Acceleration Cockpit; filed 10 March 1975; patented 29 June 1976; not available NTIS.

DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, MD 20782

Patent Application 706,980: Method for Insolubilizing Enzymes on Chitosan; filed 19 July 1976; PC$3.50/MF$3.00.

Patent Application 708,792: Highly Absorbent Polymeric Compositions Derived from Flour; filed 26 July 1976; PC$3.50/MF$3.00.

Patent Application 714,229: Method of Peeling Fruits and Vegetables with Carboxylic Acids; filed 13 August 1976; PC$3.50/MF $3.00.

Patent 3,968,254: Method of Preparing Feed Grain Compositions; filed 23 June 1975; patented 6 July 1976; not available NTIS.

DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240

Patent 3,898,042: Method and Apparatus for Continuously Determining Total Copper in an Aqueous Stream; filed 2 January 1974; patented 5 August 1975; not available NTIS.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent Application 543,745: Transient Event Data Acquisition Apparatus for Use with Radar Systems and the Like; filed 24 January 1975; PC$3.50/MF$3.00.

Patent Application 587,171: Constant False Alarm Rate (FCAR) Circuitry for Minimizing Extraneous Target Sensitivity; filed 16 June 1975; PC$3.50/MF$3.00.

Patent Application 587,173: Injection-Molding Apparatus for Attaching End Fittings to Detonating Cords; filed 16 June 1975; PC$3.50/MF$3.00.

Patent Application 589,482: Booster Apparatus for Augmenting Side Initiation of Explosive Cords; filed 23 June 1975; PC $3.50/MF$3.00.

Patent Application 642,926: Electrical Field Sensing and Transmitting Apparatus; filed 22 December 1975; PC$3.50/MF$3.00.

Patent Application 643,047: Multi-Path Signal Enhancing Apparatus; filed 22 December 1975; PC$3.50/MF$3.00.

Patent Application 683,997: A Non-Tumbling Limit Stop Providing a Mechanical Super Cage; filed 6 May 1976; PC$3.50/MF$3.00.

Patent Application 697,514: Parallel/Time-Shared Variable Time Delay Generator with Common Timing Control and Fast Recovery; filed 18 June 1976; PC$3.50/MF $3.00.

Patent 3,958,157:Oil Level Detection Circuit; filed 12 February 1975; patented 18 May 1976; not available NTIS.

Patent 3,958,241: Chaff Discrimination System; filed 2 November 1961; patented 18 May 1976; not available NTIS.

Patent 3,958,780: Convertible Canopy-to-Wing Shaped Parachute; filed 9 April 1975; patented 25 May 1976; not available NTIS.

Patent 3,961,304: Decoupled Hydrophone with Reduced Respone to Vibration and Stress Concentration; filed 21 October 1974; patented 1 June 1976; not available NTIS.

Patent 3,961,305: Fluid for Filling Sonar Transducers; filed 14 February 1975; patented 1 June 1976; not available NTIS.

Patent 3,961,520: Apparatus for Mechanically Exercising Bourdon Tube Gauge, filed 27 May 1975; patented 8 June 1976; not available NTIS.

Patent 3,968,455: Injection Laser with Integral Modulator; filed 5 March 1974; patented 6 July 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20546.

Patent Application 691,647: A Logic-Controlled Occlusive Cuff System; filed 1 June 1976; PC$3.50/MF$3.00.

Patent Application 692,413: Extraction and Separation of a Preferentially Photo-Dissociated Molecular Isotope into Positive and Negative Ions by Means of an Electric Field; filed 3 June 1976; PC$3.50/MF$3.00.

Patent 3,964,306: System for Measuring Reynolds in a Turbulently Flowing Fluid; patented 22 June 1976; not available NTIS.

Patent 3,964,319: Instrumentation for Measuring Aircraft Noise and Sonic Boom; patented 22 June 1976; not available NTIS.

Patent 3,964,813: Connector; patented 22 June 1976; not available NTIS.

Patent 3,964,902: Method of Forming a Wick for a Heat Pipe; patented 22 June 1976; not available NTIS.

Patent 3,964,928: Lead-Oxygen DC Power Supply System Having a Closed Loop Oxygen and Water System; patented 22 June 1976; not available NTIS.

Patent 3,965,354: Resistive Anode Image Converter; patented 22 June 1976; not available NTIS.

Patent 3,965,475: Switchable Beamwidth Monopulse Method and System; patented 22 June 1976; not available NTIS.

Patent 3,966,547: Method of Producing I-123; patented 29 June 1976; not available NTIS.

[FR Doc.76–36779 Filed 12–14–76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314

Patent application 684,429: Fluidic Oscillating Jet for High Frequency Gust Tunnel; filed 7 May 1976; PC $3.50/MF $3.00.

Patent 3,956,015: Lightweight Nickel Hydrogen Cell; filed 6 June 1975; patented 11 May 1976; not available NTIS.

Patent 3,958,119: Method and Device for Evaluating Penetrants; filed 5 August 1974; patented 18 May 1976; not available NTIS.

Patent 3,959,740: Quartz Wedge Polarizer for an Electro Optic Switch; filed 6 February 1975; patented 25 May 1976; not available NTIS.

Patent 3,963,196: Aircraft/Spacecraft Ground Accelerator; filed 12 June 1974; patented 15 June 1976; not available NTIS.

Patent 3,963,911: Hybrid Sample Data Filter; filed 22 April 1975; patented 15 June 1976; not available NTIS.

Patent 3,965,462: Serpentine Charge-Coupled-Device Memory Circuit; filed 9 May 1975; patented 22 June 1976; not available NTIS.

Patent 3,966,160: Inflight Intravenous Bottle Holder; filed 12 May 1975; patented 29 June 1976; not available NTIS.

Patent 3,966,729: Addition Curable Phenyl-Quinoxaline Compositions and Their Synthesis; filed 19 May 1975; patented 29 June 1976; not available NTIS.

Patent 3,966,855: Method of Fabricating Silicon Carbide Articles; filed 22 February 1974; patented 29 June 1976; not available NTIS.

Patent 3,967,102: Self-Adjusting Digital Notch Filter; filed 25 March 1975; patented 29 June 1976; not available NTIS.

DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 686,423: Continuous Mechanized Harvesting of Horticultural Crops; filed 14 May 1976; PC $3.50/MF $3.00.

Patent application 686,424: Metering and Spray Apparatus for Horticultural Applications; filed 14 May 1976; PC $3.50/MF $3.00.

DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street, SW., Washington, D.C. 20590.

Patent 3,975,736: Radio Theodolite Angle Measuring Apparatus; filed 11 February 1975; patented 17 August 1976; not available NTIS.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD. 20014.

Patent application 698,688: Powered Wheel Chair; filed 22 June 1976; PC $3.50/MF $3.00.

Patent application 698,689: Synthesis of Daunosamine Hydrochloride from a D-Mannose Starting Material; filed 22 June 1976; PC $3.50/MF $3.00.

Patent application 699,996: Ultrasonic Transducer Calibration; filed 25 June 1976; PC $3.50/$3.00.

DEPARTMENT OF THE NAVY, Asssistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA. 22217.

Patent application 461,834: Optical Temperature Probe; filed 18 April 1974; PC $3.50/MF $3.00.

Patent application 464,604: Apparatus for Collecting Deep-Sea Sediment Pore Water; filed 26 April 1974; PC $3.50/MF $3.00.

Patent application 576,923: Electrochemical Formation of Graphite Intercalation Compounds for Storage Batteries; filed 12 May 1975; PC $3.50/MF $3.00.

Patent application 622,285: Broadband Millimeter Wave Amplifier; filed 10 October 1974; PC $3.50/MF $3.00.

Patent application 674,356: Memory Wire and Synchronous Plating Techniques Therefore; filed 7 April 1976; PC $3.50/MF $3.00.

Patent application 677,944: A Digital Flow Control System; filed 26 April 1976; PC $3.50/MF $3.00.

Patent application 680,013: Fluid Fill or Bleed Apparatus; filed 23 April 1976; PC $3.50/MF $3.00.

Patent application 683,996: Mechanical-Chemical Linkage Between Polymer Layers; filed 6 May 1976; PC $3.50/MF $3.00.

Patent application 686,855: Multifrequency Array Using Common Phasors; filed 17 May 1976; PC $3.50/MF $3.00.

Patent application 689,015; Microscope; filed 24 May 1976; PC $3.50/MF $3.00.

Patent application 689,692: Toxic Gas Control for RF Absorber Fires; filed 24 May 1976; PC $3.50/MF $3.00.

Patent application 689,891: Scuttling Valve; filed 25 May 1976; PC $3.50/MF $3.00.

Patent application 690,699: Acoustic Surface Wave Device; filed 27 May 1976; PC $3.50/MF $3.00.

Patent application 691,122: Reducing Electrostatic Hazard of CO_2 Fire Extinguishers; filed 28 May 1976; PC $3.50/MF $3.00.

Patent application 691,753: A Connector for Coupling Multi-Filament Fiber Optic Cables; filed 1 June 1976; PC $3.50/MF $3.00.

Patent application 693,592: Electric Discharge Gasdynamic Laser; filed 7 June 1976; PC $3.50/MF $3.00.

Patent application 693,808: Ferroelectric Crystals Having Tailored Domain Patterns; filed 7 June 1976; PC $4.00/MF $3.50.

Patent application 695,296: Ceramic Compositions; filed 11 June 1976; PC $3.50/MF $3.00.

Patent application 695,298: Compact Three-Beam Interferometer; filed 11 June 1976; PC $3.50/MF $3.00.

Patent application 695,614: Self Learning Monitor for VLF Wave Propagation; filed 14 June 1976; PC $3.50/MF $3.00.

Patent application 696,238: Vinyl Polymerization Initiator and Reducing Agent; filed 15 June 1976; PC $3.50/MF $3.00.

Patent application 700,279: Composite for Improved Stripline Board Material; filed 28 June 1976; PC $3.50/MF $3.00.

Patent application 700,683: An Electro Optic Binary Adder; filed 28 June 1976; PC $3.50/MF $3.00.

Patent application 701,467: Fiber Optic Cable Connector; Filed 1 July 1976; PC $3.50/MF $3.00.

Patent application 702,377: Double-Layer Oxide Gate Insulators for Field-Effect Transistors; filed 2 July 1976; PC $3.50/MF $3.00.

Patent 3,896,328: Dual Mode CRT Screen; filed 28 May 1974; patented 22 July 1975; not available NTIS.

Patent 3,898,984: Ambulatory Patient Monitoring System; filed 4 February 1974; patented 12 August 1975; not available NTIS.

Patent 3,910,218: Propellant-Actuated Deep Water Anchor; filed 4 February 1974; patented 7 October 1975, not available NTIS.

Patent 3,922,063: Winch Mounted Optical Data Transmission Cable with Fluid Coupling; filed 29 August 1974; patented 25 November 1975; not available NTIS.

Patent 3,931,392: Enhancement of Ultimate Tensile Strength of Carbon Fibers; filed 10 January 1974; patented 6 January 1976; not available NTIS.

Patent 3,933,390: Attachment Devices for Underwater Salvage; filed 22 May 1974; patented 20 January 1976; not available NTIS.

Patent 3,937,942: Multi-Channel Optical Correlation System; filed 1 July 1974; patented 10 February 1976; not available NTIS.

Patent 3,945,920: Coanda Effect Oil-Water Seperator; filed 3 October 1974; patented 23 March 1976; not available NTIS.

Patent 3,947,850: Notch Fed Electric Microstrip Dipole Antenna; filed 24 April 1975; patented 30 March 1976; not available NTIS.

Patent 3,952,505: High Performance Ramjet Fuels; filed 26 July 1974; patented 27 April 1976, not available NTIS.

Patent 3,954,015: Method of Determining Piezoelectric Constants of Ceramic Rings; filed 17 July 1975; patented 4 May 1976; not available NTIS.

Patent 3,954,323: Optical Waveguide Linear Modulator Array; filed 23 March 1973; patented 4 May 1976; not available NTIS.

Patented 3,956,706: Miniaturized Millimeter Wave Instantaneous Frequency Discriminator; filed 3 February 1975; patented 11 May 1976; not available NTIS.

Patent 3,957,296: Vacuum Multiplier; filed 5 May 1975; patented 18 May 1976; not available NTIS.

Patent 3,957,672: Displacement of Organic Liquid Films from Solid Surfaces by Non Aqueous Systems; filed 23 November 1973; patented 18 May 1976; not available NTIS.

Patent 3,958,109: Universal Modularized Digital Controller; filed 20 January 1975; patented 18 May 1976; not available NTIS.

Patent 3,958,189: Stimulated Coherent Cyclotron Scattering, Millimeter, and Submillimeter Wave Generator; filed 4 June 1975, patented 18 May 1976; not available NTIS.

Patent 3,958,214: Encoded Echo-Ranging Signal Generator; filed 19 July 1963; patented 18 May 1976; not available NTIS.

Patent 3,958,243: Circuit for Generating a Digital or Analog Signal as a Function of Doppler Frequency; filed 20 March 1975; patented 18 May 1976; not available NTIS.

Patent 3,958,858: Modified Circuit Card Extender; filed 10 September 1975; patented 25 May 1976; not available NTIS.

Patent 3,959,127: Biodegradation of Oil on Water Surfaces; filed 13 March 1975; patented 25 May 1976; not available NTIS.

Patent 3,959,582: Solid State Electronically Rotatable Raster Scan for Television Cameras; filed 31 March 1975; patented 25 May 1976; not available NTIS.

Patent 3,959,665: Logic Circuits with Interfacing System; filed 29 May 1974; patented 25 May 1976; not available NTIS.

Patent 3,960,100: Pressurized Ship Structure for Slamming Loads; filed 2 June 1975; patented 1 June 1976; not available NTIS.

Patent 3,961,274: Noise Riding Threshold; filed 10 March 1975; patented 1 June 1976; not available NTIS.

Patent 3,961,282: Tracking Status Detector for a Digital Delay Lock Loop; filed 28 April 1975; patented 1 June 1976; not available NTIS.

Patent 3,961,291: Apparatus and Method for Mapping Acoustic Fields; filed 29 November 1974; patented 1 June 1976; not available NTIS.

Patent 3,962,672: Tethered Vehicle Location System; filed 16 July 1975; patented 8 June 1976; not available NTIS.

Patent 3,962,697: Low Level Bio-Telemetry System Using C/MOS Multiplexing; filed 16 June 1975; patented 8 June 1976; not available NTIS.

Patent 3,963,198: Negative Air Cushion for Airship Ground Handling; filed 2 April 1975; patented 15 June 1976; not available NTIS.

Patent 3,963,308: Focusing Coupling Device for Multi-Optical-Fiber Cable; filed 25 June 1973; patented 15 June 1976; not available NTIS.

Patent 3,964,013: Cavitating Parametric Underwater Acoustic Source; filed 22 October 1974; patented 15 June 1976; not available NTIS.

Patent 3,965,402: Headrest Proportional Control for Motorized Wheelchair; filed 1 July 1974, patented 22 June 1976; not available NTIS.

Patent 3,967,224: Coated Magnetically Biased Reed Switch; filed 25 April 1975; patented 29 June 1976; not available NTIS.

Patent 3,968,399: Method for Driving a LED at High Speed; filed 19 March 1975; patented 6 July 1976; not available NTIS.

Patent 3,968,455: Injection Laser with Integral Modulator; filed 5 March 1974; patented 6 July 1976; not available NTIS.

Patent 3,969,925: In situ Oceanographic Sample Separator; filed 16 September 1975; patented 20 July 1976; not available NTIS.

Patent 3,970,156: Water Weighted Corer; filed 15 September 1975; patented 20 July 1976; not available NTIS.

Patent 3,970,833: High-Speed Adder; filed 18 June 1975; patented 20 July 1976; not available NTIS.

Patent 3,970,855: Positron Probes for Mechanical Fatigue Detection System; filed 23 May 1975; patented 20 July 1976; not available NTIS.

[FR Doc.76-36780 Filed 12-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent application, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310.

Patent Application 637,793: Logarithmic Statistical Distribution Analyser; filed 4 December 1975; PC $3.50/MF $3.00.

Patent 3,931,568: Efficient Biasing Scheme for Microwave Diodes; filed 2 May 1974; patented 6 January 1976; not available NTIS.

Patent 3,932,020: Electrical Connectors; filed 29 March 1974; patented 13 January 1976; not available NTIS.

Patent 3,961,898: Comparator Circuit for Automatic Analysis Apparatus; filed 14 January 1975; patented 8 June 1976; not available NTIS.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 622,995: Improved Method and Apparatus for Double-Beaming in Fourier Spectroscopy; filed 1 March 1976; PC $3.50/MF $3.00.

Patent application 687,284: Method and Apparatus for Tracing Electrical Cables; filed 17 May 1976; PC $3.50/MF $3.00.

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Patent 3,970,005: Mass Focus Explosive Layered Bomblet; filed 25 January 1969; patented 20 July 1976; not available NTIS.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

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DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW, Washington, D.C. 20240.

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Patent application 706, 103: Extraction of Copper from Sulfide Ores; filed 16 July 1976; PC $3.50/MF $3.00.

Patent 3,976,761: Preparation of TiO2 and Artificial Rutile from Sodium Titanate; filed 14 August 1974; patented 24 August 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2 Washington, D.C. 20546.

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Patent application 707, 124; Gels as Battery Separators for Soluble Electrode Cells; filed 20 July 1976; PC $3.50/MF $3.00.

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Patent application 714, 158: Germanium Coated Microbridge and Method; filed 13 August 1976; PC $3.50/MF $3.00.

Patent Re. 28: Visual Examination Apparatus; patented 3 August 1976; not available NTIS.

Patent 3,971,230: Stirling Cycle Engine and Refrigeration Systems; patented 27 July 1976; not available NTIS.

Patent 3,971,535: Oblique-Wing Supersonic Aircraft; patented 27 July 1976; not available NTIS.

Patent 3,971,915: Sun Angle Calculator; patended 27 July 1976; not available NTIS.

Patent 3,971,940: Detector Absorptivity Measuring Method and Apparatus; patented 27 July 1976; not available NTIS.

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[FR Doc.76-36781 Filed 12-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commisisoner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 3,970,373: Mirror Steering System; filed 6 February 1975, patented 20 July 1976; not available NTIS.

Patent 3,970,785: Tone Count Audiometric Computer; filed 13 May 1975; patented 20 July 1976; not available NTIS.

Patent 3,970,919: Regulating Digital Power Supply; filed 19 June 1975; patented 20 July 1976; not available NTIS.

Patent 3,970,943: Analog-to-pulse Integrating Converter; filed 27 March 1975; patented 20 July 1976; not available NTIS.

Patent 3,970,961: Thermionic Cathode Transverse-Discharge Gas Laser Tube; filed 9 May 1975; patented 20 July 1976; not available NTIS.

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Patent application 681,962: Process for the Production and Germination of Entomophthora Resting Spores; filed 30 April 1976; PC $3.50/MF $3.00.

Patent application 721,644: Vaccine for Foot and Mouth Disease; filed 8 September 1976; PC $3.50/MF $3.00.

Patent 3,976,805: Preparation of High-Consistency Tomato Products; filed 26 November 1974; patented 24 August 1976; not available NTIS.

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ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents Washington, D.C. 20545.

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Patent application 562,289: Three-Dimensional Display of Mathematical Figure; filed 26 March 1975; PC $3.50/MF $3.00.

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Patent application 568,809: A Kit for the Rapid Preparation of 99mTc Red Blood Cells; filed 16 April 1975; PC $3.50/MF $3.00.

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Patent 3,911,684: Method for Utilizing Decay Heat from Radioactive Nuclear Wastes; filed 29 August 1974; patented 14 October 1975; not available NTIS.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent application 699,202: Additive Composition for Making Dental Materials; filed 23 June 1976; PC$3.50/MF$3.00.

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DEPARTMENT OF THE NAVY, Assistant Chief for Patent, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent Application 635,552: Oceanographic Sensor with In-Situ Cleaning System; filed 20 November 1975; PC$3.50/MF$3.00.

Patent Application 682,815: Self Developing Camera for Use in Macrophotography and Endoscopic Pathology; filed 3 May 1976; PC$3.50/MF$3.00.

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Patent Application 704,155: Expanding Tool for Nondestructive Inspection of Flexible Wire Rope; filed 12 July 1976; PC$3.50/MF $3.00.

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Patent 3,556,034: Prepackaged Buoyancy System; filed 26 November 1968; patented 19 January 1971; not available NTIS.

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Patent 3,971,878: VLF Antenna Tower Base Insulator; filed 3 October 1975; patented 27 July 1976; not available NTIS.
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Patent 3,972,050: End Fed Electric Microstrip Quadrupole Antenna; filed 24 April 1975; patented 27 July 1976; not available NTIS.
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Patent 3,972,253: Multi-Size Socket Wrench; filed 3 October 1975; patented 3 August 1976; not available NTIS.
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Patent 3,974,458: Dual Field Excitation for a Carbon Dioxide Laser; filed 21 October 1975, patented 10 August 1976; not available NTIS.
Patent 3,975,579: Conical Face-Seal for an Electrical Feedthrough; filed 3 December 1975, patented 17 August 1976; not available NTIS.

[FR Doc.76-36782 Filed 12-14-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

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DOUGLAS J. CAMPION,
Patent Program Coordinator.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 685,210: Jet Engine Tail Pipe Flow Deflector; filed 11 May 1976; PC $3.50/MF $3.00.
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DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street, SW., Washington, D.C. 20590.

Patent application 713,906: Critical Coordination Tester; filed 12 August 1976; PC $3.50/MF $3.00.
Patent application 715,424: Road-Runner Alcohol Safety Interlock System; filed 18 August 1976; PS $3.50/MF $3.00.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

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Patent 3,956,895: Heat Engine; filed 10 October 1974; patented 18 May 1976; not available NTIS.
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Patent 3,965,868: Laboratory Mouse Feeder; filed 14 April 1975; patented 29 June 1976; not available NTIS.

DEPARTMENT OF NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

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Patent application 652,036: Saturating Transformer Inverter Circuit; filed 6 January 1976; PC $3.50/MF $3.00.
Patent application 652,919: Selective Zoom Camera and Display; filed 28 January 1976; PC $3.50/MF $3.00.
Patent application 656,775: Laser System Having Frequency Doubling; filed 9 February 1976; PC $3.50/MF $3.00.
Patent application 661,479: Isolation Amplifier for Resistive and Inductive Loads; filed 26 February 1976; PC $3.50/MF $3.00.
Patent application 662,659: Phase-Locking Mid-Pulse Detector; filed 1 March 1976; PC $3.50/MF $3.00.
Patent application 670,281: Integrated Cooling and Breathing System; filed 25 March 1976, PC $3.50/MF $3.00.
Patent application 672,107: Carrier-Compatible Chirp-Z Transform Device; filed 31 March 1976; PC $4.00/MF $3.00.
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Patent 3,803,833: Compact Transpiration Cooling System; filed 3 April 1973; patented 7 May 1974; not available NTIS.
Patent 3,916,262: Low Voltage Bus-Operated Overvoltage Protection System; filed 23 July 1974; patented 28 October 1975; not available NTIS.
Patent 3,939, 480: Level and Cross-Level Stabilization Technique for Search Radar Antennas; filed 17 September 1974; patented 17 February 1976; not available NTIS.
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Patent 3,940,602: Signal Processing Imager Array Using Charge Transfer Concepts; filed 23 September 1974; patented 24 February 1976; not available NTIS.
Patent 3,940,713: Stimulated Brillouin Scattered (SBS) Tuned Laser; filed 11 November 1974; patented 24 February 1976; not available NTIS.
Patent 3,941,354: Anti Two-Blocking Device; filed 25 February 1975; patented 2 March 1976; not available NTIS.
Patent 3,941,482: Method of Testing Alkali Halide Crystals with Anisotropic Centers; filed 25 February 1975; patented 2 March 1976; not available NTIS.
Patent 3,942,444: Variable Energy Explosive Driver; filed 3 September 1974; patented 9 March 1976; not available NTIS.
Patent 3,942,890: Secure Active Sensor; filed 21 March 1974; patented 9 March 1976; not available NTIS.
Patent 3,943,196: Alkoxy Derivatives of the Adduct from Phosphorus Oxychloride and Hexamethylphosphoramide; filed 19 June 1974; patented 9 March 1976; not available NTIS.
Patent 3,943,197: Alkoxy Derivatives of the Adduct from Phosphorous Pentachloride and Hexamethylphosphoramide; filed 19 June 1974; patented 9 March 1976; not available NTIS.
Patent 3,943,457: Optical Pulse Compression and Shaping System; filed 16 October 1974; patented 9 March 1976; not available NTIS.
Patent 3,943,465: Dual Field Excitation for a Carbon Dioxide Laser; filed 21 March 1974; patented 9 March 1976; not available NTIS.
Patent 3,943,708: Two Area Rocket Nozzle; filed 26 November 1973; patented 16 March 1976; not available NTIS.
Patent 3,944,820: High Speed Optical Matrix Multiplier System; filed 12 May 1975; patented 16 March 1976; not available NTIS.
Patent 3,945,716: Rotatable Head Up Display with Coordinate Reversal Correctives; filed 20 December 1974; patented 23 March 1976; not available NTIS.
Patent 3,947,706: Voltage and Temperature Compensated Linear Rectifier; filed 30 April 1975; patented 30 March 1976; not available NTIS.
Patent 3,949,605: Acoustic Current/Flow Measuring System; filed 2 July 1974; patented 13 April 1976; not available NTIS.
Patent 3,950,462: Method for Making a Resilient Storage Insert; filed 19 June 1975; patented 13 April, 1976; not available NTIS.
Patent 3,950,703: Microcircuit Reverse-Phased Hybrid Ring Mixer; filed 3 February 1975; patented 13 April 1976; not available NTIS.
Patent 3,950,704: Video Retimer System; filed 12 September 1974; patented 13 April 1976; not available NTIS.
Patent 3,951,072: Propellant Grain; filed 12 September 1968; patented 20 April 1976; not available NTIS.

Patent 3,951,515: Fiber Optic Hull Penetrator with High Channel Density; filed 20 June 1975; patented 20 April 1976; not available NTIS.

Patent 3,952,664: Rocket Nozzle Multi Function; filed 10 June 1974; patented 27 April 1976; not available NTIS.

Patent 3,954,063: Novel Inhibitor System for Double-Base Propellant; filed 9 December 1974; patented 4 May 1976; not available NTIS.

Patent 3,958,194: Frequency-Sensitive Attenuator; filed 3 January 1975; patented 18 May 1976; not available NTIS.

Patent 3,959,671: High Current Pulser Circuit; filed 20 June 1975; patented 25 May 1976; not available NTIS.

Patent 3,959,785: Radiation Hardened Plated Wire for Memory; filed 23 January 1975; patented 25 May 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 616,528: Bearing Material; filed 25 September 1975; PC $4.00/MF $3.00.

Patent application 623,156: Magnetic Heading Reference; filed 16 October 1975; PC $3.50/MF $3.00.

Patent application 636,193: Method and Means for Testing a Glancing-Incidence Mirror System; filed 10 November 1975; PC $3.50/MF $3.00.

Patent application 666,992: Aldehyde-Containing Urea-Absorbing Polysaccharides; filed 15 March 1976; PC $3.50/MF $3.00.

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Patent application 674,700: Oil and Fat Absorbing Polymers; filed 7 April 1976; PC $3.50/MF $3.00.

Patent application 676,351: Photoelectron Spectrometer with Means for Stabilizing Sample Surface Potential; filed 9 April 1976; PC $3.50/MF $3.00.

Patent application 677,351: Direct Reading Inductance Meter; filed 15 April 1976; PC $3.50/MF $3.00.

Patent application 680,939: Portable, Linear-Focused Solar Thermal Energy Collecting System; filed 28 April 1976; PC $3.50/MF $3.00.

Patent application 681,096: A Solar Energy Collection System; filed 28 April 1976; PC $3.50/MF $3.00.

Patent application 684,809: Method and Apparatus for Automatic Load Sharing among Paralleled Converters; filed 10 May 1976; PC $3.50/MF $3.00.

Patent application 688,852: Rf Beam Center Location Method and Apparatus for Power Transmission System; filed 21 May 1976; PC $3.50/MF $3.00.

Patent application 688,853: Method of Inhibiting Maillard Reaction Browning in Food Products; filed 21 May 1976; PC $3.50/MF $3.00.

Patent application 688,854: Regenerable Device for Scrubbing Breathable Air of CO_2 and Moisture Without Special Heat Exchanger Equipment; filed 21 May 1976; PC $3.50/MF $3.00.

Patent application 688,855: Regenerable Device for Scrubbing Breathable Air of CO_2 and Moisture Without Special Heat Exchanger Equipment; filed 21 May 1976; PC $3.50/MF $3.00.

Patent application 688,856: A Condition Sensor System and Method; filed 21 May 1976; PC $3.50/MF $3.00.

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Patent application 690,816: Fluid Valve Assembly; filed 27 May 1976; PC $3.50/MF $3.00.

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Patent application 694,402: Schlieren System Employing Antiparallel Reflector in the Forward Direction; filed 9 June 1976; PC $3.50/MF $3.00.

Patent application 694,406: Method of Post-Process Intensification of Images on Photographic Films and Plates; filed 9 June 1976; PC $3.50/MF $3.00.

Patent application 696,989: Method of Preparing Zinc Orthotitanate Pigment; filed 17 June 1976; PC $3.50/MF $3.00.

Patent application 698,646: Honeycomb-Laminate Composite Structure; filed 22 June 1976; PC $4.00/MF $3.00.

Patent application 699,012: Field Effect Transistor and Method of Construction Thereof; filed 23 June 1976; PC $3.50/MF $3.00.

Patent application 701,448: An Artificial Leg Employing a Mechanical Energy Storage Device for Hip Disarticulation; filed 30 June 1976; PC $3.50/MF $3.00.

Patent 3,739,646: Failure Detection and Control Means for Improved Drift Performance of a Gimballed Platform System; patented 19 June 1973; not available NTIS.

[FR Doc.76-36783 Filed 12-14-76;8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Notice of 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, January 12, 1977 from 9 a.m. to 5 p.m. and Thursday, January 13, 1977 from 8:30 a.m. to 12 Noon, at the Atlantic Oceanographic and Meteorological Labs, (ACOML, NOAA), 15 Rickenbacker Causeway, Miami, Florida.

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. Tentative agenda items include:

Discussion of the "Role of Technological Innovation in U.S. Productivity, Foreign Trade, and General Welfare of Society";

Staff report on the progress of the energy policy development project; and

Briefing and tour of AOML, National Hurricane and Meteorological facilities.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of minutes 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.

Dated: December 9, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-36856 Filed 12-14-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 647-1]

NATIONAL AIR POLLUTION CONTROL TECHINQUES ADVISORY COMMITTEE

Renewal

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the National Air Pollution Control Techniques Advisory Committee is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the National Air Pollution Control Techniques Advisory Committee through December 1, 1978, unless otherwise sooner terminated, will be filed at the Library of Congress.

RUSSELL E. TRAIN,
Administrator.

DECEMBER 8, 1976.

[FR Doc.76-36930 Filed 12-14-76;8:45 am]

[FRL 656-6; OPP—33000/484]

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 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, SW, 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. SW, 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—202/426–2632
PM 32—202/426–9486
PM 34—202/426–9490

The Interim Policy Statement requires that claims for compensation be filed on or before February 14, 1977. 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. Inquires 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: December 8, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP—33000/484)

EPA Reg. No. 239–2186. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO PARAQUAT CL. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use. PM25

EPA Reg. No. 239–2352. Chevron Chemical Co. ORTHO ROSE & FLORAL SPRAY. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 1.000%; Folpet 0.700%; Pyrethrins 0.025%; Technical Piperonyl Butoxide 0.256%; Rotenone 0.128%; Other Cube Resins 0.237%; Petroleum Distillate 0.025%. Method of Support: Application proceeds under 2(a) of interim policy. PM12

EPA Reg. No. 239–2418. Chevron Chemical Co. ORTHENE 75 S. Active Ingredients: Acephate (O,S-Dimethyl acetylphosphoramidothioate) 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM16

EPA Reg. No. 239–2418. Chevron Chemical Co. ORTHENE 75S SOLUBLE POWDER. Active Ingredients: Acephate 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted and added use. PM16

EPA Reg. No. 241–243. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. PROWL. Active Ingredients: ([N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine]) 43.8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Adding new weed and change in use direction. PM25

EPA Reg. No. 264–231. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. WEEDONE 2,4-DP. Active Ingredients: 2,4-Dichlorophenoxypropionic acid, butoxyethyl ester 63.7%. Method of Support: Application proceeds under 2(a) of interim policy. PM23

EPA Reg. No. 264–265. Amchem Products, Inc. WEEDONE-NO CRAB. Active Ingredients: Butralin [4-(1,1-dimethylethyl)-N-(1-methylpropyl) - 2,6 - dinitrobenzenamine] 2.3%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment: deletion of restriction. PM23

EPA Reg. No. 279–2712. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. FURADAN 10 GRANULES. Active Ingredients: Carbofuran 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA Reg. No. 334–24. Hysan Corp., 919 W. 38 St., Chicago IL 60609. VICTORY DISINFECTANT 5. Active Ingredients: Soap 8.00%; Pine Oil 7.00%; Sodium Salt of Ortho benzyl parachlorophenol 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 352–354. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept. Wilmington DE 19898. BENLATE BENOMYL FUNGICIDE WETTABLE POWDER. Active Ingredients: Benomyl [Methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate] 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM22

EPA Reg. No. 400–89. Uniroyal Chem., Div. of Uniroyal, Inc., Amity Rd., Bethany CT 06526. OMITE–6E. Active Ingredients: Propargite 2-(p-tert-butyiphenoxy) cyclohexyl 2-propynyl sulfite 68.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use. PM13

EPA Reg. No. 432–452. S. B. Penick & Co., Comm. Development Pesticides, 215 Watchung Ave., Orange NJ 07050. YOUR BRAND SBP–1382 AQUEOUS PRESSURIZED SPRAY INSECTICIDE 0.25 FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2 - methyipropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.332%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional data. PM17

EPA Reg. No. 432–503. S. B. Penick & Co. YOUR BRAND SBP–1382 LIQUID SPRAY 0.25%. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 99.375%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional data. PM17

EPA Reg. No. 432–517. S. B. Penick & Co. YOUR BRAND SBP–1382 0.35% SPACE AND RESIDUAL AQUEOUS PRESSURIZED SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyi 2,2-dimethyl-3-(2-methyipropenyl) cyclopropanecarboxylate 0.350%; Related compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 432–530. S. B. Penick & Co. SBP–1382 6% TRANSPARENT EMULSION CONCENTRATE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclo-propanecarboxyiate 6.00%; Related compounds 0.82%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 432–542. S. B. Penick & Co. YOUR BRAND SBP–1382/BIOALLETHRIN [.20% + .40%] AQUEOUS PRESSURIZED SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyi 2,2-dimethyi-3-(2-methyipropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin 1) 0.400%; Related compounds 0.030%; Aromatic petroleum hydrocarbons 0.272%; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional data. PM17

EPA File Symbol 675–UN. National Laboratories, Lehn & Fink Industrial Products Div. of Sterling Drug, Inc., 225 Summit Ave., Montvale NJ 07645. CARPESAN SANITIZING-DEODORIZING CARPET SHAMPOO. Active Ingredients: Isopropyl alcohol 11.0%; o-benzyl p-chlorophenol 4.8%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA Reg. No. 729–18. Gulf Oil Corp., PO Box 3240, Pittsburgh PA 15230. GULF-SPRAY. Active Ingredients: N,N-diethyltoluamide 15.0%; meta isomer 14.25%; other isomers 0.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 777–20. Lehn & Fink Industrial Products Div. of Sterling Drug, Inc. SPRAY DISINFECTANT LYSOL. Active Ingredients: o-Phenyiphenol 0.1%; Alcohol 67.748%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 777–53. Lehn & Fink Industrial Products Div. of Sterling Drug, Inc. DISINFECTANT SPRAY LYSOL. Active Ingredients: o-Phenylphenol 0.1%; Ethyl Alcohol 79.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional claims. PM32

EPA Reg. No. 829–237. Southern Agricultural Insecticides, Inc., PO Box 218, Palmetto FL 33561. S A BRAND DIAZINON 14G 50% GRANULAR INSECTICIDE. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 14.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA Reg. No. 851–26. Commercial and Industrial Products Co., Rear Main St., Childs PA 18407. CIPCO PYNOCIDE PINE ODOR DISINFECTANT. Active Ingredients: Pine Oil 12.0%; Ortho-Benzyl-Para-Chlorophenol 5.4%; Soap 5.0%; Isopropyl Alcohol 3.7%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM32.

EPA Reg. No. 904–193. B. G. Pratt Div., Gabriel Chemicals Ltd., 204 21st Ave., Paterson NJ 07509. PRATT CHICKWEED & CLOVER KILLER. Active Ingredients: Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy)propionic acid 3.66%; Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 8.07%; Dimethylamine salt of Dicamba (3,6-dichloro-o-anisic acid) 0.84%; Dimethylamine salts of related compounds 0.11%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 904–194. B. G. Pratt Co. PRATT TURF HERBICIDE 6000. Active Ingredients: Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy)propionic acid 2.77%; Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 6.10%; Dimethylamine salt of Dicamba (3,6-dichloro-o-anisic acid) 0.63%; Dimethylamine salts of related compounds 0.08%. Method of Support: Appplication proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 998–126. Superior Chemical Products, Inc., 3942 Frankford Ave., Philadelphia PA 19124. UL–5D. Active Ingredients: Dichlorvos, 2,2-dichlorovinyl dimethyl phosphate 4.65%; Related Compounds 0.35%; Petroleum distillates 15.10%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA Reg. No. 352–375. E. I. Du Pont De Nemours & Co., Inc., LEXONE METRIBUZIN WEED KILLER AND TOLBAN HERBICIDE FOR USE AS COMBINATION TREATMENTS IN SOYBEANS. Active Ingredients: 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 352–375. E. I. Du Pont De-Nemours & Co., Inc., LEXONE METRIBUZIN WEED KILLER PLUS SURFLAN FOR PREEMERGENCE WEED CONTROL IN SOYBEANS. Active Ingredients: 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

[FR Doc.76-36931 Filed 12-14-76;8:45 am]

[FRL 657-1]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of California on Behalf of San Diego County Air Pollution Control District

On December 23, 1971 (36 FR 24876), March 8, 1974 (39 FR 9308), August 6, 1975 (40 FR 33152), September 23, 1975 (40 FR 43850), January 15, 1976 (41 FR 2231, 2332), January 26, 1976 (41 FR 3825), and May 4, 1976 (41 FR 18498), pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for 24 categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820) and October 14, 1975 (40 FR 48292), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). These regulations have been amended in certain instances. Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing and enforcing the NSPS and NESHAPS. On October 13, 1976 William H. Lewis, Jr., Executive Officer of the State of California Air Resources Board, submitted a request on behalf of the San Diego County Air Pollution Control District for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of the NSPS and NESHAPS regulations adopted by the San Diego County Air Pollution Control District and citations to State law and District regulations which provide the State and District with the requisite authority to implement and enforce the NSPS and NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator has determined that for the source categories set forth in paragraphs (A) and (B) of the following official letter to Mr. Lewis, delegation is appropriate subject to the conditions set forth in paragraphs (1) through (10) of that letter dated November 8, 1976:

Certified Mail No. 936725,
Return Receipt Requested.

In reply E-4-3, refer to: ENF 3-5-3.

Mr. William H. Lewis, Jr.,
Executive Officer,
California Air Resources Board,
Sacramento, Calif.

Dear Mr. Lewis: This is in response to your letter of October 13, 1976 requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the San Diego County Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the San Diego County Air Pollution Control District, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control District and the State of California.

Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the San Diego County Air Pollution Control District as of the date of this letter as follows:

A. Authority for five categories of new sources located in the San Diego County Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as in effect January 29, 1976. The categories of new sources covered by the delegation are fossil fuel-fired steam generators; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; and secondary lead smelters.

B. Authority for all sources located in the San Diego County Air Pollution Control District subject to the national emission standards for three hazardous air pollutants promulgated in 40 CFR Part 61 as in effect January 29, 1976. The hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the San Diego County Air Pollution Control District through the State of California Air Resources Board. Such reports shall include, as a minimum, the following information:

(a) NSPS

1. Number of operating sources determined to be in compliance. Compliance determinations shall be verified annually by methods acceptable to EPA.

2. Number of operating sources determined to be in violation (failure to meet emission regulations, failure to comply with monitoring requirements, failure to comply with performance test requirements, failure to comply with notification requirements).

3. Number of operating sources of unknown compliance status.

4. Number of sources inspected to determine compliance with NSPS regulations.

5. Number of enforcement actions taken for violation of NSPS regulations.

6. Number of sources subject to NSPS which have commenced construction.

(b) NESHAPS

1. Number of sources subject to NESHAPS.

2. Number of sources subject to NESHAPS determined in compliance with Standards or in compliance with Waiver of Compliance. Compliance determinations shall be

verified annually by methods acceptable to EPA.

3. NESHAPS sources inspected.

4. Number of enforcement actions taken against NESHAPS sources.

2. Enforcement of the NSPS and NESHAPS in the San Diego County Air Pollution Control District will be the primary responsibility of the District and the State of California Air Resources Board. If the District and the State determine that such enforcement is not feasible and so notify EPA, or where the District or the State act in a manner inconsistent with the term of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the District subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of NSPS and NESHAPS does not commit the State of California and the San Diego County Air Pollution Control District to request or accept delegation of future standards and requirements. However, delegation of additional NSPS or NESHAPS standards or requirements, not hereby delegated would require a new request for delegation.

4. The State of California and the San Diego County Air Pollution Control District are not requesting delegation of authority over Federal facilities within the District which are subject to the NSPS and NESHAPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable State laws and San Diego County District regulations.

5. The San Diego County Air Pollution Control District will at no time grant a variance from compliance with San Diego County District Regulation X and XI except as provided in this paragraph. Should the District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to section 112 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the San Diego County District in the future amends Regulations X and XI so as to make the District regulation more stringent than the applicable Federal regulation, the District may grant variances from the more stringent District Regulation if such variances do not relieve subject sources equally as stringent as those contained in the applicable Federal regulations.

6. The San Diego County Air Pollution Control District will utilize only the test methods specified in 40 CFR Parts 60 and 61, current to the date of the test, in performing source tests pursuant to their NSPS and NESHAPS regulations. Unless approved by EPA as acceptable for use as "alternative" test methods within the meaning of the Federal NSPS and NESHAPS regulations, any use by the District of test methods to determine compliance with NSPS or NESHAPS not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA. Any questions, regarding current source test methods and "alternative" test methods shall be forwarded to EPA, Region IX.

7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the San Diego County Air Pollution Control District and regarding interpretation of applicable regulations.

8. If at any time there is a conflict between a State or San Diego County Air Pollution Control District regulation and a Federal regulation (40 CFR Parts 60 and 61) the Federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or the District determine that it is unwilling or unable to apply the more stringent Federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a State or San Diego County Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

10. As of the date of this delegation, sources subject to the NSPS and NESHAPS located within the San Diego County Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS to the San Diego Air Pollution Control District and to EPA, Region IX.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the San Diego County Air Pollution Control District shall be submitted to the Air Pollution Control District at 9150 Chesapeake Drive, San Diego, California 92123, as well as to EPA, Region IX.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance.

Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and District will be deemed to have accepted all of the terms of the delegation.

Sincerely,

PAUL DE FALCO, JR.,
Regional Administrator.

cc: San Diego County Air Pollution Control District.

Therefore, pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Mr. Lewis on November 8, 1976 that authority to implement and enforce the NSPS/NESHAPS was delegated to the State of California on behalf of the San Diego County and Air Pollution Control District.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses:

California Air Resources Board,
1709 11th Street,
Sacramento, Calif. 95814.

Environmental Protection Agency, Region IX,
Enforcement Division,
100 California Street,
San Francisco, Calif. 94111

Effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the San Diego County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 9150 Chesapeake Drive, San Diego, California 92123, as well as to EPA, Region IX.

Dated: November 26, 1976.

SHEILA M. PRINDIVILLE,
Acting Regional Administrator, Environmental Protection Agency, Region IX.

[FR Doc.76-36929 Filed 12-14-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21012; File No. BP-20685; FCC 76-1118]

J. B. BROADCASTING OF BALTIMORE, LTD.

Order and Notice of Apparent Liability Regarding; Designating Application for Hearing on Stated Issues

Adopted: November 30, 1976.

Released: December 14, 1976.

In re Application of J. B. Broadcasting of Baltimore, Ltd., Station WEBB, Baltimore, Maryland (5 kW DA-D, Daytime), For Construction Permit to Replace Expired Permit.

1. The Commission has for consideration: (a) The above-captioned application for construction permit to replace expired permit, tendered for filing on March 3, 1976, without the requisite filing fee, by J. B. Broadcasting of Baltimore, Ltd., permittee of AM station WEBB, Baltimore, Maryland (J. B. Broadcasting); and (b) Inspections of station WEBB conducted in March of 1970, January of 1971, August of 1971, November of 1972 and February of 1976.

2. On April 9, 1974, we issued a Notice of Apparent Liability in the amount of $10,000 against J. B. Broadcasting for willful or repeated violations of the terms of the station authorization and Commission rules in connection with its operation of station WEBB. On the same date, based on assurances given by J. B. Broadcasting that remedial measures would be taken to bring station WEBB into compliance with Commission rules, we granted a construction permit to change antenna-transmitter site (File No. BP-19,626). Along with a letter of admonition concerning the entire J. B. Broadcasting stewardship of station WEBB, we extended the outstanding special temporary authority to operate station WEBB at one kilowatt, nondirectional, through July 1, 1974. This special temporary authority comprises J. B. Broadcasting's sole instrument of operating authority. In taking this action, we expressly cautioned J. B. Broadcasting that the special temporary authority would not be extended in the absence of evidence of both substantial progress toward bringing station WEBB into compliance with our rules and construction of its new facilities as promptly as possible.

3. As of this date, the facilities authorized in the outstanding construction permit have not been completed. The

completion date has been extended on two occasions, the last one being through December 31, 1975. The outstanding construction permit, along with the special temporary authority, was allowed to expire on December 31, 1975. J. B. Broadcasting did not file the instant reinstatement application until March 3, 1976. The requisite $100 filing fee did not accompany the application and has not been paid.

4. By means of an exhibit to the reinstatement application, J. B. Broadcasting has also requested an extension of its special temporary authority to operate station WEBB. This was granted through June 15, 1976. The special temporary authority has again expired and we have not received any request for an extension of this authority. Nevertheless, in order to provide for a continuance of service, we will grant J. B. Broadcasting special temporary authority to operate WEBB with a power of one kilowatt, nondirectional, pending final outcome of this proceeding. This action is, of course, without prejudice to an inquiry into any period of unauthorized operation of station WEBB.

5. Matters coming to our attention over the past several years, including information obtained in the 1976 inspection of station WEBB, raise serious questions as to whether J. B. Broadcasting possesses the requisite qualifications to remain a permittee or become a licensee of this Commission. In view of these questions, we are unable to find that a grant of the reinstatement application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

6. As indicated earlier, J. B. Broadcasting did not file the instant reinstatement application within 30 days of the expiration date of the expired permit as required by § 1.534(b) of the rules. Similarly, § 1.1111 requires a $100 filing fee in connection with a reinstatement application. J. B. Broadcasting has not requested waiver of either of these rules. Under the present set of circumstances, we are waiving §§ 1.534(b) and 1.1111 of the rules solely for the purpose of accepting the reinstatement application for filing in order that it may be designated for evidentiary hearing. However, evidence will be adduced at the hearing to determine the effect, if any, of the failure of J. B. Broadcasting to timely file its reinstatement application with the requisite filing fee upon its qualifications to remain a permittee or become a licensee of the Commission.

Accordingly, *it is ordered*, That the provisions of § 1.534(b) and 1.1111 of the rules are waived, and the aforementioned application is accepted for filing.

It is further ordered, That, pursuant to §§ 309(e) and 319(b) the Communications Act of 1934, as amended, the aforementioned application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine the facts and circumstances surrounding the failure of J. B. Broadcasting of Baltimore, Ltd. to file the instant reinstatement application within thirty days of the expiration date of the expired permit with the requisite filing fee of $100 as required by §§ 1.534 (b) and 1.1111 of the rules, respectively, and the effect, if any, of such failure upon the qualifications of J. B. Broadcasting of Baltimore, Ltd. to remain a permittee or become a licensee of the Commission.

(b) To determine whether J. B. Broadcasting of Baltimore, Ltd. is a legal corporate entity under the laws of the State of Maryland, and, if not, whether it is qualified to do business in the State of Maryland.

(c) To determine whether J. B. Broadcasting of Baltimore, Ltd., has, at all times, operated station WEBB under a valid instrument of authorization.

(d) To determine whether J. B. Broadcasting of Baltimore, Ltd. has violated the Commission's rules, as alleged in the Official Notices of Violation issued March 19, 1970, January 28, 1971, August 12, 1971, November 27, 1972 and, most recently, April 9, 1976, and, if so, the nature and the extent of those violations and, in light of the evidence adduced pursuant to that determination, whether J. B. Broadcasting of Baltimore, Ltd. has exercised the degree of responsibility required of a permittee or a licensee of the Commission.

(e) To determine whether J. B. Broadcasting of Baltimore, Ltd. engaged in misrepresentation to the Commission or demonstrated a lack of candor in statements filed with the Commission in connection with the two applications to extend the completion date of its outstanding construction permit (BMP–13961 and BMP–14068).

(f) To determine, in light of the evidence adduced under the foregoing issues, whether J. B. Broadcasting of Baltimore, Ltd. possesses the requisite qualifications to remain as a permittee or to become a licensee of the Commission.

(g) To determine whether sufficient reasons exist in connection with the reinstatement application which would constitute a showing that failure to complete construction of authorized facilities was due to causes not under the control of J. B. Broadcasting of Baltimore, Ltd. or constitute a showing of other matters sufficient to warrant favorable action consistent with section 319(b) of the Communications Act of 1934, as amended.

(h) To determine, in light of the evidence adduced under the foregoing issues, whether a grant of the above-captioned application for construction permit to replace expired permit would serve the public interest, convenience and necessity.

It is further ordered, That if it is determined that the hearing record does not warrant an Order denying the above-captioned application, it shall also be determined whether J. B. Broadcasting of Baltimore, Ltd. has repeatedly or willfully violated the terms of the authorization of station WEBB, or the following sections of the Commission's rules: §§ 17.50, 73.40(c)(1), 73.40(d)(1)(2), 73.45(a), 73.189(b)(5), 73.46(a), 73.47 (a) and (b), 73.56(a), 73.58(a), 73.60, 73.92, 73.93(a) 73.113(a)(1)(ii), 73.910, 73.932(a) and 73.961(c).[1] If so, it shall also be determined whether an Order of forfeiture pursuant to 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 dollars or less should be issued for violations which occurred within one year of the issuance of the Bill of Particulars in this matter.

It is further ordered, That this document constitutes a Notice of Apparent Liability for forfeiture for violation of the Commission's rules as set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving violations which come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken in any way as indicating what the initial or final disposition of this case should be; that judgment is, of course, to be made on the facts of each case.

It is further ordered, That the Chief, Broadcast Bureau is directed to serve upon J. B. Broadcasting of Baltimore, Ltd., within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (b) through (e), supra.

It is further ordered, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (e), and J. B. Broadcasting of Baltimore, Ltd. then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to remain a permittee or become a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, J. B. Broadcasting of Baltimore, Ltd., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That J. B. Broadcasting of Baltimore, Ltd., herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

It is further ordered, That J. B. Broadcasting of Baltimore, Ltd. *is granted* spe-

[1] See Bill of Particulars for specific dates and details of each alleged violation.

cial temporary authority to operate station WEBB at a power of one kilowatt, nondirectional, pending final outcome of this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-36868 Filed 12-14-76;8:45 am]

FM AND TV TRANSLATOR APPLICATION

Available for Processing

Adopted: December 6, 1976.

Released: December 13, 1976.

Notice is hereby given pursuant to §§ 1.572(c) and 7.573(d) of the Commission's Rules, that on February 2, 1977, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.519(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on February 1, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on February 1, 1977.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

FM TRANSLATOR APPLICATION

BPFT-369 W292AB, LaCrosse, Wis. and LaCrescent, Minn., Wisconsin Christian Broadcasting Foundation, Inc. Req: Change primary station to WWIB(FM), Ch-279, Ladysmith, Wisconsin.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3126 W79AC, Clarks Summit, Waverly, Dalton and parts of Scranton, Penn., WBRE-TV, Inc. Req: To add Dickson City, Pennsylvania, to present principal community and change frequency to ch-38, 614-620 mHz.

BPTT-3130 (New), Mohave Valley, Topock & Gas City, Ariz. and Needles, Calif., Mohave County Board of Supervisors. Req: Channel 58, 734-740 mHz, 20 watts. Primary: KVVU, Las Vegas, Nev.

BPTT-3131 (New), Kingman, Ariz., Mohave County Board of Supervisors. Req: Channel 60, 746-752 mHz, 20 watts. Primary: KVVU, Las Vegas, Nev.

BPTT-3132 (New), Gold Beach, Oreg., Community Television Association, Inc. Req: Channel 68, 794-800 mHz, 20 watts. Primary: KEET, Eureka, Calif.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5709A W03AJ, Wytheville, Va., Sand Mountain Translator Association. Req: Change primary TV station to WKPT-TV, Ch-19, Kingsport, Tenn.

BPTTV-5717 K061F, Rural Uinta County, Wyo. Bridger Valley Daggett County ETV Cooperative Service Board. Req: To add Evanston and Bear River, Wyo. to present principal community.

BPTTV-5718 K03CT, Lewiston, Calif., Lewiston Translator Company. Req: To add I.O.O.F. Camp Area, Calif. to present principal community.

BPTTV-5719 (New), Bullhead City, Ariz., Mohave County Board of Supervisors. Req: Channel 2, 54-60 mHz, 1 watt. Primary: KVVU, Las Vegas, Nev.

BPTTV-5720 (New), Lake Havasu City, Ariz., Mohave County Board of Supervisors, Req: Channel 4, 66-72 mHz, 10 watts. Primary: KVVU, Las Vegas, Nev.

BPTTV-5721 (New), Squaw Valley, North Bank, Wedderburn and Nesica Beach, Oreg., Community Television Association, Inc., Req: Channel 2, 54-60 MHz, 1 watt. Primary: KEET, Eureka, California.

BPTTV-5722 (New), Cortez, Colo., XYZ Television, Inc., Req: Channel 6, 82-88 mHz, 10 watts. Primary: KREZ, Durango, Colo.

BPTTV-5723 (New), Diomede, Alaska, City of Diomede. Req: Channel 7, 174-180 mHz, 10 watts. Primary: KTVA, KENI, KIMO and KAKM, Anchorage, Alaska.

BPTTV-5724 (New), Cape Pole, Alaska, Southeast Island School District. Req: Channel 9, 186-192 mHz, 10 watts. Primary: KTVA, KENI, KIMO and KAKM, Anchorage, Alaska.

BPTTV-5725 (New), Pilot Point, Alaska. Village of Pilot Point. Req: Channel 9, 186-192 mHz, 10 watts. Primary: KTVA, KENI, KIMO and KAKM, Anchorage, Alaska.

BPTTV-5726 (New), Gibbonsville, Idaho. Lost Trail Television Association, Inc. Req: Channel 5, 76-82 mHz, 1 watt. Primary: KSVO-TV, Missoula, Montana.

BPTTV-5727 (New), Pasadena Park, Spokane County, East Valley, Wash., Spokane Television, Inc. Req: Channel 11, 198-204 mHz, 1 watt. Primary: KXLY-TV, Spokane, Wash.

BPTTV-5728 K06GN Kayenta, Ariz., Kayenta TV Association. Req: To add Shonto, Ariz. to present principal community.

BPTTV-5729 K07IV Kayenta, Ariz., Kayenta TV Association. Req: To add Shonto, Ariz. to present principal community.

[FR Doc.76-36869 Filed 12-14-76;8:45 am]

[Docket No. 20129; FCC 76-1119]

FM BROADCAST STATIONS IN MUNCIE, INDIANA, AND EATON, OHIO

Memorandum Opinion and Order: Rescinding Memorandum Opinion and Order

Adopted: November 30, 1976.

Released: December 9, 1976.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Muncie, Indiana, and Eaton, Ohio), Docket No. 20129, RM-1989, RM-2019.

1. The Commission has before it the petition for partial reconsideration of the Report and Order and Memorandum and Order in this proceeding, 41 FR 24127, released June 9, 1976, filed by McGraw-Hill Broadcasting Company, Inc. ("McGraw-Hill").[1]

2. In the Report and Order and Memorandum Opinion and Order[2] in question, the Commission decided to assign Channel 221A to Munice, Indiana, and to reserve this commercial channel for educational use. In order to make this assignment possible, the Commission modified the license of Muncie educational FM Station WWHI to specify operation on Channel 217 in lieu of Channel 218. The petitioner in this proceeding, Ball State University, proposed to move to this channel in order to increase its facilities beyond those possible on its present channel, 214. Earlier, McGraw-Hill as licensee of a Channel 6 television station at Indianapolis had objected to this change in Station WWHI's channel, arguing that reception of its signal in the Muncie area would be affected. McGraw-Hill asserted that on Channel 217 the station would create interference problems worse than those its says it already experiences with the Channel 218 operation.

3. In taking the subject action the Commission concluded that the allegations regarding interference provided an insufficient basis for rejecting the proposal. The Commission did not conclude that no interference would result, it acknowledged that possibility, but concluded that such interference as might occur would not be expected to be as severe as had been alleged. Moreover, the Commission observed that McGraw-Hill has not shown any reason to believe that the interference would be beyond correction. In this connection the Commission noted that Ball State University had "unambiguously undertaken responsibility for all necessary corrective efforts".

4. While McGraw-Hill is no more persuaded than before on the issue of interference, it has abandoned direct opposition to the channel changes themselves. In its present petition McGraw-Hill seeks no more than the imposition of several conditions on the license for Ball State's station. The conditions would require Ball State to (1) prepare and make an annual mailing of a questionnaire to a sample of Channel 6 viewers in areas where there is an interference potential, (2) based on the survey and other information, identify the areas where interference is occurring and notify all residents of these areas and correct interference found to exist and (3) file yearly reports on the efforts under items (1) and (2) above. Neither Ball State nor any other party has filed a response to the petition.

5. Based on past Commission experience we do not believe, given Ball State's full acceptance of responsibility to correct interference problems, that condi-

[1] Action was taken on this petition by delegated authority on October 20, 1976, but under the Commission's rules, such action should be taken by the Commission. Therefore, that earlier action is being rescinded, and the present action is substituted for it.

[2] See 41 FR 48400, November 3, 1976.

tions should be imposed. Such steps have not been found to be necessary in other instances where there is an interference potential. This is particularly true here where, as McGraw-Hill recognizes, Ball State expressed a full willingness to carry out corrective efforts. In such circumstances we see no need for a condition on its license to this effect. The real issue here is not the acceptance of this responsibility but McGraw-Hill's effort to dictate the particular form this effort would take. In a departure from ordinary practice in this regard, McGraw-Hill would require Ball State to survey residents of the area and, in cases where interference was found, to require Ball State to contact all residents of interference areas. As we understand it, this would require Ball State to contact many homes where no interference has been shown to exist and where in all likelihood it frequently would not be found to exist. Such a house-to-house search would pose an immense burden. Moreover, it has not been shown that such an approach would serve any useful purpose in dealing with any interference problems which might develop. There are other ways to proceed, other ways to advise affected viewers that help is available to correct interference problems. Ball State is expected to discharge its obligation in a proper and reasonable manner. In sum, the suggestion that conditions be imposed is not one which has been shown to be necessary. That being the case we will deny the petition. We encourage the parties to cooperate on methods of dealing with such interference problems as might result [3] and see no need for the Commission to intervene further at this stage. Adequate remedies are available should they be shown to be needed.

6. *Accordingly, it is ordered,* That the Memorandum Opinion and Order denying the subject petition and affirming the earlier Commission action, adopted in this proceeding by delegated authority on October 20, 1976, is rescinded and That, the present Memorandum Opinion and Order denying the petition and affirming the earlier action is substituted.

FEDERAL COMMUNICATIONS COMMISSION,[4]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-36861 Filed 12-14-76;8:45 am]

[3] We also note that McGraw-Hill has offered no data to rebut our earlier conclusion that such effects as might occur would likely be of relatively minor proportions. See paragraph 14 of the decision.

[4] Commissioner Lee absent.

FEDERAL ENERGY ADMINISTRATION

FINANCIAL INCENTIVES SUBCOMMITTEE OF THE FOOD INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Financial Incentives Subcommittee of the Food Industry Advisory Committee will meet Tuesday, January 11, 1977, at 9 a.m., Room 3000A, FEA Headquarters, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The objectives of this Subcommittee are to make recommendations to the parent Committee with respect to matters concerning food industry aspects of FEA policies and programs falling within the interests of this Subcommittee.

The agenda for the meeting is as follows:

1. Open remarks.
2. Clarification and status of the Obligation Guarantees Program (OGP) authorized by the Energy Conservation and Production Act.
3. Critique and discussion of background paper prepared by FEA on the potential OGP.
4. Further identification of Eenergy Conservation and Renewable-resource measures specifically applicable to the food industry.
5. Improved delineation of additional investment in conservation projects expected to result from an OGP.
6. Determination of further assistance which can be provided to FEA by FIAC.

The meeting is open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 566-7022, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection in the Freedom of Information Officer, Room 2107, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued at Washington, D.C. on December 9, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-36734 Filed 12-10-76;9:39 am]

OFFICE OF EXCEPTIONS AND APPEALS

Issuance of Decisions and Orders for Week of October 11 through October 15, 1976

Notice is hereby given that during the week of October 11 through October 15, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

John H. Cathey; Kimball, Nebr.; FEA-0945; Crude Oil

John H. Cathey (Cathey) appealed from a Decision and Order issued by the Federal Energy Administration which denied Cathey's Application for Exception from the provisions of 10 CFR Part 212, Subpart D. *John H. Cathey,* 4 FEA Par. 83,022 (July 30, 1976). In his initial application Cathey sought approval to retain the revenues which he obtained from charging prices which were in excess of the maximum levels permitted under the Mandatory Petroleum Price Regulations. The Appeal, if granted, would rescind the July 30 Order and relieve Cathey of the obligation to refund the overcharges. In his Appeal, Cathey contended that the FEA erred in excluding depreciation and depletion expenses in its assessment of the economic viability of Cathey's crude oil operation. These contentions were rejected in the consideration of the Cathey Appeal. The FEA held that depreciation and depletion are noncash expenses which do not generally affect a firm's incentive to continue production, and should not, therefore, be included in calculations assessing the economic viability of an operation. The FEA further found that Cathey failed to present any new evidence in this proceeding which would indicate that he would experience an irreparable injury

if he were required to refund the overcharges. The FEA therefore concluded that Cathey failed to meet the established criteria for the approval of the retroactive relief which he requested. The Appeal was accordingly denied.

REQUESTS FOR EXCEPTION

Dasher-Harris Gas Co.; Valdosta, Ga.; FEE-3198; Propane

On June 29, 1976, the Federal Energy Administration granted an exception to Dasher-Harris Gas Company on the grounds that the application of the provisions of 10 CFR 211.9 which require adherence to the base period supplier/purchaser relationship resulted in a serious hardship to the firm. *Dasher-Harris Gas Company*, 3 FEA Par. 83,253 (June 29, 1976). In that Order, the Regional Administrator for FEA Region IV was directed to assign to Dasher-Harris for the quarter beginning on July 1, 1976 a supplier whose wholesale prices for propane were within the range of prices paid for that product by major marketers in the Dasher-Harris marketing area. The Order further provided that the Regional Administrator shall (i) make a determination for any month subsequent to September 1976 as to whether Dasher-Harris will continue to incur a serious hardship in the absence of further exception relief, and (ii) then make a recommendation to the National Office of Exceptions and Appeals regarding the need for an additional assignment. Based upon the data which Dasher-Harris submitted to the Regional Administrator and upon the Regional Administrator's favorable recommendation, the FEA determined that adherence by Dasher-Harris to its base period supplier/purchaser relationship with respect to propane would continue to result in a serious hardship to the firm. The FEA therefore extended the relief previously granted for the three month period from October through December 1976.

James B. Fuller; Liberty, Tex.; FEE-2758; Crude Oil

James B. Fuller filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D which, if granted, would permit him to sell the crude oil produced from the C. V. Collins Lease No. 2 Well (the Well) at upper tier ceiling prices. In considering the exception application, the FEA found that production from the Well has been steadily declining in recent periods and that Fuller's operating costs have increased to the point where he no longer has an economic incentive to continue production of crude oil from the Well if he must sell the crude oil at lower tier ceiling prices. The FEA also determined that if Fuller abandoned the Well, a substantial quantity of crude oil would not be recovered. On the basis of the criteria applied in previous decisions in similar cases, the FEA concluded that Fuller should be permitted to sell 55.02 percent of the crude oil produced from the well for the benefit of the working interest owners at upper tier ceiling prices.

Laketon Asphalt Refining, Inc.; Evansville, Ind.; FEE-3043; Crude Oil

Laketon Asphalt Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve Laketon of its obligation to purchase additional entitlements pursuant to a "Notice of Special Correction Amounts," 41 FR 31793 (July 29, 1976). This Notice was issued by the FEA in accordance with § 211.67(j) (2) in order to correct reporting errors which refiners made in filing reports under the Entitlements Program during the period November 1974 through August 1975. The Notice specified an additional entitlement purchase or sale obligation for each refiner which was subject to the Program. Under the provisions of this Notice, Laketon incurred an additional entitlement expense of $404,802.16. In its request for exception, Laketon contended that it would experience a serious financial hardship during the remainder of 1976 and the first four months of 1977, unless it were relieved of the obligation imposed under § 211.67(j) (2). In considering Laketon's claim, the FEA determined that Laketon had failed to demonstrate that its obligation to purchase entitlements as set forth in the Notice of Special Correction Amounts caused it to incur a hardship. In a Notice which it issued on August 30, 1976, the FEA adjusted the exception relief from the Entitlements Program hich had been granted to all small refiners during 1975 to reflect each firm's actual 1975 financial results. In Laketon's case, the additional entitlements expense specified in the Notice of Special Correction Amounts was deducted from the level of profitability which the firm realized in 1975 and, on the basis of the resulting figures, the FEA determined that Laketon had failed to achieve its historical profit margin in 1975. Accordingly, Laketon was permitted by the August 30 Notice to sell additional entitlements to compensate for the additional entitlements which the firm was required to purchase pursuant to the Notice of Special Correction Amounts. Since Laketon had been granted sufficient exception relief in the August 30 Notice to correct for the adverse effect on the firm's financial position of the additional obligations imposed by the provisions of § 211.67(j) (2), its request for exception was denied.

Louisiana Land & Exploration Co.; Mobile, Ala.; FEE-2474; Refined Petroleum Products

The Louisiana Land and Exploration Company (LL&E) filed an Application for Exception from the provisions of 10 CFR 212.82 and 212.83 which, if granted, would permit the firm to sell refined products in January 1976 at price levels which exceeded the maximum permissible selling prices specified in the FEA Regulations. On December 24, 1975 LL&E began operating a new refinery located in Mobile, Alabama and on August 6, 1976 the firm was granted exception relief which generally specified the manner in which it must calculate maximum permissible selling prices for the refined petroleum products which it produces at the refinery. See, *Louisiana Land and Exploration Company*, 4 FEA Par. 80,035 (August 6, 1976). However, in the earlier exception proceeding neither LL&E nor the FEA recognized that under the applicable price regulations a new refinery such as LL&E operated would be required to determine the prices of its products in the first month of operation at levels which were substantially below market prices. This requirement would have caused LL&E to incur a substantial operating deficit and would have seriously affected market equilibrium in a manner contrary to the goals of the FEA Price Regulations. In considering LL&E's Application, the FEA determined that although retroactive exception relief of the type which LL&E requested tends to condone violations of the FEA Regulatory requirements and is therefore to be avoided, there were a number of unusual factors which tended to support the approval of this type of relief in LL&E's case. In particular, the FEA found that LL&E had previously sought administrative guidance in a timely manner as to the proper means of pricing the products which it produced from the new refinery, and that the particular issue regarding its January 1976 prices should have been considered in the context of the firm's earlier exception request. The FEA therefore granted retroactive exception relief which permits LL&E to charge market prices for the refined products which it sold in January. However, in order to prevent LL&E from receiving a windfall profit from the relief granted, the firm was required to take action over a six month period which would effectively remit the revenues which it realized during January 1976 as a result of charging prices which exceeded its maximum permissible prices for that month.

Mobil Oil Corp.; New York, N.Y.; FEE-3210; Natural Gas Liquid Products

On July 20, 1976, the FEA granted Applications for Exception filed by the Mobil Oil Corporation on behalf of 25 of its natural gas processing plants. *Mobil Oil Corp.*, 4 FEA Par. 83,015 (July 20, 1976). In accordance with the standards set forth in prior Decisions, the FEA granted Mobil exception relief which permitted it to increase its prices of natural gas liquids and natural gas liquid products sold between July 20 and September 30, 1976, to reflect the non-product costs increases incurred at each of the 25 plants in excess of the $.005 per gallon passthrough allowed in 10 CFR 212.165. On September 16, 1976, Mobil notified the FEA that it had submitted erroneous data with regard to its operations at the Cow Island-Riverside Plant, one of the plants for which it had received exception relief in the July 20 Decision and Order. Mobil noted that the corrected data indicates that the firm should not have received exception relief with respect to that plant. On the basis of the corrected data submitted by Mobil, the FEA determined that the non-product cost increases actually incurred by the firm at its Cow Island-Riverside Plant were not of sufficient magnitude to justify exception relief. *See Sun Oil Co.*, 3 FEA Par. 80,641 (June 1, 1976); *Sun Oil Co.*, 3 FEA Par. 83,129 (March 12, 1976). Accordingly, the exception relief provided in the July 20 Order with respect to Mobil's Cow Island-Riverside Plant was rescinded.

Niederhauser Airways, Inc.; Waterloo, Iowa; FEE-2567; Aviation Gasoline

Niederhauser Airways, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211, which if granted, would increase its base period use of aviation gasoline from 258,900 gallons to 336,250 gallons per year. In considering the exception request, the FEA observed that Niederhauser's contention that it lacked adequate supplies of aviation gasoline was not supported by the record. A portion of Niederhauser's request involved a purchaser which engages in telecommunications flying, and a different regulatory procedure exists for obtaining supplies to satisfy customers of that type. Moreover, the financial and operating data which Niederhauser furnished indicated that the firm's base period use was sufficient to satisfy all of its supply needs in 1975 and 1976. Niederhauser therefore failed to establish that its present base period use of aviation gasoline was inadequate, and the FEA concluded that the firm did not qualify for exception relief under the criteria established in previous FEA decisions. *See, e.g., Bowen Service Station; Winninghoff Motors, Inc.*, 2 FEA Par. 83,058 (March 13, 1975). Its request for exception was accordingly denied.

Northwest Propane, Inc.; Farmington, Mich.; FEE-3136; Propane

On April 2, 1976, the Federal Energy Administration granted an exception to Northwest Propane, Inc. on the grounds that the application of the provisions of 10 CFR Part 211, requiring adherence to the base period supplier/purchaser relationship results in a serious hardship to the firm. *Northwest Propane, Inc.*, 3 FEA Par. 83,147 (April 2, 1976).

In that Order the Regional Administrator for FEA Region V was directed to assign to Northwest for the months of April, May and June 1976, a supplier whose wholesale price for propane was within the range of prices paid for that product by major marketers in Northwest's marketing area. That relief was subsequently extended for the months of July, August and September. On September 16, 1976 the Regional Administrator for FEA Region V forwarded to the National Office of Exceptions and Appeals a request by Northwest for a further extension of the exception relief previously granted to the firm. The materials forwarded by the FEA Region V Office included certain findings of fact and a recommendation by the Regional Administrator that Northwest's request be granted. After considering comments submitted by Northwest's base period supplier, the data and recommendation forwarded by the FEA Region V Office, as well as data submitted by Northwest in support of its initial exception application, the FEA determined that adherence to the base period supplier/purchaser relationship would continue to result in a serious hardship to the firm. The exception relief previously granted to Northwest was therefore extended for the period October 1 through December 31, 1976.

Superior Oil Co.; Houston, Tex.; FEE-3203; Petroleum Products

The Superior Oil Company filed an Application for Exception from the requirement that firms in a particular category provide information to the FEA with respect to their energy consumption. This requirement was set forth in a Notice which the FEA published in the FEDERAL REGISTER on September 1, 1976. 41 FR 36838. The Superior exception request, if granted, would have extended until March 31, 1976 the time in which the firm was required to comply with the Notice. In its exception request, Superior contended that it would need at least six months to collect and prepare the required information. In considering Superior's request, the FEA determined that (i) the information which the FEA sought from Superior is important to the successful implementation of the agency's statutory responsibility to promote increased energy efficiency in American industry; (ii) the reporting requirement set forth in the September 1, 1976 Notice was not unreasonable, and Superior should have been able to comply with it in a timely manner; and (iii) Superior did not submit any substantive material in support of its assertion that additional time was necessary. The Superior exception application was therefore denied.

Terrible Herbst Oil Co. Inc.; Las Vegas, Nev.; FEE-2635; Motor Gasoline

Terrible Herbst Oil Company, Inc. (Herbst) filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would have resulted in the issuance of orders assigning Herbst a new, lower-priced supplier for a portion of the firm's total base period use of motor gasoline to replace the Fletcher Oil and Refining Company (Fletcher). In considering the application, the FEA determined that, contrary to Herbst's allegations, the price which Herbst pays Fletcher for motor gasoline is only marginally higher than the average of the prices which the firm's competitors are required to pay their suppliers. The FEA also found that Herbst is able to offset the marginally higher price of the gasoline received from Fletcher with purchases of lower-priced gasoline from other suppliers. As a result, the weighted average price which Herbst pays for its motor gasoline supplies is not significantly different from the prices which the firm's competitors pay to their suppliers for motor gasoline. With respect to a further claim by Herbst that Fletcher is unable to furnish the firm with adequate supplies of unleaded gasoline, the FEA found that Fletcher vigorously disputes the claim and that Herbst itself admitted that the alleged shortages were generally alleviated during 1976. On the basis of the record in the proceeding the FEA concluded that Herbst had failed to establish that the maintenance of its base period supplier/purchaser relationship with Fletcher resulted in a serious hardship or gross inequity. The firm's exception application was therefore denied.

UCO Oil Co.; Whittier, Calif.; FEE-2819; Motor Gasoline

On June 11, 1976, the Federal Energy Administration issued a Decision and Order to the UCO Oil Company in which it granted the firm an exception from the provisions of 10 CFR 211.9. *UCO Oil Company*, 3 FEA Par. 83,219 (June 11, 1976). In the June 11 Order, the FEA determined that UCO was experiencing a serious financial hardship as a result of the prices which its principal base period suppliers, The Oil Shale Corporation and Macmillan Ring-Free Oil Company, Inc., were charging it for motor gasoline. In order to alleviate the hardship which UCO was experiencing as a result of the high cost of motor gasoline it received from its base period suppliers, the Order directed the Regional Administrator of FEA Region IX to assign UCO for the months of June, July and August 1976, a supplier or suppliers whose wholesale price for motor gasoline was within the range of prices charged by major suppliers in UCO's marketing area. The June 11 Order provided that the assigned supplier(s) should be directed to furnish UCO with 22.36 percent of its base period use during those months. On July 29, 1976, UCO applied for an extension of the exception relief previously granted. In considering the UCO Application, the FEA determined that the firm was continuing to experience substantial financial difficulties as a direct result of the difference between the price which its base period suppliers charge for motor gasoline and the prevailing market price of that product. Since the economic situation originally described in the June 11 Order continued to exist, the FEA concluded that an extension of exception relief was appropriate. However, the FEA also determined that, contrary to UCO's claims, it would be inappropriate to increase the amount of exception relief previously granted to a level which would restore UCO to its historic level of profitability. The FEA found that granting such relief would produce shortages in certain areas of California, create undesirable changes in the competitive price structure for motor gasoline in that Region and produce a significant adverse impact upon the firm's base period suppliers. The FEA also found that UCO had failed to show that the exception relief granted in the June 11 Order was inadequate to alleviate the financial losses which the firm had been experiencing as a direct result of the FEA regulatory program. Accordingly, the prior relief was extended for an additional period of time and the Regional Administrator was directed to assign to UCO a new supplier for 22.36 percent of its base period use of motor gasoline during the months of November and December 1976 and January 1977.

REQUESTS FOR STAY

Atlantic Richfield Co.; Los Angeles, Calif.; FES-0971; Motor Gasoline

The Atlantic Richfield Company (Arco) requested that a Remedial Order which was issued to it by the FEA on September 2, 1976 be stayed pending a final determination of its Appeal from that Order. The Remedial Order directed Arco to: (i) Immediately commence treating George E. Bulzan of Ohio and Arthur J. Rosenthal of Wisconsin as wholesale purchaser-resellers; (ii) cease preventing Bulzan and Rosenthal from delivering petroleum products to certain of their base period customers; and (iii) furnish Bulzan and Rosenthal with the same volume of petroleum products which Arco delivered directly to certain base period purchasers of Bulzan and Rosenthal during the period February 5, 1974 through September 2, 1976. In considering Arco's request for a stay of the Remedial Order, the FEA found that (i) Arco had not supported in any manner its allegation that the firm would suffer an irreparable injury in the event that its request for stay were denied; (ii) Arco's claim that it is impossible for it to comply with the Remedial Order because it does not know to whom it should discontinue supplying petroleum products directly is substantially refuted by a document in the record of the proceeding which identifies each of the retail outlets involved and demonstrates that Arco has sufficient knowledge to comply with this part of the Remedial Order; and (iii) contrary to the firm's contention, Arco failed to make a prima facie showing that it will succeed on the merits of its Appeal. The FEA therefore denied the Arco Application for Stay.

Braden-Zenith, Inc.; Wichita, Kans.; FES-0980; Crude Oil

Braden-Zenith, Inc. (B–Z) filed an Application for Stay of a Remedial Order issued to it by the Regional Administrator of FEA Region VII on September 21, 1976. In the Order, the Regional Administrator found that during the period November 1973 through December 1975, B–Z had improperly charged upper-tier prices for the crude oil produced and sold from the Zenith Waterflood Unit located in Stafford and Harper Counties, Kansas. The Remedial Order therefore directed B–Z to refund $401,731 plus interest to the purchaser of the crude oil, the National Cooperative Refinery Association (NCRA). After considering the contentions raised by B–Z, the FEA concluded that there was some merit to the claim that B–Z could incur an irreparable injury if it were required to immediately refund the overcharges. The record in the proceeding indicated that since B–Z does not have the financial resources to immediately comply with the Remedial Order and could experience difficulty in recovering these funds in the event that it ultimately prevails in its Appeal. B–Z's Application for Stay was therefore granted. The FEA also observed that, although the approval of a stay in this type of case is generally made contingent upon the establishment of an escrow account into which the disputed funds are deposited, this requirement will be waived where a showing is made that the establishment of an escrow account would seriously imperil the continued operation of the firm. *Ford Oil Co.*, 4 FEA Par. ------ (October 12, 1976). In accordance with the principles set forth in the *Ford* case and based on an analysis of the financial data submitted by B–Z, the FEA concluded that the establishment of an escrow account would be inappropriate in this case.

Cities Service Co.; Tulsa, Okla.; FES-0968; Crude Oil

Cities Service Company requested that a Remedial Order which was issued to the firm by the Deputy Regional Administrator of FEA Region VI on September 10, 1976 be stayed pending a final determination of the firm's Appeal from the Order. In the Remedial Order the Deputy Regional Administrator determined that Cities Service had charged

prices for refined petroleum products during the period August 1, 1973 through August 31, 1975 which were in excess of its maximum permissible price levels. The Remedial Order therefore directed Cities Service to make refunds to identifiable purchasers or, where purchasers are not identifiable, to the marketplace. In considering the contentions raised by Cities Service, the FEA concluded that the firm has satisfied the criteria for a stay set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), by showing that it would raise substantial issues in its Appeal and that it would be unduly burdensome for the firm to recover the refunds which it was required to make pursuant to the Remedial Order if it succeeded on the merits of its Appeal. The FEA also observed that in previous cases where it had stayed the provisions of a Remedial Order requiring refunds, the appellant was required to place the contested funds in an escrow account unless a strong and convincing showing was made that establishment of an escrow account was not appropriate in view of the particular facts presented in the case. The FEA concluded that Cities Service had failed to make such a showing and consequently the Application for Stay was approved on the condition that the contested funds be placed in an escrow account.

Ford Oil Co.; Santa Rosa, Tex.; FES–0965; Propane

Ford Oil Company (Ford) filed an Application for Stay of a Remedial Order which was issued to it by FEA Region VI on September 7, 1976. In the Remedial Order, it was determined that during the period November 1, 1973 through May 31, 1975, Ford sold propane to certain customers at prices which exceeded the maximum price levels specified in 6 CFR 150.359 and 10 CFR 212.93. The Remedial Order therefore directed Ford to make refunds for these overcharges within 90 days. Ford's stay request, if granted, would relieve the firm of its obligation to make the refunds pending a final determination on its Appeal of the Remedial Order. In considering the request for stay, the FEA concluded that the financial data submitted by the firm showed that it could incur an irreparable injury if it were required to make the refunds immediately. The FEA further concluded that Ford had raised substantial issues concerning the propriety of the Remedial Order. The FEA therefore held that Ford satisfied the criteria set forth in *General Crude Oil Company*, 3 FEA Par. 85,040 (June 25, 1976), modified, 3 FEA Par. 85,040 (July 8, 1976), for granting a stay of the refund requirements specified in a Remedial Order. In addition, the FEA determined that since the establishment of an escrow account for the disputed funds would cause a severe adverse impact on Ford's operations, it would be inappropriate to require that such an account be established in this case. The FEA therefore stayed the refund obligations specified in the Remedial Order without imposing any escrow fund requirement. Nevertheless, on the basis of the principles established in the *General Crude* decision, the FEA declined to stay the provision of the Remedial Order which required that Ford immediately reduce its current selling prices for propane to lawful levels.

Skelly Oil Co.; Tulsa, Okla.; FES–0953; Crude Oil

Skelly Oil Company filed an Application for Stay of a Remedial Order which was issued to the firm by FEA Region VI on September 1, 1976. In the Remedial Order, it was determined that during the period December 1, 1974 through March 31, 1975, Skelly violated certain provisions of the FEA Price Regulations by failing to allocate a portion of its crude oil cost increases to its production of catalyst coke (an-exempt product), thereby overstating the amount of costs allocable to covered products. On the basis of this determination, Skelly was directed to submit a schedule of its cost overrecoveries and a plan for repayment of overcharges. In addition, Skelly was directed forthwith to include volumes of catalyst coke in its computation of the "V" factor of the refiner cost allocation formulae set forth in 10 CFR 212.83. In considering the request for stay, the FEA concluded that Skelly had raised substantial issues concerning the propriety of the Remedial Order and had made a strong showing that it could experience substantial difficulty in recovering the required refunds if it prevailed on the merits of its Appeal. The FEA therefore held that Skelly had satisfied the criteria set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), for granting a stay of refund requirements specified in a Remedial Order. The FEA further held, however, that as a condition of the stay, Skelly should be required to place the disputed funds into an escrow account pending a determination of its Appeal.

REQUEST FOR SPECIAL REDRESS

Red & Jack Oil Co.; Augusta, Ga.; FSG–0024; Motor Gasoline

The Red & Jack Oil Company (Red & Jack) filed a Petition for Special Redress which, if granted, would result in the issuance of an Order by the FEA reversing two previous determinations issued by the FEA Region IV and increasing by 108 percent the base period use of motor gasoline of a retail outlet which Red & Jack owns in North Augusta, South Carolina. In its Petition, Red & Jack contended that when it originally filed an application for assignment, it had failed to correctly assess the demand for motor gasoline in the market area of the North Augusta station, and that an increase in the firm's base period use at that station is therefore necessary in order to permit the station to continue to operate at historic sales levels. In considering the firm's Petition, the FEA found that Red & Jack failed to present any evidence whatever that FEA Region IV erred in any material way in its consideration of the firm's previous Applications for Assignment of a base period use for the North Augusta station. In this connection, the FEA observed that the fact that Red & Jack subsequently discovered that it was able to sell significantly more motor gasoline at the North Augusta station than it originally estimated in its Application for Assignment of a base period use does not, in itself, indicate that the initial FEA determinations were erroneous. The FEA also concluded that the firm's present inability to purchase surplus motor gasoline to supplement its base period use at the North Augusta station is not an appropriate basis for special redress relief. The FEA therefore denied the Red & Jack Petition.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Cities Service Co., Washington, D.C., FST–0017

Energy Corp. of Louisiana, Washington, D.C. FEE–3105

Koch Refining Co., Washington, D.C., FEE–3085

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Tresler Oil Co., Cincinnati, Ohio, FEE–3135

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

Giant Industries, Inc., Phoenix, Ariz., FEE–2821

The following submission was dismissed on the grounds that the request is now moot:

Superior Oil Co., Houston, Tex., FES–3203

TEMPORARY STAY

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Little America Refining Co., Washington, D.C., FST–0016

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

DECEMBER 10, 1976.

[FR Doc.76–36907 Filed 12–10–76;4:03 pm]

FEDERAL HOME LOAN BANK BOARD

[No. AC–22]

UPTOWN FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO, CHICAGO ILLINOIS

Approval of Conversion; Final Action

DECEMBER 10, 1976.

Notice is hereby given that on December 8, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporations, by Resolution No. 76–909, approved the application of Uptown Federal Savings and Loan Association of Chicago, Chicago, Illinois, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW, Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Chicago, 111 East Wacker Drive, Chicago, Illinois 60601.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76–36906 Filed 12–14–76;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1617–R]

CAUCI SHIPPING, INC.

Order of Revocation

On November 23, 1976, Mr. Oscar L. Cauci, President, Cauci Shipping, Inc., 2316–60th Street, Brooklyn, NY 11204, voluntarily surrendered his Independent Ocean Freight Forwarder License No. 1617–R for revocation.

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 (b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1617–R issued to Cauci Shipping, Inc., be and is hereby revoked effective November 23, 1976 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Cauci Shipping, Inc.

LEROY F. FULLER,
Director, Buerau of Certification and Licensing.

[FR Doc.76–36904 Filed 12–14–76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1699]

FREEPORT FREIGHT FORWARDERS, INC.

Order of Revocation

By letter dated November 4, 1976, Mr. Carlos E. Diaz, President, Freeport Freight Forwarders, Inc., 111 NE Second Avenue, Suite 1308, Miami, FL 33132 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1699 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 3, 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.

Freeport Freight Forwarders, Inc., 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. 1699 issued to Freeport Freight Forwarders, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1699 be and is hereby revoked effective December 6, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Freeport Freight Forwarders, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76–36903 Filed 12–14–76;8:45 am]

[Independent Ocean Freight Forwarder License No. 386]

MARKAND THAKAR

Order of Revocation

By letter dated November 4, 1976, Mr. Markand Thakar, One World Trade Center-Suite 4669, New York, N.Y. 10048 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 386 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 3, 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.

Mr. Markand Thakar 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. 386 be and is hereby revoked effective December 3, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Markand Thakar.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76–36902 Filed 12–14–76;8:45 am]

INTERNATIONAL COUNCIL OF CONTAINERSHIP OPERATORS

Agreement Filed

Notice is hereby given that the following agreements, accompanied by a statement of justification, have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 4, 1977. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Jonathan Blank, Esq.,
Preston, Thorgrimson, Ellis, Holman & Fletcher,
1776 F Street, NW.,
Washington, D.C. 20006.

Agreement No. 10099–2 would extend, indefinitely, the terms and conditions of the International Council of Containership Operators Agreement and the U.S. Trade Addendum thereto beyond the present termination date of February 7, 1977. Agreement No. 10099, among containership operators who provide common carrier liner service between ports, including U.S. ports, throughout the world, permits the Council to act as a forum for the open discussion of all areas of concern to the carrier members such as environmental controls, intermodal regulations, technological developments, fuel and energy requirements, monetary and fiscal policies, port development and other governmental programs which affect maritime activities.

Dated: December 9, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–36899 Filed 12–14–76;8:45 am]

NORTH CAROLINA STATE PORTS AUTHORITY AND HARRINGTON & COMPANY, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commision, 1100 L Street, NW., Room 10126; or may inspect the agree-

ment at the Field Office located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 4, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. C. Jackson, Director of Traffic, North Carolina State Ports Authority,
P.O. Box 3037,
Wilmington, North Carolina 28401.

Agreement No. T-3383, between North Carolina State Ports Authority (Authority) and Harrington & Company, Inc., (Harrington), provides for the lease of two acres of land located at Wilmington Port Terminal and preferential usage of: (1) Berth One on two consecutive preferential days; and (2) a gantry crane of at least 75-ton capacity. The premises are to be used for activities related to or incidental to Harrington's operations as a containership service. As compensation, Authority will receive $9,000 per annum as rental plus wharfage charges as set forth in Authority's tariff. Harrington will guarantee a minimum of 25,000 tons of cargo subject to wharfage per contract year. In addition, Harrington will pay $25.00 per office unit per month for electrical service. Authority will be reimbursed by Harrington for all work and service performed and made available in accordance with rates in Authority's tariff.

Dated: December 10, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-36901 Filed 12-14-76;8:45 am]

STATE OF CONNECTICUT AND CONNECTICUT TERMINAL COMPANY, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Office located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 4, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. John Cunningham, Kominers, Fort, Schlefer & Boyer, 1776 F Street, N.W., Washington, D.C. 20006.

Agreement No. T-3380, between the State of Connecticut (State) and Connecticut Terminal Company, Inc., (CTC) is a five-year agreement whereby State leases certain property at State Pier No. 1, New London, Connecticut, to be operated for the State as a marine terminal and storage facility. As compensation, CTC shall pay Port $3,000.00 per month plus a percentage on a graduated scale of the gross earned revenues derived from the terminal and warehouse operations conducted on the leased premises.

By order of the Federal Maritime Commission.

Dated: December 10, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-36900 Filed 12-14-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP65-59 and RP73-65, et al.]

COLUMBIA GAS TRANSMISSION CORP., ET AL.

Filing of Pipeline Refund Reports and Refund Plans

DECEMBER 8, 1976.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket numbers, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be submitted to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before December 23, 1976. Copies of the respective pipeline filings are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

Appendix A

Company	Date of filing	Type of filing	Docket No.
Columbia Gas Transmission Corp	Nov. 3, 1976	Report	RP65-59 and RP73-65.
Do	Oct. 26, 1976	do	RP75-106.
Eastern Shore Natural Gas Co	Nov. 5, 1976	do	Not available.[1]
El Paso Natural Gas Co	Nov. 12, 1976	do	RP73-109.
Great Lakes Gas Transmission Co	Oct. 29, 1976	do	RP75-94 and RP72-140.
Mid-Louisiana Gas Co	Oct. 4, 1976	Plan	AR67-1.
South Texas Natural Gas Gathering Co	Nov. 5, 1976	Report	RP76-53 and RP76-60.
Southwest Gas Corp	Nov. 15, 1976	do	RP72-121.[2]
Tennessee Gas Pipeline Co	Mar. 1, 1976	Plan	AR61-2, et al. (disputed zone) and RP71-6, et al.
Transcontinental Gas Pipe Line Corp	Nov. 3, 1976	Report	CP76-49.
Do	Nov. 8, 1976	do	RP75-75.
Do	Nov. 9, 1976	Plan	AR61-2, et al. (disputed zone).
Texas Eastern Transmission Corp	Nov. 17, 1976	do	G-1964, et al.

[1] Flow through of refunds received from Transcontinental Gas Pipe Line Corp.
[2] Flow through of refunds received from El Paso Natural Gas Co.

[FR Doc.76-36636 Filed 12-14-76;8:45 am]

[Docket No. CI77-131]

GULF OIL CORP.

Applications for Abandonment Authorization [1]

DECEMBER 8, 1976.

Take notice that the Applicant listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with

reference to said application should on or before December 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commmission 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 herein, if the Commmission on its own review of the matter finds that an abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-131..... B 11-30-76	Gulf Oil Corp., P.O. Box 3725, Houston, Tex. 77001.	Michigan-Wisconsin Pipe Line Co., Chenier Perdue Field, Cameron Parish, La.	(1)	(1)

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Gulf states that its contract with Michigan-Wisconsin dated Jan. 23, 1956, shall terminate Apr. 23, 1977, at which time Gulf would commence deliveries to Texas Eastern Transmission Corp. under Gulf's FPC gas rate schedule No. 278 on Apr. 23, 1977.

[FR Doc.76-36638 Filed 12-14-76;8:45 am]

[Docket No. CP77-68]

CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 8, 1976.

Take notice that on November 22, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP77-68 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, tap, measuring, regulating and appurtenant facilities to enable Applicant to render natural gas service to authorized local natural gas distribution companies for resale to twenty-eight (28) rural domestic customers pursuant to right-of-way easements and agreements and gas storage leases heretofore entered into between Applicant and said customers, or to serve same directly if no local authorized natural gas distribution company is willing or able to make such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that these right-of-way grantors and leasors have requested rural domestic service for which Applicant proposes to construct and operate the following facilities:

(1) Two taps on Applicant's Copan 3-inch transmission pipeline in Washington County, Oklahoma and measuring, regulating and appurtenant facilities for delivery of natural gas to Albert Lee Barnett.

(2) Tap on Applicant's McLouth 20-inch storage pipeline in Leavenworth County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to George L. Bowen.

(3) Tap on Applicant's Delaware 4-inch transmission pipeline in Nowata County, Oklahoma and measuring, regulating and appurtenant facilities for delivery of natural gas to Don Cartwright.

(4) Tap on Applicant's Kansas-Hugoton 26-inch Loop transmission pipeline in Ford County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Marvin Collins.

(5) Tap on Applicant's McLouth 20-inch storage pipeline in Leavenworth County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Mrs. Goldie Cross.

(6) Tap on Applicant's Kansas-Hugoton 26-inch Loop transmission pipeline in Pratt County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Glen A. Curtis.

(7) Tap on Applicant's Colony 16-inch storage pipeline in Anderson County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Jay Dutton.

(8) Tap on Applicant's Sedalia 12-inch transmission pipeline in Johnson County, Missouri and measuring, regulating and appurtenant facilities for delivery of natural gas to W. R. Everts.

(9) Tap on Applicant's North Topeka 10-inch transmission pipeline in Jefferson County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Thomas W. Frisbie.

(10) Tap on Applicant's McLouth 4-inch storage pipeline in Jefferson County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Joseph Garcia.

(11) Tap on Applicant's Jane 20-inch transmission pipeline in Newton County, Missouri and measuring, regulating and appurtenant facilities for delivery of natural gas to Mrs. W. G. Geller.

(12) Tap on Applicant's McLouth 20-inch storage pipeline in Leavenworth County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Burl R. Gratny.

(13) Tap on Applicant's Pleasant Hill 8-inch transmission pipeline in Case County, Missouri and measuring, regulating and appurtenant facilities for delivery of natural gas to John A. Gray.

(14) Two taps on Applicant's Springfield 16-inch transmission pipeline in Newton County, Missouri and measuring, regulating and appurtenant facilities for delivery of natural gas to A. O. Houk.

(15) Tap on Applicant's Sterling 8-inch gathering pipeline in Comanche County, Oklahoma and measuring, regulating and appurtenant facilities for delivery of natural gas to Burl E. Julian.

(16) Tap on Applicant's Blackwell-Graham 26-inch transmission pipeline in Kay County, Oklahoma and measuring, regulating and appurtenant facilities for delivery of natural gas to Paul Kelle.

(17) Tap Applicant's Springfield 16-inch transmission pipeline in Newton County, Missouri and measuring, regulating and appurtenant facilities for delivery of natural gas to Joseph J. Kelly.

(18) Tap on Applicant's Colony 16-inch storage pipeline in Anderson County, Kansas and measuring, regulating and appurtenant facilities for delivery of gas to Stanley E. Luidke.

(19) Tap on Applicant's Woods Petroleum 12-inch transmission pipeline in Grady County, Oklahoma and measuring, regulating and appurtenant facilities for delivery of gas to Bailey McCalla.

(20) Tap on Applicant's Canadian-Blackwell 26-inch transmission pipeline in Grant County, Oklahoma and measuring, regulating and appurtenant facilities for delivery of natural gas to Bob McCart.

(21) Tap on Applicant's Blackwell-Graham 26-inch transmission pipeline in Chautauqua County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Henry Munger.

(22) Tap on Applicant's McLouth 20-inch storage pipeline in Leavenworth County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Mrs. Steven Oswald.

(23) Tap on Applicant's Noel 3-inch transmission pipeline in McDonald County, Missouri and measuring, regulating and appurtetant facilities for delivery of natural gas to Ralph W. Pogue.

(24) Tap on Applicant's Carrollton 8-inch transmission pipeline in Johnson County, Missouri and measuring, regulating and appurtenant facilities for delivery of natural gas to R. E. Rhinehart.

(25) Tap on Applicant's Soldier's Home 8-inch transmission pipeline in Leavenworth County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Thomas M. Scanlon.

(26) Tap on Applicant's Jane 20-inch transmission pipeline in Newton County,

Missouri and measuring, regulating and appurtenant facilities for delivery of natural gas to Mrs. Floyd Sherwood.

(27) Tap on Applicant's Hund 2-inch transmission pipeline in Leavenworth County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Everett N. Smith.

(28) Tap on Applicant's Craig storage pipeline in Johnson County, Kansas and measuring, regulating and appurtenant facilities for delivery of natural gas to Homer G. White.

Applicant estimates that the total cost of the facilities proposed to serve the right-of-way grantors and lessors would be approximately $17,850, which costs Applicant would finance from treasury funds on hand. Applicant estimates that the gas required annually by each consumer would be approximately 221 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36889 Filed 12-14-76;8:45 am]

[Docket Nos. RP71-15 and RP75-28 (PGA77-2) (DCA77-)]

EAST TENNESSEE NATURAL GAS CO.

Rate Filing Pursuant to Tariff Rate Adjustment Provisions

DECEMBER 8, 1976.

Take notice that on December 1, 1976, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Eighteenth Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective January 1, 1977.

East Tennessee states that the sole purpose of this revised tariff sheet is: (1) To adjust East Tennessee's rates pursuant to the PGA provision in section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase filed December 1, 1976, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee); (2) to adjust East Tennessee's rates for a negative Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account determined in accord with section 22.3 of the General Terms and Conditions in order to reflect the flow-through of the jurisdictional portion of the curtailment credits received from Tennessee for the period from January 15, 1976, through September 30, 1976; and (3) to adjust East Tennessee's rates pursuant to Section 24.8 of the General Terms and Conditions to recover curtailment credits given its customers.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory comimssions.

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 December 27, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36887 Filed 12-14-76;8:45 am]

[Docket No. RP72-134 (PGA77-1a) (PGA77-2)]

EASTERN SHORE NATURAL GAS CO.

Adjustments to Rates and Charges

DECEMBER 8, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on November 24, 1976, tendered for filing Revised Thirty-Fourth Revised Sheet No. 3A Superseding Substitute Thirty-Third Revised Sheet No. 3A and Revised Thirty-Fourth PGA-1, to be effective October 27, 1976, and Thirty-Sixth Revised Sheet No. 3A Superseding Revised Thirty-Fourth Revised Sheet No. 3A and Thirty-Sixth Revised PGA-1, to be effective December 1, 1976. The sheets to be effective October 27, 1976, will decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD, CD-E, G-1, E-1, and PS-1 by $.06 per Mcf to reflect a corresponding adjustment of same date by Eastern Shore's sole supplier, Transcontinental Gas Pipe Line Corporation (Transco). Transco's adjustment reflects the elimination of the Deferred Adjustment of 6.0 cents which became effective on May 2, 1976, subject to refund under a regular Transco PGA filing. The sheets to be effective December 1, 1976, will affect the commodity or delivery charges of Eastern Shore's Rate Schedules CD, CD-E G-1, E-1, and PS-1 through three different adjustments—a $.151 increase to reflect corresponding increases by Transco in its Special PGA Tracking Rate Filing of November 22, 1976, pursuant to FPC Opinion No. 770, a $.003 increase to reflect Transco's like increase pursuant to its advance payment program, and a $0.18 decrease to reflect curtailment credits.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 December 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36880 Filed 12-14-76;8:45 am]

[Docket No. RP72-136 (PGA77-2)]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes In Rates and Charges Under Purchased Gas Adjustment Provision

DECEMBER 8, 1976.

Take notice that on December 1, 1976, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, tendered for filing Thirteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in rates in its resale rates in Rate Schedules G and I for effectiveness on January 1, 1977.

According to Florida Gas, the changes in rates contained on Thirteenth Revised Sheet No. 3-A are derived in accordance with the purchased gas cost adjustment provision in its Tariff (Section 15, General Terms and Conditions). Florida Gas states that the rates con-

tained on Thirteenth Revised Sheet No. 3-A are proposed to supersede those on Substitute Twelfth Revised Sheet No. 3-A which were filed on November 24, 1976, for effectiveness on December 1, 1976. Florida Gas further states that the following shows a comparison between the rates in effect pursuant to Substitute Twelfth Revised Sheet No. 3-A and those to be made effective on January 1, 1977 under this filing.

cents/therm:	*Effective Dec. 1, 1976 through Dec. 31, 1976*	*Effective Jan. 1, 1976*
Rate Schedule G---	10.941	10.896
Rate Schedule I----	9.681	9.636

According to Florida Gas, the annual effect of its proposed rate changes is a decrease of $313,584 based on sales for the twelve months ended September 30, 1976.

Florida Gas states that a copy of its filing has been served on all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 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 December 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36878 Filed 12-14-76;8:45 am]

[Docket No. ER77-90]

HOLYOKE WATER POWER CO. AND HOLYOKE POWER AND ELECTRIC CO.

Rate Schedules Changes

DECEMBER 9, 1976.

Take notice that Holyoke Water Power Company ("HWP") and Holyoke Power and Electric Company ("HP&E"), HWP's wholly-owned subsidiary, on December 1, 1976, tendered for filing proposed changes in its rate schedules designated HP&E FPC No. 4 and HWP FPC No. 5. The proposed changes, are estimated to result in aggregate revenue increases for both companies from jurisdictional sales and service of $3,202,000 ($2,137,000 for HWP and $1,065,000 for HP&E) based on the 12-month period ending December 31, 1977. While HWP and HP&E also propose to make modifications in their fuel adjustment clause formula to comply with § 35.14 of the Commission's Regulations, HWP and HP&E have requested that the timing of the effective date of such modifications be made to coincide with the effective date of the other proposed rate schedule changes. Therefore, to the extent the other rate schedule changes are not permitted to become effective on January 1, 1977, HWP and HP&E seek a waiver of their compliance on January 1, 1977 with § 35.14 of the Commission's Regulation.

HWP and HP&E state that the increased rates are proposed in order to reflect their increased costs of service, higher depreciation rates and the accounting procedures relating to interperiod allocations of income taxes promulgated by Commission Orders 530 and 530-B.

HWP and HP&E also state that copies of the filing were served upon HWP's and HP&E's jurisdictional customers and the Commonwealth of Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36894 Filed 12-14-76;8:45 am]

[Docket No. ER77-80]

ILLINOIS POWER CO.

Filing Revised Exhibit B-1 To Interconnection Agreement

DECEMBER 9, 1976.

Take notice that Illinois Power Company (Illinois Power) on November 29, 1976 tendered for filing Revised Exhibit B-1, dated August 25, 1975, to Supplement 1, dated November 19, 1974 between the City of Peru, Illinois (Peru) and Illinois Power.

The purpose of the filing is to revise Exhibit B-1 to reflect the actual facilities installed for the interconnection and the actual costs thereof.

Illinois Power states that it was the understanding of the parties that execution of Revised Exhibit B-1 would not be finalized until the actual costs could be determined. For this reason the filing is respectfully requested to become effective on April 16, 1975, the date the interconnection was placed in service.

Any person desiring to be heard or to protest said application should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this Application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36893 Filed 12-14-76;8:45 am]

[Docket No. CP77-73]

LONE STAR GAS CO., A DIVISION OF ENSERCH CORP.

Notice of Application

DECEMBER 8, 1976.

Take notice that on November 24, 1976, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP77-73 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities in Clay, Montague, Wise, Wichita and Tarrant Counties, Texas for the transportation of natural gas in interstate commerce, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant proposes to remove the following facilities from interstate commerce and employ them to transport gas which is produced, purchased and consumed solely within the state of Texas:

1. A portion of Line B between stations 862+12 and 5030+21.5 (end), consisting of approximately 78.94 miles of 10-inch, 12-inch, 16-inch and 18-inch pipeline facilities in Clay, Montague, Wise and Tarrant Counties, Texas.
2. All of Line B-1 between stations 0+00 and 93+56 (end), consisting of approximately 1.77 miles of 2-inch pipeline facilities in Clay County, Texas.
3. All of Line B-2 between stations 0+00 and 98+18 (end), consisting of approximately 1.86 miles of 4-inch pipeline facilities in Montague County, Texas.
4. All of Line B-3 between stations 0+00 and 93+42 (end), consisting of approximately 1.77 miles of 2-inch pipeline facilities in Montague County, Texas.
5. All of Line B-4 between stations 0+00 and 83+27 (end), consisting of approximately 1.58 miles of 2-inch pipeline facilities in Wise County, Texas.
6. All of Line B-5 between stations 0+00 and 36+33 (end), consisting of approximately 0.69 miles of 4-inch pipeline facilities in Wise County, Texas.
7. All of Line B-6 between stations 0+00 and 23+28 (end), consisting of approximately 0.44 miles of 2-inch pipeline facilities in Wise County, Texas.
8. All of Line B-7 between stations 0+00 and 1+55 (end), consisting of approximately 0.03 miles of 16-inch pipeline facilities in Tarrant County, Texas.
9. All of Line B-8 between station 0+00 and 410+57 (end), consisting of approximately 7.78 miles of 4-inch pipeline facilities in Wise County, Texas.
10. All of Line B-10 between stations 0+00 and 0+53 (end), consisting of approximately

0.01 miles of 2-inch pipeline facilities in Tarrant County, Texas.

11. All of Line B–11 between stations 0+00 and 65+21 (end), consisting of approximately 1.24 miles of 2-inch pipeline facilities in Wise County, Texas.

12. All of Line B–12 between stations 0+00 and 46+37 (end), consisting of approximately 0.88 miles of 8-inch and 10-inch pipeline facilities in Tarrant County, Texas.

13. All of Line B–12–1 between stations 0+00 and 0+24.5 (end), consisting of approximately 0.005 miles of 10-inch pipeline facilities in Tarrant County, Texas.

14. All of Line B–13 between stations 0+00 and 277+25 (end), consisting of approximately 5.25 miles of 4-inch pipeline facilities in Wise County, Texas.

15. All of Line B–14 between stations 0+00 and 44+36 (end), consisting of approximately 0.84 miles of 3-inch pipeline facilities in Tarrant County, Texas.

16. All of Line B–15 between stations 0+00 and 83+22 (end), consisting of approximately 1.58 miles of 2-inch pipeline facilities in Wise County, Texas.

17. All of Line B–17 between stations 0+00 and 250+60 (end), consisting of approximately 4.75 miles of 3-inch pipeline facilities in Tarrant County, Texas.

18. A portion of Line Navy between stations 865+31 and 1623+45, consisting of approximately 14.36 miles of 10-inch pipeline facilities in Clay and Montague Counties, Texas.

19. A portion of Line Navy between stations 4371+57.5 and 5006+21 (end), consisting of approximately 12.59 miles of 8-inch and 10-inch pipeline facilities in Wise and Tarrant Counties, Texas.

20. A portion of Line C between stations 0+00 and 19+48, consisting of approximately 0.37 miles of 16-inch pipeline facilities in Tarrant County, Texas.

21. All of Line AN between stations 0+00 and 1324+22 (end), consisting of approximately 25.08 miles of 12-inch pipeline facilities in Clay and Wichita Counties, Texas.

22. All of Line AN–A between stations 0+00 and 227+38 (end), consisting of approximately 4.31 miles of 3-inch and 4-inch pipeline facilities in Clay County, Texas.

23. All of Line A–20 between stations 0+00 and 141+56 (end), consisting of approximately 2.68 miles of 12-inch pipeline facilities in Wichita County, Texas.

24. A portion of Line 71–23–2 between stations 80+69 and 683+67 (end), consisting of approximately 11.42 miles of 4-inch and 6-inch pipeline facilities in Wichita County, Texas.

25. All of Line 71–23–2–8 between stations 0+00 and 0+75 (end), consisting of approximately 0.01 miles of 2-inch pipeline facilities in Wichita County, Texas.

26. All of Line WT–1948–T between stations 0+00 and 0+41 (end), consisting of approximately 41 feet of 3-inch pipeline facilities in Clay County, Texas.

27. All of Line WT–2597–T between stations 0+00 and 0+27 (end), consisting of approximately 27 feet of 3-inch pipeline facilities in Clay County, Texas.

28. Ambassador Storage facility, with a total reservoir capacity of 2,110,000 Mcf consisting of 630,000 Mcf cushion gas, and 1,480,000 Mcf maximum working gas capacity, in Clay County, Texas.

To facilitate the pipeline abandonment, Applicant proposes to construct 6.1 miles of 16-inch pipeline extending from Line B to the southeast terminus of Line AN, a 3,000 horsepower compression station and necessary injection and withdrawal pipelines at Lapan Storage Field, 3.2 miles of 8-inch pipeline looping a portion of existing Line A, and, two measuring stations to be located adjacent to present interstate stations at Wichita Falls East and Wichita Falls North. All described construction proposals are for transportation of gas produced, purchased and consumed wholly within the State of Texas, it is asserted.

Applicant states that present abandonment proposal is a continuation of its past decertification program in that its purpose is to alleviate critical supply deficiencies that exist on its interstate pipeline system rather than provide natural gas to new markets. Applicant states that interstate gas supplies have been diminishing and that its proposal would partially alleviate dependency on emergency gas purchases and allow for a reduction in interstate markets.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–36895 Filed 12–14–76;8:45 am]

[Docket No. RP73–91 (PGA76–3a)]

MCCULLOCH INTERSTATE GAS CORP.

Purchased Gas Adjustment Clause Refiling

DECEMBER 8, 1976.

Take notice that on November 30, 1976, McCulloch Interstate Gas Corporation ("McCulloch Interstate") tendered for filing copies of Substitute Eighth Revised Sheet No. 32 to its FPC Gas Tariff Original Volume No. 1, as directed by the Commission by "Order Supplementing Order Deferring Action On Proposed Purchased Gas Adjustment Rate Increase and Permitting Intervention" issued October 28, 1976.

McCulloch is hereby revising its semi-annual PGA increase of October 1, 1976, to give effect to producer rate changes resulting from the order issued on October 21, 1976, in Docket No. RM 75–14 in accordance with the dates set forth in the notice issued by the Secretary on October 28, 1976 in Docket Nos. RP 72–110, et al.

McCulloch Interstate's Substitute Eighth Sheet No. 32 provides for a Purchased Gas Adjustment rate decrease of 3.86 cents per MMBtu, effective October 1, 1976. McCulloch Interstate's filing is made in order to: (1) adjust for the recovery of the balance in McCulloch's Unrecovered Purchased Gas Cost Account as of June 30, 1975 and June 30, 1976 (Table III) and (2) to permit the recovery of current cost of gas purchases which are being incurred. This filing does not include producer rate changes resulting from FPC Opinion's 770 and 770–A in Docket No. RM75–14.

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 December 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–36885 Filed 12–14–76;8:45 am]

[Docket No. CP77–70]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

DECEMBER 8, 1976.

Take notice that on November 23, 1976, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP77–70 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon various field compression and related metering and appurtenant facilities, for the twelve-month period commencing February 12, 1977, all as more fully set forth in the application which is on file

with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under § 157.7(g) would not exceed $3,000,000 and no single project would exceed $500,000. Applicant also states that said costs would be financed from working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36879 Filed 12-14-76;8:45 am]

[Docket No. RP74-97 (PGA77-2)]

MONTANA-DAKOTA UTILITIES CO.

Purchased Gas Cost Adjustment Filing

DECEMBER 8, 1976.

Montana-Dakota Utilities Company ("MDU"), on December 1, 1976, submitted for filing as part of its FPC Gas Tariff, Original Volume No. 4, its proposed "Sixth Revised Sheet No. 3A." The proposed effective date is January 1, 1977.

MDU states that this tariff sheet is filed pursuant to its Purchased Gas Cost Adjustment Provisions. The proposed change provides for a Current Surcharge of 6.31 cents per Mcf which is supported by computations attached to the filing. MDU proposes no change in Cost of Gas Adjustment.

MDU seeks permission to calculate and bill the Current Surcharge in a slightly different manner from normal due to a unique situation which has developed on MDU's Sheridan System. MDU has three customers affected by this filing, Wyoming Gas Company ("Wyoming"), Byron Gas Service ("Byron"), and Northern Gas Company ("Northern").

During the period in which the amounts in the Deferred Gas Cost Account were generated (April-September, 1976), MDU sold approximately 6,000 Mcf per day to Northern Gas which volumes in turn became available to MDU for use in its intrastate Sheridan, Wyoming System. MDU has recently acquired an intrastate gas supply for its Sheridan System which will in turn reduce the daily level of sales to Northern Gas. MDU submits that it would be unfair, due to the changed gas supply circumstances on its Sheridan System, to impose on Wyoming and Byron costs from MDU's deferred account which were related to sales to Northern Gas.

Accordingly, MDU has separately calculated the amount in the deferred account attributable to Northern Gas as $75,631.58. This amount has been removed from the calculation of the Current Surcharge which will apply only to Wyoming and Byron. In order to recover the actual cost of purchasing gas, however, consistently with the intent of MDU's Purchased Gas Cost Adjustment Provision, MDU also asks special permission to make a single charge applicable to the sales to Northern Gas equal to $75,631.58, thereby eliminating from the deferred account the amount actually related to sales to Northern Gas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 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 the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36890 Filed 12-14-76;8:45 am]

[Docket No. CP69-63]

NORTHERN NATURAL GAS CO.

Petition To Amend

DECEMBER 8, 1976.

Take notice that on November 24, 1976, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP69-63 pursuant to section 7(c) of the Natural Gas Act a petition to amend the Commission's order of November 12, 1969 in said docket, as amended, to reassign contract demand currently assigned to Lake Superior District Power Company (Lake Superior) to the Flambeau Paper Company (Flambeau), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized, by the order of November 12, 1969, to construct and operate facilities and to sell 6,995 Mcf per day of natural gas to Lake Superior for use in Lake Superior's steam and electric generating plant at Park Falls, Wisconsin. It is stated that the plant at Park Falls was designed to meet the steam requirements of Flambeau's paper mill and provide additional power for Lake Superior. By Order issued July 27, 1971, the Commission amended its Order of November 12, 1969 to permit Lake Superior to utilize contract demand assigned to its Park Falls plant for resale and distribution in Park Falls and other communities.

Petitioner states that the reassignment of 6,995 Mcf of gas per day of contract demand from Lake Superior to Flambeau was requested by Lake Superior. It proposes that the reassignment become effective upon completion of a new dual fuel boiler by Flambeau. Petitioner further states that gas will no longer be available to Lake Superior's plant at Park Falls; that gas will remain available to Lake Superior for resale and distribution during periods of curtailment in accordance with the order issued July 27, 1971 in this docket; and, that this amendment will not increase or decrease the authorized total contract demand volumes of Lake Superior.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36881 Filed 12-14-76;8:45 am]

[Docket No. ER76-305]

NORTHERN STATES POWER CO. (WISCONSIN)

Compliance Filing

DECEMBER 8, 1976.

Take notice that on October 26, 1976, in accordance with paragraph (B) of the Commission's Order Accepting Settlement Agreement issued October 13, 1976, Northern States Power Company (Northern States) tendered for filing pages 1 and 2 of Third Revised Schedule A to Northern States contracts with the following eleven wholesale customers:

Non generating municipal	*FPC settlement rate schedule number*
Bangor	58, Supplement No. 4.
Cadott	42, Supplement No. 6.
Bloomer	45, Supplement No. 6.
Cornell	59, Supplement No. 4.
New Richmond	60, Supplement No. 5.
Spooner	49, Supplemnt No. 6.
Whitehall	51, Supplement No. 6.
Trempealeau	52, Supplement No. 6.
Westby	55, Supplement No. 8.
Rice Lake	56, Supplement No. 5.
Black River Falls	54, Supplement No. 6.

Northern States states that copies of its filing have been served on affected customers and to the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 27, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36891 Filed 12-14-76;8:45 am]

[Docket No. RP72-121 (PGA77-2)]

SOUTHWEST GAS CORP.

DECEMBER 8, 1976.

Take notice that on November 26, 1976, Southwest Gas Corporation (Southwest) tendered for filing First Substitute Eighteenth Revised Sheet No. 3A, constituting Original PGA-1 in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to increase the rates of Southwest under its Purchased Gas Adjustment Clause in section 9 of its General Terms and Conditions contained in its FPC Volume No. 1.

Southwest states the instant notice of change in rates is occasioned solely by an increase in the cost of purchased gas which will become effective on January 1, 1977.

Southwest has requested an effective date of January 1, 1977 and states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and the California-Pacific Utilities 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, 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 December 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36886 Filed 12-14-76;8:45 am]

[Docket No. RP77-11]

SOUTHWEST GAS CORP.

Order Accepting for Filing and Suspending Proposed Pipeline Rate Increase and Establishing Procedures

DECEMBER 8, 1976.

On November 8, 1976, Southwest Gas Corporation (Southwest) tendered for filing proposed Nineteenth Revised Sheet No. 3A to its FPC Gas Tariff, Original Volume No. 1. Southwest states the revised tariff sheet reflects an increase in revenues for jurisdictional natural gas sales and services of $564,408 annually based on cost of service for 12 months ended August 31, 1976, as adjusted for known and measurable changes through May 31, 1977. Southwest seeks to make its proposed rate increase effective on December 9, 1976, 30 days after filing. For the reasons hereinafter stated, the Commission shall accept Southwest's proposed rate increase for filing, suspend it for five months, or until May 9, 1977, when it shall be permitted to become effective subject to refund.

Public notice of Southwest's filing was issued on November 16, 1976, providing for protests or petitions to intervene to be filed on or before December 2, 1976.

Southwest states its proposed rate increase is necessary as a result of increases in its costs including capital, labor, materials and supplies, and taxes.

Based on a review of Southwest's filing herein, the Commission finds that the proposed higher rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Southwest's proposed rate increase for filing and suspend its use for five months, or until May 9, 1977, when it shall be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

The Commission finds. It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by Southwest, and that the same be accepted for filing and suspended in the manner provided by the Natural Gas Act.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed herein.

(B) Pending hearing and decision as to the justness and reasonableness of the proposed rate increase, Southwest's proposed tariff sheet designated Nineteenth Revised Sheet No. 3A is accepted for filing and suspended for five months or until May 9, 1977, when it shall be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

(C) The Commission staff shall prepare and serve top sheets on all parties on or before March 9, 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 at the Commission's offices in Washington. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36883 Filed 12-14-76;8:45 am]

[Docket Nos. RP73-114, et al.]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Proposed Rate Change Under Tariff Rate Adjustment Provisions

DECEMBER 8, 1976.

Take notice that on December 1, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing Fourteenth Revised Sheet Nos. 12A and 12B to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective on January 1, 1977.

Tennessee states that the purpose of Fourteenth Revised Sheet Nos. 12A and 12B is to adjust Tennessee's rates pursuant to Articles XXIII, XXIV, and XXV of the General Terms and Conditions of its FPC Gas Tariff, consisting of a PGA rate adjustment, a rate adjustment to reflect curtailment demand charge credits and an R&D rate adjustment.

Tennessee states that copies of the filing have been mailed to all its jurisdic-

tional 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 December 27, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36888 Filed 12-14-76;8:45 am]

[Docket No. RP76-30; (PGA77-1)]

TEXAS GAS PIPE LINE CORP.

Tariff Sheet Filing

DECEMBER 8, 1976.

Take notice that on November 29, 1976 Texas Gas Pipe Line Corporation, pursuant to Section 154.62 of the Commission Regulations under the Natural Gas Act, filed Third Revised Sheet No. 4a to its FPC Gas Tariff, First Revised Volume No. 1. Texas Gas states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in section 12 of the General Terms and Conditions of the tariff. More specifically, the tariff sheet reflects a net increase over that currently being collected of 8.47 cents per Mcf to be effective January 1, 1977.

Any person desiring to be heard and to make any protest with reference to said filing should on or before December 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 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 must file petitions to intervene in accordance with the Commission's Rules. Texas Gas' tariff filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36892 Filed 12-14-76;8:45 am]

[Docket No. CP77-58]

TEXAS GAS TRANSMISSION

Notice of Application

DECEMBER 8, 1976.

Take notice that on November 15, 1976, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP77-58 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing Applicant to transport up to 414 Mcf of natural gas per day on an interruptible basis for Reynolds Metals Company (Reynolds), an existing industrial customer of Louisville Gas and Electric Company (LG+E), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the gas would be purchased by Reynolds from Ergon, Inc. (Ergon), at the price of $1.60 per Mcf from production in Union Parish, Louisiana, and delivered to Applicant at a meter station to be constructed and installed on Applicant's 26-inch main line system in Union Parish, Louisiana. Pursuant to the terms and conditions of the transportation agreement between Applicant and Reynolds, Applicant would construct and install the facilities for Reynolds which would own the facilities. It is stated that Reynolds would lease the facilities to Applicant and Applicant, as lessee, would operate the facilities for the duration of the transportation agreement.

It is indicated that Applicant would redeliver the transportation volumes to LG+E at an existing point or points of delivery for the account of Reynolds. Reynolds would pay Applicant an initial charge of 16.24 cents per Mcf for volumes delivered to LG+E for Reynolds' account, and Applicant will retain 8.0 percent of the transportation volumes for compressor fuel and line loss makeup, it is said. It is stated that pursuant to the transportation contract between Applicant and Reynolds, Applicant would transport gas for two years. It is indicated further that if the subject gas is not sold to Reynolds, it would be sold to an interstate customer, and therefore, Applicant does not consider the subject gas available to it for purchase.

Applicant states that the gas is intended for high-priority process use in two of Reynold's plants located in Louisville, Kentucky. It is indicated that Plant I produces many products for the food packaging industry and intimate food wraps for use by the household consumer. Natural gas is used in direct flame application with these products and other "dirtier" fuels such as oil cannot be used for these applications since they would contaminate the end product and make it unacceptable for food packaging purposes, it is asserted.

The total daily usage of natural gas for Plant 15 is 205 when available, it is stated. Of this total about 195 Mcf are required for process gas purpose and certain mineral plant protection requirements. It is stated that the major finished product, within plant, is thin walled tubing used for refrigeration applications. The process gas would be used for precise temperature control in heating aluminum extrusion billets, it is asserted. Further, it is indicated that the use of oil for this application would leave a film or residue on the billet which during extrusion, would cause perforation of the tubing product.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36882 Filed 12-14-76;8:45 am]

[Docket Nos. RP73-94; (PGA77-2)]

VALLEY GAS TRANSMISSION, INC.

Purchased Gas Cost Adjustment Filing

DECEMBER 8, 1976.

Valley Gas Transmission, Inc. ("Valley"), on December 1, 1976, submitted for filing as part of its FPC Gas Tariff, Original Volume No. 1, its proposed Ninth

Revised Sheet No. 2A. The proposed effective date is January 1, 1977.

Valley states that this tariff sheet is filed pursuant to its Purchased Gas Cost Adjustment Provision. The proposed changes involve Valley's "Current Surcharge Adjustment" and "Current Gas Cost Adjustment." Both such adjustments are supported by computations attached to the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36884 Filed 12-14-76;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, January 6, 1977
Thursday, January 13, 1977
Thursday, January 27, 1977

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street, NW., Washington, D.C. 20415.

Dated: December 9, 1976.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc.76-36777 Filed 12-14-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of January 1977:

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Date and time: January 24-26; 9:30 a.m.
Place: Conference Room 14-105, Parklawn Building, Rockville, Maryland.
Type of meeting: Open—January 24; Closed—Otherwise.
Contact person: Mrs. Zelia Diggs, Parklawn Building, Room 11-101, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4333.
Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.
Agenda: On January 24, the meeting will be open for discussion of NIMH policy issues. These will include current administrative, legislative and program developments. Otherwise, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in section 552(b)(5) and 552(b)(6), Title 5 U.S. Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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CONTINUING EDUCATION REVIEW COMMITTEE

Date and time: January 10-13; 9:00 a.m.
Place: Conference Room A, Parklawn Building, Rockville, Maryland.
Type of meeting: Open—January 10, 9:00-10:00 a.m.; Closed—Otherwise.
Contact person: Luella McNay, Parklawn Building, Room 8C-22, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4735.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to education activities and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 10:00 a.m., January 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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PSYCHIATRY EDUCATION REVIEW COMMITTEE

Date and time: January 11-14; 10:00 a.m.
Place: Conference Room G, Parklawn Building, Rockville, Maryland.
Type of meeting: Open—January 11, 10:00-10:30 a.m.; Closed—Otherwise.
Contact person: Mr. Vernon R. James, Parklawn Building, Room 8C-18, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-2120.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to psychiatry education and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 10:00 to 10:30 a.m., January 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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EXPERIMENTAL AND SPECIAL TRAINING REVIEW COMMITTEE

Date and time: January 12-14; 9:00 a.m.
Place: Conference Room I, Parklawn Building, Rockville, Maryland.
Type of meeting: Open—January 12, 1:30-2:00 p.m.; Closed—Otherwise.
Contact person: Dr. Ralph Simon, Parklawn Building, Room 8C-02, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3893.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to experimental and special mental health training projects and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 1:30 to 2:00 p.m., January 12, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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PARAPROFESSIONAL MANPOWER DEVELOPMENT REVIEW COMMITTEE

Date and time: January 12–14; 9:00 a.m.
Place: Conference Room B, Parklawn Building, Rockville, Maryland.
Type of meeting: Open—January 12, 9:00–12:00 noon; Closed—Otherwise.
Contract person: Mr. Vernon R. James, Parklawn Building, Room 8C–06, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–1333.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to paraprofessional manpower development and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 a.m. to 12:00 noon, January 12, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

SOCIAL WORK EDUCATION REVIEW COMMITTEE

Date and time: January 17–19; 9:00 a.m.
Place: Conference Room I, Parklawn Building, Rockville, Maryland.
Type of meeting: Open—January 17, 9:00 a.m.–1:00 p.m. and January 19, 1:00 p.m. to adjournment; Closed—Otherwise.
Contact person: Dr. Milton Wittman, Parklawn Building, Room 8C–26, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–4187.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to social work education and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 a.m. to 1:00 p.m., January 17, and from 1:00 p.m. to adjuornment, January 19, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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PSYCHIATRIC NURSING EDUCATION REVIEW COMMITTEE

Date and time: January 19–22; 9:00 a.m.
Place: Conference Room B, Parklawn Building, Rockville, Maryland.
Type of meeting: Open—January 19, 9:00–10:00 a.m.; Closed—Otherwise.
Contact person: Dr. Leah Gorman, Parklawn Building, Room 9C–09, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–4423.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to education and manpower development in psychiatric nursing and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 10:00 a.m., January 19, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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MENTAL HEALTH SMALL GRANT COMMITTEE

Date and time: January 20; 1:00 p.m.; January 21–22; 8:30 a.m.
Place: Terrace Room and Linden Room, Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland.
Type of meeting: Open—January 20, 4:00–5:00 p.m.; Closed—Otherwise.
Contact person: Ms. Mary Enyart, Parklawn Building, Room 10C–14, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–4337.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health research and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 4:00 to 5:00 p.m., January 20, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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PSYCHIATRY EDUCATION REVIEW COMMITTEE

Date and time: January 25–28; 10:00 a.m.
Place: Conference Room G, Parklawn Building, Rockville, Maryland.
Type of meeting: Open—January 25, 10:00–10:30 a.m.; Closed—Otherwise.
Contact person: Ms. Constance Verney, Parklawn Building, Room 8C–18, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–2120.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to psychiatry education and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 10:00 to 10:30 a.m., January 25, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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PSYCHOLOGY EDUCATION REVIEW COMMITTEE

Date and time: January 26–29; 9:00 a.m.
Place: Adams Room, Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland.
Type of meeting: Open—January 26, 9:00–11:00 a.m.; Closed—Otherwise.
Contact person: Mrs. Betty Wells, Parklawn Building, Room 9C–23, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3536.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to psychology education and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00 to 11:00 a.m., January 26, the meeting will be open for discussion of administrative annoucements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

* * * * *

Substantive information may be obtained from the contact persons listed above.

The NIMH Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3600.

Dated: December 9, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.78–36753 Filed 12–14–76;8:45 am]

National Institutes of Health

BOARD OF REGENTS OF THE NATIONAL LIBRARY OF MEDICINE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on January 27–28, 1977, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents of the National Library of Medicine on the preceding January 26, 1977, from 2:00 to 5:00 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public all day on January 27 and from 9 to 9:45 a.m. on January 28 for administrative reports and program and operation discussions. Attendance by the public will be limited to space available. In accordance with provisions

set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the entire meeting of the Subcommittee on January 26 will be closed to the public, and the regular Board meeting on January 28 will be closed from 9:45 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending, renewal, and supplemental grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert B. Mehnert, Chief, Office of Inquires and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352, 13.881, National Institutes of Health)

Dated: December 6, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–36758 Filed 12–14–76;8:45 am]

CELLULAR AND MOLECULAR BASIS OF DISEASE REVIEW COMMITTEE

Establishment

The National Institutes of Health announces the establishment on November 15, 1976, of the Cellular and Molecular Basis of Disease Review Committee, 42 U.S. Code 217a, section 222 of the Public Health Service Act, as amended. This Committee is governed by provisions of Public Law 92–463, which sets forth standards for the formation and use of public advisory committees.

The Cellular and Molecular Basis of Disease Review Committee shall review applications for grants-in-aid for research centers, program-projects, and applications for grants and awards for research training activities in the areas of cellular and molecular biology; and shall assess the scientific merit of these applications for the Secretary; the Assistant Secretary for Health; the Director, National Institutes of Health; and the Director, National Institute of General Medical Sciences.

Authority for this Committee shall expire on November 15, 1978 unless the Secretary, DHEW, formally determines that continuance is in the public interest.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

DECEMBER 3, 1976.

[FR Doc.76–36760 Filed 12–14–76;8:45 am]

CENTER FOR RESEARCH FOR MOTHERS AND CHILDREN, HUMAN LEARNING AND BEHAVIOR BRANCH

Meeting

Notice is hereby given of a workshop on dyslexia sponsored by the Human Learning and Behavior Branch, Center for Research for Mothers and Children, National Institute of Child Health and Human Development, January 24–25, 1977, at the National Institutes of Health, Building 31, Conference Room 10, 9000 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public for all sessions to discuss certain issues of research methodology. The scheduled sessions are: January 24, from 9 a.m. to 5 p.m.; January 25, from 9 a.m. to 5 p.m. Attendance by the public will be limited to the space available.

For additional information please contact: Ms. Mary Cross, Clerk-Typist, Human Learning and Behavior Branch, Center for Research for Mothers and Children, National Institute of Child Health and Human Development, 7910 Woodmont Avenue, Bethesda, Maryland 20014, (301) 496–6591.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

DECEMBER 2, 1976.

[FR Doc.76–36756 Filed 12–14–76;8:45 am]

CONFERENCE ON THE 1976 INFLUENZA VACCINE TEST PROGRAM

Meeting

Notice is hereby given of the Conference on the 1976 Influenza Vaccine Test Program co-sponsored by the National Institute of Allergy and Infectious Diseases, the Bureau of Biologics and the Center for Disease Control, on January 20–21, 1977, in Masur Auditorium, Building 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

The entire meeting will be open to the public from 8:30 a.m. on January 20, 1977 to adjournment on January 21, 1977 to present the early events leading to the decision to establish a National Influenza Immunization Program, a description of the vaccines and vaccine trials, and the serological and reactogenicity results obtained with the various vaccines in the trials in the various population groups studied. Results of studies in animals as well as discussions of additional information gained from the program will also be presented. Attendance by the public will be limited to space available.

Dr. George J. Galasso, Chief, Infectious Disease Branch, NIAID, Building 31, Room 7A–10, Bethesda, Maryland 20014, (301) 496–5105 will provide additional information.

(Catalog of Federal Domestic Assistance Program No. 13.857, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

DECEMBER 3, 1976.

[FR Doc.76–36754 Filed 12–14–76;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIONS DISEASES COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, January 27, 28, and 29, 1977, in Building 31, Conference Room 6, Bethesda, Maryland. This meeting will be open to the public on January 27 from 1:30 p.m. until recess, and on January 28 from 9 a.m. until recess, to discuss administrative, program, and policy matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on January 27 from 9 a.m. until 1:30 p.m., and on January 29 from 9 a.m. until adjournment, for the review, discussion, and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of Council members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, Bethesda, Maryland, telephone (301) 496–5717, will furnish rosters of Council members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, nad 13.858, National Institutes of Health)

DECEMBER 6, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–36759 Filed 12–14–76;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, January 24–25, 1977, National Institutes of Health, Building

31, Conference Room 6. The Board Subcommittees on Diagnosis and Treatment and Carcinogenesis and Prevention will also meet January 23, 1977 at 4 p.m., National Institutes of Health, Building 31C, Conference Rooms 8 and 9, respectively.

The Board meeting will be open to the public on January 24 from 9 a.m. to 12 noon, for reports on activities of the President's Cancer Panel and the National Cancer Program, and an orientation session for new members of the Board. On January 25, the meeting will be entirely open from 9 a.m. to adjournment. Agenda items include reports on the activities of the Commission on Cancer with the American College of Surgeons, the CAT Scanner, the Board Subcommittee on Centers and Construction, and a review of amendments to the National Cancer Act. The Board Subcommittees will be open to the public on January 23, from 4 p.m. to 4:30 p.m., to review administrative details. Attendance by the public at these meetings will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the Board meeting will be closed to the public on January 24, from 1:30 p.m. to adjournment, and the Subcommittee meetings on January 23, from 4:30 p.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of Board members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide summaries of the meeting, substantive program information, and roster of Board members.

(Catalog of Federal Domestic Assistance Program Nos. 13.392 through 13.399, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

DECEMBER 3, 1976.

[FR Doc.76–36757 Filed 12–14–76;8:45 am]

NEUROLOGICAL SCIENCES STUDY SECTION

Establishment

The National Institutes of Health announces the establishment on November 15, 1976, of the Neurological Sciences Study Section, 42 U.S. Code 217a, section 222 of the Public Health Service Act, as amended. This Study Section is governed by provisions of Pub. L. 92–463, which sets forth standards for the formation and use of public advisory committees.

This Study Section shall advise the Secretary, the Assistant Secretary for Health, and the Director, National Institutes of Health, regarding applications and proposals for grants-in-aid for research projects and for grants and awards for research and training activities dealing with research on the nervous system and neurological diseases where the major emphasis is on the chemical aspects of neurological function.

Authority for this Study Section shall expire on November 15, 1978 unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Dated: December 3, 1976.

DONALD S. FREDRICKSON,
Director, National
Institutes of Health.

[FR Doc.76–36761 Filed 12–14–76;8:45 am]

REVIEW OF RESEARCH GRANT APPLICATIONS

Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

NATIONAL CANCER ADVISORY BOARD'S SUBCOMMITTEE ON CENTERS AND CONSTRUCTION

Date and time: January 23, 1977; 7 p.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times—Open: January 23, 7:00 p.m.–9:00 p.m.; Closed: January 23, 9:30 p.m.—adjournment.
Agenda/open portion: To review the Cancer Centers Profile and funding for centers and treatment programs, 1971–1976.
Closure reason: To review research grant applications.
Executive secretary: Dr. William A. Walter.
Address: Westwood Building, Room 826, National Institutes of Health.
Phone: 301/496–7427.

(Catalog of Federal Domestic Assistance No. 13.312 National Institutes of Health.)

NATIONAL PANCREATIC CANCER PROJECT WORKING CADRE

Dates: January 26, 1977; 8:30 a.m.
Place: Ramada Inn, 1150 South Beverly Drive, Los Angeles, California 90035.
Times—Open: January 26, 8:30 a.m.–9:30 a.m.
Closed: January 26, 9:30 a.m.—adjournment.
Closure reason: To review research grant applications.
Executive secretary: Dr. William Straile.
Address: Westwood Building, Room 853, National Institutes of Health.
Phone: 301/496–7194.

(Catalog of Federal Domestic Assistance Nos. 13.393; 13.394; 13.395 National Institutes of Health.)

NATIONAL PROSTATIC CANCER PROJECT WORKING CADRE

Dates: January 27, 1977; 8:00 a.m.
Place: Holiday Inn, 1170 N.W., 11th Street, Miami, Florida.
Times—Open: January 27, 8 a.m.–8:30 a.m.
Closed: January 27, 8:30 a.m.—adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. Andrew Chiarodo.
Address: Westwood Building, Room 855, National Institutes of Health.
Phone: 301/496–7194.

(Catalog of Federal Domestic Assistance Nos. 13.393; 13.394; 13.395 National Institutes of Health.)

Dated: December 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–36755 Filed 12–14–76;8:45 am]

Office of Education

BILINGUAL EDUCATION

Closing Date for Receipt of Application for Basic Programs of Bilingual Education—Initial Awards

Pursuant to the authority contained in section 721 of the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act, of 1965, as amended by Pub. L. 93–380 (20 U.S.C. 880b–880b–13), the Commissioner of Education hereby gives notice that applications for initial awards of assistance for basic programs of bilingual education are being accepted from local educational agencies (including certain organizations of Indian tribes which operate schools for Indian children, and schools for Indian children on reservations which are operated or funded by the Department of Interior) and from institutions of higher education applying jointly with such agencies. Funds are available for grants to new applicants for basic programs.

Applications must be received by the U.S. Office of Education Application Con-

trol Center on or before February 15, 1977.

A. *Applications sent by mail.* An application by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: 13.403D. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 10, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* The amount of funds which is expected to be available in Fiscal Year 1977 for initial awards of assistance for basic programs of bilingual education is $15,000,000. The anticipated number of initial awards of assistance for basic programs of bilingual education is eighty-four with an expected average amount for the majority of initial awards at $175,000.

This statement on the availability of funds is only an estimate and does not bind the Office of Education to any particular pattern of distribution, except as required by the Bilingual Education Act, applicable regulations, and appropriation acts.

Further information and application forms may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, SW. (Reporter's Building, Room 421), Washington, D.C. 20202.

D. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 123, relating to the Bilingual Education Act, published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23862), and except where inconsistent with Part 123, to the Office of Education General Provisions Regulations in 45 CFR Parts 100, 100a, and 100c. In preparing applications, applicants' attention is directed in particular to Subpart B of Part 123—§§ 123.11–123.20 relating to Basic Programs of Bilingual Education.

(20 U.S.C. 880b–880b–13.)

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education.)

Dated: November 26, 1976.

EDWARD AGUIRRE,
U.S. Commissioner of Education.

[FR Doc.76–36727 Filed 12–14–76;8:45 am]

BILINGUAL EDUCATION

Closing Date for Receipt of Applications for Basic Programs of Bilingual Education—Non-Competing Continuation Awards

Pursuant to the authority contained in section 721 of the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93–380 (20 U.S.C. 800b–880b–13), the Commissioner of Education hereby gives notice that applications for the non-competing continuation of assistance for basic programs of bilingual education are being accepted from local educational agencies (including certain organizations of Indian tribes which operate schools for Indian children, and schools for Indian children on reservations which are operated or funded by the Department of the Interior) and from institutions of higher education applying jointly with such agencies. Funds are available for grants to continue programs presently in operation pursuant to an approved project period in excess of one year.

In order to be considered for funding, applications should be received by the U.S. Office of Education Application Control Center on or before March 21, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: 13.403C. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 16, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays.

C. *Program information and forms.* The amount of funds which is expected to be available in Fiscal Year 1977 for the continuation of basic programs of bilingual education is $70,725,000. The anticipated number of non-competing continuation awards for basic programs of bilingual education is 396, with an expected average amount for the majority of continuation awards at $175,000.

This statement on the availability of funds is only an estimate and does not bind the Office of Education to any particular pattern of distribution, except as required by the Bilingual Education Act, applicable regulations, and appropriation acts.

Further information and application forms may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, SW (Reporter's Building, Room 421), Washington, D.C. 20202.

D. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 123, relating to the Bilingual Education Act, published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23862), and except where inconsistent with Part 123, to the Office of Education General Provisions Regulations in 45 CFR Parts 100, 100a, and 100c. In preparing applications, applicants' attention is directed in particular to Subpart B of Part 123—§§ 123.11–123.20 relating to Basic Programs of Bilingual Education.

(20 U.S.C. 880b—880b–13.)
(Catalog of Federal Domestic Assistance Number 13,403, Bilingual Education.)

Dated: November 26, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.76–36738 Filed 12–14–76;8:45 am]

BILINGUAL EDUCATION

Closing Date for Receipt of Applications for Support Services for Programs of Bilingual Education—Initial Awards

Pursuant to the authority contained in the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93–380 (20 U.S.C. 880b-880b–13), the Commissioner of Education hereby gives notice that:

(1) Applications for initial awards of assistance for training resource centers are being accepted from local educational agencies, institutions of higher education which apply after consultation with such agencies, and State educational agencies.

(2) Applications for initial awards of assistance for materials development centers are being accepted from local educational agencies and institutions of higher education which apply jointly with such agencies.

(3) Under § 123.22(d) of the program regulation, (45 CFR 123.22(d)), no more

than one award for a training resource center and one award for a materials development center will be made in a fiscal year in each service area designated under § 123.22 (a) and (b), unless the Commissioner determines that additional awards are required to meet needs for these activities in a service area. Also, the Commissioner may award one or more specific projects without regard to the designated service area to meet the needs for these activities or to carry out the purposes of these activities most effectively.

In the light of these provisions which provide generally for funding on a service area basis, potential applicants for initial awards, in order to assess their own chances for funding, should be aware of those service areas in which projects have already been approved in a prior fiscal year and will be reviewed for continuation on a non-competitive basis in FY 1977, in accordance with § 123.04 of the regulation (45 CFR 123.04). With respect to the training resource center activity, all service areas have training resource centers in operation that will be reviewed for refunding on a non-competitive basis except Region IV covering the States of Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

With respect to the materials development center activity, all service areas have materials development centers in operation that will be reviewed for refunding on a non-competitive basis except the service area comprised by Region V and VII, covering the States of Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin, Iowa, Kansas, Missouri, and Nebraska and the Region IX service area covering the States of Arizona, California, Hawaii, Nevada, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(4) No applications are being accepted for initial awards of assistance for dissemination/assessment centers. All regions presently have dissemination/assessment centers in operation that will be reviewed for refunding on a non-competitive basis from FY 1977 funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before February 15, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: 13.403G. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 10, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* The amount of funds which is expected to be available in Fiscal Year 1977 for initial awards of assistance for support services for programs of bilingual education is $950,000. Of that amount, it is anticipated that $250,000 will be available for one grant for a new training resource and $700,000 for two grants for new material development centers. It is anticipated that approximately $350,000 will be available for a grant to each of the two new materials development centers.

This statement on the availability of funds is only an estimate and does not bind the Office of Education to any particular pattern of distribution, except as required by the Bilingual Education Act, applicable regulations, and appropriation acts.

Further information and application forms may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, SW, (Reporter's Building, Room 421), Washington, D.C. 20202.

D. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 123, relating to the Bilingual Education Act, published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23862), and, except where inconsistent with Part 123, to the Office of Education General Provisions Regulations in 45 CFR Parts 100, 100a, and 100c. In preparing applications, applicants' attention is directed in particular to Subpart C of Part 123—§§ 123.21–123.30 relating to Support Services for Programs of Bilingual Education.

(20 P.S.C. 880b–880b–13.)

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education.)

Dated: November 26, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.76-36740 Filed 12-14-76;8:45 am]

BILINGUAL EDUCATION

Closing Date for Receipt of Applications for Support Services for Programs of Bilingual Education—Non-Competing Continuation Awards

Pursuant to the authority contained in the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93-380 (20 U.S.C. 880b—880b-13) the Commissioner of Education hereby gives notice that:

(1) Applications for the non-competing continuation of training resource centers are being accepted from local educational agencies, institutions of higher education which apply after consultation with, or jointly with, such agencies, and State educational agencies, and

(2) Applications for the non-competing continuation of materials development centers and dissemination/assessment centers are being accepted from local educational agencies and institutions of higher education which apply jointly with such agencies.

Funds are available for grants to continue centers presently in operation pursuant to an approved project period in excess of one year.

In order to be considered for funding, applications should be received by the U.S. Office of Education Application Control Center on or before March 21, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.403G. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 16, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper, or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be held delivered must be taken to the U.S. Office of Education Application Control Center, Room 5763, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays.

C. *Program information and forms.* The amount of funds which is expected to be available in Fiscal Year 1977 for continuation awards for support services for programs of bilingual education is $11,050,000. The anticipated number of non-competing continuation awards for support services is twenty-nine, with an expected average amount for continuation awards for training resource centers at $250,000, for material development

centers at $437,000, and for dissemination/assessment centers at $525,000.

This statement on the availability of funds is only an estimate and does not bind the Office of Education to any particular pattern of distribution, except as required by the Bilingual Education Act, applicable regulations, and appropriation acts.

Further information and application forms may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, SW. (Reporter's Building, Room 421), Washington, D.C. 20202.

D. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 123, relating to the Bilingual Education Act, published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23862), and except where inconsistent with Part 123, to the Office of Education General Provisions Regulations in 45 CFR Parts 100, 100a, and 100c. In preparing applications, applicants' attention is directed in particular to Subpart C of Part 123—§§ 123.21–123.30 relating to Support Services for Programs of Bilingual Education.

(20 U.S.C. 880b–880b–13.)

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education.)

Dated: November 26, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.76-36741 Filed 12-14-76;8:45 am]

BILINGUAL EDUCATION

Closing Date for Receipt of Applications for Training Programs—Non-Competing Continuation Awards

Pursuant to the authority contained in section 723 of the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93–380 (20 U.S.C. 880b–880b–13) the Commissioner of Education hereby gives notice that applications for the noncompeting continuation of training programs are being accepted from local education agencies, institutions of higher education which apply after consultation with, or jointly with, such agencies, and State educational agencies. Funds are available for grants to continue programs presently in operation pursuant to an approved project period in excess of one year.

In order to be considered for funding, applications should be received by the U.S. Office of Education Application Control Center on or before March 21, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: 13.403E. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 16, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays.

C. *Program information and forms.* The amount of funds which is expected to be available in Fiscal Year 1977 for the continuation of training programs is $9,275,000. The anticipated number of non-competing continuation awards for training programs is 100, with an expected average amount for continuation awards at $92,750.

This statement on the availability of funds is only an estimate and does not bind the Office of Education to any particular pattern of distribution, except as required by the Bilingual Education Act, applicable regulations, and appropriation acts.

Further information and application forms may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, SW. (Reporter's Building, Room 421), Washington, D.C. 20202.

D. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 123, relating to the Bilingual Education Act, published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23862), and except where inconsistent with Part 123, to the Office of Education General Provisions Regulations in 45 CFR Parts 100, 100a, and 100c. In preparing applications, applicants' attention is directed in particular to Subpart D of Part 123—§§ 123.31–123.40 relating to the Training Programs.

(20 U.S.C. 880b–880b–13.)

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education.)

Dated: November 26, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.76-36742 Filed 12-14-76;8:45 am]

BILINGUAL EDUCATION

Closing Date for Receipt of Requests for Participation in Fellowship Program

Pursuant to the authority contained in section 723(a)(2) in the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93–380 (20 U.S.C. 880b–880b–13), the Commissioner of Education hereby gives notice that requests for participation in the program of fellowships for trainers of bilingual education teachers are being accepted from institutions of higher education, after consultation with, or jointly with, one or more local educational agencies.

Requests for participation from institutions of higher education must be received by the U.S. Office of Education Application Control Center on or before February 15, 1977.

A. *Request for participation sent by mail.* A request for participation sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.403F. A request for participation sent by mail will be considered to be received on time by the Application Control Center if:

(1) The request for participation was sent by registered or certified mail not later than February 10, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The request for participation is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered requests for participation.* A request for participation to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered requests for participation will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays. Requests for participation will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* The amount of funds which is expected to be available in FY 1977 for the Bilingual Education Fellowship Program is $4,000,000. It is anticipated that seventy-five institutions of higher education will be approved for the Bilingual Education Fellowship Program. An estimated 560

fellowships to individuals may be awarded, with an average amount of $7,400 for a PH.D. program and $6,400 for a M.A. program.

This statement on the availability of funds is only an estimate and does not bind the Office of Education to any particular pattern of distribution, except as required by the Bilingual Education Act, applicable regulations, and appropriation acts.

Further information may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, SW, (Reporter's Building, Room 421), Washington, D.C. 20202. No standard form or format is specified or required for requests for participation. Information required to be included in requests for participation is set out in the Bilingual Education Regulations at 45 CFR 123.42(a).

D. *Applicable regulations.* The Bilingual Educational Fellowship Program will be subject to the regulations in 45 CFR Part 123—Subpart E §§ 123.41–123.50 relating to Fellowships for Preparation of Teacher Training published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23862).

(20 U.S.C. 880b–880b–13.)

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education.)

Dated: November 26, 1976.

EDWARD AGUIRRE,
U.S. Commissioner of Education.

[FR Doc.76-36743 Filed 12-14-76;8:45 am]

BILINGUAL EDUCATION

Closing Date for Receipt of Applications for Contracts for Coordination of Technical Assistance by State Educational Agencies for Programs

Pursuant to the authority contained in the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93–380 (20 U.S.C. 880b–880b–13), notice is hereby given that applications for assistance contracts for the coordination of Technical Assistance are being accepted from State Educational Agencies in the State where programs of bilingual education assisted under the Bilingual Education Act were operated during the fiscal year preceding the fiscal year for which assistance is sought.

Funds made available pursuant to this notice shall be used for the coordination of technical assistance to programs of bilingual education assisted under the Bilingual Education Act and operated by local educational agencies in the State of the applicant.

The amount paid to any State educational agency pursuant to this notice shall not exceed five percent of the aggregate of the amounts paid under Part A of the Act to local educational agencies in the State of such agency in the fiscal year preceding the fiscal year for which assistance under this subpart is sought.

Applications must be received by the U.S. Office of Education Application Control Center on or before February 15, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.403H. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 10, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered application will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* The amount of funds available in Fiscal Year 1977 for contracts for coordination of technical assistance is $3,900,000. Awards are made annually on a noncompetitive basis as assistance contracts to State educational agencies in States where programs of bilingual education assisted under the Bilingual Education Act were operated during the fiscal year preceding the fiscal year for which assistance is sought. Forty-seven states are eligible for Fiscal Year 1977 funds. Such states are entitled to up to five percent of the total basic program grants to local educational agencies in the State for Fiscal Year 1976.

Further information and application forms may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, SW (Reporter's Building, Room 421), Washington, D.C. 20202.

D. *Applicable regulations.* Assistance contracts awarded pursuant to this notice will be subject to the regulations in 45 CFR Part 123, relating to the Bilingual Education Act published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23862), and except where inconsistent with Part 123, the Office of Education General Provisions Regulations in 45 CFR Parts 100, 100a, and 100c. In preparing applications, applicants' attention is directed in particular to Subpart F of Part 123—§§ 123.51–123.60 relating to Coordination of Technical Assistance by State Educational Agencies.

(20 U.S.C. 880b–880b–13.)

Dated: November 26, 1976.

EDWARD AGUIRRE,
U.S. Commissioner of Education.

[FR Doc.76-36744 Filed 12-14-76;8:45 am]

EDUCATION PROFESSIONS DEVELOPMENT

Closing Dates for Receipt of Applications for EPDA, Part F, Section 552 and 553

Pursuant to the authority contained in Part F, sections 551–554 of the Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89–329 as amended (20 U.S.C. 1091–1092, 1119–1119c–3)), notice is hereby given that the Commissioner of Education has established closing dates for: (a) Receipt of applications under Vocational Education Leadership Development awards, and Vocational Education State Systems Programs; and (b) receipt of recommendations from State boards for vocational education for: (1) graduate programs for vocational education leadership development in institutions of higher education to participate in the Vocational Education Leadership Development Awards program, and (2) individuals to receive Leadership Development Awards. These will be all new awards; there will be no continuations.

A. *State systems and institutional applications and recommendations.*

(1) Applications for new awards under the Vocational Education State Systems Program must be received by the Application Control Center of the appropriate Regional Office on or before March 4, 1977. (Subject to the availability of funds, it is estimated that support for the State Systems program for all 56 States and territories will be $7,600,000.)

(2) Institutions of higher education must submit applications for new awards under the Vocational Education Leadership Development Program to the Commissioner of Education through the State Boards for Vocational Education in the States in which the institutions are located. These applications, and the recommendations from State boards regarding their approval must be received in the U.S. Office of Education Application Control Center in Washington, D.C., on or before January 21, 1977. (Subject to availability of funds, it is estimated that there will be approximately 240 individual awards and 33 institutional awards; the combined institutional support and individual stipend and dependency allowances will be approximately $10,000 per individual for a total of $2,400,000.)

B. *Individual applications and recommendations.* Applications from individuals for Leadership Development Awards must be submitted to the Com-

missioner through the appropriate State Board for Vocational Education. These applications and recommendations by the State board regarding their approval must be received by the U.S. Office of Education Application Control Center in Washington, D.C., on or before March 11, 1977.

C. *Recommendations and applications sent by mail.* Recommendations and applications sent by mail for Vocational Education Leadership Development should be addressed as follows: U.S. Office of Education Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.503. Applications sent by mail for Vocational Education State Systems Programs to the Regional Offices should be addressed to the appropriate Regional Office in the list set forth below, Attention: 13.504. Documents sent by mail will be deemed to have been received on time:

(1) If the document was sent by registered or certified mail (a) not later than January 17, 1977, for institutional applications under the Vocational Education Leadership Development Program, due on or before January 21, 1977; (b) not later than February 28, 1977, for applications under Vocational Education State Systems Program due on or before March 4, 1977; and (c) not later than March 7, 1977, for individual applications and recommendations under the Leadership Development Awards program due on or before March 11, 1977; as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or (2) If the document is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C., or, if required to be sent to a Regional Office, by the appropriate Regional Office of Education mailroom. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education and its Regional Offices.

D. *Hand delivered documents.* A document to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C., or, if required to be sent to the Regional Office, to the Application Control Center of the appropriate Regional Office. Hand delivered documents will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. local time except Saturdays, Sundays, or Federal holidays. Documents will not be accepted after 4:00 p.m. local time on the closing dates.

OFFICE OF EDUCATION REGIONAL OFFICES

Region I—(Boston)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. U.S. Office of Education, Application Control Center, John F. Kennedy Federal Bldg., Room 2303, Boston, Massachusetts 02203.

Region II—(New York)—New Jersey, New York, Puerto Rico, Virgin Islands, U.S. Office of Education, Application Control Center, 26 Federal Plaza, Room 3954, New York, New York 10007.

Region III — (Philadelphia) — Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia. U.S. Office of Education, Application Control Center, 3535 Market Street, Room 16200, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

Region IV—(Atlanta)—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. U.S. Office of Education, Application Control Center, 50 Seventh Street, N.E., Room 555, Atlanta, Georgia 30323.

Region V—(Chicago)—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. U.S. Office of Education, Application Control Center, 300 South Wacker Drive, 32nd Floor, Chicago, Illinois 60606.

Region VI—(Dallas)—Arkansas, Louisiana, New Mexico, Oklahoma, Texas, U.S. Office of Education, Application Control Center, 1200 Main Tower Building, Room 1440, Dallas, Texas 75202.

Region VII—(Kansas City)—Iowa, Kansas, Missouri, Nebraska. U.S. Office of Education, Application Control Center, New Federal Office Bldg., Room 360, 601 East 12th Street, Kansas City, Missouri 64106.

Region VIII—(Denver)—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming. U.S. Office of Education, Application Control Center, Federal Office Bldg., Room 11037, 1961 Stout Street, Denver, Colorado 80294.

Region IX—(San Francisco)—Arizona, California, Hawaii, Nevada, American Samoa, Trust Territory of the Pacific, Guam, Wake Island. U.S. Office of Education, Application Control Center, 50 United Nations Plaza, Room 213, San Francisco, California 94102.

Region X—(Seattle)—Alaska, Idaho, Oregon, Washington. U.S. Office of Education, Application Control Center, Arcade Plaza Bldg., M/S. 1505, 1321 Second Avenue, Room 508, Seattle, Washington 98101.

E. *Program information and forms.* Program information and forms for programs listed in this notice may be obtained from the Division of Educational Systems Development. Bureau of Occupational and Adult Education, U.S. Office of Education, Room 5652, 7th and D Streets, S.W., Washington, D.C. 20202, or from the Program Director in the appropriate Regional Office listed above.

F. *Applicable regulations.* Regulations applicable to these programs include 45 CFR Part 174. A final regulation amending Part 174 for Parts D and F of the Educational Professions Development Act was published in the FEDERAL REGISTER, Vol. 41, No. 73, April 14, 1976, pages 15690–15698. This regulation will govern operations of these programs, including assistance made available under the above closing dates.

In addition, awards under these programs (except for Leadership Development Awards under section 552 of the Act) will be governed by the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a).

(20 U.S.C. 1091, 1092—1119a, 1119c—1119c–3.)

(Catalog of Federal Domestic Assistance Nos. 13.503, 13.504.)

Dated: December 8, 1976.

EDWARD AGUIRRE,
U.S. Commissioner of Education.

[FR Doc.76-36727 Filed 12-14-76;8:45 am]

Public Health Service

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

Determinations

Correction

In FR Doc. 76–34926 appearing on page 52544 of the issue for Tuesday, November 30, 1976, in the heading in parentheses near the bottom of the first column, "occupational" should read "operational".

Office of the Secretary

HOSPITAL INSURANCE

Monthly Premium Rate for the Uninsured Aged

Pursuant to authority contained in section 1818(d)(2) of the Social Security Act (42 U.S.C. 1395i–2(d)(2)), I hereby determine and promulgate that the monthly hospital insurance premium, applicable for the 12-month period commencing July 1, 1977, is $54.

Section 1818 of the Social Security Act, added by section 202 of the Social Security Amendments of 1972 (Pub. L. 92–603), provides for voluntary enrollment in the hospital insurance program (Part A of Medicare) by certain uninsured persons 65 and older who are otherwise ineligible. Section 1818(d)(2) of the Act requires the Secretary to determine and promulgate, during the final quarter of 1976, the dollar amount which will be the monthly Part A premium for voluntary enrollment, for months occurring in the 12-month period beginning July 1, 1977. As required by statute, this amount must be $33 times the ratio of (1) the 1977 inpatient hospital deductible to (2) the 1973 inpatient hospital deductible, rounded to the nearest multiple of $1, or if midway between multiples of $1, to the next higher multiple of $1.

The purpose of the premium formula is to adjust the original $33 premium for changes in the cost of providing hospital care. The ratio of the inpatient hospital deductibles does this approximately, since the deductible as calculated under section 1813(b)(2), is based on the average daily cost of providing hospital care under the hospital insurance program. However, the deductible is calculated (by law) from data reflecting program experience in an earlier year. The increase in the 1977 deductible, and thus the increase in the premium now beng promulgated for the period July 1977 to June 1978, results from the increase in hospital per diem costs in calendar year 1975 over 1974. In addition, the premium calculation fails to adjust for changes in the hospital utilization rate and for changes in non-hospital costs under the program.

For these reasons, the premium can only be a rough approximation to actual per capita program costs.

Under section 1813(b)(2) of the Act, the 1977 inpatient hospital deductible was determined to be $124. The 1973 deductible was actuarially determined to be $76, although the 1973 deductible was actually promulgated to be only $72 to comply with a ruling of the Cost of Living Council. The premium for the 12-month period ending June 30, 1978 has been calculated using the $76 deductible for 1973, since this appears to satisfy most closely the intent of the law. Thus the monthly hospital insurance premium is $33 X (124/76) = $53.84, which is rounded to $54.

Dated: December 8, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.76-36828 Filed 12-14-76;8:45 am]

Office of Assistant Secretary for Health

AMPICILLIN

Rescheduling of Informal Hearing

Notice is hereby given of a change in the FEDERAL REGISTER notice of November 19, 1976 (Vol. 41, No. 225) regarding the public hearing on the Maximum Allowable Cost for ampicillin before the Pharmaceutical Reimbursement Board of the Department of Health, Education, and Welfare. The notice states that the hearing will be held at 10 a.m. on January 12, 1977, in Room 5051 of the HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201. At the request of several interested persons, the hearing before the Board has been rescheduled for 10 a.m. on January 10, 1977, in Room 1409 of the HEW Food and Drug Administration Building, 200 C Street, SW., Washington, D.C. 20201.

In the conduct of the hearing, the requirements of § 19.5(h) of the regulations concerning Limitation on Payment or Reimbursement for Drugs (45 CFR Part 19) will be strictly adhered to. In particular, it is emphasized that each person or organization wishing to appear at the hearing must, no later than 15 days prior to the hearing, submit in writing to the Board a statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and references to any published data to be relied upon. Those so requesting to appear will be notified in writing whether they may appear, the time they will be allotted, and the issues on which they will be heard. Only those persons or organizations who have made such written requests, and whose requests to appear have not been denied, will be permitted to present testimony.

All requests to appear at the informal hearing should be addressed to Executive Secretary, Pharmaceutical Reimbursement Board, Office of Quality Standards, Room 16A09, Parklawn Building, Rockville, Maryland 20857.

Dated: December 8, 1976.

MARK NOVITCH,
Executive Secretary, Pharmaceutical Reimbursement Board.

[FR Doc.76-36845 Filed 12-14-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO FALLS DISTRICT MULITPLE USE ADVISORY BOARD

Postponement of Meeting

Notice is hereby given that the meeting of the Idaho Falls District Advisory Board scheduled for January 7, 1977 to be held at the Bureau of Land Management building, 940 Lincoln Road, Idaho Falls, Idaho has been postponed. An announcement of this meeting was published in the FEDERAL REGISTER on December 1, 1977. The meeting will be rescheduled in the future at which time a notice will be published.

Dated: December 7, 1976.

O'DELL A. FRANDSEN,
District Manager.

[FR Doc.76-36847 Filed 12-14-76;8:45 am]

[Bureau Order No. 701, Amdt. No. 24]

DISTRICT MANAGERS

Redelegation of Authority Involving Lands and Resources

Bureau Order No. 701 dated July 23, 1964, is further amended as follows:

Paragraph (n) of Section 3.6 is amended to read:

Part III Redelegation to District Managers

* * * * *

SECTION 3.6 *Minerals*

* * * * *

(n) *Geothermal Resource Leases.* Take all actions involving geothermal resource exploration and operations as provided in 43 CFR 3203.6 and Subpart 3209.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.76-36846 Filed 12-14-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

APPLIED SCIENCE LABORATORIES, INC.

Manufacture of Controlled Substances; Notice of Registration

By Notice dated October 4, 1976, and published in the FEDERAL REGISTER on October 8, 1976; (41 FR 44433), Applied Science Laboratories, Inc., 139 North Gill Street (Box 440), State College Park, Pennsylvania 16801, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	*Schedule*
Mescaline	I
Lysergic acid diethylamide	I

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: December 3, 1976.

FREDERICK A. RODY, Jr.,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.76-36829 Filed 12-14-76;8:45 am]

B. DAVID HALPERN, POLYSCIENCES, INC.

Importer of Controlled Substances; Notice of Registration

By Notice dated October 7, 1976, and published in the FEDERAL REGISTER on October 18, 1976; (41 FR 45854), B. David Halpern, Polysciences, Inc., Paul Valley Industrial Park, Warrington, PA 18976, made application to the Drug Enforcement Administration to be registered as an importer of tetrahydrocannabinols, a basic class of controlled substance listed in Schedule I, for the importation of, unique isomers and semi-synthetic manufactures for supply to researchers and analytical laboratories as standards.

No comments or objections have been received, and the criteria of Section 1002(a)(2)(B) of the Act has been met in that there are no registered domestic bulk manufacturers of tetrahydrocannabinols. Therefore, pursuant to section 1008 Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and in accordance with 21 CFR 1311.42, the above firm is granted registration as an importer of tetrahydrocannabinols, as specified above.

Dated: December 3, 1976.

FREDERICK A. RODY, Jr.,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.76-36830 Filed 12-14-76;8:45 am]

KNAUF & TESCH CO.

Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on November 9, 1976, Knauf & Tesch Company, Chilton, Wisconsin 53014, made application to the Drug Enforcement Administration to be registered as an importer of marihuana, a basic class controlled substance in Schedule I, for the importation of seed only, to be rendered nonviable for use in feed.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than January 12, 1977.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: December 3, 1976.

FREDERICK A. RODY, Jr.,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-36832 Filed 12-14-76;8:45 am]

MALLINCKRODT, INC.

Manufacture of Controlled Substances; Notice of Withdrawal of Application

On May 11, 1976, the Drug Enforcement Administration published a Notice of Application in the FEDERAL REGISTER (41 FR 19233) stating that Mallinckrodt, Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147, has submitted an application for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug:	*Schedule*
Nalbuphine	II
14-Hydroxynormorphinone	I

The Drug Enforcement Administration has determined that 14-Hydroxynormorphinone is not a basic class drug as defined in section 1301.02(b) of Title 21 of the Code of Federal Regulations and thus publication was not necessary. Mallinckrodt, Inc.'s current registration is adequate for the manufacturer of this substance. Nalbuphine is in the final stages of being decontrolled and thus registration to produce this substance will not be necessary. Therefore, the notice published on May 11, 1976, is hereby withdrawn and any proceedings relating to the application have been terminated and the publication withdrawn.

Dated: December 3, 1976.

FREDERICK A. RODY, Jr.,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-36831 Filed 12-14-76;8:45 am]

TRAVENOL LABORATORIES, INC.

Manufacture of Controlled Substances; Notice of Registration

By Notice dated July 2, 1976, and published in the FEDERAL REGISTER on July 12, 1976; (41 FR 28533), Cyclo Chemical Division, Travenol Laboratories, Inc., 1922 East 64th Street, Los Angeles, California 90001, made application on May 19, 1976, to the Drug Enforcement Administration (DEA), to be registered as a bulk manufacturer of diphenoxylate, a basic class of controlled substance listed in Schedule II. Additionally, prior to DEA approval, that application was updated on August 4, 1976.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of diphenoxylate is granted.

Dated: December 3, 1976.

FREDERICK A. RODY, Jr.,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-36833 Filed 12-14-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[LICENSE NO. 05/07-0005]

FIRST WISCONSIN INVESTMENT CORP.

Notice of License Surrender

Notice is hereby given that First Wisconsin Investment Corporation, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53201 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended, (the Act). First Wisconsin Investment Corporation was licensed by the Small Business Administration on July 14, 1959.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on November 29, 1976, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: December 8, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-36854 Filed 12-14-76;8:45 am]

[Declaration of Disaster Loan Area No. 1278; Amdt. No. 1]

MARYLAND

Declaration of Disaster Loan Area

The above numbered Declaration (See 41 FR 47611) is amended in accordance with the President's declaration of October 14, 1976, to include Carroll County within the State of Maryland.

The Small Business Administration will accept applications for disaster relief loans from disaster victims within the above-named county and adjacent counties, and is extending the filing date for physical damage until the close of business on January 21, 1977, and for economic injury until the close of business on August 22, 1977.

Date: December 8, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-36855 Filed 12-14-76;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

AMERICAN RED MAGEN DAVID FOR ISRAEL

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

American Red Magen David for Israel, 888 Seventh Avenue, Suite 403, New York, New York 10019.

Dated: December 6, 1976.

FRED O. PINKHAM,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.76-36745 Filed 12-14-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

PROPOSED GUIDELINES FOR TERMS AND CONDITIONS OF RAIL TRANSIT EQUIPMENT PROCUREMENT CONTRACTS

Public Hearing

Notice is hereby given that the Department of Transportation, Urban Mass

Transportation Administration, will hold a public hearing at the DOT (NASSIF) Building, 400 7th Street SW., Washington, D.C. on Wednesday, January 12, 1977, to receive comments on proposed UMTA guidelines for terms and conditions to be used in contracts for the procurement of rail transit equipment purchased with UMTA capital grant funds. These proposed guidelines appear at the end of this notice.

BACKGROUND

The Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA) has been reviewing policies and practices relating to terms and conditions included in contracts awarded by UMTA capital grant recipients for the puchase of rail transit equipment. The views of the public, including fixed guideway transit operators, transit equipment suppliers, consultants and other interested parties were sought and obtained in a previous public meeting held by UMTA on October 28, 1975, at which contract terms and conditions were discussed.

Subsequently, pursuant to a contract with UMTA, the American Public Transit Association (APTA) has prepared preliminary draft guidelines for several contract terms and conditions usually included in rail transit car procurement contracts. Comments on this preliminary draft, dated October 8, 1976, have been provided by the Committee on Public Mass Transportation of the Railway Progress Institute (RPI), a trade association composed of rail transit equipment suppliers. APTA has provided comments on the RPI review, dated October 19, 1976, and RPI has provided revised comments dated October 22, 1976. The preliminary draft guidelines dated September 20, 1976, and the APTA and RPI comments thereto are available for public inspection as part of the docket (described below) established in connection with this meeting.

Based on the information presented in the October 28, 1975 meeting and the information contained in the submittals cited above, UMTA has prepared proposed guidelines for several contract clauses usually included (or mandated by other UMTA requirements) in contracts for the procurement of rail transit equipment purchased with UMTA capital grant funds. These guidelines are preliminary and tentative in nature and do not reflect the final Government position. Further, these guidelines do not and are not intended to cover all matters addressed in such contracts. It is the intention of UMTA, however, that future UMTA-supported contracts shall utilize such guidelines.

The preliminary guidelines are presented at the end of this notice, covering the following topics: Authority of the Engineer or Other Agent of the Buyer; Extra Work (Changes); Guarantee/Warranty; Title; Risk of Loss; Acceptance; Indemnification; Payment; Liquidated Damages; Termination For Default; Excusable Delays; Stop Work Orders (Suspension of Work); Changes in Laws or Regulations; Approval of Subcontracts; Inspections and Tests; Disputes and Claims; Pre-bid Amendments to Buyer's Solicitation; Buyer's Pre-bid Appeal Procedures; Exemption From Guidelines.

The views of the public, including fixed guideway transit operators, transit car builders and equipment suppliers, consultants, and other interested parties are now sought on these tentative guidelines. To this end, a public hearing will be held on Wednesday, January 12, 1977, commencing at 9:30 a.m. at the Department of Transportation Headquarters (NASSIF) Building, Room 6232, 400 7th St. S.W., Washington, D.C. All persons, official bodies and other organizations interested in presenting written and/or oral testimony pertaining to this hearing may register in advance of the hearing by calling (202) 426-4043 or writing the Director, UMTA Office of Public Affairs, 400 7th St. S.W., Room 9330, Washington, D.C. 20590. Those persons, official bodies or other organizations who do not register in advance will be registered at the hearing and will be heard after the advance registrants have been heard. If a large number of persons request an opportunity to speak, UMTA reserves the right to restrict the length of time allowed for each oral statement. Additional written comments on the subject matter of this hearing may be submitted to the docket within thirty (30) days following the hearing (until February 11, 1977).

Public comment is requested on the following issues pertaining to the utility or application of the proposed guidelines:

1. Are these guidelines appropriate for use in preparation of rail transit car procurement contracts? If not, what changes should be made in specific guidelines to make them suitable for their intended use? Additionally, are these guidelines suited for contracts for other rail transit equipment and what changes might be suggested for this use?

2. What additional guidelines for contract clauses should be considered? UMTA is not proposing guidelines on guarantee/warranty clauses at this time, but suggestions for such guidelines are solicited. Proposed text for such contract clauses is also solicited.

Docket. A docket will be established in connection with this meeting. The docket will contain the contractor's (APTA's) preliminary draft guidelines and the comments thereto mentioned earlier, the transcript of the public meeting held in connection with this activity on October 28, 1975, and all comments received in connection with this activity. Submissions to the docket should be addressed to the Office of Safety and Product Qualification, URD-50, UMTA, 2100 2nd St. SW., Washington, D.C. 20590. All material in the docket is available for public inspection at Room 6201 Trans Point Building, UMTA, 2100 2nd St. S.W., Washington, D.C., phone (202) 426-9545, between the hours of 9 a.m. and 4 p.m.

In addition, the preliminary draft guidelines dated September 20, 1976, and the comments thereto will also be available for public inspection at all UMTA regional offices. Their addresses are:

REGION I

Peter N. Stowell, Regional Director, UMTA, Kendall Square, 55 Broadway, Cambridge, Mass. 02142, (617) 494-2055; FTS 837-2055.

REGION II

Kenneth Vought, Acting Regional Director, Suite 1811, 26 Federal Plaza, New York, N.Y. 10007, (212) 264-8162; FTS 264-8162.

REGION III

Frank K. Gimmler, Regional Director, Suite 1010, 434 Walnut Street, Philadelphia, Pa. 19106, (215) 597-8098; FTS 597-8098.

REGION IV

Doug Campion, Regional Director, Suite 400, 1720 Peachtree Road, NW., Atlanta, Ga. 30309, (404) 526-3948; FTS 285-3948.

REGION V

Theodore Weigle, Regional Director, UMTA, Suite 1740, 300 S. Wacker Drive, Chicago, Ill. 60606, (312) 353-0100; FTS 353-0100.

REGION VI

Glen Ford, Regional Chief, UMTA, Suite 9A32, 819 Taylor Street, Fort Worth, Tex. 76102, (817) 334-3787; FTS 334-3787

REGION VII

Lee Waddleton, Regional Chief, UMTA, Room 303, 6301 Rock Hill Road, Kansas City, Mo. 64131, (816) 926-5053; FTS 926-5053.

REGION VIII

Len Lacour, Acting Regional Director, UMTA, Suite 1822, Prudential Plaza, 1050 17th Street, Denver, Colo. 80202, (303) 837-3242; FTS 327-3242.

REGION IX

Dee Jacobs, Regional Director, UMTA, Suite 620, Two Embarcadero Center, San Francisco, Calif. 94111, (415) 556-2884; FTS 556-2884.

REGION X

F. William Fort, Regional Chief, UMTA, Suite 3106, Federal Building, 915 Second Avenue, Seattle, Wash. 98174, (206) 442-4210; FTS 399-4210

Following this meeting and a review of all information submitted during the specified time period, UMTA will prepare a final version of these guidelines to be promulgated through appropriate channels.

Issued in Washington, D.C., December 10, 1976.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

TENTATIVE UMTA GUIDELINES FOR RAIL TRANSIT EQUIPMENT CONTRACTUAL TERMS AND CONDITIONS

1. AUTHORITY OF THE ENGINEER OR OTHER AGENT OF THE BUYERS

a. The buyer may reserve the right to designate its agent(s) (whether called the "Engineer," "contracting officer," "inspector," or other title) from its own staff, from a consulting firm, or from any agency legally authorized to represent the buyer. The buyer shall make explicit in writing the authority delegated to its agent(s).

b. All orders issued by the buyer or its agent(s) to the seller shall be in writing. Each order shall be in conformance with the authority delegated to the agent issuing the order.

c. The seller may rely on the buyer's written approval of drawings, provided that the seller has called attention to all deviations. Notwithstanding the above, such approval does not relieve the seller of its responsibilities under the contract. The buyer shall supply written reasons and explanations for its disapproval of any required submittals.

d. The buyer shall specify a period (ten (10) calendar days) for review of design data submitted by the seller. Drawing submittals shall be in a sequential order consistent with an agreed schedule of anticipated volume per unit of time. A schedule containing all technical data, drawings and other information required to be delivered under the contract (a Contract Data Requirements List (CDRL)) may be used.

e. Any dispute about an order issued by the buyer or its agent(s) shall be resolved in accordance with the contract's "disputes" provision. The seller shall proceed with the work in accordance with the duly authorized orders of the buyer.

II. EXTRA WORK (CHANGES)

The buyer may issue written orders to the seller to perform extra work. Extra work is work ordered by the buyer that differs from the work currently specified in the contract. Within thirty (30) calendar days of the seller's receipt of an extra work order, the seller shall provide to the buyer a detailed change order proposal which includes costs (reduced to cost elements) for completing the extra work. The proposal submitted shall be subject to negotiation between the parties. Disagreements that cannot be resolved within the negotiations shall be resolved in accordance with the contract disputes clause. Regardless of any disputes, the seller shall proceed with the extra work ordered. (*Extra work ordered under the contract shall not commit UMTA to provide funds in support of such extra work unless UMTA approves and agrees to support the specific extra work ordered, as provided by UMTA regulations and procedures*).

III. GUARANTEE/WARRANTY

The Government is desirous of issuing guidelines on this matter but because of the extent and complexity of this subject cannot do so at this time. However, comments are requested from the public, including suggested guidelines and/or proposed language and text for contract clauses which address buyer and seller responsibilities, scope, duration and remedies.

IV. TITLE

Title to equipment purchased under the contract shall pass to the buyer no later than delivery of the equipment as required by the contract.

V. RISK OF LOSS

Risk of loss for equipment delivered under the contract shall pass to the buyer upon delivery of the equipment as required by the contract.

VI. ACCEPTANCE

The buyer shall provide written notice of its acceptance or rejection of equipment delivered under the contract within thirty (30) calendar days after delivery, or such other time as may be mutually agreed. Neither passage of title nor transfer of risk of loss shall constitute acceptance.

VII. INDEMNIFICATION

UMTA is not proposing a general guideline for indemnification because it is believed that State law and court cases adequately and appropriately address the various situations in which the seller would be obligated to indemnify the buyer.

VIII. PAYMENT

A policy for progress payments is in preparation by UMTA.

IX. LIQUIDATED DAMAGES

The need for a liquidated damages clause should be determined on a case-by-case basis. A liquidated damages clause may be used when the buyer has reason to expect that failure by the seller to perform in accordance with the contract will cause damage to the buyer and the amount of such damage is difficult or impossible to ascertain or prove. Liquidated damages shall not be used as a penalty.

If liquidated damages are included in a contract, the amount to be assessed against the seller must be supported by detailed data and the rationale used to establish such amount. The buyer shall not assess liquidated damages against the seller if the seller is terminated for default.

X. TERMINATION FOR DEFAULT

a. The buyer may, subject to the provisions of paragraph (c) below, by written notice of default to the seller, terminate the whole or any part of the contract in any one of the following circumstances:

(i) If the seller fails to make delivery of the equipment or to perform the services within the time specified or any extension thereof; or

(ii) If the seller fails to perform any of the other provisions of the contract, or so fails to make progress as to endanger performance of the contract in accordance with its terms, and in either of these two latter circumstances does not cure such failure within a period of ten (10) calendar days (or such longer period as the buyer may authorize in writing) after receipt of notice from the buyer specifying such failure.

b. In the event the buyer terminates the contract in whole or in part as provided in paragraph a, the buyer may procure, upon such terms and in such manner as the buyer deems appropriate, equipment or services similar to those so terminated, and the seller shall be liable to the buyer for any excess costs for such similar equipment or services; provided, that the seller shall continue the performance of the contract to the extent not terminated.

c. Except with respect to defaults of subcontractors, the seller shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the seller. (See guideline on excusable delays).

d. If, after notice of termination of the contract, it is determined for any reason that the seller was not in default, or that the default was excusable, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the buyer, be the same as if the notice of termination had been issued pursuant to such clause.

e. As used herein, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

XI. EXCUSABLE DELAYS

Except with respect to defaults of subcontractors, the seller shall not be liable for any excess costs if the failure to perform in accordance with the contract arises out of causes beyond the control and without the fault or negligence of the seller. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government or buyer in either their sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the seller. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the seller and the subcontractor, and without the fault or negligence of either of them, the seller shall not be liable for any excess costs of failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the seller to meet the contract requirements. (As used herein, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.)

XII. STOP WORK ORDERS (SUSPENSION OF WORK)

a. The buyer may, at any time, by written order to the seller, require the seller to stop all, or any part, of the work called for by the contract for a period of up to forty-five (45) calendar days after the order is delivered to the seller, and for any further period to which the parties may agree. Any such order shall be issued only by a duly authorized agent of the buyer and shall be specifically identified as a stop work order. Upon receipt of such an order, the seller shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of forty-five (45) calendar days after a stop work order is delivered to the seller, or within any extension of that period to which the parties shall have agreed, the buyer shall either:

(i), Cancel the stop work order; or

(ii), Terminate the work covered by such order.

b. If a stop work order is canceled or the period of the order or any extension thereof expires, the seller shall resume work. An equitable adjustment shall be made in the delivery schedule or contract price, or both, and if appropriate, the contract shall be modified in writing.

c. If a stop work order is not canceled and the work covered by such order is terminated for the convenience of the buyer, the reasonable costs resulting from the stop work order shall be allowed in arriving at the termination settlement.

d. If a stop work order is not canceled and the work covered by such order is terminated for default, the reasonable costs resulting from the stop work order shall be allowed by equitable adjustment or otherwise.

XIII. CHANGES IN LAWS OR REGULATIONS

The contract shall provide that changes in laws or regulations which occur after the date of bid opening and which necessitate changes in the work to be performed under the contract constitute extra work.

XIV. APPROVAL OF SUBCONTRACTORS

The buyer, in its bid solicitation documents, may reserve the right to approve the seller's selection of subcontractors: (a), For subsystems whose value exceeds $10,000 per car and which are identified in advance by the buyer; and (b), For subsystems which the buyer designates in advance as critical. This approval shall occur prior to the date of bid opening.

XV. INSPECTIONS AND TESTS

The contract shall specify all tests and inspections to be performed under the contract. Changes in the number and/or content of tests and inspections shall constitute extra work. The buyer shall perfom tests and inspections in a timely fashion and shall not unduly delay the work. If the work is not ready for a test or inspection as required under the contract, the seller may be held liable for incidental costs (e.g., travel, per diem, etc.) reasonably incurred by the buyer in connection with that test or inspection. If a test or inspection reveals noncompliance with the contract's specifications, the contract shall require that the cost of a subsequent retest and/or reinspection be borne by the seller.

XVI. DISPUTES AND CLAIMS

a. *Disputed Issues of Fact.* The contract shall contain a procedure for the resolution of disputed issues of fact arising under the contract. Issues which cannot be resolved by agreement shall be referred to the buyer's designated agent for decision by the buyer, which shall render its decision in writing and deliver it to the seller. The contract may provide an appeal procedure within the buyer's organization for review of the initial decision, and may further provide for arbitration by impartial arbitrator(s) binding on the buyer in accordance with an established arbitration procedure. This arbitration proceeding shall not be binding on UMTA. Judicial review shall be available in accordance with state law governing the contract. Pending resolution of the dispute, the seller shall proceed with the work in accordance with the buyer's decision.

b. *Claims.* The contract shall contain a procedure for the processing and resolution of claims arising under the contract. The claims procedure shall identify the buyer's designated agent to whom claims should be submitted, and shall provide that the seller shall have at least sixty (60) calendar days from the occurrence for which the claim is submitted (or from the expiration of the time limit in which to appeal a decision rendered under the disputes provision of the contract) in which to submit a claim.

The buyer shall respond to the seller within sixty (60) days of receipt of a claim by either: (a), Approving the claim; (b), Denying the claim; (c), Requesting necessary information from the seller to enable the buyer to resolve the claim, in which case the buyer shall render its decision on the claim within sixty (60) days of its receipt of the requested information; or, (d), Determining that the claim presents a disputed issue of fact which must be resolved in accordance with the disputes provision of the contract. Judicial review shall be available in accordance with state law governing the contract. (*The determination of disputes or claims shall not commit UMTA to provide funds in support of such disputes or claims unless UMTA approves and agrees to support such determination.*)

XVII. PRE-BID AMENDMENTS TO BUYER'S SOLICITATION

The buyer shall establish a final date at least twenty (20) calendar days prior to the date of bid opening for the issuance of amendments to its bid solicitation documents. Any amendment issued after the final date shall contain a provision postponing the date of bid opening to a date which will provide bidders adequate time to respond to the amendment. Amendments shall be sequentially numbered.

XVIII. BUYER'S PRE-BID APPEAL PROCEDURE

The buyer shall establish a pre-bid appeal procedure in conformance with the following guidelines:

a. The buyer may reserve the right to postpone the date of bid opening for its own convenience, and to reject any or all bids for cause concurred in by UMTA.

b. All major changes in the buyer's bid solicitation documents affecting price or preparation of the bid shall be issued at least twenty (20) calendar days prior to the date of bid opening.

c. All bidders and suppliers may make appointments with the buyer to discuss the specifications. This does not relieve them, however, from the requirements of paragraphs d. and f. below.

d. Requests for approved equals, clarifications of specifications must be submitted in writing and must be received by the buyer not less than twenty-eight (28) calendar days before the date of bid opening. A request for an approved equal or a protest of the specifications must be fully supported with technical data, test results, or other pertinent information as evidence that the substitute offered is equal to or better than the specification requirement.

e. The buyer's decisions on submissions under paragraph d. above will be postmarked at least seventeen (17) calendar days prior to the date of bid opening.

f. An appeal of the buyer's decision by a bidder or a supplier must be in writing and received by the buyer not less than seven (7) calendar days before the date of bid opening. Appeals received less than seven (7) calendar days before the date of bid opening will not be considered. In deciding appeals, the buyer will consider only the documentation from the seller developed during the previous discussions between the buyer and the bidder or supplier, and the additional information obtained through specific requests to the buyer, bidder, supplier, or other third party.

g. An appeal may be withdrawn at any time before the buyer issues a final decision. Once the final decision is issued, no further review by the buyer will be available.

h. If the date of bid opening is postponed, the buyer will notify those who are on record as having purchased a copy of the bid solicitation documents that an appeal has been filed and that the date of bid opening is postponed until the buyer has issued its final decision. Appropriate amendments will be issued postponing and rescheduling the date of bid opening.

(*The guidelines cited above do not address the availability of appeals to UMTA.*)

EXEMPTIONS FROM GUIDELINES

If a buyer determines that it cannot legally comply with any of the above guidelines, it shall provide UMTA with an explanation and the basis for its determination, and the content of the substitute contract provision which the buyer proposes to use.

[FR Doc.76-36905 Filed 12-14-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[048067]

TECHNICAL ATRAZINE FROM ISREAL

Duty-Free Treatment Under Generalized System of Preferences

Notice is hereby given pursuant to § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)) of the filing of a petition by an American manufacturer under the provisions of section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), to withdraw the duty-free treatment of Technical Atrazine imported from Israel. Technical Atrazine is classifiable under item 425.10 of the Tariff Schedules of the United States and, pursuant to Executive Order No. 11888, dated November 24, 1975 (40 FR 55275), is eligible for duty-free treatment under the Generalized System of Preferences. The petitioner claims that the Technical Atrazine imported from Israel does not meet the 35 percent criterion of § 10.176 (a) of the Customs Regulations (19 CFR 10.176(a)).

Interested persons may submit written statements to the Commissioner of Customs, Attention: Classification and Value Division, Washington, D.C. 20229, supporting or opposing this petition on or before January 14, 1977.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8 (b)), at the Special Projects and Programs Branch, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.76-38909 Filed 12-14-76;8:45 am]

[Administrative Ruling No. 76-4]

GOVERNMENTS ELIGIBLE FOR ANTI-RECESSION FISCAL ASSISTANCE PAYMENTS

Deadline for Filing of Statement of Assurances

Section 52.10(b) of the interim regulations (31 CFR 52.10(b), 41 FR 44842) promulgated pursuant to Title II of the Public Works Employment Act of 1976 (Pub. L. 94-369), provides that governments otherwise eligible to receive anti-recession fiscal assistance payments under the Act that have not filed a statement of assurances form with the Director by November 12, 1976, must file such form by December 13, 1976 in order to receive payment for the calendar quarters beginning July 1, 1976, October 1, 1976 and January 1, 1977 at the time payments are made for the quarter beginning January 1, 1977. Governments not filing the requisite statement of assurances form cannot qualify for payments under § 52.10(b) of the regulations.

In order to provide potential recipient governments additional time to become aware of the requirement to file a statement of assurances form as a condition precedent to receiving payments, the aforementioned deadline for filing assurances for the first three calendar quarters under the program (July 1, 1976, October 1, 1976 and January 1, 1977) will be extended until March 11, 1977. Accordingly, any otherwise eligible government filing a statement of assurances form in accordance with the Act and regulations on or before March 11, 1977

will be paid an amount equal to their final allocations for the four calendar quarters beginning on the first day of July and October, 1976, and January and April, 1977, at that time payments are made for the calendar quarter beginning April 1, 1977. Governments that have not filed a statement of assurances form on or before March 11, 1977 will be deemed to have waived payments for the calendar quarter beginning April 1, 1977, as well as for all preceding calendar quarters. Any payments as are waived shall be paid by the Director into the Antirecession Fiscal Assistance Adjustment Reserve Fund for subsequent distribution to eligible governments pursuant to § 52.20 of the interim regulations (31 CFR 52.20).

Dated: December 9, 1976.

JEANNA D. TULLY,
Director, Office of Revenue Sharing.

[FR Doc.76-36862 Filed 12-10-76;2:46 pm]

Office of the Secretary

ROUND HEAD STEEL DRUM PLUGS FROM JAPAN

Antidumping; Withholding of Appraisement Notice

Information was received on May 5, 1976, from counsel acting on behalf of Allen-Stevens Drum Accessories Corporation, Somerset, New Jersey, alleging that round head steel drum plugs from Japan are being, or are likely to be, sold in the United States at less than fair value, thereby causing injury to, or likelihood of injury to, or the prevention of the establishment of an industry in the United States, 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"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of June 11, 1976 (41 FR 23732).

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in the Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of round head steel drum plugs from Japan is less than fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.*—It appears that all imports of the subject merchandise from Japan were manufactured by Enomoto Industries Company, Ltd., Takaishi City, Japan. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.*—For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to a non-related Japanese trading company. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis for fair value purposes.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and home market sales of the subject merchandise from Japan during the 6-month period January 1, 1976 through June 30, 1976.

c. *Purchase Price.*—For the purpose of this tentative determination of sales at less than fair value, since all of the merchandise was purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account it was purchased, within the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the ex-warehouse, Japanese port, packed price to the United States, with a deduction for inland freight.

d. *Home Market Price.*—For the purposes of this tentative determination of sales at less than fair value, the home market price has been calculated on the basis of the delivered, packed price. Adjustments have been made for freight and interest costs. Adjustments for interest costs relate to extended payment terms granted to customers in the home market.

Adjustments were claimed by counsel for the manufacturer for differences in circumstances of sale in accordance with § 153.10, Customs Regulations (19 CFR 153.10), for sales expenses, inventory warehousing expenses, administrative expenses, and technical service expenses. These expenses do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses.

Adjustments to the home market price, in purchase price situations, are allowed only for circumstances of sales which bear a direct relationship to the sales under consideration. Accordingly, the sales expenses, inventory warehousing expenses, and administrative expenses are not allowable adjustments, since these expenses must be borne regardless of whether particular sales are made. The technical service expenses pertained to flanges rather than drum plugs, so they are not related to the sales under consideration.

e. *Result of Fair Value Comparison.*—Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the home market price of such or similar merchandise. Comparisons were made on 100 percent of the subject merchandise sold to the United States during the period of investigation by the manufacturer investigated. Margins were tentatively found, ranging from 85 to 120 percent, on 100 percent of the sales compared. The weighted average margin tentatively appears to be between 90 to 100 percent of all sales.

Accordingly, Customs officers are being directed to withhold appraisement of round head steel drum plugs from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his Office on or before December 27, 1976. Such request must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should also be addressed to the Commissioner of Customs in time to be received by his office on or before January 14, 1977.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective December 15, 1976. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

Dated: December 8, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-36723 Filed 12-14-76;8:45 am]

UNITED STATES COURT OF CLAIMS

[Congressional Reference Case No. 4-46]

CLAIMS FOR LOSSES AND DAMAGES SUSTAINED BY INNOCENT VICTIMS OF OCCUPATION OF WOUNDED KNEE, SOUTH DAKOTA

Chief Commissioner's Order Establishing Deadline for the Filing of Claims

Filed December 10, 1976.

On August 16, 1976, the United States Senate referred Senate Bill 2907, together with Senate Resolution 378 and accompanying papers, to the Chief Commissioner of the United States Court of Claims, under 28 U.S.C. 1492 and 2509. Senate Bill 2907 was entitled "A bill for the relief of innocent victims of the occupation of Wounded Knee, South Dakota." The Chief Commissioner was directed to report to the Senate of the United States, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand, by the inno-

cent victims of the occupation of Wounded Knee, as a claim, legal or equitable, against the United States or a gratuity, and the amount, if any, legally or equitably due from the United States to the innocent victim claimants. The Senate documents and accompanying papers were filed with the Chief Commissioner on August 18, 1976.

The role of the United States Court of Claims in this case is ministerial. The Court only provides the facilities and personnel for the handling of the claims without itself being involved in the decisionmaking process. None of the claims are before the court and none are subject to any judicial review. Accordingly, all claims hereto filed and/or to be filed are before the Chief Commissioner, United States Court of Claims, for subsequent handling pursuant to the Senate Reference noted above.

On August 18, 1976, the clerk of the court issued notices to the then known claimants of the docketing of the Senate documents and accompanying papers, referred to above. This procedure was necessary because no claimants were identified in the formal Senate documents and papers transmitted to the Chief Commissioner. These notices advised that claimants had ninety (90) days, or to and including November 16, 1976, to file petitions setting forth claims within the purview of Congressional Reference Case No. 4–76. Subsequently, it was discovered that other claimants, not noticed on August 18, 1976, existed. In order to provide what was then considered to be a reasonable time for all claimants, noticed or otherwise, to file petitions, the Chief Commissioner ordered that all potential claimants were allowed an extension of time, to and including December 16, 1976, to file petitions in this matter. This order, while filed and docketed with the Clerk of the Court, was not subject to meaningful distribution so as to provide adequate notice to all concerned claimants as to the deadline applicable for the filing of petitions in Congressional Reference Case No. 4–76. Moreover, awareness of the availability of a forum for innocent victim claimants of Wounded Knee became more pronounced subsequent to November 16, 1976, and indicated that the December 16, 1976, date was unrealistic in terms of providing every potential claimant with an opportunity to file a claim petition as envisioned by the Senate in referring the matter to the Chief Commissioner.

The purpose of the Order issued herein, and its publication this date, is to establish a definitive and final date on which petitions in Congressional Reference Case No. 4–76 will be received.

Accordingly, in the interest of fairness to and concern for all claimants who may be innocent victims of the occupation of Wounded Knee, South Dakota, and in the interest of effective, speedy, and efficient administration of the handling of this Congressional Reference case, it is hereby *ordered*, That all claimants who consider themselves innocent victims of the occupation of Wounded Knee, South Dakota, are allowed an extension of time to and including March 1, 1977, within which to file and have docketed with the Clerk of the Court of Claims their petitions in Congressional Reference Case No. 4–76. No petition by any innocent victim of Wounded Knee claimant will be accepted for filing in this matter subsequent to March 1, 1977.

ROALD A. HOGENSON,
Chief Commissioner.

[FR Doc.76–36897 Filed 12–14–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 212]

ASSIGNMENT OF HEARINGS

DECEMBER 10, 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 142254, Friedl Fuel & Cartage, Inc. now being assigned January 19, 1977 (1 day), at Chicago, Illinois in a hearing room to be later designated.

MC 140829 (Sub 13), Cargo Contract Carrier Corp. now being assigned January 20, 1977 (2 days), at Chicago, Illinois in a hearing room to be later designated.

MC 114569 Sub 140, Shaffer Trucking, Inc., now assigned January 24, 1977 (1 week), at Harrisburg, Pa., will be held in Room 392, Federal Bldg., 228 Walnut Street.

MC 142263, Meteghan Trucking Ltd., now assigned January 19, 1977 (3 days), at Boston, Mass., will be held on the Fifth Floor 150 Causeway.

MC 126622 Sub 5, Audet and Megantic Transport, Ltee, now assigned January 24, 1977 (1 week), in Room 304, Federal Bldg., 55 Pleasant Street, Concord, New Hampshire AB 3 Sub 9, Missouri Pacific Railroad Company Abandonment between Dearing and Dexter in Montgomery, Chautauqua and Cowley Counties, Kansas, now assigned January 26, 1977 (3 days), will be held in the Representative Skubitz Office, 122 North 8th Street, Independence, Kansas.

MC 83539 Sub 435, C & H Transportation Co., Inc., now assigned January 31, 1977 (1 day), at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 138627 Sub 11, Smithway Motor Xpress, Inc., now assigned February 1, 1977 (1 day), at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC–C–9238, Chicago Kansas City Freight Lines, Inc.—Investigation and Revocation of Certificates, now assigned February 2, 1977 (1 day), at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 118159 Sub 173, National Refrigerated Transport, Inc., now assigned February 3, 1977 (2 days), at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 141799, Bill's Refrigerated Delivery now assigned January 31, 1977 at Little Rock, Arkansas and will be held in the Arkansas Transportation Commission Hearing Room, Justice Building, 1500 West 7th Street.

MC 142086, Joy Motor Freight dba Jerry A. Jacobs now assigned January 31, 1977 at Olympia, Washington and will be held in the 6th Floor Conference Room, Highways & License Building, 12th and Washington.

MC 141897 Sub 2, Phil Poggi Trucking, now being assigned February 23, 1977 (3 days), at Yuma, Arizona, in a hearing room to be later designated.

MC–F 12753, Whitfield Transportation, Inc.—Purchase—Haywood L Washum, DBA Los Angeles—Yuma Freight Lines and MC 108461 Sub 126, Whitfield Transportation, Inc., now being assigned February 28, 1977 (14 days), at Phoenix, Arizona, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–36915 Filed 12–14–76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

DECEMBER 10, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E88), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such hardware, building materials, equipment, and supplies as is aluminum sheet*, except in bulk, from the facilities of Alcan Aluminum Corporation at Fairmont, W. Va., to those points in New Jersey on and north of a line beginning at the Atlantic Ocean at Great Bay, N.J., and extending along New Jersey Alternate secondary

state highway 561 to Smithville, thence north on U.S. Highway 9 to Mullica River, thence follow the southern bank of the river northwest to New Jersey Secondary highway 563 at Green Bank, thence north on New Jersey Highway 563 to an unmarked road about four miles south of Chatsworth, thence take the unmarked road to junction U.S. Highway 206, thence north on U.S. Highway 206 to New Jersey Highway 38, thence west on New Jersey Highway 38 to an unmarked road leading to Mount Holly, thence west on New Jersey Secondary Highway 541 to U.S. Highway 130 just south of Burlington, thence north on U.S. Highway 130 to Interstate Highway 276, thence west on Interstate Highway 276 to the Delaware River, on the western border of New Jersey, thence north along the Delaware River to the Mercer County-Hunterdon County boundary line, thence east along the county line to New Jersey secondary highway 579, thence north on New Jersey Highway 579 to New Jersey secondary highway 523, thence north along New Jersey Highway 523 to New Jersey Highway 31, thence north on New Jersey 31 to the New Jersey secondary highway 513, thence north on New Jersey Highway 513 to an unmarked road just west of Califon, thence west and north to junction New Jersey Highway 24, thence north on New Jersey Highway 24 to New Jersey secondary highway 517, thence north along New Jersey Highway 517 to an unmarked road thence north on the unmarked road to U.S. Highway 206, thence north along U.S. Highway 206 to the Pennsylvania-New Jersey State line.

The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 46990 (Sub-No. E16), filed June 4, 1974. Applicant: TRANS-COUNTRY VAN LINES, INC., 3300 Veteran Highway, Bohemia, N.Y. 11716. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of a line beginning at the Pennsylvania-New York State line and extending along Interstate Highway 81 to the International Boundary line between the United States and Canada located at or near Omar, N.Y., on the one hand, and, on the other, points in Virginia and West Virginia.

The purpose of this filing is to eliminate the gateway of points in Pennsylvania east of the Susquehanna River.

No. MC 61825 (Sub-No. E773), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* between points in New Jersey on and northwest of a line beginning at the New Jersey-New York State line and extending along U.S. Highway 202, to the New Jersey-Pennsylvania State line on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, and points in Colorado, Montana, and Wyoming on and southwest of a line beginning at the Oklahoma-Colorado State line and extending northwest along the Carriso Creek to junction Boca-Las Animas County line, (Colorado), thence north along Boca-Las Animas County line, (Colorado), to junction U.S. Highway 160, thence west along U.S. Highway 160 to junction Colorado Highway 109, thence north along Colorado Highway 109 to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction Colorado Highway 71, thence north along Colorado Highway 71 to junction Colorado Highway 94, thence west along Colorado Highway 94 to junction U.S. Highway 24, thence west along U.S. Highway 24 to junction Colorado Highway 9, thence north along Colorado Highway 9 to junction U.S. Highway 40 thence northwest along U.S. Highway 40 to junction Colorado Highway 318, thence northwest along Colorado Highway 318 to junction Wyoming Highway 430, thence northwest along Wyoming Highway 430 to junction U.S. Highway 187, thence northwest along U.S. Highway 187 to junction Wyoming Highway 22, thence west along Wyoming Highway 22 to the Wyoming-Idaho State line, thence north along the Wyoming-Idaho State line to the Wyoming-Montana State line, thence north and thence east along the Wyoming-Montana State line to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction U.S. Highway 87, to thence northeast along U.S. Highway 87 to junction Montana Highway 232, thence north along Montana Highway 232 to junction Montana Highway 233, thence north along Montana Highway 233 to the United States-Canadian International Boundary line, restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment.

The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg and Bedford, Va.

No. MC 61825 (Sub-No. E789), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture, furniture parts, and furniture materials*, (except in bulk) from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and points in Nebraska, North Dakota, and South Dakota on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 281 to junction U.S. Highway 34, thence west along U.S. Highway 34 to junction Nebraska Highway 10, thence northwest along Nebraska Highway 10 to junction Nebraska Highway 40, thence northwest along Nebraska Highway 40 to junction U.S. Highway 183, thence north along U.S. Highway 183 to junction Nebraska Highway 2, thence northwest along Nebraska Highway 2 to junction Nebraska Highway 61, thence north along Nebraska Highway 61 to junction South Dakota Highway 73, thence north along South Dakota Highway 73 to junction U.S. Highway 16, thence east along U.S. Highway 16 to junction South Dakota Highway 63, thence north along South Dakota Highway 63 to junction U.S. Highway 14, thence east along U.S. Highway 14 to junction U.S. Highway 83, thence north along U.S. Highway 83 to junction U.S. Highway 212, thence east along U.S. Highway 212 to South Dakota Highway 47, thence north along South Dakota Highway 47 to junction South Dakota Highway 10, thence east along South Dakota Highway 10 to junction South Dakota Highway 45, thence north along South Dakota Highway 45 to junction North Dakota Highway 3, thence north along North Dakota Highway 3 to junction North Dakota Highway 13, thence east along North Dakota Highway 13 to junction North Dakota Highway 30, thence north along North Dakota Highway 30 to junction U.S. Highway 10, thence east along U.S. Highway 10 to junction North Dakota Highway 20, thence north along North Dakota Highway 20 to junction North Dakota Highway 200, thence east along North Dakota Highway 200 to junction North Dakota Highway 45, thence northeast along North Dakota Highway 45 to junction North Dakota Highway 32, thence north along North Dakota Highway 32 to junction North Dakota Highway 15, thence east along North Dakota Highway 15 to junction North Dakota Highway 18, thence north along North Dakota Highway 18 to junction North Dakota Highway 17, thence west along North Dakota Highway 17 to the North Dakota-Minnesota State line, and thence north along the North Dakota-Minnesota State line to the United States-Canadian International Boundary line, to points in New Jersey on and southeast of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 202 to the Pennsylvania-New Jersey State line.

The purpose of this filing is to eliminate the gateway of Bassett, Va.

No. MC 61825 (Sub-No. E790), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and furniture materials*, (except in bulk) to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon,

Utah, Washington, and Wyoming, and points in Nebraska, North Dakota, and South Dakota on and west of a line beginning at the Kansas-Nebraska State line and extending north along U.S. Highway 77 to junction U.S. Highway 34, thence west along U.S. Highway 34 to junction U.S. Highway 281 to junction Nebraska Highway 92, thence west along Nebraska Highway 92 to junction Nebraska Highway 11, thence northwest along Nebraska Highway 11 to junction Nebraska Highway 91, thence west along Nebraska Highway 91 to junction U.S. Highway 183, thence north along U.S. Highway 183 to junction U.S. Highway 18, thence east along U.S. Highway 18 to junction South Dakota Highway 47, thence north along South Dakota Highway 47 to junction South Dakota Highway 44, thence east along South Dakota Highway 44 to junction South Dakota Highway 50, thence north along South Dakota Highway 50 to junction U.S. Highway 16, thence east along U.S. Highway 16 to junction South Dakota Highway 45, thence north along South Dakota Highway 45 to junction South Dakota Highway 34, thence east along South Dakota Highway 34 to junction U.S. Highway 281, thence north along U.S. Highway 281 to junction U.S. Highway 14, thence east along U.S. Highway 14 to junction South Dakota Highway 37, thence north along South Dakota Highway 37 to junction North Dakota Highway 1, thence north along North Dakota Highway 1 to junction North Dakota Highway 27, thence east along North Dakota Highway 27 to junction North Dakota Highway 32, thence north along North Dakota Highway 32 to junction North Dakota Highway 46, thence east along North Dakota Highway 46 to junction North Dakota Highway 18, thence North along North Dakota Highway 18 to junction U.S. Highway 10, thence east along U.S. Highway 10 to the North Dakota-Minnesota State line, and thence north along the Nort Dakota-Minnesota State line to the United States-Canadian International Boundary line, to points in Pennsylvania-on and southeast of a line beginning at the New Jersey-Pennsylvania State line and extending southwest along U.S. Highway 202 to junction U.S. Highway 30, thence west along U.S. Highway 30 to junction Pennsylvania Highway 82, thence south along Pennsylvania Highway 82 to junction Pennsylvania Highway 841, thence south along Pennsylvania Highway 841 to junction U.S. Highway 1, and thence southwest along U.S. Highway 1 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Bassett, Va.

No. MC 61825 (Sub-No. E791), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and furniture materials* (except in bulk), from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and points in Nebraska, North Dakota, and South Dakota on and west of a line beginning at the Kansas-Nebraska State line and extending north along U.S. Highway 281 to junction U.S. Highway 34, thence west along U.S. Highway 34 to junction Nebraska Highway 10, thence north along Nebraska Highway 10 to junction U.S. Highway 30, thence west along U.S. Highway 30 to junction U.S. Highway 83, thence north along U.S. Highway 83 to junction Nebraska Highway 97, thence north along Nebraska Highway 97 to junction Nebraska Highway 92, thence west along Nebraska Highway 92 to junction Nebraska Highway 61, thence north along Nebraska Highway 61 to junction South Dakota Highway 73, thence north along South Dakota Highway 73 to junction U.S. Highway 16, thence east along U.S. Highway 16 to junction South Dakota Highway 63, thence north along South Dakota Highway 63 to junction U.S. Highway 14, thence east along U.S. Highway 14 to junction U.S. Highway 83, thence north along U.S. Highway 83 to junction U.S. Highway 212, thence east along U.S. Highway 212 to junction South Dakota Highway 47, thence north along South Dakota Highway 47 to junction South Dakota Highway 10, thence east along South Dakota Highway 10 to junction South Dakota Highway 45, thence north along South Dakota Highway 45 to junction North Dakota Highway 3, thence north along North Dakota Highway 3 to junction North Dakota Highway 13, thence east along North Dakota Highway 13 to junction North Dakota Highway 30, thence north along North Dakota Highway 30 to junction North Dakota Highway 36, thence east along North Dakota Highway 36 to junction U.S. Highway 281, thence northwest along U.S. Highway 281 to junction North Dakota Highway 200, thence east along North Dakota Highway 200 to junction North Dakota Highway 45, thence northeast along North Dakota Highway 45 to junction North Dakota Highway 32, thence north along North Dakota Highway 32 to junction North Dakota Highway 17, thence east along North Dakota Highway 17 to the North Dakota-Minnesota State line, thence north along North Dakota-Minnesota State line to the United States-Canadian International Boundary line, to points in Pennsylvania on and bounded by a line beginning at the Maryland-Pennsylvania State line and extending northeast along U.S. Highway 1 to junction Pennsylvania Highway 841, thence north along Pennsylvania Highway 841 to junction Pennsylvania Highway 82, thence north along Pennsylvania Highway 82 to junction U.S. Highway 30, thence east along U.S. Highway 30 to junction U.S. Highway 202, thence northeast along U.S. Highway 202 to junction U.S. Highway 422, thence west along U.S. Highway 422 to junction U.S. Highway 222, thence southwest along U.S. Highway 222 to junction U.S. Highway 30, thence southwest along U.S. Highway 30 to junction Pennsylvania Highway 116, thence southwest along Pennsylvania Highway 116 to junction Pennsylvania Highway 194, thence southwest along Pennsylvania Highway 194 to the Pennsylvania-Maryland State line, and thence east along the Pennsylvania-Maryland State line to point of beginning.

The purpose of this filing is to eliminate the gateway of Bassett, Va.

No. MC 61825 (Sub-No. E792), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and furniture materials* (except in bulk), from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and points in Nebraska, North Dakota, and South Dakota on and west of a line beginning at the Kansas-Nebraska State line and extending north along U.S. Highway 83 to junction Nebraska Highway 97, thence north along Nebraska Highway 97 to junction Nebraska Highway 92, thence west along Nebraska Highway 92 to junction Nebraska Highway 61, thence north along Nebraska Highway 61 to junction Nebraska Highway 2, thence west along Nebraska Highway 2 to junction Nebraska Highway 27, thence north along Nebraska Highway 27 to junction South Dakota Highway 75, thence north along South Dakota Highway 75 to junction U.S. Highway 18, thence east along U.S. Highway 18 to junction South Dakota Highway 73, thence north along South Dakota Highway 73 to junction South Dakota Highway 34, thence east along South Dakota Highway 34 to junction South Dakota Highway 63, thence north along South Dakota Highway 63 to junction South Dakota Highway 20, thence east along South Dakota Highway 20 to junction U.S. Highway 12, thence northwest along U.S. Highway 12 to junction South Dakota Highway 63, thence north along South Dakota Highway 63 to junction North Dakota Highway 6, thence north along North Dakota Highway 6 to junction U.S. Highway 10, thence east along U.S. Highway 10 to junction U.S. Highway 83, thence north along U.S. Highway 83 to junction North Dakota Highway 41, thence north along North Dakota Highway 41 to junction North Dakota Highway 200, thence east along North Dakota Highway 200 to junction North Dakota Highway 3, thence north along North Dakota Highway 3 to junction North Dakota Highway 19, thence east along North Dakota Highway 19 to junction North Dakota Highway 20, thence north along North Dakota Highway 20 to junction North Dakota Highway 17, thence east along North Dakota Highway 17 to junction North Dakota Highway 1, thence north along North Dakota High-

way 1 to junction North Dakota Highway 5, thence east along North Dakota Highway 5 to junction North Dakota Highway 18, and thence north along North Dakota Highway 18 to the United States-Canadian International boundary line, to points in Pennsylvania on and bounded by a line beginning at the Maryland-Pennsylvania State line and extending northeast along Pennsylvania Highway 194 to junction Pennsylvania Highway 116, thence northeast along Pennsylvania Highway 116 to junction U.S. Highway 30, thence northeast along U.S. Highway 30 to junction U.S. Highway 222, thence northeast along U.S. Highway 222 to junction U.S. Highway 422, thence west along U.S. Highway 422 to junction U.S. Highway 322, thence west along U.S. Highway 322 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 15 Business, thence southwest along U.S. Highway 15 Business to junction U.S. Highway 15, thence southwest along U.S. Highway 15 to the Pennsylvania-Maryland State line, and thence east along the Pennsylvania-Maryland State line to point of beginning.

The purpose of this filing is to eliminate the gateway of Bassett, Va.

No. MC 61825 (Sub-No. E793), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clocks, new furniture, and furniture parts, materials, equipment and supplies*, used in the manufacture and distribution of clocks, new furniture, and furniture parts, (except in bulk), from points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, to those points in Maryland on and north of a line beginning at the Pennsylvania-Maryland State line and extending south along Interstate Highway 81 to junction U.S. Highway 40, thence east along U.S. Highway 40 to junction U.S. Highway 40 Alternate at Hagerstown, Md., thence southeast along U.S. Highway 40 Alternate to junction U.S. Highway 40 at Frederick, Md., thence east along U.S. Highway 40 to junction Maryland Highway 144, thence east along Maryland Highway 144 to Baltimore, Md., thence along the shores of the Chesapeake Bay and Elk River to the Chesapeake and Delaware Canal, and thence east along the Chesapeake and Delaware Canal to the Maryland-Delaware State line, restricted against the transportation of Class A and B explosive commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E794), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carirer*, by motor vehicle, over irregular routes, transporting: *Clocks, new furniture and furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of clocks, new furniture and furniture parts except in bulk), from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and points in Nebraska, North Dakota, and South Dakota on and west of a line beginning at the Kansas-Nebraska State line and extending north along U.S. Highway 83 to junction Nebraska Highway 97, thence north along Nebraska Highway 97 to junction Nebraska Highway 92, thence west along Nebraska Highway 92 to junction Nebraska Highway 61, thence north along Nebraska Highway 61 to junction Nebraska Highway 2, thence west along Nebraska Highway 2 to junction U.S. Highway 385, thence north along U.S. Highway 385 to junction South Dakota Highway 79, thence north along South Dakota Highway 79 to junction U.S. highway 14, thence east along U.S. Highway 14 to junction South Dakota Highway 73, thence north along Nebraska Highway 73 to junction U.S. Highway 212, thence east along U.S. Highway 212 to junction South Dakota Highway 65, thence north along South Dakota Highway 65 to punction U.S. Highway 12, thence east along U.S. Highway 12 to junction South Dakota Highway 63, thence north along South Dakota Highway 63 to junction North Dakota Highway 6, thence north along South Dakota Highway 65 to junction U.S. Highway 10, thence east along U.S. Highway 10 to junction U.S. Highway 83, thence north along U.S. Highway 83 to junction North Dakota Highway 41, thence north along North Dakota Highway 41 to junction North Dakota Highway 200, thence east along North Dakota Highway 200 to junction North Dakota Highway 3, thence north along North Dakota Highway 3 to junction North Dakota Highway 19, thence east along North Dakota Highway 19 to junction U.S. Highway 281, thence north along U.S. Highway 281 to junction North Dakota Highway 5, thence east along North Dakota Highway 5 to junction North Dakota Highway 1, thence north along North Dakota Highway 1 to the United States-Canadian International Boundary line, to those points in Maryland on and bounded by a line beginning at the Pennsylvania-Maryland State line and extending south along U.S. Highway 220 to junction U.S. Highway 40, thence east along U.S. Highway 40 to junction Interstate Highway 81, thence north along Interstate Highway 81 to the Maryland-Pennsylvania State line, and thence west along the Maryland-Pennsylvania State line to point of beginning, restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E795), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clocks, new furniture and furniture parts*, between points in District of Columbia, Maryland, Virginia, and West Virginia on, south and east of a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 21 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 460, thence northwest along U.S. Highway 460 to junction U.S. Highway 219, thence northeast along U.S. Highway 219 to junction West Virginia Highway 39, thence east along West Virginia Highway 39 to junction West Virginia Highway 28, thence northeast along West Virginia Highway 28 to junction U.S. Highway 33, thence east along U.S. Highway 33 to junction U.S. Highway 220, thence north along U.S. Highway 220 to junction West Virginia Highway 55, thence east along West Virginia Highway 55 to junction unnumbered highway near Baker, W. Va., thence north along unnumbered highway to junction U.S. Highway 50 near Hanging Rock, W. Va., thence northwest along U.S. Highway 50 to junction West Virginia Highway 45, thence northeast along West Virginia Highway 45 to junction West Virginia Highway 29, thence north along West Virginia Highway 29 to junction West Virginia Highway 9, thence northeast along West Virginia Highway 9 to the Morgan-Berkeley County, W. Va., County line thence northeast along the Morgan-Berkeley line to the West Virginia-Maryland State line, thence northeast to junction Interstate Highway 70 near Big Pool, Md., thence northwest along Interstate Highway 70 to junction U.S. Highway 40, thence east along U.S. Highway 40 to Hagerstown, Md., thence east along U.S. Highway 40 Alternate to junction U.S. Highway 40 near Frederick, Md., thence east along U.S. Highway 40 to junction Maryland Highway 144, thence east along Maryland Highway 144 to Baltimore, Md., thence to the Chesapeake Bay, thence northeast along the shores of the Chesapeake Bay and Elk River to the Chesapeake and Delaware Canal, and thence east along the Chesapeake and Delaware Canal to the Maryland-Delaware State line, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted against the transportation of Class A and B explosives, commodities in Bulk,

and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E796), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clocks, new furniture and furniture parts*, between points in Maryland, Virginia, and West Virginia on and bounded by a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 21 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 460, thence northwest along U.S. Highway 460 to junction U.S. Highway 219, thence northeast along U.S. Highway 219 to junction West Virginia Highway 39, thence east along West Virginia Highway 39 to junction West Virginia Highway 28, thence northeast along West Virgina Highway 28 to junction U.S. Highway 33, thence east along U.S. Highway 33 to junction U.S. Highway 220, thence north along U.S. Highway 220 to junction West Virginia Highway 55, thence east along West Virginia Highway 55 to junction unnumbered highway near Baker, W. Va., thence north along unnumbered highway to junction U.S. Highway 50 Hanging Rock, W. Va., thence northwest along U.S. Highway 50 to junction West Virginia Highway 45, thence northeast along West Virginia Highway 45 to junction West Virginia Highway 29, thence north along West Virginia Highway 29 to junction West Virginia Highway 9, thence northeast along West Virginia Highway 9 to the Morgan-Berkeley County, W. Va., County line, thence northeast along the Morgan-Berkeley County line to the West Virginia-Maryland State line, thence northeast to junction Interstate Highway 70 near Big Pool, Maryland, thence northwest along Interstate Highway 70 to junction U.S. Highway 40, thence northwest along U.S. Highway 40 to the Maryland-Pennsylvania State line, thence west along the Maryland-Pennsylvania State line to the West Virginia-Pennsylvania State line, thence west along the West Virginia-Pennsylvania State line to junction U.S. Highway 119, thence south along U.S. Highway 119 to junction U.S. Highway 19, thence southwest along U.S. Highway 19 to junction U.S. Highway 33, thence east along U.S. Highway 33 to junction Interstate Highway 79.

Thence southwest along Interstate Highway 79 to junction U.S. Highway 119, thence southwest along U.S. Highway 119 to the West Virginia-Kentucky State line, thence southeast along the West Virginia-Kentucky state line to the Kentucky-Virginia State line, thence southwest along the Kentucky-Virginia State line to junction U.S. Highway 23, thence south along U.S. Highway 23 to the Virginia-North Carolina State line, thence east along the Virginia-North Carolina State line to point of beginning, on the one hand, and, on the other, points in California, Idaho, Nevada, Oregon, and Washington, and points in Arizona, Montana, Utah, and Wyoming on and west of a line beginnnig at the United States-Mexico International Boundary line and extending north along the New Mexico-Arizona State line to junction U.S. Highway 180, thence northwest along U.S. Highway 180 to junction U.S. Highway 89, thence northwest along U.S. Highway 89 to junction Utah Highway 14, thence northwest along Utah Highway 14 to junction Utah Highway 130, thence north along Utah Highway 130 to junction Utah Highway 21, thence northwest along Utah Highway 21 to junction Utah Highway 257, thence north along Utah Highway 257 to junction U.S. Highway 6, thence northeast along U.S. Highway 6 to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction Utah Highway 30, thence southeast along Utah Highway 30 to junction Wyoming Highway 89, thence northeast along Wyoming Highway 89 to junction U.S. Highway 30N, thence north along U.S. Highway 30N to the Wyoming-Idaho State line, thence north along the Wyoming-Idaho State line to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction U.S. Highway 191, thence northeast along U.S. Highway 191 to junction Montana Highway 376, thence north along Montana Highway 376 to junction U.S. Highway 2, thence north along U.S. Highway 2 to junction Montana Highway 241, thence northeast along Montana Highway 241 to the United States-Canadian International Boundary line, restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Lynchburg and Bedford, Va.

No. MC 61825 (Sub-No. E797), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clocks, new furniture, and furniture parts*, between points in West Virginia on and west of a line beginning at the Kentucky-West Virginia State line and extending north along U.S. Highway 119 to junction Interstate Highway 79, thence north along Interstate Highway 79 to junction U.S. Highway 33, thence west along U.S. Highway 33 to junction U.S. Highway 19, thence north along U.S. Highway 19 to junction U.S. Highway 119, thence north along U.S. Highway 119 to the West Virginia-Pennsylvania State line, thence west and thence north along the West Virginia-Pennsylvania State line to junction U.S. Highway 22, and thence west along U.S. Highway 22 to the West Virginia-Ohio State line, on the one hand, and, on the other, points in California, and points in Arizona, Nevada, Oregon, and Washington on and west of a line beginning at the United States-Mexico International Boundary line at Douglas, Ariz., and extending northwest along U.S. Highway 80 to junction Arizona Highway 84, thence northwest along Arizona Highway 84 to junction U.S. Highway 80, thence northeast along U.S. Highway 80 to Avondale, Arizona, thence north along unnumbered Highway to junction U.S. Highway 89, thence northwest along U.S. Highway 89 to junction U.S. Highway 93, thence northwest along U.S.. Highway 93 to junction U.S. Highway 95, thence northwest along U.S. Highway 95 to junction U.S. Highway 6, thence east along U.S. Highway 6 to junction Nevada Highway 8A, thence north along Nevada Highway 8A to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction U.S. Highway 95, thence north along U.S. Highway 95 to junction Nevada Highway 48, thence northwest along Nevada Highway 48 to junction Nevada Highway 34, thence north along Nevada Highway 34 to junction Nevada Highway 8A, thence northeast along Nevada Highway 8A to junction Nevada Highway 140, thence northwest along Nevada Highway 140 to junction Oregon Highway 140, thence northwest along Oregon Highway 140 to junction U.S. Highway 395, thence north along U.S. Highway 395 to junction Oregon Highway 11, thence northeast along Oregon Highway 11 to junction Washington Highway 125, thence north along Washington Highway 125 to junction U.S. Highway 12, thence northeast along U.S. Highway 12 to junction Washington Highway 261, thence northwest along Washington Highway 261 to junction Washington Highway 26, thence west along Washington Highway 26 to junction Washington Highway 17, thence north along Washington Highway 17 to junction U.S. Highway 2, thence east along U.S. Highway 2 to junction Washington Highway 155, thence northeast along Washington Highway 155 to Nespelem, Washington, thence northeast along unnumbered highway to junction Washington Highway 21, thence north along Washington Highway 21 to junction unnumbered highway near Curlew, Wash., thence east along unnumbered highway to junction U.S. Highway 395, thence north along U.S. Highway 395 to the United States-Canadian International Boundary line, restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateway of Lynchburg. and Bedford. Va.

No. MC 61825 (Sub-No. E798), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixtennth St., N.W., Washington, D.C.

20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies*, used in the manufacture and distribution of Clocks, new furniture and furniture parts (except in bulk), from points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, to District of Columbia and points in Maryland, Virginia, and West Virginia on, south and east of a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 21 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 460, thence northwest along U.S. Highway 460 to junction U.S. Highway 219, thence northeast along U.S. Highway 219 to junction West Virginia Highway 39, thence east along West Virginia Highway 39 to junction West Virginia Highway 28, thence northeast along Virginia Highway 28 to junction U.S. Highway 33, thence east along U.S. Highway 333 to junction U.S. Highway 220 to junction West Virginia Highway 220 to junction West Virginia High way 55, thence east along West Virginia Highway 55 to junction unnumbered highway near Baker, W. Va., thence north along unnumbered highway to junction U.S. Highway 50 near Hanging Rock, W. Va., thence northwest along U.S. Highway 50 to junction West Virginia Highway 45, thence northeast along West Virginia Highway 45 to junction West Virginia Highway 29, thence north along West Virginia Highway 29 to junction West Virginia Highway 9, thence northeast along West Virginia Highway 9 to the Morgan-Berkeley County, W. Va. County line, thence northeast along the Morgan-Berkeley County line to the Maryland-West Virginia State line, thence northeast to junction Interstate Highway 70 near Big Pool, Md., thence northwest along Interstate Highway 70 to junction U.S. Highway 40, thence east along U.S. Highway 40 to Hagerstown, Md., thence east along U.S. Highway 40 Alternate to junction U.S. Highway 40 near Frederick, Md., thence east along U.S. Highway 40 to junction Maryland Highway 144, thence east along Maryland Highway 144 to Baltimore, Md., thence to the Chesapeake Bay, thence northeast along the shores of the Chesapeake Bay, and Elk River to the Chesapeake and Delaware Canal, and thence east along the Chesapeake and Delaware Canal to the Maryland-Delaware State line, restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E799), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies*, used in the manufacture and distribution of clocks, new furniture, and furniture parts (except in bulk), from points in California, Idaho, Nevada, Oregon, and Washington, and points in Arizona, Montana, Utah, and Wyoming on and west of a line beginning at the United States-Mexico International Boundary line and extending north along the New Mexico-Arizona State line to junction U.S. Highway 180, thence northwest along U.S. Highway 180 to junction U.S. Highway 89, thence northwest along U.S. Highway 89 to junction Utah Highway 14, thence northwest along Utah Highway 14 to junction Utah Highway 130, thence north along Utah Highway 130 to junction Utah Highway 21, thence northwest along Utah Highway 21 to junction Utah Highway 257, thence north along Utah Highway 257 to junction U.S. Highway 6, thence northeast along U.S. Highway 6 to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction Utah Highway 30, thence southeast along Utah Highway 30 to junction Wyoming Highway 89, thence northeast along Wyoming Highway 89 to junction U.S. Highway 30N, thence north along U.S. Highway 30N to the Wyoming-Idaho State line, thence north along the Wyoming-Idaho State line to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction U.S. Highway 191, thence northeast along U.S. Highway 191 to junction Montana Highway 376, thence north along Montana Highway 376 to junction U.S. Highway 2, thence north along U.S. Highway 2 to junction Montana Highway 241, thence northeast along Montana Highway 241 to the United States-Canadian International Boundary line, to points in Maryland, Virginia, and West Virginia on and bounded by a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 21 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 460, thence northwest along U.S. Highway 460 to junction U.S. Highway 219, thence northeast along U.S. Highway 219 to junction West Virginia Highway 39, thence east along West Virginia Highway 39 to junction West Virginia Highway 28, thence northeast along West Virginia Highway 28 to junction U.S. Highway 33, thence east along U.S. Highway 33 to junction on U.S. Highway 220, thence north along U.S. Highway 220 to junction West Virgiina Highway 55, thence east along West Virginia Highway 55 to junction unnumbered highway near Baker, W. Va., thence north along unnumbered highway to junction U.S. Highway 50 near Hanging Rock, W. Va., thence northwest along U.S. Highway 50 to junction West Virginia Highway 45, thence northeast along West Virginia Highway 45 to junction West Virginia Highway 29, thence north along West Virginia Highway 29 to junction West Virginia Highway 9, thence northeast along West Virginia Highway 9 to Morgan-Berkeley County, W. Va., County line to the West Virginia-Maryland State line, thence northeast to junction Interstate Highway 70 near Big Pool, Md., thence northwest along Interstate Highway 70 to junction U.S. Highway 40, thence northwest along U.S. Highway 40 to the Maryland-Pennsylvania State line, thence west along the Maryland-Pennsylvania State line to the West Virginia-Pennsylvania State line, thence west along the West Virginia-Pennsylvania State line to junction U.S. Highway 119, thence south along U.S. Highway 119 to junction U.S. 19, thence southwest along U.S. Highway 19 to junction U.S. Highway 33, thence east along U.S. Highway 33 to junction Interstate Highway 79, thence southwest along Interstate Highway 79 to junction U.S. Highway 119, thence southwest along U.S. Highway 119 to the West Virginia-Kentucky State line, thence southeast along the West Virginia-Kentucky State line to the Kentucky-Virginia State line, thence southwest along the Kentucky-Virginia State line to junction U.S. Highway 23, thence south along U.S. Highway 23 to the Virginia-North Carolina State line, and thence east along the Virginia-North Carolina State line to the point of beginning, restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E800), filed March 5, 1976. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies*, used in the manufacture and distribution of clocks, new furniture and furniture parts (except in bulk), from points in California, and points in Arizona, Nevada, Oregon, and Washington on and west of a line beginning at the United States-Mexico International Boundary line at Douglas, Ariz., and extending northwest along U.S. Highway 80 to junction Arizona Highway 84, thence northwest along Arizona Highway 84 to junction U.S. Highway 80, thence northeast along U.S. Highway 80 to Avondale, Ariz., thence north along unnumbered highway to junction U.S. Highway 89 to Surprise, Ariz., thence northwest along U.S. Highway 89 to junction U.S. Highway 93, thence northwest along U.S. Highway 93 to junction U.S. Highway 95, thence northwest along U.S. Highway 95 to junction U.S. Highway 6, thence east along U.S. Highway 6 to junction Nevada Highway 8A, thence north along Nevada

Highway 8A to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction U.S. Highway 95, thence north along U.S. Highway 95 to junction Nevada Highway 48, thence northwest along Nevada Highway 48 to junction Nevada Highway 34, thence north along Nevada Highway 8A, thence northeast along Nevada Highway 8A to junction Nevada Highway 140, thence northwest along Nevada Highway 140 to junction Oregon Highway 140, thence northwest along Oregon Highway 140 to junction U.S. Highway 395, thence north along U.S. Highway 395 to junction Oregon Highway 11, thence northeast along Oregon Highway 11 to junction Washington Highway 125, thence north along Washington Highway 125 to junction U.S. Highway 12, thence northeast along U.S. Highway 12 to junction Washington Highway 261, thence northwest along Washington Highway 261 to junction Washington Highway 26, thence west along Washington Highway 26 to junction Washington Highway 17, thence north along Washington Highway 17 to junction U.S. Highway 2, thence east along Washington Highway 155 to Nespelem, Wash., thence northeast along unnumbered highway to junction Washington Highway 21, thence north along Washington Highway 21 to junction unnumbered highway near Curlew, Wash., thence east along unnumbered highway to junction U.S. Highway 395, thence north along U.S. Highway 395 to the United States-Canadian International Boundary line, to points in West Virginia on and west of a line beginning at the Kentucky-West Virginia State line and extending north along U.S. Highway 119 to junction Interstate Highway 79, thence north along Interstate Highway 79 to junction U.S. Highway 33, thence west along U.S. Highway 33 to junction U.S. Highway 19, thence north along U.S. Highway 19 to junction U.S. Highway 119, thence north along U.S. Highway 119 to the West Virginia-Pennsylvania State line, thence west and thence north along the West Virginia-Pennsylvania State line to junction U.S. Highway 22, and thence west along U.S. Highway 22 to the West Virginia-Ohio State line, restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lychburg, Va.

No. MC 107496 (Sub-No. E129) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 12, 1974, and republished, as corrected, this issue. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Minnesota on and north of U.S. Highway 14 to all points in Nebraska (except those north of U.S. Highway 26 and west of Nebraska Highway 61). The purpose of this filing is to eliminate the gateway of Mankato, Minn.

NOTE.—The purpose of this correction is to state the correct origin point.

No. MC 107515 (Sub-No. E505), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suit 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *frozen foods, fresh and cured meats, and dairy products*, as described in the Appendix to the report in *Modification of Permits Packing House Products*, 48 M.C.C. 628, *Fresh fruits and vegetables, canned fruit juices, citrus products, not canned and not frozen*, in vehicles equipped with mechanical refrigeration, from points in Florida to points in Kentucky and West Virginia, (a) from those points in Florida on and south and west of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 75 to junction Florida Highway 44, thence along Florida Highway 44 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 717, thence along Florida Highway 717 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 7, thence along Florida Highway 7 to junction Florida Highway 704, thence along Florida Highway 704 to the Atlantic Ocean along to points in Virginia; (b) from those points in Florida on, south and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 441 to junction Florida Highway 528, thence along Florida Highway 528 to Banana Bay near Cocoa Beach, Fla., to points in Virginia on, north and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 29 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 301.

Thence along U.S. Highway 301 to the Virginia-Maryland State line; (2) *Canned vegetables*, from Lake Jem, Fla., to points in West Virginia and Virginia; (3) *Fruit and vegetable crystals*, from Lake Wales, Fla., to points in West Virginia; (4) *Preserved, drained and glazed fruit and fruit peel*, not canned, from Plant City, Fla., to points in Virginia and West Virginia; (5) *Frozen foods, fresh and cured meats, and dairy products*, as described in the Appendix to the report in *Modification of Permits Packing House Products*, 48 M.C.C. 628, *Fresh fruits and vegetables, canned fruit juices, citrus products, not canned and not frozen*, in vehicles equipped with mechanical refrigeration, from those points in Florida on and south and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 441 to junction Florida Highway 528, thence along Florida Highway 528 to junction Banana Bay near Cocoa Beach, Fla., to those points in Virginia on, and north and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 29 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line, to those points in South Carolina, on, north, and west of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 29 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-South Carolina State line and to those points in North Carolina on, north, and west of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 18 to junction Interstate Highway 40.

Thence over Interstate Highway 40 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line; (a) from those points in Florida on and west of a line beginning at the Gulf of Mexico and extending along U.S. Highway 319 to the Florida-Georgia State line, to those points in North Carolina beginning at the North Carolina-Virginia State line and extending along U.S. Highway 17 to junction U.S. Highway 258, thence along U.S. Highway 258 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 401, thence along U.S. Highway 401 to the North Carolina-South Carolina State line and to those points in South Carolina on and north of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 85 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 108449 (Sub-No. E9), filed May 14, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, except petroleum chemicals (but including naphtha), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chicago, Ill., to points in Wyoming (except Albany, Peatte, Goshen, and Laramie Counties, Wyo.). The purpose of this filing is to eliminate the gateways of La-Crosse, Wis., St. Paul, Minn., and Aberdeen, S. Dak.

No. MC 108449 (Sub-No. E118), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Wisconsin (except points in Grant, Iowa, and Lafayette Counties). The purpose of this

filing is to eliminate the gateways of Des Moines, Iowa and Spring Valley, Minn.

No. MC 108449 (Sub-No. E155), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and lime*, in packages, from Superior, Wis., to points in Iowa. The purpose of this filing is to eliminate the gateways of South St. Paul, North St. Paul, and West St. Paul, Minn.

No. MC 108449 (Sub-No. E202), filed May 15, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Lemont and Lockport, Ill., to points in Wyoming. The purpose of this filing is to eliminate the gateways of La Crosse, Wis., St. Paul, Minn., and the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC 123407 (Sub-No. E256), filed November 30, 1975. Applicant: SAWYER TRANSPORT INC., South Haven Square—U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from East St. Louis, Ill., to points in Minnesota, South Dakota, the Upper Peninsula of Michigan, and Emmet, Cheboygan, Charlevoix, Otsego, Montmorency, and Alpena Counties, Mich. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 136553 (Sub-No. E48), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Burlington, Iowa (except the plant site of Spencer Chemical Division of Gulf Oil Corporation), to points in Nebraska on, north, and west of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 77 to junction Nebraska Highway 35, thence along Nebraska Highway 35 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 21, thence along Nebraska Highway 21 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC 136553 (Sub-No. E50), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Burlington, Iowa (except the plant site of Spencer Chemical Division of Gulf Oil Corporation), to points in Indiana and points in Michigan on and west of U.S. Highway 27 and on and south of Interstate Highway 96. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC 136553 (Sub-No. E49), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bags and in bulk (except in tank vehicles), from Burlington, Iowa (except the plant site of Spencer Chemical Division of Gulf Oil Corporation), to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub-No. E51), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, in dump vehicles, from Marseilles, Ill., to points in Missouri on and west of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 54 to junction Missouri Highway 161, thence along Missouri Highway 161 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Burlington, Iowa (except the plant site of Spencer Chemical Division of Gulf Oil Corporation).

No. MC 136553 (Sub-No. E52), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, in dump vehicles, from Clinton, Iowa, to points in Missouri (except St. Louis, Mo.). The purpose of this filing is to eliminate the gateways of Rock Island, Ill. and Burlington, Iowa (except the plant site of Spencer Chemical Division of Gulf Oil Corporation).

No. MC 136553 (Sub-No. E53), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bags and in bulk (except in tank vehicles), from Streator, Ill., to points in Missouri on and west of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Burlington, Iowa (except the plant site of Spencer Chemical Division of Gulf Oil Corporation).

No. MC 136553 (Sub-No. E54), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bags and in bulk (except in tank vehicles), from Dubuque, Iowa, to points in Missouri (except St. Louis, Mo.). The purpose of this filing is to eliminate the gateways of Rock Island, Ill. and Burlington, Iowa (except the plant site of Spencer Chemical Division of Gulf Oil Corporation).

No. MC 136553 (Sub-No. E55), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Prairie du Chien, Wis., to points in Missouri (except St. Louis, Mo.). The purpose of this filing is to eliminate the gateway of Burlington, Iowa (except the plant site of Spencer Chemical Division of Gulf Oil Corporation).

No. MC 136553 (Sub-No. E56), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Rock Island, Ill., to points in Missouri (except St. Louis, Mo.). The purpose of this filing is to eliminate the

gateway of Burlington, Iowa (except the plant site of Spencer Chemical Division of Gulf Oil Corporation).

No. MC 136553 (Sub-No. E57), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Mason City, Iowa, to points in Indiana and points in Michigan on and west of U.S. Highway 27 and on and south of Interstate Highway 96. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC 136553 (Sub-No. E58), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Henry, Ill., to points in Missouri on and west of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, (except the plant site of Spencer Chemical Division of Gulf Oil Corporation).

No. MC 136553 (Sub-No. E59), filed April 26, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur J. Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Mason City, Iowa, to points in Iowa on, south, and east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 30 to junction U.S. Highway 61, thence along U.S. Highway 61 to Burlington, Iowa. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36917 Filed 12-14-76;8:45 am]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

[Ex parte No. MC-43]

At a Session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 29th day of November, 1976.

It appearing, That a petition has been filed by All American, Inc. (MC 29120 and numerous subs) and Terminal Transport Company, Inc., (MC 22229 and numerous subs) under common control, by American Commercial Lines, Inc., which is under control by Texas Gas Transmission Corp., for waiver of paragraphs (a)(3) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), concerning equipment leased and interchanged by petitioners;

It further appearing, That petitioners will maintain a jointly supervised program applying the same standards of inspection maintenance to equipment in accordance with the motor carrier safety regulations of the Department of Transportation;

It further appearing, That the Department offers no objection to granting the petition;

It is ordered, That waiver of paragraphs (a)(3) and (c) of § 1057.4 be, and, it is hereby granted *Provided*, That the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the Department of Transportation and the petitioners remain in satisfactory compliance with these regulations and under common control.

By the Commission, Motor Carrier Leasing Board, Members Burns, Teeple, and Sibbald .

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36918 Filed 12-14-76;8:45 am]

[Notice No. 87]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 15, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a (b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 76856. By application filed December 6, 1976, CRESCENT MOVING & STORAGE, P.O. Box 4886, Highway 101 S. at Humboldt Hill Overpass, Eureka, CA 95501, seeks temporary authority to transfer the operating rights of JOSEPH D. SNIPES, an individual, d.b.a. CRESCENT MOVING & STORAGE, P.O. Box 4886, Highway 101 S. at Humboldt Hill Overpass, Eureka, CA 95501, under Section 210a(b). The transfer to CRESCENT MOVING & STORAGE of the operating rights of JOSEPH H. SNIPES, an individual, d.b.a. CRESCENT MOVING & STORAGE, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36916 Filed 12-14-76;8:45 am]

[Notice No. 88]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 15, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with Section 212a(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 76857. By application filed December 6, 1976, DEAN OF ITHACA, INC., 401 East State Street, Ithaca, NY 14850, seeks temporary authority to transfer the operating rights of WAYNE C. STEVENS, INC., 990 Sullivan Street, Elmira, NY 14905, under section Section 210a(b). The transfer to DEAN OF ITHACA, INC., of the operating rights of WAYNE C. STEVENS, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36914 Filed 12-14-76;8:45 am]