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federal register

THURSDAY, FEBRUARY 3, 1977

highlights

PART I:

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reminders

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

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Labor/W&H—Jewelry and miscellaneous products manufacturing industry in Puerto Rico; wage order..... 3303; 1–18–77

Rubber and miscellaneous plastics products industry in Puerto Rico; wage order..... 3303; 1–18–77

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

federal register

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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Title 3—The President

PROCLAMATION 4484

International Clergy Week, 1977

By the President of the United States of America

A Proclamation

In a civilization marred by disputes and conflicts, the ministers of God, representing all faiths, help lead the human family to an understanding of His love and His peace. Clergymen of all denominations point the way to a richer, more fulfilling life through higher moral standards.

The clergy inspire all of us to hold firm to what is right—against what is wrong. They call upon us to practice charity and compassion. They bring us together and nearer to our Creator.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in recognition of the spiritual and social contributions of the clergy in our Country and throughout the world, do hereby proclaim the week beginning January 30, 1977, as International Clergy Week in the United States. I urge all our people to honor these servants of God and man through appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of January in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-3543 Filed 2-1-77;1:28 pm]

rules and regulations

Title 7—Agriculture

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

[Navel Orange Reg. 399]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 4–10, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.699 Navel Orange Regulation 399.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges has noticeably slackened since last week. Prices f.o.b. averaged $3.51 a carton on a reported sales volume of 1,076 carlots last week, compared with $3.40 per carton on sales of 934 a week earlier. Track and rolling supplies at 548 cars were up 61 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 1, 1977.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 4, 1977, through February 10, 1977, are hereby fixed as follows:

(i) District 1: 1,189,000 cartons;

(ii) District 2: 261,000 cartons;

(iii) District 3: Unlimited movement."

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

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

Dated: February 2, 1977.

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

[FR Doc.77-3808 Filed 2-2-77;12:26 pm]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 40—LICENSING OF SOURCE MATERIAL

Exemption of Persons Using Thorium in Personnel Neutron Dosimeters

The Nuclear Regulatory Commission is amending its regulation 10 CFR Part 40 to exempt from licensing and regulatory requirements persons using personnel neutron dosimeters containing not more than 50 milligrams of thorium. The exemption does not authorize the manufacture of the personnel neutron dosimeters. Such manufacture would have to be authorized by a license issued by the Commission or an Agreement State.

EFFECTIVE DATE: March 7, 1977.

FOR FURTHER INFORMATION CONTACT: 301–443–6910

By letter dated October 22, 1973, R. S. Landauer, Jr. and Co., Glenwood, Illinois, filed with the Atomic Energy Commission a petition for rule making (PRM 40–19) requesting an exemption from licensing requirements for personnel dosimeters containing not more than 50 milligrams of thorium per dosimeter. This notice of rule making responds to the request of R. S. Landauer, Jr. and Co.

BACKGROUND

On June 24, 1976, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (41 FR 26032) a proposed amendment of its regulation 10 CFR Part 40 which would exempt from the regulatory requirements of Part 40 and the licensing requirements of section 62 of the Atomic Energy Act of 1954, as amended, the receipt, possession, use, transfer, or import of personnel neutron dosimeters containing not more than 50 milligrams of thorium each.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment and a

draft environmental statement by August 9, 1976.

One commentator on the proposed rule did not agree with the proposed method of disposal of obsolete dosimeters through normal refuse disposal facilities, as discussed by the Commission (41 FR 26033), and suggested that the dosimeter supplier should be required to dispose of all obsolete and used dosimeters through a licensed radioactive disposal firm. The Commission has considered the comment in light of the projected distribution and use of the dosimeters. The bulk of the dosimeters will be loaned or leased to exempt persons under the terms of dosimetry service contracts. Such dosimeters would exentually be returned to the licensed manufacturer who would assemble usable thorium foils into new dosimeters or dispose of thorium foils damaged or unusable for whatever cause by using commercial radioactive waste disposal services.

Disposal of a dosimeter through normal refuse disposal facilities could occur if an exempt person were to lose or misplace a dosimeter, or dispose of a dosimeter that he owns or possesses by discarding it as trash rather than by returning it to the licensed manufacturer. It was this relatively rare event that the Commission characterized as highly unlikely to result in any significant radiation safety problem. Therefore, no change in the text of the rule is warranted with respect to disposal of dosimeters.

After consideration of the comments and other factor involved, the Commission has adopted the amendment. The text of § 40.13(c)(1) set out below is identical with the text of the proposed amendment published June 24, 1976.

The amendment exempts from the regulatory requirements of Part 40 and the licensing requirements of section 62 of the Act the receipt, possession, use, transfer, or import of personnel neutron dosimeters by adding this product as a new category in § 40.13(c)(1). As amended, § 40.13(c)(1) exempts thorium contained in (i) incandescent gas mantles, (ii) vacuum tubes, (iii) welding rods, (iv) electric lamps for illuminating purposes: *Provided*, That each lamp does not contain more than 50 milligrams of thorium, (v) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting: *Provided*, That each lamp does not contain more than 2 grams of thorium, (vi) rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these, or (vii) personnel neutron dosimeters provided that each dosimeter does not contain more than 50 milligrams of thorium.

The Commission has found that receipt, possession, use, transfer, or import into the United States of personnel neutron dosimeters containing not more than 50 milligrams of thorium each involve unimportant quantities of source material within the meaning of section 62 of the Atomic Energy Act of 1954, as amended, which are not of significance to the common defense and security and that such activities can be conducted without any unreasonable hazard to life or property.

Under the provisions of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," the transfer of possession or control by persons in Agreement States who manufacture, process, or produce personnel neutron dosimeters containing thorium for use by exempt persons are subject to the Commission's licensing and regulatory requirements, even though the dosimeters are manufactured under an Agreement State license. By the terms of the exemption, the Commission is exercising such regulatory authority by exempting, under new § 40.13(c)(1)(vii), any person (including a manufacturer, processor, or producer in an Agreement State of personnel neutron dosimeters) to the extent that such person transfers personnel neutron dosimeters containing not more than 50 milligrams of thorium.

Pursuant to the National Environmental Policy Act of 1969, and the Commission's regulations in 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," the Commission's Office of Standards Development has prepared a final environmental impact statement in connection with this action to amend Part 40 of the Commission's regulations. The statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. In about two weeks after publication of this notice in the FEDERAL REGISTER, copies of the statement will be available as NUREG–0137 from the National Technical Information Service, Springfield, Virginia 22161. The price will be $5.00 for paper copy and $3.00 for microfiche.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 40 is published as a document subject to codification.

In § 40.13 of 10 CFR Part 40, paragraph (c)(1) is revised to read as follows:

§ 40.13 Unimportant quantities of source material.

* * * * *

(c) * * *

(1) Any quantities of thorium contained in (i) incandescent gas mantles, (ii) vacuum tubes, (iii) welding rods, (iv) electric lamps for illuminating purposes: *Provided*, That each lamp does not contain more than 50 milligrams of thorium, (v) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting: *Provided*, That each lamp does not contain more than 2 grams of thorium, (vi) rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these, or (vii) personnel neutron dosimeters: *Provided*, That each dosimeter does not contain more than 50 milligrams of thorium.

* * * * *

(Secs. 62, 161, Pub. L. 83–703, 68 Stat. 932, 948 (42 U.S.C. 2092, 2201); sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 7th day of January 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77–3367 Filed 2–2–77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76–NW–17–AD; Amdt. 39–2825]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 707–100, –100B, –200 Series Airplanes

Amendment 39–1838 AD 74–10–09 requires a one-time X-ray inspection for cracks in the upper wing station 360 splice plate on Boeing 707–100, –100B, –200 series airplanes. That amendment was based on service difficulties which occurred on similarly designed 707–300, –300B/C, –400 series airplanes. Since issuing Amendment 39–1838 improved inspection techniques have been developed. Therefore, the AD is being amended to provide low frequency eddy current inspections as an option to the X-ray inspections presently called out. Current service difficulties do not show a need for repetitive inspections, however, if significant cracking does occur, mandatory repetitive inspections will be considered.

Clarifying information has also been provided for approved repairs if cracks are found. Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39–1838 AD 74–10–09 is amended as follows:

1. In two places in the body of the AD after the word "X-ray," add "or low frequency eddy current."

2. Delete the last sentence of the second paragraph of the AD with the following sentence: "If cracks are found, repair prior to further flight in accordance with Part VII or VIII or install external doubler in accordance with Part IX of Boeing Service Bulletin No. 2576, Revision 2, or later approved revisions or in a manner approved by the Chief,

Engineering and Manufacturing Branch, FAA Northwest Region."

This amendment becomes effective February 21, 1977.

NOTE: An evaluation of the anticipated impacts has been made, and it is expected that the final regulation is neither costly nor controversial. The preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107 is not required.

The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Seattle, Washington, January 26, 1977.

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

[FR Doc.77-3365 Filed 2-2-77;8:45 am]

[Docket No. 77-NW-1-AD; Amdt. 39-2826]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

There have been reports of engine fuel feed hose rupturing on Model 727 airplanes that could result in uncontrollable loss of fuel and wheel well fires. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection, replacement, and modifications as deemed necessary of engine fuel feed hose assembly installations on the Boeing Model 727 airplanes.

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

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

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

BOEING: Applies to Boeing Model 727 Series airplanes certificated in all categories that have engine forward fuel feed hose assemblies which have accumulated 5 years or more or 12,000 hours or more time in service whichever occurs first. Compliance required as indicated.

To prevent rupture of the engine fuel feed hose assemblies, accomplish the following:

A. Within the next 60 days, unless already accomplished within the past six months, inspect and replace as required with a like part or an equivalent hose assembly approved by Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the No. 1 and No. 2 and No. 3 engine forward fuel feed hose assemblies in accordance with Boeing S.B. 727-28-51, Figure 3, pages 26 and 27, Steps 1, 2, 3, and 4 issued November 12, 1976, or later FAA approved revision.

B. Within 3,000 hours time in service, install clamps on all hose assemblies in accordance with Boeing S.B. 727-28-51, Figure 4, pages 28 and 29, Steps 1, 2, and 4 issued November 12, 1976, or later FAA approved revision.

C. Annually reinspect all hose assemblies not replaced per paragraph A above or at an interval that is compatible with the airlines' inspection schedules and approved by the assigned FAA Principal Maintenance Inspector with prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 4, 1977.

An evaluation of the anticipated impacts has been made and it is expected that the final regulation is neither costly nor controversial. The preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107 is not required.

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

Issued in Seattle, Washington, January 28, 1977.

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

[FR Doc.77-3466 Filed 2-2-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-213]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Fourteenth Coast Guard District; Revised Descriptions

These amendments revise the descriptions of the two Captain of the Port Areas of the Fourteenth Coast Guard District in Part 3 of Title 33, Code of Federal Regulations.

The Honolulu Captain of the Port and the Guam Captain of the Port Areas are revised to coincide with the boundaries of the Honolulu Marine Inspection Zone and Guam Marine Inspection Zone, respectively. The descriptions of the two Captain of the Port Areas, as amended by this document, are included in §§ 3.70-10 and 3.70-15. Accordingly, §§ 3.70-55 and 3.70-60, which contain the present descriptions of these areas, are deleted.

Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A) and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(3).

In accordance with the foregoing, Part 3 of Chapter 1 of Title 33, Code of Federal Regulations, is amended as follows:

1. Section 3.70-10 is revised to read as follows:

§ 3.70-10 Honolulu Marine Inspection Zone and Captain of the Port.

(a) The Honolulu Marine Inspection Office and Captain of the Port Office are in Honolulu, Hawaii.

(b) The Honolulu Marine Inspection Zone and Captain of the Port Area boundaries are the boundaries of Hawaii.

2. Section 3.70-15 is revised to read as follows:

§ 3.70-15 Guam Marine Inspection Zone and Captain of the Port.

(a) The Guam Marine Inspection Office and Captain of the Port Office are in Agana, Guam.

(b) The Guam Marine Inspection Zone and Captain of the Port Area boundaries are the boundaries of the Territory of Guam.

§§ 3.70-55, 3.70-60 [Deleted]

3. Sections 3.70-55 and 3.70-60 are deleted.

(5 U.S.C. 552; 14 U.S.C. 633, 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

Effective date: These amendments are effective February 3, 1977.

Dated: January 26, 1977.

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

[FR Doc.77-3401 Filed 2-2-77;8:45 am]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

St. Marys Falls Canal and Locks, Michigan

In February of 1974 Great Lakes shipping interests requested an amendment to 33 CFR 207.440(w) allowing vessels of up to 1,100 feet in length to transit Poe Lock, thus modifying the existing 1,000 feet maximum length dimension provisions. The Department of the Army, acting through the Chief of Engineers, has since prepared a special report, entitled "Transit of a 105' by 1,100' Lake Freighter through the Great Lakes System," providing all known information that would be used as a basis for making a determination of appropriate action on the requested amendment. Included in this report is public and private input solicited from all interested parties. This procedure of public involvement is one used on all Corps of Engineers studies and includes such activities as public meetings and the preparation and dissemination of an Environmental Assessment.

The Detroit District held a public meeting in Detroit on 30 June 1976. The District mailed a notice of this public meeting and a copy of the Environmental Assessment to approximately 800 known interested parties on 27 May 1976. The mailing list included Congressmen

and Governors of the states directly affected by Great Lakes shipping, Federal and state agencies, industry, local interest groups, Canadian and other foreign interests, news media, and the general public. After the meeting the District sent first a digest of the meeting, then subsequently the draft and final versions of the special report, to all 800 on the mailing list.

The foregoing public involvement has been superior to a notice of proposed rulemaking. Comments that would be solicited by such a notice would only duplicate previous statements.

Since there has been a high degree of public awareness and opportunity for comment prior to this time, it has been determined that relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are unnecessary.

The Great Lakes shipping industry has a need to maximize the return on its fleet investments used in the Great Lakes transportation system. This can be done through the use of larger ships to reduce transportation costs. Because the reduction in unit shipping costs is much greater than the increased cost of additional lockage time for 1,100-foot-long vessels, there is an estimated annual savings of $3.97 million in transportation costs from the projected change to 1,100-foot vessel traffic. This can be accomplished without additional Federal capital investment.

The Corps of Engineers and the shipping industry jointly have developed a lockage procedure to permit safe transit of 1,100-foot-long vessels through the Poe Lock. Since some existing safety equipment designed for 1,000-foot vessels will not be usable with 1,100-foot vessels, the shipping industry has agreed to outfit all 1,100-foot vessels with equipment which will provide an alternative means of assuring safety during transit.

The Detroit District prepared an Environmental Assessment for the transiting of 1,100-foot-long vessels on the Great Lakes, its harbors, and connecting channels and included it as part of the report. The assessment found that such actions would have no significant impact on the natural environment. No significant comment on the Environmental Assessment was received.

Therefore, pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.440 governing the use, administration and navigation of the St. Marys Falls Canal and Locks is amended with respect to paragraph (w) to permit the transit of vessels up to 1,100 feet in length through Poe Lock. Title 33 CFR is amended by revising § 207.440(w) to read as follows, effective February 1, 1977:

§ 207.440 St. Marys Falls Canal and Locks, Michigan; use, administration, and navigation.

* * * * *

(w) The maximum overall dimensions of vessels that will be permitted to transit the New Poe Lock without special restrictions are 100 feet in width, including fendering, and 1,000 feet in length, including steering poles or other projections. Vessels having overall widths of over 100 feet and not over 105 feet including fendering, and overall lengths of not more than 1,100 feet, including projections, will be permitted to transit the New Poe Lock at such times as the District Engineer or his authorized representative determines that they will not unduly delay the transit of vessels of lesser dimensions or endanger the lock structure because of wind, ice, or other adverse conditions. The latter vessels will be subject to such special handling requirements as may be found necessary by the Area Engineer at time of transit. Vessels over 1,000 feet in length will be required to be equipped with six mooring cables and winches ready for use to assist in safe transit of the lock.

* * * * *

NOTE.—The Department of the Army 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: January 26, 1977.

VICTOR V. VEYSEY,
Assistant Secretary of the Army (Civil Works).

[FR Doc.77-3515 Filed 2-2-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 679-8; PP5F1589/R120]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Thiophanate-Methyl

On November 18, 1976, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 50843) in response to a pesticide petition (PP 5F1589) submitted to the Agency by American Cyanamid Co., PO Box 400, Princeton, NJ 08540. This petition proposed that 40 CFR 180 be amended by the establishment of a tolerance for combined residues of the fungicide thiophanate-methyl (dimethyl[1,2-phenylene) bis - (iminocarbonothioyl)]bis[carbamate]) and its oxygen analog dimethyl-4,4'-o-phenylene-bis and its benzimidazole-containing metabolites in or on the raw agricultural commodity bananas at 2 parts per million (ppm) of which not more than 0.2 ppm shall be present in the pulp after the peel is removed. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendments to 40 CFR 180 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before March 7, 1977, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Rm. 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective February 3, 1977, Part 180 is amended as set forth below.

Dated: January 27, 1977.

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

1. Section 180.3 is amended by adding the new paragraph (d)(10) containing provision for pesticide chemicals having as metabolites compounds containing the benzimidazole moiety, to read as follows:

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(d) * * *

(10) Where a tolerance is established for more than one pesticide having as metabolites compounds containing the benzimidazole moiety found in or on a raw agricultural commodity, the total amount of such residues shall not exceed the highest established tolerance for a pesticide having these metabolites.

* * * * * *

2. A new § 180.371 containing a tolerance for residues of thiophanate-methyl, its oxygen analog, and its benzimidazole containing metabolites of 2 ppm in or on bananas and of 0.2 ppm in banana pulp after removal of the peel, is added to read as follows:

§ 180.371 Thiophanate-methyl; tolerances for residues.

Tolerances are established for residues of the fungicide thiophanate-methyl (dimethyl [(1,2-phenylene) bis(iminocarbonothioyl)]bis[carbamate]), its oxygen analog, dimethyl - 4,4' - o - phenylene-bis, and its benzimidazole containing metabolites (calculated as thiophanate-methyl) in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Bananas	2
Bananas, pulp	0.2

* * * * *

[FR Doc.77-3306 Filed 2-2-77;8:45 am]

SUBCHAPTER H—OCEAN DUMPING

[FRL 679-7]

FINAL REVISION OF REGULATIONS AND CRITERIA

Correction

In FR Doc. 77-900 appearing at page 2462 in the FEDERAL REGISTER of Janu-

ary 11, 1977, the following changes should be made:

1. On page 2472 the final sentence of § 222.6 is corrected to read as follows:

"For adjudicatory hearings held pursuant to § 222.11, the Presiding Officer shall be an EPA employee who has had no prior connection with the permit application in question, including without limitation, the performance of investigative or prosecuting functions or any other functions, and who is not employed in the Enforcement Division or any Regional enforcement office."

2. On page 2472, § 222.8, the 19th line of that paragraph is corrected by inserting a period after the word "upon" and striking the rest of the sentence.

Dated: January 27, 1977.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77-3305 Filed 2-2-77;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Need Standards; Factors Specific to AFDC

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 23, 1975 (40 FR 49353), to implement the U.S. Supreme Court decision in *Van Lare* v. *Hurley*, 419 U.S. 1045 (1975) and to delete an obsolete requirement relating to methods of determining needs in public assistance programs. In the *Van Lare* v. *Hurley* decision, the U.S. Supreme Court rendered invalid a New York State regulation which required that the shelter allowance of a family receiving Aid to Families with Dependent Children be reduced pro-rata solely because a non-legally responsible individual also resided in the home. The Court held that Federal law bars States from assuming that non-legally responsible individuals will apply their resources to aid a child receiving AFDC; prorating the shelter allowance in such circumstances constitutes an impermissible assumption of income.

Responses were received on the proposed regulation from 15 sources: 9 State welfare agencies; 2 local welfare agencies; 1 State aging office; 1 legal aid society; 1 community action agency; and 1 member agency of the Advisory Council on Intergovernmental Relations (ACIR). The ACIR member agency had no comments. Comments received, and the HEW responses are as follows:

1. *Comment:* Four State and local welfare agencies and two private agencies supported the proposed regulation. Three of these agencies indicated that the policies contained in the proposed regulation had already been implemented in their States as a result of the U.S. District Court rulings.

2. *Comment:* Four State welfare agencies felt that the Court decision was specific to the "man-in-the-house" situation and that the regulation should not apply to all shared households.

Response: The man-in-the-house situation had already been adjudicated in the *King* v. *Smith* decision of the U.S. Supreme Court which was implemented in 45 CFR 233.90(a) in 1971. There would have been no reason for the Supreme Court to rule in *Van Lare* v. *Hurley* if it had been merely a repetition of *King* v. *Smith*. In *Van Lare* only one of the three petitioners could be considered to be sharing living arrangements with a man-in-the-house; of the other two, one was sharing with a sister, one with an adult son.

In the *Van Lare* decision the Court held that prorating the standard of need is another form of assumption of income from non-legally responsible individuals which has long been prohibited by Federal regulations and upheld by the U.S. Supreme Court in the case of *King* v. *Smith*, *Lewis* v. *Martin*, et al. Therefore, the Department sees no basis for making a distinction between non-legally liable individuals depending on where the child's home is. Under Federal regulations in 45 CFR 233.90, a child's home is where the child is living.

3. *Comment:* Four State welfare agencies felt the proposed regulations would encourage non-legally responsible individuals who share households with AFDC recipients to discontinue contributions to household expenses which they may now be making, and would result in non-legally responsible individuals who are ineligible for AFDC being subsidized by AFDC payments.

Response: There is no legal basis for forcing or requiring a contribution from a non-legally liable individual. If a former contributor discontinues that contribution, then the agency would need to provide for the dependent child whatever amount is allowed under the State's standard. In States which have taken into consideration income actually available in accordance with Federal law and regulations, the proposed regulation would not cause any change in their programs. Thus, the regulation only presents a problem in those States that have been assuming income. Any monies which are actually contributed must, under present law and regulations, be considered as income or resources.

4. *Comment:* One State welfare agency suggested that a non-needy individual residing with an AFDC assistance unit should assume responsibility for contributing his share for shelter and utilities. Another agency proposed that a recipient sign an affidavit that a non-eligible individual living in the household is not contributing to the support of the AFDC assistance unit.

Response: HEW believes that a non-needy individual should contribute his share of household expenses if able to do so. The amended regulation does not relieve the AFDC recipient in any way from his responsibility under Federal law and current regulations to report all income which is received by the AFDC assistance unit. Since present law and regulation require that a recipient report all income and he in fact attests on his application for assistance as to his income, HEW believes that signing an additional affidavit is not necessary and might be administratively cumbersome.

5. *Comment:* Three State welfare agencies objected to the proposed regulation because of the potential increase in AFDC expenditures, and one suggested that the proposed regulation be withdrawn pending further analysis of cost.

Response: There will be increases in assistance expenditures in States which have incorrectly or improperly assumed income from non-legally responsible individuals which is not in fact available. Under present law this result cannot be avoided since only income which is in fact made available is to be taken into consideration in reducing the AFDC payment. HEW believes, therefore, that an analysis of cost would not serve a useful purpose.

6. *Comment:* One local agency which supported the proposed regulation expressed concern that it would increase administrative work.

Response: There will be some increased administrative work as a result of the regulation because States which have been inappropriately reducing allowances (needs) pro-rata will now have to determine whether actual contributions have been made. However, Federal matching will be available for any increase in administrative costs. Shared households do not constitute a high percentage of the case load in many States.

7. *Comment:* Two State welfare agencies objected to the use in the proposed regulation at § 233.90(a) of the term "members of the household."

Response: The final regulation has been changed to substitute the term "individuals living in the household" (the language of the Van Lare decision).

8. *Comment:* One State welfare agency objected to the use in the proposed regulation at § 233.90(a) of the term "proof of actual contribution."

Response: The term objected to is not new; it has been included in § 233.90(a) since 1971. HEW believes that it continues to be appropriate usage under present law. State welfare agencies have the responsibility and the option for determining what is proof of actual contributions.

9. *Comment:* One State welfare agency objected to the proposed regulation at both § 233.20(a)(2)(vii) and § 233.90(a) of the term "prorate."

Response: The term "prorate" is the term used in the Court's decision, and has been used in many States which follows the now prohibited policy.

10. *Comment:* One respondent expressed concern over the one-third reduction in the SSI payment when an SSI beneficiary lives in the household of another, including AFDC households.

Response: The SSI one-third reduction is provided for in law (title XVI of the Social Security Act).

11. *Comment:* One State welfare agency objected to the deletion of requirements at § 233.20(a)(2)(iv) for methods for determining needs.

Response: The deletion in § 233.20(a)(2)(iv) was only with reference to the requirement for use of an SRS publication "Guides and Recommendations" which has become an obsolete publication; however, the requirements remains in effect that States must include in their plans the method used in determining need.

12. *Comment:* One respondent requested an extension of the comment period to 90 days.

Response: Inasmuch as the comments received during the period provided cannot be accommodated under present law, HEW believes that an extension of the comment period would not serve a useful purpose.

After consideration of the comments received, the proposed regulation is adopted with the above indicated changes.

Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 233.20 is amended by revising paragraph (a)(2)(iv) and by adding a new paragraph (a)(2)(viii) to read as set forth below:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State Plans.* A State Plan for OAA, AFDC, AB, APTD or AABD must, as specified below:

* * * * *

(2) Standards of assistance. * * *

(iv) Include the method used in determining need and the amount of the assistance payment.

* * * * *

(viii) Provided that the money amount of any need item included in the standard will not be prorated or otherwise reduced solely because of the presence in the household of a non-legally responsible individual; and the agency will not assume any contribution from such individual for the support of the assistance unit.

* * * * *

Section 233.90 is amended by revising paragraph (a) to read as set forth below:

§ 233.90 Factors specific to AFDC.

(a) *State plan requirement.* A State plan under title IV-A of the Social Security Act must provide that the determination whether a child has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his father, will be made only in relation to the child's natural or adoptive parent, or in relation to the child's stepparent who is ceremonially married to the child's natural adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children. Under this requirement, the inclusion in the family, or the presence in the home, of a "substitute parent" or "man-in-the-house" or any individual other than one described in this paragraph is not an acceptable basis for a finding of ineligibility or for assuming the availability of income by the State; nor may the State agency prorate or otherwise reduce the money amount for any need item included in the standard on the basis of assumed contributions from nonlegally responsible individuals living in the household. In establishing financial eligibility and the amount of the assistance payment, only such net income as is actually available for current use on a regular basis will be considered, and the income only of the parent described in the first sentence of this paragraph will be considered available for children in the household in the absence of proof of actual contributions.

* * * * *

Effective date: The regulation in § 233.20(a)(2)(iv) is effective on February 3, 1977. The regulations in § 233.20(a)(2)(viii) and § 233.90(a) implement a U.S. Supreme Court decision which was effective on May 19, 1975.

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

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance-Maintenance Assistance (State Aid).)

Answers to specific questions may be obtained by calling Mrs. Mary Steers, area code 202-245-8817.

NOTE.—The Social and Rehabilitation Service has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order No. 11821 and OMB Circular A-107.

Dated: January 6, 1977.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: January 18, 1977.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.77-3343 Filed 2-2-77;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-225]

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

Semi-Portable Carbon Dioxide Systems

On July 26, 1976, a document was published in the FEDERAL REGISTER (41 FR 30654) proposing to amend the regulations governing the use of ships' stores and supplies by adding testing requirements for discharge hoses of semi-portable carbon dioxide systems.

Interested persons were given an opportunity to comment on the proposed amendment. One comment was received. This comment was in favor of the proposal.

In consideration of the foregoing, the proposal is adopted without change and is set forth below.

Effective date: This amendment becomes effective on March 7, 1977.

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

Dated: January 13, 1977.

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

Part 147 of Title 46, Code of Federal Regulations is amended by adding a new § 147.04-1(a)(8) to read as follows:

§ 147.04-1 Cylinder requirements.

(a) * * *

(8) Each discharge hose of a semi-portable CO_2 system shall be tested at a pressure of 1000 pounds per square inch whenever the cylinders are retested under any of the conditions noted in this paragraph.

* * * * *

(46 U.S.C. 170, 375, 416; E.O. 11239 and 11382; 49 CFR 1.46.)

[FR Doc.77-3402 Filed 2-2-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 3 SO 1242]

PART 1033—CAR SERVICE

Kansas City Southern Railway Company Authorized To Operate Over Certain Tracks of Southern Pacific Transportation Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of January, 1977.

Upon further consideration of Service Order No. 1242 (41 FR 18053, 31824, and 48344), and good cause appearing therefor:

It is ordered, That Service Order No. 1242 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1242 The Kansas City Southern Railway Company authorized to operate over tracks of Southern Pacific Transportation Company.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 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 a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment 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.77-3422 Filed 2-2-77;8:45 am]

[Amdt. 8, SO 1163]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Company Authorized To Operate Over Tracks of Union Pacific Railroad Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of January, 1977.

Upon further consideration of Service Order No. 1163 (38 FR 32259; 39 FR 18280, 41854; 40 FR 24005, 56443; 41 FR 22067, 48343, and 56652), and good cause appearing therefor:

It is ordered, That Service Order No. 1163 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1163 Missouri Pacific Railroad Company authorized to operate over tracks of Union Pacific Railroad Company.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 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 a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment 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.77-3423 Filed 2-2-77;8:45 am]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

PART 1201—RAILROAD COMPANIES

Minimum Rule Applicable to Railroad Property Acquisitions, Additions and Betterments

Certain revised accounting regulations governing railroad companies (49 CFR Part 1201) are adopted to be effective January 1, 1977.

We have reviewed the minimum rule on property acquisitions, additions and betterments established in Instruction 2–2 of the Uniform System of Accounts for Railroad Companies, and conclude that a revision is appropriate and necessary.

The current minimum capitalization level of $1500 has been in effect since January 1, 1973.

The purpose of the minimum rule is to reduce that burden associated with accounting for minor items of property, without impairing the ability of the financial statements to reflect fairly financial position and operating results. The minimum capitalization level should be an amount which permits a substantial reduction of recordkeeping while being sufficiently low to guard against the exclusion of substantial amounts of capital items from the property investment account.

To determine the effects of inflation on the current minimum rule, we analyzed three of the most relevant indexes of price changes. The indexes analyzed were: (1) The Department of Labor's Wholesale Price Index, (2) the Department of Commerce's Gross National Product-Implicit Price Deflator, and (3) the Association of American Railroads' Wage and Material Price Index. None of these indexes apply specifically to the types of items which are generally subject to the minimum rule; however, they serve as general indicators of inflationary trends. All of the indexes yielded amounts in excess of $2000 when 1972 dollars were adjusted to current value. Upon consideration of this and other factors, we find that $2,000 is now an appropriate capitalization level which satisfactorily fulfills the objective of the minimum rule.

This revision is intended to relieve railroads of accounting burden associated with the capitalization of minor items of property. Therefore, rulemaking proceedings under Sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559) are not necessary.

FINDINGS

We find that Part 1201 of Chapter X of Title 49 of the Code of Federal Regulations should be amended as detailed in the appended statement of changes; and that such rules are reasonable and necessary to the effective enforcement of the provisions of Parts I, II, III, and IV of the Interstate Commerce Act, as amended; that such rules are otherwise lawful and, to the extent so found in this report, consistent with the public interest and the national transportation policy; and that 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.

An appropriate order will be entered.

ORDER

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

Consideration having been given to the matters and things involved in this proceeding, and the said Commission, on the date thereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That, effective January 1, 1977, the regulations prescribed in Part 1201, of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as shown below.

It is further ordered, That service of this order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; 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 a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(49 U.S.C. 12, 20.)

By the Commission.

ROBERT L. OSWALD,
Secretary.

NOTE: 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.

STATEMENT OF AMENDED RULES

Part 1201, "INSTRUCTIONS FOR PROPERTY ACCOUNTS", instructions 2–2 and 2–9 are amended as follows:

Item No. 1. Instruction "2–2 Minimum rule applicable to additions to property" is revised by replacing the references to "$1500" in the first and third sentences, to read as "$2000."

As amended the rule reads:

* * * * *

2–2 *Minimum rule applicable to additions to property.* An exception to the rule in instruction 2–1 is that when the cost of acquisition of units of road property and of

additions and betterments to existing units of road property (other than land or tracks) is less than $2000 such cost shall be charged to operating expenses. The carrier shall not parcel expenditures under a general plan for the purpose of bringing the accounting for such expenditures within this minimum rule. An amount of less than $2000 may be adopted for purposes of this rule provided the carrier first notifies the Commission of the amount it proposes to adopt and thereafter makes no change in the amount unless authorized to do so by the Commission. An amount so adopted shall be adhered to in reporting property changes for valuation purposes.

* * * * *

Item No. 2. Instruction "2–9 Additions and retirements of other than units of property" is revised by replacing the reference to "$1500" in the first sentence of paragraph (a), to read as "$2000."

As amended the rule reads:

* * * * *

2–9 *Additions and retirements of other than units of property.* (a) When an item of road or equipment property, other than a complete unit, is addd to the plant and the addition is not a replacement, the cost thereof shall be accounted for in the same manner as an addition of a complete unit of property, subject to the $2000 minimum rule applicable to road property. When an item of property other than a complete unit (minor item) is replaced, independent of the complete unit of which it is a part, the cost of replacement shall be treated as maintenance and charged to operating expenses; except that, when the replacement effects a substantial betterment through the application of superior parts, the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity, the excess cost of new parts over the current cost of new parts, of the kind replaced shall be charged to the appropriate primary property account. The cost of removing old appliances and applying the improved parts shall be charged to operating expenses. (See instruction 2–8(b) covering retirement of a minor item not replaced.)

* * * * *

[FR Doc.77–3278 Filed 2–2–77; 8:45am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Publication of Appendices D Through F

In accordance with the provisions of 43 CFR 20.735–18, 19 and 20, Appendices D, E, and F to Part 20 of Title 43 of the Code of Federal Regulations are published in their entirety to show bureaus and offices, or subunits thereof, performing functions or duties under the Federal Land Policy and Management Act (Pub. L. 94–579), the Mining in the Parks Act (Pub. L. 94–429), and the Energy Policy and Conservation Act (Pub. L. 94–163) respectively and positions within those bureaus and offices which the Secretary has determined to be exempt from public disclosure requirements. As provided in 43 CFR 20.735–18, 19 and 20, all officers and employees of the Department who are employed in offices and bureaus, or subunits thereof, performing functions or duties under any of the three Acts are required to file applicable public disclosure statements unless specifically exempted by the Secretary. Such exemptions are identified in Appendices D, E and F and are effective for the February 1, 1977, filing date.

(Pub. L. 94–579; Pub. L. 94–429; Pub. L. 94–163; and 43 CFR 20.735–18, 19 and 20.)

Dated: January 28, 1977.

RICHARD R. HITE,
Acting Secretary of the Interior.

APPENDIX D

LIST OF BUREAUS AND OFFICES, OR SUBUNITS THEREOF, PERFORMING FUNCTIONS OR DUTIES UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT AND POSITIONS WHICH THE SECRETARY HAS DETERMINED TO BE EXEMPT FROM REPORTING REQUIREMENTS OF SECTION 313

All employees in the following bureaus, offices, and subunits thereof, are subject to the filing requirements of the Act except for the following positions which do not involve policymaking or regulatory responsibility under the Act.

Office of the Secretary

GS–14, confidential assistant, Washington, D.C.
GS–12, secretarial assistant, Washington, D.C.
GS–11, staff assistant, Washington, D.C.
GS–11 and below, confidential assistants, Washington, D.C.
GS–10 and below, secretarial and clerical personnel, Washington, D.C.
GS–9, correspondence analysts, Washington, D.C.
GS–9, correspondence Management specialists, Washington, D.C.
GS–14, staff assistant, field office.
GS–14, staff director, field office.
GS–14, public information specialist, Field office.
GS–13, staff assistants and officers, field office.
GS–12, staff assistants, field office.
GS–11, staff assistant, field office.
GS–8 and below, secretarial and clerical personnel, field office.

Office of the Under Secretary

GS–12, private secretary to the under secretary.
GS–11, secretarial assistants.
GS–9, secretarial assistants.
GS–8, secretary.
GS–7, secretary.

Office of Hearings and Appeals

GS–12 and below, attorney advisors.
All clerical, paralegal, and administrtaive personnel.

Immediate Office of the Director of Public Affairs

GS–11, staff assistant.
GS–9 and below, secretaries and clerk typist.

Solicitor

All employees of the following subunits of the Solicitor's office perform duties under the Act. Clerical, administrative and paralegal employees of such subunits are exempt from filing.
Immediate office of the solicitor.
Division of Energy and Resources, immediate office of the Associate Solicitor.
Division of Energy and Resources, branch of lands.
Division of Energy and Resources, branch of minerals.
Division of General Law, immediate office of the Associate Solicitor.
Division of General Law, branch of general legal services.
Division of General Law, branch of procurement.
All regional offices.
All field offices, except Aberdeen, South Dakota and Elberton, Georgia.

Assistant Secretary—Program Development and Budget

GS–15, staff assistant.
GS–15, director, international programs.
GS–15, international program officers.
GS–14, staff assistant.
GS–11, secretarial assistant.
GS–11 and below, staff assistants.
GS–9 and below, secretarial and clerical personnel.

Office of Environmental Project Review

GS–7 and below, administrative, secretarial and clerical personnel.

Office of Budget

GS–9 and below, administrative, clerical and secretarial personnel.
GS–11 and below, budget analysts.
GS–14, staff accountants.

Office of Policy Analysis

GS–9 and below, secretarial, clerical, and administrative personnel.

Assistant Secretary—Administration and Management

GS–15, executive assistant.
GS–15, special assistant.
GS–15, staff assistants.
GS–15, management resources officers.
GS–14, committee management officer.
GS–12, EO specialist.
GS–11, confidential assistant.
GS–9 and below, secretarial and clerical personnel.

Office of Audit and Investigation

GS–15, manager, staff development and resources.
GS–15, program audit manager, fish, wildlife, and parks.
GS–15, program audit manager, Bureau of Indian Affairs.
GS–14, supervisory auditor, contract and grant.
GS–14, supervisory management analyst, ADP.
GS–12, administrative officer.
GS–9 and below, auditors.
GS–9 and below, secretarial and clerical personnel.

Immediate Office of the Director Personnel Management

GS–15, personnel management specialist.
GS–9 and below, secretarial and clerical personnel.

Assistant Secretary—Congressional and Legislative Affairs

GS–11, congressional administrative assistant.

Office of Congressional Liaison

GS–14, congressional services officer.
GS–12, management specialist.
GS–11, management specialist.
GS–11, liaison specialist.
GS–8 and below, administrative, clerical, and secretarial personnel.

Office of Legislation

GS–13, staff assistant.
GS–14, attorney-advisors.
GS–13, attorney-advisors.
GS–12, attorney-advisors.
GS–10, legislative assistant.
GS–7 and below, secretaries, clerks and administrative personnel.

Assistant Secretary—Energy and minerals

GR–15, industrial specialist.
GS–15, public information officer.
GS–15, general engineer.
GS–13, staff assistant.
GS–11, staff assistant.
GS–11, confidential assistant.
GS–9 and below, administrative, clerical and secretarial personnel.

Bureau of Mines

Immediate office of the Associate Director—Mineral and Material Supply/Demand Analysis.

Administrative officer (1).
Professional, administrative, secretarial and clerical employees GS–9 and below.

Immediate office of the Assistant Director—Field and Environmental Activities.

All secretarial and administrative employees.

Immediate office of the Chief, Office of Environmental Coordination.

Water resources specialist (1).
Chemist (1).
All secretarial and clerical employees.

Alaska Field Operations Center, Eastern Field Operations Center, Intermountain Field Operations Center, and Western Field Operations Center.

Employees paid under the Federal wage system; employees in secretarial, clerical, maintenance, and technician/aid positions.
Mineral assessment specialists not performing wilderness evaluation studies under the Wilderness Act.
GS–11 and below, mineral assessment specialists.

Geological Survey: Office of the Director

Immediate office of the Director, Reston, Virginia.
Assistant director—program analysis.
Assistant director—environmental conservation.
Assistant director—eastern region.
Program analysts (4).
Economist.
Physical scientist.
Legislative specialist.
Congressional liaison.
Biological scientist.
Staff scientist.
Public information officers (2).
Operations research analyst.
Technical information specialist.
Special assistant for environmental analysis.
Staff assistant.
Geologist.
Secretarial, clerical, and administrative personnel.

Geologic Division

Immediate office of the Chief Geologist, Reston, Virginia.
Deputy chief geologist for program and budget.
Administrative officer.
Fiscal officer.
Clerical, secretarial, and other administrative personnel.

Office of Mineral Resources—Immediate office of the Chief, Reston, Virginia.

Deputy chief for mineral resources specialist program.
Secretarial and clerical personnel.
Denver, Colorado:
Secretarial and clerical personnel.
Menlo Park, California:
Secretarial and clerical personnel.

Conservation Division

In addition to exempt personnel identified below by office, the following groups are exempt in all offices required to file:

All secretarial personnel.
All accounting assistants (GS–6 and below).
All clerical personnel.
All cartographic, engineering, and physical science aids.
All engineering, geologic, hydrologic, and topographic field assistants.
All cartographic, engineering, petroleum engineering, and physical science technicians (GS–6 and below).
Offices required to file:
Office of the Division Chief, Branch of Mining Operations, Branch of Onshore Evaluation, Office of Conservation Manager, Eastern Region.
Office of Area Geologist, Eastern Region
Personnel engaged only in matters relating to Outer Continental Shelf:
Geologists (8).
Geophysicists (12).
Oceanographers (3).
Petroleum engineer (1).
Physical science technicians (3).
Cartographic technicians (3).
Office of Conservation Manager, Central Region.
Office of Conservation Manager, Western Region.
Office of District Geologist, Los Angeles, California (Personnel engaged only in matters relating to Outer Continental Shelf):
Geologists (12).
Geophysicists (8).
Physicial science technician (1).
Office of District Geologist, Ventura, California (Personnel engaged only in matters relating to Outer Continental Shelf):
Petroleum engineering technicians (8).
Petroleum engineers (3).
Office of Area Oil and Gas Supervisor, Los Angeles, California (Personnel engaged only in matters relating to Outer Continental Shelf):
Petroleum engineers (12).
Mechanical engineer (1).
Petroleum engineering technician (1).
Accountant (GS–7 and above) (3).
Environmental specialist (1).
Structural engineer (1).
Cartographic technician (1).
Accounting assistant (1).
Office of Area Oil and Gas Supervisor, Anchorage, Alaska (Personnel engaged only in matters relating to Outer Continental Shelf):
Petroleum engineers (7).
Petroleum engineering technicians (2).
Office of Area Geologist, Anchorage, Alaska (Personnel engaged only in matters relating to Outer Continental Shelf):
Geologists (6).
Geophysicists (8).
Physical science technicians (2).
Cartographic technician (1).

Office of Minerals Policy and Research Analysis

GS–9, administrative assistant.
GS–12, operations research analyst.
GS–14, mathematical statistician.
GS–14, computer specialist.
GS–11, statistician.
GS–11, economist.
GS–12, operations research analyst.
GS–12, economist.
GS–7 and below, secretarial and clerical personnel.

Assistant Secretary—Fish, Wildlife, and Parks

GS–15, staff assistant.
GS–15, special assistants.
GS–14, staff assistant.
GS–14, special assistant.
GS–11, confidential assistant.
GS–10, secretarial assistant.
GS–9, research assistant.
GS–9, staff assistant.
GS–9 and below, secretaries and student assistants.

Assistant Secretary-Land and Water Resources

GS–15, deputy assistant secretary (intergovernmental affairs).
GS–15, administrator, emergency water administration.
GS–15, public information officer.
GS–14, staff assistant.
GS–12, staff assistant.
GS–11, confidential assistant.
GS–9 and below, administrative, clerical, and secretarial personnel.

Bureau of Land Management

All offices of the Bureau are considered to be covered offices at this time. The following positions of the Bureau are exempt:
All positions under the Federal Wage System.
All positions in the following occupational codes under the General Schedule:
026—Park technician series.
085—Guard series.
099—General student trainee series.
203—Personnel clerical and assistance series.
302—Messenger series.
304—Information receptionist series.
305—Mail and file series.
312—Clerk-stenographer and reporter series.
313—Stenographic or typing unit supervising series.
316—Clerk-dictating machine transcribing series.
318—Secretary series.
322—Clerk-typist series.
332—Computer operation series.
344—Management clerical and assistance series.
350—Office machine operation series.
356—Data transcriber series.
382—Telephone operating series.
404—Biological technician series.
520—Accounts maintenance clerical series.
525—Accounting technician series.
530—Cash processing series.
540—Voucher examining series.
544—Payroll series.
818—Engineering drafting series.
856—Electronics technician series.
1021—Office drafting series.
1047—Interpreter series.
1060—Photography series.
1071—Audio-visual production series.
1082—Writing and editing series.
1083—Technical writing and editing series.
1084—Visual information series.
1087—Editorial assistance series.
1105—Purchasing series.
1106—Procurement clerical and assistance series.
1107—Property disposal clerical and technician series.
1311—Physical science technician series.
1370—Cartography series.
1371—Cartographic technician series.
1411—Library technician series.
1421—Archives technician series.
1640—Facility management series.
1670—Equipment specialist series.
1702—Education and training technician series.
2005—Supply clerical and technician series.
2010—Inventory management series.
2150—Transportation operations series.
2181—Aircraft operation series.
2614—Electronics mechanics (wage grade).
All positions in the General Schedule 301 series with the following position titles:
Administrative clerk.
Administrative support aid.
Area clerk.
Clerical assistant.
Clerk.
Control clerk.

Cooperative relations aid.
Dispatcher trainee.
District clerk.
EEO technician.
General services assistant.
Incentive awards assistant.
Key entry operator.
L&M records clerk.
Manpower data assistant.
Natural resources technician.
Personal assistant.
Planning and coordination clerk.
Public information aid.
Records clerk.
Recreation aid.
Supervisory administrative aid.
Supervisory administrative technician.
Supervisory clerical assistant.
Supervisory clerk.
Supervisory forestry clerk.
Supervisory microphotographic technician.
All positions GS–8 and below in the following occupational codes under the General Schedule:
335—Computer aid and technician series.
341—Administrative officer series.
342—Office services management and supervision series.
455—Range technician series.
462—Forestry technician series.
501—Accounting clerical series.
802—Engineering technician series.
817—Surveying technician series.
963—Legal instruments examining series.
986—Legal clerk and technician series.
1001—Fine and applied arts series.
1531—Statistical assistant series.
2001—General supply series.

APPENDIX E

LIST OF BUREAUS AND OFFICES, OR SUBUNITS THEREOF, PERFORMING FUNCTIONS OR DUTIES UNDER THE MINING IN THE PARKS ACT AND POSITIONS WHICH THE SECRETARY HAS DETERMINED TO BE EXEMPT FROM REPORTING REQUIREMENTS OF SECTION 13

All employees in the following bureaus, offices, and subunits thereof, are subject to the filing requirements of the Act except for the following positions which do not involve policymaking or regulatory responsibility under the Act.

Office of the Secretary

GS–14, confidential assistant, Washington, D.C.
GS–12, secretarial assistant, Washington, D.C.
GS–11, staff assistant, Washington, D.C.
GS–11 and below, confidential assistants, Washington, D.C.
GS–10 and below, secretarial and clerical personnel, Washington, D.C.
GS–9, correspondence analysts, Washington, D.C.
GS–9, correspondence management specialists, Washington, D.C.
GS–14, staff director, field office.
GS–14, public information specialist, field office.
GS–13, staff assistants and officers except for environmental review personnel, field office.
GS–12, staff assistants, field office.
GS–11, staff assistant, field office.
GS–8 and below, secretarial and clerical personnel, field office.

Office of the Under Secretary

GS–17, assistant to the Under Secretary, Alaska pipeline.
GS–16, technical assistant to the Under Secretary.
GS–11, secretarial assistants.
GS–9, secretarial assistants.
GS–8, secretary.
GS–7, secretary.

Office of Hearings and Appeals

GS–12 and below, attorney advisors.
All clerical, paralegal, and administrative personnel.

Immediate Office of the Director of Public Affairs

GS–11, staff assistant.
GS–9 and below, secretaries and clerk typist.

Solicitor

All employees of the following subunits of the Solicitor's office perform duties under the Act, Clerical, administrative and paralegal employees of such subunits are exempt from filing.
Immediate office of the solicitor.
Division of Conservation and Wildlife, immediate office of the associate solicitor.
Division of Conservation and Wildlife, branch of parks and recreation.
Division of Energy and Resources, branch of minerals.
Division of General Law, immediate office of the associate solicitor.
Division of General Law, branch of general legal services.
All regional offices.
All field offices, except Aberdeen, South Dakota and Elberton, Georgia.

Assistant Secretary-Program Development and Budget

GS–15, staff assistant.
GS–15, director, international programs.
GS–14, staff assistant.
GS–11, secretarial assistant.
GS–11 and below, staff assistants.
GS–9 and below, secretarial and clerical personnel.

Office of Environmental Project Review

GS–15, general engineers.
GS–14, general engineers.
GS–12, environmental review officer.
GS–12, staff assistant.
GS–11, environmental protection specialist.
GS–7 and below, administrative, secretarial and clerical personnel.

Office of Budget

GS–9 and below, administrative, clerical and secretarial personnel.
GS–11 and below, budget analysts.
GS–14, staff accountants.

Office of Policy Analysis

GS–9 and below, secretarial, clerical, and administrative personnel.

Assistant Secretary-Administration and Management

GS–15, executive assistant.
GS–15, special assistant.
GS–15, staff assistants.
GS–15, management resources officers.
GS–14, committee management officer.
GS–12, EO specialist.
GS–11, confidential assistant.
GS–9 and below, secretarial and clerical personnel.

Office of Audit and Investigation

GS–15, manager, staff development and resources.
GS–15, program audit manager, land and water.
GS–15, program audit manager, Bureau of Indian Affairs.
GS14, supervisory auditor, contract and grant.
GS–14, supervisory management analyst, ADP.
GS–15, chief, division of investigations.
GS–14, investigator.
GS–13, investigators.
GS–12, investigator.
GS–12, administrative officer.
GS–9 and below, auditors.
GS–9 and below, secretarial and clerical personnel.

Immediate Office of the Director Personnel Management

GS–15, personnel management specialist.
GS–9 and below, secretarial and clerical personnel.

Assistant Secretary—Congressional and Legislative Affairs

GS–11, congressional administrative assistant

Office of Congressional Liaison

GS–14, congressional services officer.
GS–12, management specialist.
GS–11, management specialist.
GS–11, liaison specialist.
GS–8 and below, administrative, clerical and secretarial personnel.

Office of Legislation

GS–13, staff assistant.
GS–14, attorney advisers.
GS–13, attorney advisers.
GS–12, attorney advisers.
GS–10, legislative assistant.
GS–7 and below, secretaries, clerks, and administrative personnel.

Assistant Secretary—Energy and Minerals

GS–16, director of ocean resources.
GS–15, industrial specialist.
GS–15, public information officer.
GS–15, special assistant to the assistant secretary.
GS–15, general engineer.
GS–15, assistant to the assistant secretary.
GS–15, staff assistant.
GS–14, industrial specialist.
GS–13, staff assistant.
GS–11, staff assistant.
GS–11, confidential assistant.
GS–9 and below, administrative, clerical and secretarial personnel.

Geological Survey: Office of the Director

Immediate office of the Director, Reston, Virginia.
Assistant director—program analysis.
Assistant director—environmental conservation.
Assistant director—eastern region.
Program analysts (4).
Economist.
Physical scientist.
Legislative specialist.
Congressional liaison.
Biological scientist.
Staff scientist.
Public information officers (2).
Operations research analyst.
Technical information specialist.
Special assistant for environmental analysis.
Staff assistant.
Geologist.
Secretarial, clerical and administrative personnel.

Geologic Division

Immediate Office of the Chief Geologist, Reston, Virginia.
Deputy chief geologist for program and budget.
Administrative officer.
Fiscal officer.
Clerical, secretarial, and other administrative personnel.
Office of Mineral Resources—Immediate Office of the Chief, Reston, Virginia.
Reston, Virginia:
Deputy chief for mineral resources specialist program.

Secretarial and clerical personnel.
Denver, Colorado:
Secretarial and clerical personnel.
Menlo Park, California:
Secretarial and clerical personnel.

Conservation Division

In addition to exempt personnel identified below by office, the following groups are exempt in all offices required to file:
All secretarial personnel.
All accounting assistants (GS–6 and below).
All clerical personnel.
All cartographic, engineering, and physical science aids.
All engineering, geologic, hydrologic, and topographic field assistants.
All cartographic, engineering, petroleum engineering, and physical science technicians (GS–6 and below).
Offices required to file: Office of the Division Chief, Branch of Mining Operations, Branch of Onshore Evaluation, Office of Conservation Manager, Eastern Region.
Office of Area Geologist, Eastern Region (Personnel engaged only in matters relating to Outer Continental Shelf):
Geologists (8).
Geophysicists (12).
Oceanographers (3).
Petroleum engineer (1).
Physical science technicians (3).
Cartographic technicians (3).
Office of Conservation Manager, Central Region.
Office of Conservation Manager, Western Region.
Office of District Geologist, Los Angeles, California (Personnel engaged only in matters relating to Outer Continental Shelf):
Geologists (12).
Geophysicists (8).
Physical science technician (1).
Office of District Geologist, Ventura, California (Personnel engaged only in matters relating to Outer Continental Shelf):
Petroleum engineering technicians (8).
Petroleum engineers (3).
Office of Area Oil and Gas Supervisor, Los Angeles, California (Personnel engaged only in matters relating to Outer Continental Shelf):
Petroleum engineers (12).
Mechanical engineer (1).
Petroleum engineering technician (1).
Accountant (GS–7 and above) (3).
Environmental specialist (1).
Structural engineer (1).
Cartographic technician (1).
Accounting assistant (1).
Office of Area Oil and Gas Supervisor, Anchorage, Alaska (Personnel engaged only in matters relatng to Outer Continental Shelf):
Petroleum engineers (7).
Petroleum engineering technicians (2).
Office of Area Geologist, Anchorage, Alaska (Personnel engaged only in matters relating to Outer Continental Shelf):
Geologists (6).
Geophysicists (8).
Physical science technicians (2).
Cartographic technician (1).

Assistant Secretary—Fish, Wildlife and Parks

GS–15, staff assistant.
GS–15, special assistants.
GS–14, staff assistant.
GS–14, special assistant.
GS–11, confidential assistant.
GS–10, secretarial assistant.
GS–9, research assistant.
GS–9, staff assistant.
GS9 and below, secretaries and student assistants.

National Park Service

All employees in the following organizational units perform duties under the Mining in the Park Act. Employees paid under the Federal Wage System; employees in clerical, secretarial and maintenance positions; and employees in positions GS–8 and below are exempted from the filing requirements of the Act since their positions do not involve policymaking or regulatory responsibility under the Act.

Immediate office of the Director.
Immediate office of the associate director, management and operations.
Immediate office of the assistant director, special services.
Immediate office of the division of mining and minerals.
Division of Land Acquisition.
Immediate office of the regional director, Western region.
Immediate office of the associate regional director, management and operations.
Immediate office of the division of mining and minerals.
Immediate office of the division of land acquisition.

Immediate office of the superintendent, division of mining, and division of administration in the following parks and areas:

Death Valley National Monument.
Organ Pipe Cactus National Monument.
Grand Canyon National Park.
Lake Mead National Recreation Area.
Whiskeytown-Shasta-Trinity National Recreation Area.
Coronado National Memorial.
Joshua Tree National Monument.
Immediate office of the regional director, Rocky Mountain region.
Immediate office of the assistant to the regional director, Utah.
Immediate office of the associate regional director, management and operations.
Immediate office of the division of mining and minerals.
Immediate office of the division of land acquisition.

Immediate office of the superintendent, division of mining, and division of administration in the following parks and areas:

Arches National Park.
Glacier National Park.
Canyonlands National Park.
Capitol Reef National Park.
Grand Teton National Park.
Rocky Mountain National Park.
Bighorn Canyon National Recreation Area.
Glen Canyon National Recreation Area.
Natural Bridges National Monument.
Rockefeller National Parkway.
Theodore Roosevelt National Memorial Park.
Immediate office of the regional director, Pacific Northwest region.
Immediate office of the associate regional director, management and operations.
Immediate office of the division of mining and minerals.

Immediate office of the superintendent, division of mining, and division of administration in the following parks and areas:

North Cascades National Park.
Crater Lake National Park.
Olympic National Park.
Ross Lake-Lake Chelan National Recreation Area.
Mount McKinley National Park.
Glacier Bay National Monument.
Katmai National Monument.
Immediate office of the regional director, Southwest region.
Immediate office of the associate regional director, management and operations.
Immediate office of the division of land acquisition.
Immediate office of the superintendent and division of administration in the following park:
Big Bend National Park.
Immediate office of the regional director, Midwest region.
Immediate office of the associate regional director, management and operations.
Immediate office of the division of land acquisition.
Immediate office of the superintendent in the following area:
Grand Portage National Monument.
Immediate office of the regional director, Southeast, region.
Immediate office of the associate regional director, planning and assistance.
Immediate office of the associate regional director, management and operations.
Immediate office of the division of land acquisition.
Immediate office of the superintendent and division of administration in the following parks and areas:
Big Cypress National Preserve.
Everglades National Park.
Gulf Islands National Seashore.

Assistant Secretary-Land and Water Resources

GS–16, staff assistants.
GS–15, Deputy Assistant Secretary (intergovernmental affairs).
GS–15, administrator, emergency water administration.
GS–15, public information officer.
GS–14, staff assistant.
GS–12, staff assistant.
GS–11, confidential assistant.
GS–9 and below, administrative, clerical, and secretarial personnel.

APPENDIX F

LIST OF BUREAUS AND OFFICES, OR SUBUNITS THEREOF, PERFORMING FUNCTIONS OR DUTIES UNDER THE ENERGY POLICY AND CONSERVATION ACT AND POSITIONS WHICH THE SECRETARY HAS DETERMINED TO BE EXEMPT FROM REPORTING REQUIREMENTS OF SECTION 522

All employees in the following bureaus, offices, and subunits thereof, are subject to the filing requirements of the Act except for the following positions which do not involve policymaking or regulatory responsibility under the Act.

Office of the Secretary

GS–14, confidential assistant, Washington, D.C.
GS–12, secretarial assistant, Washington, D.C.
GS–11, staff assistant, Washington, D.C.
GS–11 and below, confidential assistants, Washington, D.C.
GS–10 and below, secretarial and clerical personnel, Washington, D.C.
GS–9, correspondence analysts, Washington, D.C.
GS–9, correspondence management specialists, Washington, D.C.
GS–14, public information specialist, field office.
GS–13, staff assistants and officers except for environmental review personnel, field office.
GS–12, staff assistants, field office.
GS–11, staff assistant, field office.
GS–8 and below, secretarial and clerical personnel, field office.

Office of the Under Secretary

GS–12, private secretary to the Under Secretary.
GS–11, secretarial assistants.
GS–9, secretarial assistants.
GS–8, secretary.
GS–7, secretary.

Office of Hearings and Appeals

GS–12 and below, attorney advisors.
All clerical, paralegal, and administrative personnel.

Immediate Office of the Director of Public Affairs

GS–11, staff assistant.
GS–9 and below, secretaries and clerk typist.

Solicitor

All employees of the following subunits of the solicitor's office perform duties under the Act. Clerical, administrative and paralegal employees of such subunits are exempt from filing.

Immediate office of the solicitor.
Division of energy and resources, immediate office of the associate solicitor.
Division of energy and resources, branch of minerals.
Division of general law, immediate office of the associate solicitor.
Division of general law, branch of general legal services.

Assistant Secretary—Program Development and Budget

GS–15, staff assistant.
GS–15, director, international programs.
GS–15, international program officers.
GS–14, staff assistant.
GS–11, secretarial assistant.
GS–11 and below, staff assistants.
GS–9 and below, secretarial and clerical personnel.

Office of Environmental Project Review

GS–15, general engineers.
GS–14, general engineers.
GS–12, environmental review officer.
GS–12, staff assistant.
GS–11, environmental protection specialist.
GS–7 and below, administrative, secretarial and clerical personnel.

Office of Budget

GS–9 and below, administrative, clerical and secretarial personnel.
GS–11 and below, budget analysts.
GS–14, staff accountants.

Office of Policy Analysis

GS–9 and below, secretarial, clerical, and administrative personnel.

Outer Continental Shelf Program Coordination

GS–14, staff assistants.
GS–9 and below, secretarial and administrative personnel.

Assistant Secretary—Administration and Management

GS–15, executive assistant.
GS–15, special assistant.
GS–15, staff assistants.
GS–15, management resources officers.
GS–14, committee management officer.
GS–12, EO specialist.
GS–11, confidential assistant.
GS–9 and below, secretarial and clerical personnel.

Office of Audit and Investigation

Headquarters Audit Office:

GS–15, manager, staff development and resources.
GS–12, administrative officer.
GS–15, program audit manager for fish, wildlife and parks.
GS–15, program audit manager for land and water.
GS–14, supervisory auditor, contract and grant.
GS–13, supervisory auditor, contract and grant.
GS–14, supervisory management analyst, ADP.
GS–9 and below, secretarial and administrative personnel.

Immediate Office of the Regional Audit Manager—Sacramento Regional Office

GS–9 and below, secretarial and administrative personnel.

Anchorage Suboffice:

No exempt personnel.

Immediate Office of the Director Personnel Management

GS–15, personnel management specialist.
GS–9 and below, secretarial and clerical personnel.

Assistant Secretary—Congressional and Legislative Affairs

GS–11, congressional administrative assistant.

Office of Congressional Liaison

GS–14, congressional services officer.
GS–12, management specialist.
GS–11, management specialist.
GS–11, liaison specialist.
GS–8 and below, administrative, clerical, and secretarial personnel.

Office of Legislation

GS–13, staff assistant.
GS–14, attorney-advisors.
GS–13, attorney-advisors.
GS–12, attorney-advisors.
GS–10, legislative assistant.
GS–7 and below, secretaries, clerks, and administrative personnel.

Assistant Secretary-Energy and Minerals

GS–13, staff assistant.
GS–11, staff assistant.
GS–11, confidential assistant.
GS–9 and below, administrative, clerical and secretarial personnel.

Geological Survey: Office of the Director

Immediate Office of the Director, Reston, Virginia.
Assistant director—program analysis.
Assistant director—environmental conservation.
Assistant director—Eastern region.
Program analysts (4).
Economist.
Physical scientist.
Legislative specialist.
Congressional liaison.
Biological scientist.
Staff scientist.
Public information officers (2).
Operations research analyst.
Technical information specialist.
Special assistant for environmental analysis.
Staff assistant.
Geologist.
Secretarial, clerical, and administrative personnel.

Conservation Division

Immediate office of the division chief:
Secretarial and clerical personnel.
Office of Production Rate Control, Reston, Virginia.
Secretarial and clerical personnel.
Attainable Maximum Efficiency Rate Team, Metairie, Louisiana.
Secretarial and clerical personnel.
Attainable Maximum Efficiency Rate Team, Denver, Colorado.
Secretarial and clerical personnel.

Office of Minerals Policy and Research Analysis

GS–9, administrative assistant.
GS–12, operations research analyst.
GS–14, mathematical statistician.
GS–14, computer specialist.
GS–11, statistician.
GS–11, economist.
GS–12, operations research analyst.
GS–12, economist.
GS–7 and below, secretarial and clerical personnel.

Assistant Secretary—Land and Water Resources

GS–15, Deputy Assistant Secretary (intergovernmental affairs).
GS–15, administrator, emergency water administration.
GS–15, public information officer.
GS–14, staff assistant.
GS-12, staff assistant.
GS-11, confidential assistant.
GS–9 and below, administrative, clerical, and secretarial personnel.

Bureau of Land Management

The following subunits of the Bureau perform duties under the Act. Exempt positions are listed for each subunit.

Office of the Director

Personal assistant.
Secretary.

Office of the Associate Director

Secretary.
Supervisory pipeline coordinator.
Clerk.
Staff assistant.

Office of the Assistant Director, Legislation and Plans

Secretary.
Clerk.

Division of Legislation and Regulatory Management

Secretary.
Clerk-stenographer.
Clerk.
Student assistant.

Office of the Assistant Director, Minerals Management

Secretary.

Division of Mineral Resources—Office of the Division Chief

Secretary.
Administrative assistant.

Branch of Marine Mineral Leasing

Secretary.
Writer-editor.
Clerk.

Division of Minerals Environmental Assessment—Office of the Division Chief

Secretary.

Branch of Upland Minerals Environmental Assessment

Secretary.
Natural Resource Specialist.

[FR Doc.77–3347 Filed 2–2–77;8:45 am]

proposed rules

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 331]

CONTRACT COVERAGE

Notice of Proposed Miscellaneous Changes

Notice is hereby given that the Cost Accounting Standards Board proposes to amend Part 331, Contract Coverage. Contractors and procurement agencies engaged in the implementation and administration of CASB rules, regulations and Standards have recommended that the CAS Board provide guidance concerning the meaning of "cost accounting practice" and "change to either a disclosed cost accounting practice or an established cost accounting practice." Also, questions have been raised by contractors and Government agency representatives regarding materiality in the administration of the Board's rules, regulations and Standards. Representatives from various organizations affected by Standards have pointed out that guidance in these areas will reduce disagreements and will facilitate the implementation and administration of CASB pronouncements. Similar recommendations were also received by the Board at its Evaluation Conference in June 1975.

One proposal being published today to amend § 331.20—Definitions, would provide criteria to be employed in determining what is a "cost accounting practice" and "change to either a disclosed cost accounting practice or an established cost accounting practice." The other proposal would add § 331.71—Materiality, which provides criteria to assist the contractor and Government representatives in making materiality determinations. The Board believes that considering these two proposals at the same time will deal effectively with the reported problems in implementation and administration of Board issuances.

One issue addressed by the proposal being published today is the scope of cost accounting and cost accounting practices. As early as March 1973, in the Statement of Operating Policies, Procedures and Objectives, the Board stated that Standards will be established to measure cost, determine cost accounting periods to which costs are assigned, and determine the manner in which costs are allocated to covered contracts. The Board has spoken directly to the measurement of cost in Cost Accounting Standards 404 and 412 and to the assignment of cost to cost accounting periods in Cost Accounting Standards 408, 409 and 412. The proposed definitions are consistent with the Board's previously adopted view that cost accounting practices include measurement of cost, assignment of cost to cost accounting periods and allocation of cost to cost objectives.

Questions have been raised as to whether measurement of cost includes the determination of the price to be paid for goods or services acquired. The Board has taken the position that accounting practices related to measurement of cost do not include the determination of the price to be paid for goods and services.

When a contractor change is being considered, a determination must be made as to whether it is a change which is a "change to either a disclosed cost accounting practice or an established cost accounting practice" under the Board's rules. In a dynamic business environment, contractors find it desirable to make changes of many types. These may include organizational changes, changes in the way work is performed, and changes in the product produced. These changes may be for a variety of reasons such as better managerial control, or new technology. These business changes by themselves are not changes in cost accounting practice. Business changes may impact a contractor's cost accounting practices.

Thus, a determination must be made in each case as to whether the business change has caused a change in cost accounting practice. In such a circumstance, the contractor and the Government must take certain action under the provisions of the CAS clause. In some cases, this action will include amending contracts to assure that the Government does not pay any increased cost as a consequence of the change. The Board believes that the definition proposed today will provide a suitable framework for analyzing the effects of contractor changes.

The proposed definition specifically provides that certain contractor actions shall not be considered as changes to cost accounting practices. This includes changes where there has been either an initial adoption of a cost accounting practice or the elimination of a cost accounting practice. Furthermore, cost accounting changes compelled by the express provision of any law of the United States or cost accounting changes required to remain in compliance with an applicable Cost Accounting Standard shall not be considered changes in cost accounting practice for purposes of applying paragraphs (a)(4) and (a)(5) of the Cost Accounting Standards clause (4 CFR 331.50).

Cost Accounting Standards establish the cost accounting appropriate for determination of contract cost. Departure from the requirements of these Standards may occur and the cost effects of such departure may be immaterial. The materiality criteria being proposed limits price adjustments to material amounts. The criteria also describes the actions to be taken where immaterial amounts are involved in noncompliance with Standards. The criteria for materiality are also to be used when applying words or phrases of materiality used in Cost Accounting Standards. In particular Standards, the Board will continue to give consideration to defining materiality in a specific manner as to either the entire Standard or any provision thereof, whenever it appears feasible and desirable to do so.

The Board believes the use of the proposal being published today combined with existing administrative guidelines can reduce disagreements and will facilitate administration of Cost Accounting Standards. In achieving these benefits, the Board encourages the use of the proposed definitions and materiality criteria in conjunction with the two-stage cost impact evaluation procedure provided in DPC 74–5. The Board believes that the appropriate use of the definitions, criteria, and cost impact evaluation procedures can significantly reduce the time and effort involved in the administration of Cost Accounting Standards.

In order to assist in the understanding of how the proposed definitions of "cost accounting practice" and "change to either a disclosed cost accounting practice or an established cost accounting practice" would be applied, there has been included as part of the proposed material § 331.20(j). This paragraph includes illustrations of contractor changes and an explanation as to whether such changes constitute a "change in either a disclosed cost accounting practice or an established cost accounting practice" under the proposed definitions.

The Cost Accounting Standards Board solicits comments on the proposed amendment from any interested person on any matter which will assist the Board in its consideration of the proposal.

Interested persons should submit written comments concerning the proposed Amendment to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to the promulgation of the Amendment covered by

this notice, written submissions must arrive no later than April 8, 1977.

All written submissions made pursuant to this notice will be made available for public inspection at the Board's offices during regular business hours.

It is proposed to amend Part 331 as follows:

1. Add a new § 331.71 as follows:

§ 331.71 Materiality.

(a) In determining whether amounts of cost are material or immaterial, the following criteria shall be considered where appropriate; no one criterion is necessarily determinative.

(1) The absolute dollar amount involved. The larger the dollar amount, the more likely that it will be material.

(2) The amount of contract cost compared with the amount under consideration. The larger the proportion of the amount under consideration to contract cost the more likely it is to be material.

(3) The relationship between a cost item and a cost objective. Direct cost items, especially if the amounts are themselves part of a base for allocation of indirect cost, will normally be more material than the same amount of indirect costs.

(4) The impact on Government Funding. Decisions about accounting treatment will be more material if they influence the distribution of costs between Government and non-Government cost objectives than if all cost objectives have Government financial support.

(5) The cumulative effect of individually immaterial items. It is appropriate to consider whether individual effects (i) tend to offset one another, or (ii) tend to be in the same direction and hence to accumulate into a material amount.

(b) (1) A contract modification for price adjustment or cost allowance under paragraphs (a)(4) (A) and (B) and (a)(5) of the Cost Accounting Standards clause set forth in § 331.50 is required only if the cost impact is material. Whenever the cost impact to the Government resulting from either (1) a "change to either a disclosed cost accounting practice or an established cost accounting practice" or (2) the use of a cost accounting practice which does not comply with the Standards, rules, and regulations of the Cost Accounting Standards Board is immaterial, no contract modification is necessary under the paragraphs cited above.

(2) Where a contractor is in noncompliance and does not change a cost accounting practice because the cost impact is immaterial, the contracting agency is not relieved of its responsibilities to assure that an appropriate price adjustment is obtained if the cost impact of the noncompliance subsequently becomes material. The contractor shall be notified that the Government's decision to forbear action for noncompliance is solely because the cost impact at the time of the notice is immaterial. If at any time thereafter, the Government determines that the cost impact of noncompliance with respect to the practice in question is material, the Government then must require action under paragraph (a)(5) of the contract clause for any cost accounting period in which the cost impact is material. The fact that the Government does not pursue a price adjustment does not excuse the contractor from his obligation to comply with the Standard involved.

(3) Whether cost impact is recognized by modifying a single contract, several but not all contracts, or all contracts, or any other suitable technique, is an administrative matter. The Standards, rules, and regulations of the Board do not in any way restrict the capacity of the parties to select the method by which the cost impact attributable to a change in cost accounting practice is recognized.

(4) *Illustrations.* (i) A contractor unilaterally changed the allocation base for the manufacturing overhead pool. As a result of the change, the allocation of manufacturing overhead cost to the Government fixed-price contracts decreased by $10 million over and above the amount that could be offset by the appropriate application of the offset provisions of § 331.70 of the CASB rules and regulations. The total dollar amount of Government fixed-price contracts is $200 million. In light of the absolute dollar amount involved and the proportional relationship of the amount involved to contract cost, the $10 million change is material and an appropriate contract modification for price adjustment should be made.

(ii) A contractor changed the accounting for the allocation of the costs of receiving—inspection of materials. As a result of this, the allocation to Government fixed-price contracts decreased by $10,000 over and above the amount that could be offset by the appropriate application of the offset provisions of § 331.70 of the CASB rules and regulations. These costs will not become part of any base used for the application of indirect cost. The total dollar amount of Government fixed-price contracts is $15 million. In light of the absolute dollar amount involved, the proportional relationship of the amount involved to contract costs, and the fact that these costs will not become part of an allocation base, no contract modification for price adjustment is required under CASB rules and regulations.

* * * * *

2. Amend § 331.20—Definitions by adding new paragraphs (h), (i), and (j) as follows:

§ 331.20 Definitions.

* * * * *

(h) A "cost accounting practice" is any accounting method or technique which is used for measurment of cost, assignment of cost to cost accounting periods, or allocation of cost to cost objectives.

(1) Measurement of cost encompasses accounting methods and techniques used in defining the components of cost, determining the basis for cost measurement, and establishing criteria for use of alternative cost measurement techniques. Examples of cost accounting practices which involve measurement of costs are:

(i) The use of either historical cost, market value, or present value;

(ii) The use of standard cost or actual cost; or

(iii) The designation of those items of cost which must be included or excluded from tangible capital assets or pension cost. Accounting practices related to measurement of cost do not include the determination of the price paid by the enterprise for a given component of cost.

(2) Assignment of cost to cost accounting periods refers to a method or technique used in determining the amount of cost to be assigned to individual cost accounting periods. Examples of cost accounting practices which involve the assignment of cost to cost accounting periods are requirements for the use of accrual basis accounting or cash basis accounting.

(3) Allocation of cost to cost objectives includes both direct and indirect allocation of cost. Examples of cost accounting practices involving allocation of cost to cost objectives are the accounting methods or techniques used to accumulate cost, to determine whether a cost is to be directly or indirectly allocated, to determine the composition of cost pools, and the selection and composition of the appropriate allocation base.

(i) A "change to either a disclosed cost accounting practice or an established cost accounting practice" is any alteration in a cost accounting practice, whether such practices are covered by a Disclosure Statement or not, as defined in paragraph (h) of this section.

(1) The initial adoption of a cost accounting practice for the first time a cost is incurred or a function is created is not a change in cost accounting practice. The partial or total elimination of a cost or the cost of a function is not a change in cost accounting practice. As used here, function is an activity or group of activities that is identifiable in scope with a purpose or end to be accomplished.

(2) If the express provisions of any law of the United States compel a contractor to alter a cost accounting practice, such alteration shall not be a change in cost accounting practice for purposes of paragraphs (a)(4) and (a)(5) of the Cost Accounting Standards clause (4 CFR 331.50).

(3) When a Cost Accounting Standard which has been applied by a contractor subsequently requires the contractor to alter a cost accounting practice in order to remain in compliance, that alteration shall not be a change in cost accounting practice for purposes of paragraphs (a)(4) and (a)(5) of the Cost Accounting Standards clause (4 CFR 331.50).

(j) *Illustrations of changes.* (1) In all of the following cases where a "change to either a disclosed cost accounting practice or an established cost accounting practice" has taken place, other than a change required by paragraph (a)(3) of

the Cost Accounting Standards contract clause, modifications to the affected contracts would be considered in accordance with paragraphs (a)(4)(B) and (a)(5) of the Cost Accounting Standards contract clause. Under § 331.71, downward price adjustments, with appropriate application of offsets, would be required only if the cost impact of the change is material.

(2) The following are illustrations of changes which meet the proposed definition of "change to either a disclosed cost accounting practice or an established cost accounting practice" because:

I. The method or technique used for measuring costs has been changed.

Description of changes	Accounting treatment
1. Contractor changes his actuarial cost method for compnting pension costs.	1. (a) *Previous:* The contractor computed pension costs using the aggregate cost method. (b) *Present:* The contractor computes pension cost using the unit credit method.
2. Contractor uses standard costs to account for his direct labor. Labor cost at standard was computed by multiplying labor-time standard with actual labor rates. The contractor changes the computation by multiplying labor-time standard with labor-rate standard.	2. (a) *Previous:* Contractor's direct labor cost was measured with only one component set at standard. (b) *Present:* Contractor's direct labor cost is measured with both the time and rate components set at standard.

II. The method or technique used for assignment of cost to cost accounting periods has been changed

Description of change	Accounting treatment
1. Contractor changes his established criteria for capitalizing certain classes of tanglibe capital assets.	1. (a) *Previous:* Items having acquisition costs of between $200 and $400 per unit were capitalized and depreciated over a number of cost accounting periods. (b) *Present:* The contractor now charges the value of assets costing between $200 and $400 per unit to an indirect expense pool which is allocated to the cost objectives of the cost accounting period in which the cost was incurred.
2. Contractor changes his method for computing depreciation for a class of assets.	2. (a) *Previous:* The contractor assigned depreciation costs to cost accounting periods using an accelerated method. (b) *Present:* The contractor assigns depreciation costs to cost acconnting periods using the straight line method.
3. Contractor changes his method of determining asset lives.	3. (a) *Previous:* The contractor identified the cost accounting periods to which the costs of capital tangible assets would be assigned using guideline class lives provided in RP 72-10. (b) *Present:* The contractor changes the method by which he identifies the cost accounting periods to which the cost of capital tangible assets will be assigned. He now uses the expected actual lives based on past usage.

III. The method or technique used for allocating costs has been changed

Description of Change	Accounting Treatment
1. Contractor eliminates a group headquarters and transfers its functions to the three segments which form the group. The three segments will now operate as autonomous divisions reporting to the corporate headquarters.	1. (a) *Previous:* The group headquarters allocated the costs of its functions based on the combined total cost input of the three segments. (b) *Present:* Now that each segment has the functions, the cost of the functions will be directly identified with the segment as opposed to the previous accounting in which the costs of these functions were allocated to the segments using the total cost input base.
2. The contractor changes the accounting for hardware common to all projects.	2. (a) *Previous:* The contractor allocated the cost of purchased or requisitioned hardware directly to projects. (b) *Present:* The contractor now charges the cost of purchased or requisitioned hardware to an indirect expense pool which is allocated to projects using an appropriate allocation base.
3. The legal department of a segment has reported directly to the general manager of the segment. The company reorganizes and requires the legal department to report directly to a vice president at corporate headquarters.	3. (a) *Previous:* The cost of the legal department at each segment had been accumulated at the segment as part of the general and administrative expense pool. (b) *Present:* In light of the reorganization, the company changes its acconnting so that the costs of its legal department are accumulated as part of the cost of the corporate home office. As such, instead of these costs being incurred directly by the segments, these costs will now be allocated to the segments using an allocation base which reflects the beneficial and causal relationship between this pool of cost and the segments.
4. The contractor merges operating segments A and B which use different cost accounting practices in accounting for manufacturing overhead costs.	4. (a) *Previous:* In segment A, the costs of the manufacturing overhead pool have been allocated to final cost objectives using a direct labor hours base; in segment B, the costs of the manufacturing overhead pool have been allocated to final cost objectives using a direct labor dollars base. (b) *Present:* As a result of the merger of operations, the combined segment decides to allocate manufacturing overhead expense to all final cost objectives, using a direct labor dollars base. Thus, for those final cost objectives referred to in pegment A, the manufacturing overhead expense pool will be allocated to the final cost objectives of segment A using a direct labor dollars base instead of a direct labor hours base.

(3) The following are illustrations of changes which do not meet the proposed definition of "change to either a disclosed cost accounting practice or an established cost accounting practice."

Description of change	Accounting treatment
1. Changes in the interest rate levels in the national economy have invalidated the prior actuarial assumption with respect to anticipated investment earnings. The pension plan administrators adopted an increased interest rate actuarial assumption. The company allocated the resulting pension costs to all final cost objectives.	1. Adopting the increase in the interest rate actuarial assumption is not a change in cost accounting practice.
2. The basic benefit amount for a company's pension plan is increased from $8 to $10 per year of credited service. The change increases the dollar amount of pension cost allocated to all final cost objectives.	2. The increase in the amount of the benefits is not a change in cost accounting practice.
3. A contractor estabilishes for the first time a pension plan. Pension costs for the first year amounted to $3.5 million.	3. The initial adoption of an accounting practice for the first time incurrence of a cost is not a change in cost accounting practice.
4. A contractor maintained a Deferred Incentive Compensation Plan. After several years' experience, the plan was determined not to be attaining its objective, and was terminated, and no future entitlements were paid.	4. There was a termination of the Deferred Incentive Compensation Plan. Elimination of a cost is not a change in cost accounting practice.
5. A contractor eliminates a segment that was operated for the purpose of doing research for development of products related to nuclear energy.	5. The projects and expenses related to nuclear energy projects have been terminated. No transfer of these projects and no further work in this area is planned. This is an elimination of cost and not a change in cost accounting practice.

Description of change	Accounting treatment
6. For a particular class of assets for which technological changes have rarely affected asset lives, a contractor uses a five year average of historical lives to estimate future lives. Last year the five year average resulted in an estimated future life of eight years for this class of assets. This year the five year average predicts a useful life of seven years for the assets acquired this year for this class of assets.	6. The change in estimate is not a change in cost accounting practice. The contractor has not changed the method or technique used to determine the estimate. The result of the methodology applied to historical data has indicated a change in the estimated life, and this is not a change in cost accounting practice.
7. A contractor has been operating for some time under Cost Accounting Standard 410. The contractor's mix of business changes substantially such that there are significant new projects which have substantially increased quantities of subcontracts and Government furnished material.	7. The contractor has been allocating his general and administrative expense pool to final cost objectives on a total cost input base in compliance with the Standard. With the addition of the new work, it is agreed that a total cost input base would result in a significant distortion in the allocation of the G&A expense pool. To remain in compliance with the requirements of Standard 410, the contractor is required to change its G&A allocation base from a total cost input base to a value added base. Per the provisions of 331.20(i), this change to remain in compliance with the requirements of the Standard is not a change in cost accounting practice.
8. The marketing department of a segment has reported directly to the general manager of the segment. The costs of the marketing department have been accounted for as part of the segment's G&A expense pool. The company reorganizes and requires the marketing department to report directly to a vice president at corporate headquarters.	8. While the reporting framework of the organization has changed, the accounting for the cost of the marketing department has not changed. Thus, the organizational change has not resulted in a change in cost accounting practice.
9. A contractor values the assets of a pension fund on the basis of acquisition cost. Pursuant to the provisions of the Employee Retirement Income Security Act of 1974, the value of the pension fund's assets must be determined on the basis of a valuation method which takes into account fair market values.	9. The requirement to use the new valuation method is a requirement of the Act, but the Act does not spell out any requirement that the contractor reflect the new method (or any higher cost) in contract cost accounting. Nevertheless, applicable provisions of ASPR permit reimbursement to the contractor only of allocable pension costs actually paid into the pension fund. Additionally, Item 7.1.8 of the Disclosure Statement requires a description of the method used for valuing pension fund assets. In these circumstances, for all practical purposes the Act compels the contractor to alter his cost accounting practice. Accordingly, the alteration in accounting made by the contractor to conform to the law is not considered to be a change in cost accounting practice for purposes of paragraphs (a)(4) and (a)(5) of the Cost Accounting Standards clause (4 CFR Part 331.50).

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.77-3311 Filed 2-2-77;8:45 am]

[4 CFR Part 413]

ADJUSTMENT AND ALLOCATION OF PENSION COST

Proposed Cost Accounting Standard

Notice is hereby given of a Cost Accounting Standards on the Adjustment and Allocation of Pension Cost, being considered by the Cost Accounting Standards Board for promulgaton to implement further the requirement of section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 USC App. 2168. When promulgated, the Standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The proposed Standard, if adopted, would be one of a series of Cost Accounting Standards which the Board is promulgating "to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts." (See Sec. 719(g) of the Defense Production Act of 1950, as amended.) It is anticipated that any contractor receiving an award of a contract subject to the rules, regulations, and Standards of the Cost Accounting Standards Board on or after the effective date of this Standard will be required to follow it in accordance with the provisions of § 413.80.

This Standard is the second Standard dealing with pension costs. The first Standard, 4 CFR Part 412, establishes the composition of pension cost and the bases to be used for measuring such cost. It provides also the criteria for determining the amount of pension cost to be assigned to cost accounting periods. Although Standard 412 includes actuarial gains and losses as a component of pension costs, it does not state how or when such gains and losses shall be assigned to periods or measured.

The proposed Standard being published today establishes the basis for assigning actuarial gains and losses to cost accounting periods. It establishes also the basis for valuing the assets of a pension fund. Such valuations affect significantly the components of pension cost, including actuarial gains and losses. Finally, the Standard establishes the basis for allocating pension costs to segments of an organization.

In its research leading to the development of this proposed Standard, the Board's staff circulated a staff draft Standard. The staff noted some confusion as to the meaning of the term "segment" in that draft. The definition used in the proposed Standard is the same as that set forth in 4 CFR Part 400. Some commentators construed the term to mean any group of employees performing work for the Government; others construed it to mean product line. It is neither. As defined, a segment is an organizational unit which reports directly to a home office of that organization. The designation of organizational units as segments is a responsibility of the contractor.

Other commentators expressed concern as to whether the provisions of the draft Standard requiring contractors, under certain circumstances, to separately calculate pension costs by segment is applicable to segments that perform commercial work only. The answer is in the negative. The provisions of the proposed Standard are applicable only to those segments having contracts that are subject to Cost Accounting Standards.

Several commentators asked whether the asset valuation criteria set forth in the proposed Standard are to be applied for all actuarial purposes or solely for determining actuarial gains and losses. The proposed Standard specifically provides that the value of a pension fund's assets, as derived pursuant to the proposed Standard, shall be used for purposes of calculating all components of pension cost. Other commentators asked whether the methods currently used for valuing pension fund assets can continue to be used in calculating pension cost. The proposed Standard does not prescribe the asset valuation method to be used. However, it requires that (1) the method be used consistently, and (2) the total asset value produced by the method be no less than 80% or more than 120% of the total market value of all of the assets of the pension fund. The proposed Standard contains an illustration covering the valuation of assets.

In developing the proposed Standard, the Board has researched the Employee Retirement Income Security Act of 1974 and regulations issued thereto. The Board believes that the provisions of this Standard are in consonance with both the provisions of the Act and with regulations issued to date.

The Board solicits comments on the proposed Cost Accounting Standard which will assist the Board in its consideration of the proposal. Interested persons should submit written data and views concerning the proposed Cost Accounting Standard to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, D.C. 20548. To be given consideration by the Board in its determination relative to final promulgation of the Cost Accounting Standard covered by this Notice, written submissions must be made to arrive no later than April 25, 1977.

NOTE.—All written submissions made pursuant to this Notice will be made available for public inspection at the Board's Office during regular business hours.

The proposed Part 413 reads as follows:

PART 413—ADJUSTMENT AND ALLOCATION OF PENSION COST

Sec.
413.10 General applicability.
413.20 Purpose.

Sec.
413.30 Definitions.
413.40 Fundamental requirement.
413.50 Techniques for application.
413.60 Illustrations.
413.70 Exemptions.
413.80 Effective date.

AUTHORITY: Sec. 719, Defense Production Act of 1950, as amended, Pub. L. 91-379 (50 USC App. 2168).

§ 413.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this Chapter).

§ 413.20 Purpose.

A purpose of this Standard is to provide guidance for adjusting pension cost by measuring actuarial gains and losses and assigning such gains and losses to cost accounting periods. In doing so, the Standard establishes the basis for valuing the assets of a pension fund. Another purpose of the Standard is to provide the bases on which pension cost shall be allocated to segments of an organization. The provisions of this Cost Accounting Standard should enhance uniformity and consistency in accounting for pension costs.

§ 413.30 Definitions.

(a) The following are definitions of terms prominent in this Standard.

(1) *Accrued benefit cost method.* An actuarial cost method under which units of benefit are assigned to each cost accounting period and are valued as they accrue—that is, based on the services performed by each employee in the period involved. The measure of normal cost under this method for each cost accounting period is the present value of the units of benefit deemed to be credited to employees for service in that period. The measure of the actuarial liability at a plan's inception date is the present value of the units of benefit credited to employees for service prior to that date. (This method is also known as the Unit Credit cost method.)

(2) *Actuarial assumption.* A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets.

(3) *Actuarial cost method.* A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods.

(4) *Actuarial gain and loss.* The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

(5) *Actuarial liability.* Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over the present value of future contributions for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability.

(6) *Actuarial valuation.* The determination, as of a specified date, of the normal cost, actuarial liability, value of the assets of a pension fund, and other relevant values for the pension plan.

(7) *Immediate-gain actuarial cost method.* Any of the several actuarial cost methods under which actuarial gains and losses are separately determined at a valuation date as a consequence of the actuarial cost method.

(8) *Normal cost.* The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date.

(9) *Pension plan.* A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement, provided that the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of decreased employees may be an integral part of a pension plan.

(10) *Pension plan participant.* Any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit from a pension plan which covers employees of such employer or members of such organization, or whose beneficiaries are receiving or may be eligible to receive any such benefit. A participant currently in the employ of an employer is an active participant of the employer's pension plan.

(11) *Projected benefit cost method.* Any of the several actuarial cost methods which distribute the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers.

(12) *Segment.* One of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(13) *Spread-gain actuarial cost method.* Any of the several projected benefit cost methods which includes actuarial gains and losses as part of normal cost as a consequence of the actuarial cost method.

(14) *Termination gain or loss.* An actuarial gain or loss resulting from the difference between the assumed and actual duration of employment of plan participants in a contractor's work force. Termination assumptions do not give consideration to retirement, disability, or death. Assumptions are sometimes made separately for voluntary and for involuntary terminations.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 413.40 Fundamental requirement.

(a) *Assignment of actuarial gains and losses.* Actuarial gains and losses shall be calculated annually and shall be assigned to future cost accounting periods.

(b) *Valuation of the assets of a pension fund.* The value of all pension fund assets shall be used in measuring the components of pension cost, and shall be determined under a method which takes into account fair market values and which minimizes the effect of short-term market fluctuation.

(c) *Allocation of pension cost.* Contractors shall allocate pension cost to each segment having participants in a pension plan. The cost of each pension plan shall be separately allocated. Such allocations may always be made by separately computing pension cost for one or more segments. Unless distortions are created, such allocations may instead be made by computing a composite pension cost for two or more segments and allocating the cost to these segments by means of an allocation base. The base shall be representative of the factors on which the pension cost was based.

§ 413.50 Techniques for application.

(a) *Assignment of actuarial gains and losses.* (1) In accordance with the provisions of 4 CFR Part 412, actuarial gains and losses shall be identified separately from unfunded actuarial liabilities being amortized.

(2) Actuarial gains and losses determined under a pension plan whose costs are measured by an immediate-gain actuarial cost method shall be amortized over a 15-year period, beginning with the date as of which the actuarial valuation is made. The gain or loss assignable to each cost accounting period shall be set forth in equal annual installments which shall consist of an amortized portion of the gain or loss plus an interest equivalent on the unamortized portion of such gain or loss. If the actuarial gain or loss determined for a cost accounting period is not material in amount, it may be assigned to a single period.

(3) Actuarial gains and losses applicable to a pension plan whose costs are measured by a spread-gain actuarial cost method are included as part of normal cost and are spread over the remaining average working lives of the work force. Accordingly, no specific amortization period is specified in this Standard for such gains and losses.

(b) *Valuation of the assets of a pension fund.* (1) The value of a pension

fund's assets shall be used (i) in determining actuarial gains and losses, and (ii) for purposes of calculating other components of pension cost.

(2) Any recognized method may be used for valuing the assets of a pension fund. However, the total asset value produced by the method used shall fall within a corridor from 80 to 120 percent of the market value of the assets, determined as of the valuation date. If the method produces a value that falls outside the corridor, the value of the assets, as computed under the method in use, shall be adjusted to equal the nearest boundary of the corridor.

(3) The method selected for valuing pension fund assets shall be consistently applied from year to year within each plan and shall recognize appreciation and depreciation of assets in the same manner.

(4) The provisions of paragraphs (b)(1) through (3) of this section are not applicable to insured plans whose funds are co-mingled with the general funds of the insurance company.

(c) *Allocation of pension cost.* (1) For contractors who compute a composite pension cost covering plan participants in two or more segments, the allocation of pension cost to such segments shall be made on the following bases. For a plan whose benefits are based on salaries and wages, the pension cost shall be allocated to each segment on the basis of the salaries and wages for the participants of the segments. For a plan whose benefits are not based on salaries and wages, the pension cost shall be allocated to each segment on the basis of the number of participants in the segments. However, the contracting parties may agree to the use of any other allocation base if such other base establishes a beneficial or casual relationship between the segments and the pension cost.

(2) Unless an equitable allocation of pension cost to segments can be made by means of an allocation base used pursuant to paragraph (c)(1) of this section, separate pension cost for a segment shall be calculated whenever any of the following conditions exist for that segment: (i) there is a significant termination gain or loss attributable to the segment, (ii) the level of benefits, eligibility for benefits, or age distribution is significantly different for the segment than for the average of all segments included in the composite calculation, or (iii) the proper assumptions relating to termination, retirement age, or salary scale are significantly different for the segment than for the average of all segments included in the composite calculation. Pension cost shall also be separately calculated for a segment under circumstances where (A) the pension plan for that segment was, or becomes, merged with that of another segment, and (B) the ratios of assets to actuarial liabilities for each of the merged plans are significantly different from one another after applying the benefits in effect after the merger.

(3) Whenever the pension cost of a segment is required to be calculated separately pursuant to paragraph (c)(2) of this section, such calculations shall be prospective only; prior years' pension costs need not be re-determined.

(4) Calculations of termination gains or losses shall give consideration to factors such as unexpected early retirements, benefits becoming fully vested, and reinstatements or transfers without loss of benefits. An amount may be estimated for future reemployments.

(5) For a segment whose pension costs are required to be calculated separately pursuant to paragraph (c)(2) of this section, there shall be an initial memorandum allocation of pension fund assets to that segment, as follows: (i) If the necessary data are readily determinable the amount of assets to be allocated to the segment shall be the amount of funds contributed by, or on behalf of, the segment, increased by income received on such funds, and decreased by benefits and expenses paid from such funds; (ii) if the data specified in paragraph (c)(5)(i) of this section, are not readily determinable, assets shall be allocated to the segment in a manner consistent with the actuarial cost method used to determine annual pension cost; (iii) if the costs were determined under differing actuarial cost methods, assets shall be allocated to the segment in the same proportion as the actuarial liability of the segment bears to the actuarial liability of the plan, computed on the accrued benefit cost method. If after the effective date of this Standard a segment's pension plan becomes part of another pension plan, the amount of assets to be allocated to the segment shall be the market value of the segment's assets as of the effective date of the merger.

(6) If prior to the effective date of this Standard a contractor has been calculating pension cost separately for individual segments, the amount of assets previously allocated to those segments need not be changed.

(7) An initial allocation of assets to a segment pursuant to paragraph (c)(5) of this section shall be made only for the active pension plan participants of the segment. The inactive pension plan participants shall be considered as constituting a separate segment; assets shall likewise be allocated to this segment.

(8) After the initial allocation of assets, the contractor shall maintain a record of the portion of subsequent contributions, income, and expenses attributable to the segment; such income and expenses shall include a portion of any actuarial gains and losses attributable to the assets of the pension fund. Fund income and expenses shall be allocated to the segment in the same proportion that the assets allocated to the segment bears to total fund assets.

(9) If plan participants transfer among segments, contractors need not transfer funds unless a transfer is sufficiently large as to distort the segments' ratio of fund assets to actuarial liabilities. However, when an employee of the segment becomes inactive, assets shall be transferred from that segment to the segment established to accumulate the assets and actuarial liabilities for the inactive plan participants. The amount of funds transferred shall be that portion of the actuarial liabilities of the inactive participants that have been funded.

(10) Where pension cost is separately calculated for a segment, the total annual pension cost for the segment shall be the amount calculated for the segment, plus an allocated portion of the pension cost calculated for the inactive participants. Such an allocation shall be made on the basis of total pension costs calculated for the segments having active participants.

(11) Where pension cost is separately calculated for one or more segments, the actuarial cost method used for a plan shall be the same for all segments, as required by 4 CFR 412.50(b). Unless a separate calculation of pension cost for a segment is made because of a condition set forth in paragraph (c)(2)(iii) of this section, the same actuarial assumptions may be used for all segments covered by a plan.

(12) Nothing in this section shall preclude contracting parties from agreeing to the establishment of a separate fund for an individual segment.

(13) The requirements of paragraphs (c)(1) and (2) of this section are appropriate only for segments whose productive operations are continuing. However, if a segment is closed and a significant number of employees are thereby terminated from the plan, the contractor shall compute a net gain or loss from the plan applicable to that segment, irrespective of whether or not the pension plan is terminated. In computing such net gain or loss, the contractor shall determine the amount of any termination gain pursuant to paragraph (c)(4) of this section. The computation shall also establish gains or losses on pension fund assets, as follows: (i) A portion of the assets of the pension fund shall be allocated to the segment in accordance with the requirements of paragraph (c)(5)(i) through (iii) of this section; (ii) all of the assets shall be valued at market as of the date of the event (e.g., contract termination) that caused the closing of the segment. If such a date cannot be readily determined, the contracting parties shall agree on an appropriate date. The net gain or loss from the plan for the segment shall be used as a basis for negotiating any appropriate adjustments.

§ 413.60 Illustrations.

(a) *Assignment of actuarial gains and losses.* Contractor A has a defined-benefit pension plan whose costs are measured under an immediate-gain actuarial cost method. The contractor makes actuarial valuations every other year. At each valuation date, the contractor calculates the actuarial gains and losses that occurred since the previous valuation date and merges such gains and losses with the unfunded actuarial liabilities that are being amortized. Pursuant to § 413.40(a)(1), the contractor must make an actuarial valuation annually. Any actuarial gains or

losses measured must be separately amortized over a 15-year period beginning with the date as of which the actuarial valuation is made. (Section 413.50(a) (1) and (2).)

(b) *Valuation of the assets of a pension fund.* Contractor B has a pension plan, the assets of which are invested in equity securities, debt securities, and real property. The contractor, whose cost accounting period is the calendar year, has an annual actuarial valuation of the pension fund in June of each year; the effective date of the valuation is the beginning of that year. The contractor's method for valuing the assets of the pension fund is a follows: debt securities expected to be held to maturity are valued on an amortized basis running from initial cost at purchase to par value at maturity; land and buildings are valued at cost less depreciation taken to date; all equity securities and debt securities not expected to be held to maturity are valued on the basis of a 5-year moving average of market values. In making an actuarial valuation, the contractor must compare the values reached under the asset valuation method used with the market values of all of the assets (§ 413.40 (b)). In this case, the assets are valued as of January 1 of that year. The contractor establishes the following values as of that date.

	Asset valuation method	Market
Cash	$100,000	$100,000
Equity securities	6,000,000	7,800,000
Debt securities expected to be held to maturity	550,000	600,000
Other debt securities	600,000	750,000
Land and buildings, net of depreciation	400,000	750,000
Total	7,650,000	10,000,000

Section 413.50(c)(2) requires that the total value of the assets of the pension fund fall within a corridor from 80 to 120 percent of market. The corridor for the plan's assets as of January 1 is from $12 million to $8 million. Because the asset value reached by the contractor—$7,650,000—falls outside the corridor, the value reached must be adjusted to equal the nearest boundary of the corridor: $8 million. In subsequent years the contractor must continue to use the same method for valuing assets § 413.50(b)(3)). If the value produced falls inside the corridor, such value shall be used in measuring pension cost.

(c) *Allocation of pension cost.* (1) Contractor C has a defined-benefit pension plan covering employees at five segments. Pension cost is computed by use of an immediate-gain actuarial cost method. One segment (X) is devoted primarily to performing work for the Government. During the current cost accounting period, Segment X had a large and unforseeable reduction of employees because of a contract termination at the convenience of the Government and because the contractor did not receive an anticipated follow-on contract to one that was completed during the period. As a result, the plan has a large net termination gain. As a consequence of this gain a separate calculation of the pension cost for Segment X would result in a significantly different allocation of costs to that segment than would a composite calculation and allocation by means of a base. Accordingly, pursuant to § 413.50(c)(2), the contractor must calculate the pension cost for Segment X as if it had its own pension plan. In doing so, the entire termination gain must be assigned to Segment X and amortized over 15 years. After the gain is amortized, the contractor is no longer required to separately calculate the costs for Segment X unless subsequent events require such separate calculation.

(2) Contractor D has a defined-benefit pension plan covering employees at ten segments, all of which have some contracts subject to Cost Accounting Standards. The pension plan's benefits are based on final five-year pay. The cost of the plan is calculated by use of a spread-gain actuarial cost method; the contractor computes normal cost as a percentage of payroll of all the segments and adds an amount representing amortization of a frozen initial unfunded actuarial liability. One of the segments (Segment Y) is entirely devoted to Government work. The contractor's policy is to place junior employees in this segment. The age distribution of the employees of the segment is significantly different from that of the other segments so that its pension cost would be significantly different if computed separately than if computed as a part of a computation which averages the ages of all employees covered by the plan. Pursuant to § 413.50(c)(2), the contractor must compute the pension cost for Segment Y as if it were a separate pension plan. Accordingly, the contractor must allocate a portion of the pension fund's assets to Segment Y. However, because this portion connot be readily determined, § 413.50(c)(5)(ii) permits the allocation to be made on the basis of the actuarial cost method that was used to determine the pension cost for the plan. Once the assets have been allocated, in future cost accounting periods the contractor shall make separate pension cost calculations for Segment Y based on the actual age distribution for the segment. Because the factors comprising pension cost for the other nine segments are relatively equal, the contractor may compute pension cost for these nine segments by using composite factors and developing a percentage of payroll for the nine segments. Unless the contracting parties agree to the use of another allocation base, the pension cost allocated to each of the nine segments shall be the product of the percentage developed and the payroll of each segment (§ 413.50(c)(1)).

(3) In July 1974, Contractor E acquired Contractor F and made it Segment F. Prior to the merger, each contractor had its own pension plan. Under the terms of the merger, contractor F's pension plan was merged with that of Contractor E. The actuarial assumptions, currently salary scale, and other plan characteristics are about the same for Segment F and Contractor E's other segments. However, based on the same benefits at the time of the merger, the plan of Contractor F had a disproportionately larger unfunded actuarial liability than did Contractor E's plan. Any grouping of the assets and actuarial liabilities of both plans would result in significantly different pension cost allocation to Contractor E's segments than if pension cost were computed for Segment F on the basis that it had a separate pension plan. Accordingly, pursuant to § 413.50(c)(5)(i), Contractor E must allocate to Segment F a portion of the assets of combined plan. The amount to be allocated shall be the value of F's pension plan assets at the date of the merger, adjusted for subsequent contributions and expenditures applicable to the segment (Section 413.50(c)(8)). Contractor E must use these amounts of assets as a basis for calculating the annual pension cost applicable to Segment F.

(4) Contractor G has a pension plan covering employees at seven segments. The contractor has been making a composite pension cost calculation for all of the segments. However, the contractor determines that, pursuant to this Standard, separate pension costs must be calculated for one of the segments. In accordance with § 413.50(c)(7), the contractor must allocate fund assets for the active participants of that segment. The contractor must also create a segment to accummulate the assets and actuarial liabilities for the plan's inactive participants. Pursuant to § 413.50(c)(9), when participants become inactive, the contractor must transfer assets to the segment for inactive participants to cover the actuarial liabilities for the participants that become inactive. However, the amount to be transferred shall be proportionate to the percentage of such liabilities that are funded.

(5) Contractor H has a pension plan covering employees at ten segments. The contractor makes a composite pension cost calculation for all segments. The contractor's records show that the termination experience for one segment—primarily performing Government work—has been significantly different from the average turnover experience of the other segments. Moreover, the contractor assumes that such different experience will continue. Because of this fact, and because the application of a different termination assumption would result in significantly different costs being charged to the Government, the contractor must develop separate pension cost for that segment. In accordance with § 413.50(c)(2), the amount of pension cost must be based on the proper termination assumption for that segment; however, as provided in § 413.50(c)(11), all other assumptions for that segment may be the same as those for the remaining segments.

(6) Contractor I has a five-year contract to operate a Government-owned facility. The pension plan for the employees of that facility is a part of the con-

tractor's single pension plan which covers salaried and hourly employees at other locations. At the conclusion of the five-year period, the Government decides not to renew the contract. Although some employees are hired by the successor contractor, Contractor I must still terminate many employees. Pursuant to § 413.50(c)(12), Contractor I must compute a gain or loss on the pension plan for that facility. The contractor first calculates the termination gain or loss. Because of the size of the termination, the Internal Revenue Service considers it to be a partial plan termination. As such, the terminated employees become fully vested in their accrued benefits. As a result, there is a termination loss of $2.5 million. The contractor must then determine the market value of the pension fund assets allocated to the facility. The difference between the market value of the assets and the expected value of the assets represents the gain or loss on the assets. In this case, there was a gain of $1.5 million. Thus, for this facility, there was a net loss of $1 million for the plan. However, there may be other factor to be considered in arriving at the net cost of a plan (such as transfer of pension funds for employees transferring to the successor contractor, or, in case of a whole or partial plan termination, requirements imposed by other Federal agencies). The net gain or loss from all factors shall be used as a basis for negotiating any appropriate adjustments.

§ 413.70 Exemptions.

None for this Standard.

§ 413.80 Effective date.

(a) The effective date of this Standard is [effective date of final rulemaking].

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.77-3312 Filed 2-2-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-GL-2]

McCAULEY MODEL D2AF34C65 AND D2AF34C81 SERIES PROPELLERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McCauley Model D2AF34C65 and D2AF34C81 series propellers. There have been cracks and failures of the hubs that could result in blade separation. Since this condition is likely to exist or develop in other propellers of the same design, the proposed airworthiness directive would require periodic inspection of the hubs for fatigue cracks until replaced by McCauley oil-filled hubs containing a dyed oil crack detection system.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 23, 1977 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Dockets for examination by interested persons.

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

In accordance with Departmental Regulatory Reform dated March 23, 1976, we have determined that the expected impact of this proposed regulation is so minimal that it does not warrant an evaluation.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MCCAULEY PROPELLERS. Applies to the following Model D2AF34C65 and D2AF34C81 series propellers installed on but not limited to Cessna Model 310J, E310J, 310K, 310L, and 310N aircraft.

D2AF34C65 or -XM
D2AF34C65-A or -AM
D2AF34C65-F or -FM
D2AF34C65-J or -JM
D2AF34C65-K or -KM
D2AF34C65-L or -LM
D2AF34C65-N or -NKM
D2AF34C81 or -XM
D2AF34C81-A or -AM
D2AF34C81-F or -FM
D2AF34C81-J or -KM
D2AF34C81-K or -KM
D2AF34C81-L or -LM
D2AF34C81-M
D2AF34C81-N

Compliance required as indicated, unless already accomplished. To detect propeller hub cracks and prevent possible failure, accomplish the following:

(a) Model D2AF34C65, -A, -F, -J, -K, or -L, and D2AF34C81, -A, -F, -J, -K, or -L propellers.

(1) Propeller hubs with less than 500 hours time in service, inspect in accordance with paragraph (c)(1) within 525 hours total time and reinspect in accordance with paragraph (c)(1) every 100 hours time in service from last inspection.

(2) Propeller hubs with 500 or more but less than 1200 hours time in service, inspect in accordance with paragraph (c)(1) within the next 25 hours time in service after the effective date of this AD and reinspect in accordance with paragraph (c)(1) every 100 hours time in service from last inspection.

(3) Propeller hubs with 1200 or more hours time in service, or whose total time in service is unknown, inspect in accordance with paragraph (c)(2) within the next 25 hours time in service after the effective date of this AD, unless already accomplished within the last 300 hours time in service and reinspect in accordance with paragraph (c)(2) every 300 hours time in service from the last inspection.

(b) Model D2AF34C65-XM, -AM, -FM, -JM, -KM, -LM, -M, -N, or -NKM, and D2AF34C81-XM, -AM, -FM, -JM, -KM, -LM, -M, or -N propellers.

(1) Propeller hubs with less than 1200 hours time in service, inspect in accordance with paragraph (c)(2) within 1250 hours total time in service and reinspect in accordance with paragraph (c)(1) every 100 hours time in service from last inspection.

(2) Propeller hubs with 1200 or more but less than 1800 hours time in service, inspect in accordance with paragraph (c)(2) within the next 50 hours time in service after the effective date of this AD unless already accomplished within the last 300 hours, and reinspect in accordance with paragraph (c)(1) every 100 hours time in service from last inspection.

(3) Propeller hubs with 1800 hours or more time in service or whose total hours in service are unknown inspect in accordance with paragraph (c)(2) within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the last 300 hours time in service and reinspect in accordance with paragraph (c)(2) every 300 hours time in service from the last inspection.

(c) Required action.

(1) Inspect all external surfaces of propeller hub for cracks by dye penetrant method. Replace before further flight any cracked hub with an oil-filled Model D2AF34C65-XMO, -AMO, -FMO, -JMO, -KMO, -LMO, -MO, -NO, -NKMO, -O; or D2AF34C81-XMO, -AMO, -FMO, -JMO, -KMO, -LMO, -MO, -NO, or -O oil-filled hub as applicable in accordance with McCauley Service Bulletin No. 125 dated February 15, 1971.

(2) Remove propeller from aircraft and disassemble to allow complete inspection of hub. Inspect all external and internal hub surfaces including retention threads for cracks using dye penetrant method in accordance with McCauley Service Letter 1974-3 dated March 29, 1974. Replace before further flight any cracked hub with a Model D2AF34C65 or D2AF34C81 series oil-filled hub as in paragraph (c)(1).

(d) The foregoing inspections may be discontinued after replacement of Model D2AF34C65 or D2AF34C81 series hubs with McCauley oil-filled hubs as in paragraph (c)(1).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer, may obtain copies upon request to McCauley Accessory Division, Cessna Aircraft Company, Box 7, Roosevelt Station, Dayton, Ohio 45417. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file on this AD which includes incorporated material is maintained by the FAA, at its headquarters in Washington, D.C. and at the Great Lakes Region.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement

under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

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

Issued in Des Plaines, Illinois on January 24, 1977.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.77-3366 Filed 2-2-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket 30123; PSDR-45]

STATEMENTS OF GENERAL POLICY

Proposed Rulemaking; Separate Statement To Be Appended to PSDR-45

NOVEMBER 26, 1976.

The attached Supplemental Dissenting Statement of Members Minetti and West is to be appended to PSDR-45 (41 FR 52698, December 1, 1976; 42 FR 3180, January 17, 1977).

By the Civil Aeronautics Board:

Dated: January 18, 1977.

PHYLLIS T. KAYLOR,
Secretary.

Separate Statement to be appended to PSDR-45, Docket 30123, dated November 26, 1976. (PSDR-45 is a notice of proposed rulemaking proposing to delineate standards for determining priorities of hearing with respect to competing applications for operating authority.)

SUPPLEMENTAL DISSENTING STATEMENT OF MEMBERS MINETTI AND WEST:

The proposed priority standards for route hearings which our colleagues have chosen to issue in the form of a Notice of Proposed Rulemaking, PSDR-45, could legitimately have been published as a staff study, with a request for public comments. They undoubtedly represent the distillation of much earnest thought and analysis on the part of our Bureau of Operating Rights. But in our view the proposal was by no means ready to be issued as a notice of proposed rulemaking—a step which implies a degree of Board commitment to the proposal which, as far as we are concerned, simply does not exist.

That the Board is not really ready to "go public" with this proposal as a notice of proposed rulemaking will, we think, clearly appear from the criticisms we have to make of the proposal—criticisms which show that neither the overall plan nor the details of the proposal have been thought through to anything like the necessary extent. In our judgment, after receipt of what we can only regard as a strictly preliminary round of public comments, the entire matter should go back to the drawing board for a thorough restudy.

We find it particularly regrettable that the PSDR-45 proposal should go out for comment, even in the most tentative form, accompanied by such a wholly inadequate Explanatory Statement. As we point out hereafter, although the Board has been coping with the problem of route hearing priorities for three decades or more, the Explanatory Statement here does not even undertake to explain why it is considered necessary or desirable to depart from the Board's established methods of assigning hearing priorities. Moreover, the Explanatory Statement neither explains the choice of factors (and exclusion of other factors) which the new proposal would take into consideration in fixing priorities, nor gives any coherent or comprehensible rationale for the specific numerical criteria it would adopt, nor relates either these factors or these criteria specifically to the Board's traditional route policies, whether in fixing priorities or deciding cases.

The inadequacy of the Explanatory Statement is bound, in our judgment, to affect the quality of the public comments which will be received. Since interested members of the industry and the general public will be forced to speculate as to how the particular traffic and other criteria embodied in the proposed hearing priority standards were arrived at, or what they imply in terms of a future Board route program—topics on which the Explanatory Statement is either silent or, at best, cryptic and vague—they will be at a serious disadvantage in criticizing these criteria and in offering alternatves.[1]

Our own study of the route hearing priority standards of PSDR-45 has convinced us that these proposed standards are seriously deficient in a number of major respects. We intend, in the balance of this statement, to set forth our major criticisms of the proposed standards, and then to tentatively offer for comment a set of alternative proposals.

1. *PSDR-45 fails to explain why any change in the Board's traditional method of setting route case hearing priorities is considered either necessary or desirable.* The problem to which the PSDR-45 proposal addresses itself—the fact that many more applications for new domestic route authority are filed than the Board has staff resources to process through formal hearing procedures in timely fashion—is one of at least thirty years' standing. It was early realized that setting route applications for hearing in the order in which they were filed was neither legally practicable (because of the Ashbacker requirement of contemporaneous hearing for mutually exclusive applications) nor consistent with the broader public interest. Accordingly, the Board over the years developed objective standards for determining which applications should be accorded priority of hearing. These standards, codified in § 399.60(b) of the Board's Policy Statements, are worth quoting in full here as they apply to domestic route applications:[2]

(b) *Standards.* Matters will be assigned for hearing in accordance with the degree of relative priority which each matter is entitled to on the basis of the comparative public interest involved therein. Among other things, the Board will take into account:

* * * * *

(2) The impact of delay on the public of particular persons;

* * * * *

(4) The time for which the matter has already been pending and which would be required to dispose of it;

(5) Whether the application requests renewal of an existing temporary authorization; and

(6) In matters relating to operating authority—

(i) Whether a proposal might reduce subsidy or increase economy of operations;

(ii) Whether an application proposes new service;

(iii) The volume of traffic that might be affected by the grant or denial of the proposal;

(iv) The period that has elapsed since the Board considered the service needs of the places or areas involved; and

(v) The relative availability of necessary staff members of the carriers, communities

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[1] Incidentally, we very much deprecate the use of language in the Explanatory Statement p. 3 which suggests that public comments on the PSDR-45 proposal will be given no weight unless the commenter includes a specific and detailed alternative proposal and assesses its precise impact on the Board's workload—the latter, of course, being a topic which few people outside the Board will feel qualified to discuss in any kind of detail. While there will certainly be many carrier, civic, consumer, and other parties who will be able to discern the numerous flaws in the present proposal, and will be in a position to discuss the impact of the proposal on the particular air routes and air service needs with which they are familiar, there will be very few who can comply with every aspect of the above prescription.

We are not aware of any prior Board rulemaking proposal on a basic policy issue of broad public interest and regulatory significance which has set forth so restrictive and burdensome a standard which public comments must meet before they will be considered. While our colleagues may not have intended by this language in the Explanatory Statement to discourage critical comments on the PSDR-45 proposal, we greatly fear that the language employed may have this effect. At any rate, we would make it clear that our own intention is to give full weight to all serious-minded comments which address the issues presented, whether or not the commenter feels able to address every conceivable aspect of the issues or to offer a fully developed and minutely documented counterproposal.

[2] Portions of the standards dealing with statutory priorities, statutory deadlines, and enforcement cases are omitted since they are generally irrelevant to fixing priorities among domestic route applications.

and the Board, in the light of other proceedings already in progress, to handle the processing of the case.

Interested persons may urge upon the Board such considerations as they believe should lead it to accord a particular application a priority different from that which the Board has given it.

These standards, it will be observed, give primary weight to the interests of communities and the traveling public, but also take into account the interests of applicants and other affected persons, the fiscal interests of the government (subsidy reduction), and considerations of efficient management of the Board's business. The standards are objective, but are not numerically quantified; they do not tell the prospective applicant in advance whether or when his application will be heard, nor do they by a process of calculation yield a rank ordering among applications pending at any particular time. In applying the standards, therefore, the Board goes through a process of weighing and balancing various relevant considerations urged on it by the parties, in the light of the published standards and its past decisions in setting priorities—the same kind of process, qualitatively, as it employs in granting and denying applications after an evidentiary hearing.

There has been no major qualitative or quantitative change that we are aware of in the problem of matching numerous route applications against limited hearing resources since e.g., the late 1960's, when the Board last carried on an active route hearing program. Nevertheless, it is now proposed to make a major change in the Board's traditional method of assigning route hearing priorities by substituting for the general but objective standards of § 399.60 precise numerical criteria of traffic, profitability, and market share applicable to each of the major categories of "conventional" new route applications, with those applications in each category which meet the criteria being implicitly promised a hearing. Under the PSDR–45 proposal, the traditional weighing-and-balancing process will continue to be employed in assigning priorities to "exceptional" types of route applications, and it is indicated that this process will not be wholly excluded with respect to "conventional" types of applications, although its use is to be greatly curtailed.

One would have expected that the major premise for so drastic a proposed change in the Board's traditional methods of setting route hearing priorities would be a showing that the traditional methods are no longer workable or have become a source of serious complaint on the part of communities, applicants, or the traveling public. The surprising fact, however, is that no such showing is made in the Explanatory Statement to PSDR–45. On the contrary, there is nothing but the totally unsupported assertion that "it is clear that the standards contained in Section 399.60 * * * are no longer sufficient to manage the Board's workload." [3]

With all due respect to our colleagues' opinions, we think it is not at all clear that the Board cannot simply continue to apply the standards of § 399.60 as it has in the past. We are not aware of any large public outcry against the manner in which the Board applied its hearing priority standards in earlier periods when an active route hearing program was in effect. There has certainly been a considerable outcry against the Board's unannounced so-called "route moratorium" which was in effect between late 1969 and early 1975, during which period almost no new domestic route applications were set for hearing. But the moratorium in no way stemmed from a shortage of Board hearing resources or from the priority standards of § 399.60; rather, to be candid, it resulted from the then Board majority's belief that too much new route authority had been granted in the late 1960's and that all applications for further such authority should be deferred or dismissed for an indefinite period. The public outcry against the moratorium was not that the Board should adopt new priority standards, but that it should return to its old ones.

We are not suggesting that no argument can be made for substituting more specific numerical criteria for the more general objective standards set forth in § 399.60.[4] We are simply pointing out that no such argument has in fact been made. It is not for us to speculate as to what reasons might be put forward in support of a basic change in the Board's method of assigning priorities. Rather, it is the responsibility and duty of the proponents to make the affirmative case for such a change—publicly, on the record, and not merely in intramural discussions—before it becomes anyone's obligation to present contrary considerations.

The failure of the Explanatory Statement here to set forth any reasons for shifting from the general standards of Section 399.60 to the more specific numerical criteria of the PSDR–45 proposal is bound to affect adversely the quality of the public comments which will be received. Many commenters may simply assume there is nothing to discuss, and that the adoption of some basic change in the method of assigning priorities—the PSDR–45 proposal or some other—is a foregone conclusion. Others, possibly preferring the traditional system to that now proposed, will be hard put to know what unspoken arguments in favor of the change they are expected to refute. It is quite likely that the record in this rulemaking proceeding will be closed without the issue of a change vel non in the traditional system ever having been seriously discussed on the record.[5] Such a record will not in our judgment lay a proper foundation for so fundamental a change in the Board's past method of assigning route case hearing priorities.

2. *The "standards" proposed by PSDR–45 represent a simplistic approach which will not succeed in matching route applications with hearing resources.* The stated purpose of adopting route hearing priority standards is to match the flow of route applications with the Board's limited formal hearing resources, and to give precedence of hearing to those applications which an initial inspection discloses can reasonably be expected to produce the greatest benefits to the traveling public and the greatest contribution to the continued development of an economically sound air transportation system. It is our contention that the standards proposed in PSDR–45 cannot possibly achieve this purpose.

The PSDR–45 proposal attempts to set priorities by delineating five major categories of route applications [6] and fixing numerical thresholds for hearing in each category, in terms of traffic volumes, market shares, and prospective profitability of operations.[7] Passing over for the moment our dissatisfaction both with the factors employed and with the numerical standards fixed,[8] the point here is that PSDR–45 attempts by these means to divide all route applications—

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[3] See Explanatory Statement, p. 2.

[4] Considerations that occur to us which might be thought to support the adoption of more specific numerical criteria are e.g., (1) the fact that assigning priorities by use of the general standards of Section 399.60 tends to be somewhat time-consuming and frequently contentious, particularly where an effort is made to treat similar situations consistently; and (2) the fact that adoption of more specific criteria might (depending on the criteria adopted) make it more difficult for a future Board to slip unannounced into a new route moratorium. The strongest argument for keeping the existing methods is that any set of purely numerical criteria, however refined, will inevitably fail to do justice to some highly meritorious applications because of complexities or additional factors not foreseen when the criteria were adopted.

[5] Our raising the issue here does not, we think, in any way remedy the deficiency in the Explanatory Statement, since we obviously cannot expound or discuss the majority's unspoken reasons for proposing a change.

[6] Applications (1) for competitive authority in large monopoly markets; (2) for competitive authority in markets with deficient service; (3) for removal of operating restrictions; (4) for first nonstop authority; and (5) to provide first single-plane service. "Deficient service" in category (2) is not specifically defined, and will thus require a yes-or-no value judgment by the Board as to each application sought to be included in that category. Otherwise the categories are defined with reasonable precision, although the definition of a "monopoly market" in footnote 2 of the proposed rule is likely to result in arguments in some cases. This is not to say, however, that the categories are altogether logical or adequate inclusive, as will be discussed hereinafter (infra, pp. 23, 29–31.

[7] Prospective load factors are also a factor when the inclusion of a "nonconforming market" is sought.

[8] See infra, pp. 12–27.

apart from those unusual ones which will be given special treatment[9]—into two grand divisions: the elect (which will be heard) and the damned (which will be dismissed).

Now, the most astonishing feature of this proposal, to us, is that the Board has before it at this time no factual basis whatever—no compilation of current applications, no analysis of past ones, no study of the work-hours by various Board components required to try a typical case in each of the five designated categories—which could logically lead the Board to believe, with even the slightest degree of confidence, that the proposed standards of PSDR–45 will at any given future time produce a reasonably accurate match-up between the number of applications set for hearing and the Board's currently available hearing resources. It is entirely possible (although not in our judgment likely) that the PSDR–45 standards will consistently be met by many more applications than can in fact be heard. It is equally possible (and in our judgment much more likely) that, after an initial freshet of cases stemming from the long freeze of the 1969–1975 "route moratorium", only a pitifully small number of route applications—including few if any applications for competitive authority—will qualify under the harsh standards of SPDR–45. The likelihood of a reasonably accurate match-up of applications meeting the standards and the Board's currently available hearing resources, however, would in our judgment have to be assessed as somewhere between "poor" and "very poor".

The point here is not so much that the proposed standards are wrongly set and should be changed—although, as we shall show, they certainly should. Even were the numerical standards fixed at levels more to our liking, an accurate match-up of applications and resources at any given point in time would still remain relatively improbable. The essential fallacy of the proposed PSDR–45 standards, as we see it, is their use of simple go/no-go criteria which label an application as either "qualifying" or "not qualifying", but which do not otherwise assign it a rank order relative to other applications. Any set of standards truly designed to balance applications and resources through the use of "objective" numerical criteria, in contrast, will in our judgment have to be one which systematically assigns definite rank orders to all applications subject to the standards. In our alternative proposal, we will outline one way in which such a set of rank-order-assigning standards might be devised.

To be sure, PSDR–45's Explanatory Statement (but not, significantly, the proposed rule) includes in very tentative language a proposal or periodic review of pending applications in order to match applications with resources,[10] and suggests that if route applications meeting the proposed standards do not fully utilize the available hearing resources, those additional applications "most nearly" meeting the standards will then also be set for hearing. But this suggestion has not been sufficiently thought through, in our judgment, as is evident from the absence of any discussion of what the term "most nearly" would mean in the context of a set of standards employing a number of different, and incommensurable, parameters. One has only to ask, for example, which one or more of the following applications for competitive authority would be considered as "most nearly" meeting the standards of PSDR–45, in the event additional hearing resources were available:

(a) By a new carrier, in a market of 110,000 annual passengers, where both carriers would earn a full 12 percent ROI.

(b) By a new carrier, in a market of 125,000 annual passengers, where the new carrier would earn an ROI of 11 percent and the incumbent carrier one of 9 percent.

(c) By a new carrier, in a market of 115,000 annual passengers, where the existing service was less than fully inadequate but not quite bad enough to be labeled "deficient", and where the prospective ROI's were as in (b) above.

(d) By a new carrier, in a market of 75,000 annual passengers having deficient service.

(e) By a new carrier, in a market of 65,000 annual passengers having much worse service in relation to its size than the market in (d) above.

(f)–(j) By a restricted carrier with an existing 5 percent market share, in each of the markets described in (a)–(e) above.

(k)–(o) by a restricted carrier with an existing 15 percent market share, in each of the markets described in (a)–(e) above.

The foregoing obviously do not begin to exhaust the possible combinations of the different factors used in the standards for just the first three categories of applications alone. In no instance will the PSDR–45 proposal assign a clear order of priorities among applications such as these which fall short of its standards in one respect or another.[11]

An exactly analogous problem will be presented whenever more applications meet the standards than can be currently heard, so that some qualifying applications must nevertheless be selected for deferral to a later period. Here again, the PSDR–45 proposal fails to give any effective guidance as to which applications meeting the standards should be deferred. In fact, it will only be in the rare situation where the number of applications meeting the standards exactly matches the currently available hearing resources, that the PSDR–45 plan will work as it is supposed to.

The easiest way to establish a clear-cut order to priorities in the above-described situations, where PSDR–45 fails to do so, would of course be to remit the choice of nonqualifying cases to be heard or of qualifying cases to be deferred to the judgment and discretion of the Board, to be exercised under the general standards of Section 399.60.[12] But the whole thrust of the PSDR–45 proposal, as we understand it, is supposed to be to get away from this traditional method of selecting applications for hearing. If the Board's judgment and discretion are going to have to be brought in again via the back door in most of the situations which actually arise, there would appear to be little merit in adopting an elaborate set of numerical criteria whose ostensible purpose is to eliminate just such judgment and discretion. Such a set of standards, so administered, would in our judgment have a serious potential for misleading the public as to the nature of the process which was actually taking place. Unless the "most nearly" language of the PSDR–45 proposal is greatly clarified, it will be validly subject to this criticism.

The one viable alternative, as we see it, is a set of hearing priority standards in which all of the disparate factors entering into the assignment of priorities are reduced to a single common denominator, in such a way that each route application can then be assigned a definite rank order with respect to all other route applications coming under the system. Our own proposal, set forth hereinafter, illustrates how this could be done. We are well aware, of course, that any such system for reducing diverse factors such as traffic volume, market share, and service deficiencies to a single common denominator is bound to involve some rather arbitrary assignments of values. Our proposal is undoubtedly open to this criticism. But this arbitrariness is no greater than that which is always and inescapably inherent in any process of assigning priorities (or, indeed, deciding cases) on the basis of multiple factors, and it at least has the merits of being (a) out in the open and thus subject to reasoned criticism, and (b) equally ap-

[9] See Explanatory Statement, p. 2; compare *Chicago Midway Low-Fare Route Proceeding*, Order 76–12–149, December 28, 1976.

[10] The manner in which this periodic-review proposal has been incorporated in PSDR–45 seems to us hasty, tentative, and ill-thought-out. Apart from the basic difficulty discussed in the text, infra, we believe that three months is much too short a period to allow an adequate overview of pending applications and available resources; six months would be preferable, in our judgment. Also, we see no justification for the immediate dismissal of applications almost but not quite meeting the standards which are not set for hearing in one period, since sufficient resources might well become available to allow the hearing of such applications in the next or a subsequent period.

[11] Indeed, it will never do so except in the case of two or more applications which are exactly equal with respect to all applicable factors but one—a most unlikely situation.

[12] Another possible alternative, that of sweeping the problem under the rug by in effect delegating the ultimate choice of applications to be heard to the staff or the Bureau of Administrative Law Judges, does not commend itself to us as a responsible way for the Board to exercise one of its most important functions.

plicable today and tomorrow, to applicants and communities great and small alike. In fact, to reduce all the disparate factors considered in assigning priorities to a single common denominator, as is done in our proposal, is in no significant respect any more arbitrary than to adopt a series of arbitrarily chosen numerical criteria for individual factors, as is done in PSDR–45.

If the Board is to depart from its traditional methods of selecting route applications for hearing, the only alternative method we would presently be prepared to support would be one which assigns a definite rank ordering to all but the most exceptional route applications.[13] The PSDR–45 proposal quite clearly does not meet this test. In saying this, we are not excluding all judgment and discretion, all flexibility in the administration of a hearing priorities system. It should certainly be open to the Board to take unusual factors into consideration in particular cases, provided it explains when and why it is doing so. But a set of priority standards which falls as far short of matching applications with resources in an objective manner as the PSDL–45 proposal does—quite apart from its other deficiencies—does not commend itself to us as a significant improvement on traditional methods of assigning hearing priorities.

3. *The specific standards proposed in PSDR–45 are far too restrictive, are inconsistent with past Board priority and decisional standards, and are internally inconsistent.* The Explanatory Statement asserts (p. 3) that establishment of the proposed priority standards represents a commitment to the fullest possible route-hearing program. We seriously question that assertion. It is possibly true that setting for hearing all the domestic route applications which would currently meet the proposed standards of PSDR–45 might, for the moment, fully occupy the Board's formal hearing resources available for processing route cases.[14] But this in our view is primarily a consequence of the backlog of meritorious applications accumulated over the five-and-a-half years of the "route moratorium". Once this backlog is worked off, as it will be in a comparatively short time, it appears probable to us that only a relatively small number of route applications will qualify for hearing under these excessively restrictive proposed standards.

Competitive nonstop service. The situation with regard to applications for first competitive nonstop authority in large monopoly markets is illustrative.[15] Some months ago we were furnished a list of several dozen domestic markets currently generating more than 120,000 annual passengers, in which only one carrier now has unrestricted authority. It turned out, however, that a clear majority of all the markets on the list had already been set for hearing—a number, indeed, had been in that status for a considerable time, and in some the proceedings were even then approaching completion. In many of the remaining markets, it appeared that no carrier or civic petitions for expedited hearing were on file, suggesting a relatively high degree of public satisfaction with the existing services in these markets, together with an absence of conviction on the part of potential carrier applicants that the markets offer significant competitive opportunities.

Thus only a relative handful of markets now generating over 120,000 annual passengers appeared to be candidates for a future route hearing program under the traffic-volume standard of PSDR–45, without regard to the equally restrictive profitability standard (of which more hereafter). The list furnished us also showed only a handful of markets becoming eligible under this traffic-volume standard in subsequent years, with no guarantee that all or most of these markets will become the subject of petitions for expedited hearing. Thus the proposed standard of 120,000 annual passengers for hearing competitive nonstop applications seems almost certain, once the backlog from the route moratorium is worked off, to result in such applications forming a very small part of any future route hearing program.[16]

Moreover, we cannot reconcile a standard of 120,000 annual passengers for setting a monopoly nonstop market for hearing with the decisional standards the Board has heretofore employed in awarding new competitive authority in such markets. Dozens of examples can be cited of markets generating between 50,000 and 75,000 annual passengers (or even fewer) in which the Board has found competitive service warranted,[17] whereas it is difficult to cite any case (outside the period of the route moratorium) in which the Board has found that competition was not warranted in a market of 100,000 or more annual passengers. Yet under the standards of PSDR–45, monopoly nonstop markets of under 120,000 annual passengers could not even be set for hearing, absent evidence of deficient service by the incumbent, while similar markets of under 80,000 annual passengers could not be set for hearing regardless of the deficiencies in the incumbent's service.[18] It seems to us that travelers and civic parties with an interest in monopoly markets, which meet the Board's decisional standards of the recent past for the award of competitive authority, will have a legitimate claim of unfair treatment if the proposed standards of PSDR–45 are now applied to deprive them of any possibility of a hearing on their need and desire for the benefits of competitive service.

One notable prior occasion on which the Board adopted numerical standards for setting markets for hearing was in the Gulf States-Midwest Points Service Investigation,[19] where it included in the case the issue of first competitive service in markets of 100 or more daily passengers (36,500 a year), and first nonstop service in markets of 50 or more daily passengers (18,250 a year). We acknowledge that these rules of thumb applied in Gulf States were never adopted as general standards; that the case itself had some atypical features;[20] and that the increase in the average size of the aircraft employed in domestic service since the mid-1960's probably compels a significant increase in the traffic volume needed to sustain competitive (or first nonstop) service.[21] Nonetheless, it passes

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[13] In saying this, we do not mean to imply either that we are wedded to the particular counterproposal set forth hereinafter or a variant thereof, or that we will not maintain a completly open mind as to still other proposals which may be forthcoming in the course of this rulemaking proceeding.

[14] We agree that priority standards for the traditional types of domestic route cases must take into account the other priority demands on the Board's formal hearing resources, including the demands of certain novel types of new route cases, not encompassed within the proposed standards of PSDR–45, which the Board must certainly set for hearing if it is to meet its commitment to a more open and competition-oriented regulatory environment.

While the Board's hearing resources available to hear new route cases are currently being quite fully utilized (subject to a caveat about the efficiency of such utilization, which we discuss hereafter), it should be noted that many (if not most) of the route cases currently in process would not qualify for hearing, in whole or in part, under the proposed standards of PSDR–45.

[15] We have questions about the precise definition of a "monopoly" market in the proposed rule—particularly the clause which treats a market as already enjoying competitive nonstop service where only one carrier regularly provides nonstop service but a second carrier has offered such service for as little as three months during the past two years. Absent some better explanation, this provision appears to us unduly protective of dormant operating rights.

[16] Our colleagues make the point that the standards proposed in PSDR–45 are not immutable, and could be adjusted at a later date. In our judgment, however, it would be unwise to adopt, even temporarily, standards which it does not appear will be valid over a reasonably extended period.

[17] These, moreover, are not all cases from distant past; they include a number of cases decided during the past two years by the present membership of the Board. See, e.g., stop Service cmf cmfwyp clvb vb vb vb vb the recent cases cited in our dissent in Additional Dallas/Ft. Worth-Kansas City Nonstop Service Case, Order 76–4–177, April 30, 1976.)

[18] We note that in many cases involving markets of between 80,000 and 120,000 annual passengers, and smaller ones as well, the Board has based its award of competitive authority not so much on particular service deficiencies as on the proposition—affirmed by the Board in numerous decisions—that markets large enough to sustain competitive service are entitled to enjoy its benefits.

[19] 52 C.A.B. 188 (1969); see particularly Order E–24882, March 22, 1967.

[20] Such as the fact that applicants were allowed to propose service to intermediate points of their own selection between the designated terminal points put in issue; but see 52 C.A.B. at 221–2, where the Board narrowly restricted the amount of intermediate-point authority it granted at the conclusion of the case.

[21] Query, however, whether it would not make better sense to fix traffic-volume standards in terms of the seating capacities of the currently available types of aircraft suited to the particular market at issue, rather than in terms of aircraft generally.

belief that changed circumstances could now warrant a standard of hearing for competitive service more than three times as high as in 1967, or one for first nonstop service more than twice as high.

Moreover, it is not only the proposed standards of traffic density which are too restrictive in PSDR–45. The proposed standard for first competitive service in large monopoly markets would also require a showing that both the applicant and the incumbent carrier could achieve a full regulatory return on investment, i.e., a full 12 percent ROI, in the first normal year of operations.

This proposed criterion departs drastically from past Board decisional patterns, and again seems certain to result in few if any competitive route cases being set for hearing. The first normal year of operations [22] under a new route award is typicaly a period during which the new carrier is vigorously seeking to establish its market identity in the minds of the traveling public by intensive advertising, special discount fares, eye-catching promotional efforts to call attention to new services, and the like, while the former monopoly carrier typically reacts with its own promotional program in an effort to keep its customers from being wooed away by the newcomer. Rarely does an incumbent carrier admit that it will reduce schedules when a new carrier enters the market, and most often existing schedules are in fact maintained or, sometimes, even increased. In time, of course, both carriers adjust their schedules to what the market (now hopefully stimulated) will sustain, but this can hardly be counted upon to take place soon enough to make the "first normal year" of operations as profitable for both carriers as the PSDR–45 proposal demands.

In the past, the Board has not generally demanded that a trunkline applicant for new route authority show a full regulatory return on investment in the first year or, indeed, subsequently; the promise of an operating profit has been considered a sufficient indicium of economically sound prospective operations. Even in the case of subsidized local service carrier applicants, the Board has not, except during the period of the route moratorium, insisted upon an immediate full return on investment; again, a significant operating profit in the first normal year has been considered adequate, if backed up by the prospect of a full return within a reasonable time thereafter. Only two months ago [23] the Board anounced that it would no longer apply the more restrictive so-called Twin Cities criterion,[24] adopted as a temporary expedient during the period of the route moratorium, which required the applicant to demonstrate a full first-year return on investment in cases where no material deficiency in the incumbent's services were shown. The PSDR–45 proposal appears to be squarely in conflict with this recent action.

Moreover, we are not aware of any past Board decision holding that competitive authority should not be awarded in a market if it would result in the incumbent carrier earning less than a full 12 percent return during the first year of competitive operations. The most severe test applied has ordinarily been whether competition would result in the incumbent's incurring actual operating losses; more frequently, however, the test has been merely whether diversion from the incumbent caused by new competition would be so massive as to threaten its ability to perform its certificated obligations—a far different, and far less restrictive, test than that now proposed.

Thus, considering the tests the Board has heretofore applied in actually awarding competitive route authority—and considering the fact that only a minority of carriers have actually earned a full 12 percent return on investment in recent years over their entire systems, much less in markets where competition has newly been introduced—we find it quite incredible that our colleagues should now propose to refuse even to set competitive applications for hearing unless it is demonstrated in advance that both applicant and incumbent will earn a full 12 percent return in the first year. Few if any of the competitive route cases heard in recent years, or of those now in process, could qualify under this criterion, we are sure. Even more incredible, however, is the fact that such a far-reaching departure from past Board decisional criteria should be proposed without a single word of discussion in the Explanatory Statement.[25]

We cannot escape the conclusion that the inclusion in PSDR–45 of this harsh set of criteria applicable to monopoly markets will have the effect of virtually eliminating applications by new carriers (as opposed to restricted incumbents) for competitive authority in monopoly markets from any future route hearing program, except in markets where existing service can be stigmatized as "deficient" (and even then only in the largest such markets). We think no convincing case has been made for so drastically curtailing the future hearing of competitive route cases.

Restriction removal. PSDR–45 acknowledges the Board's historic policy of eliminating operating restrictions in carriers' certificates which are no longer required to serve important regulatory goals. However, the majority's proposed priority standard for restriction-removal cases would largely negate that policy by imposing a precondition for hearing that the applicant for restriction removal must already carry 20 percent of the single-carrier local and connecting traffic in the market(s) in question. The only explanation given for this 20-percent criterion is that it is taken from Subpart N, the special expedited procedure the Board adopted in 1969 to facilitate removal of unneeded trunkline operating restrictions, where, it is said, the criterion "appears to have worked out reasonably well." (Explanatory Statement, p. 7).

The plain fact, however, is that only a handful of Subpart N applications have ever been filed—about one-sixth as many as those under Subpart M, applicable to local service carrier restrictions, which does not have a 20-percent "incumbency" criterion—and that even fewer have been processed to completion under that procedure.[26] Indeed, the difference between Subparts M and N (apart from the identity of the eligible applicants) resides almost entirely in the 20-percent criterion, and it is a fair assumption that the much lesser popularity of Subpart N stems directly from the difficulty in meeting this criterion.[27]

On the other hand, while we have not made a detailed survey, it is our impression that in the great majority of cases where the Board has found after hearing that the public convenience and necessity required the deletion or modification of an applicant carrier's restriction, the applicant did not go into the proceeding already carrying 20 percent of the traffic. This was certainly true of the Subpart M cases which were processed to completion in the 1968–69 period of greatest Subpart M activity,[28] and we believe it also to be true of recent Subpart M cases, and of restriction-removal

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[22] The first normal year of operations has in the past been ordinarily interpreted as comprising the period of four calendar quarters comencing approximately six moths after the inauguratoin of service by a new carrier in the market or markets in question.

[23] *Shreveport-Dallas/Ft. Worth Nonstop Proceeding*, Order 76–11–1, November 1, 1976.

[24] *Twin Cities-Des Moines-St. Louis Subpart M Proceeding*, Order 70–4–150, April 29, 1970, p. 6. Compare *Philadelphia-Rochester/Syracuse Case*, Order 76–1–119, January 30, 1976; *Boston-Atlanta Nonstop Service Case*, Order 76–122, June 16, 1976. We are aware, of course, that all of the foregoing were restriction-removal cases. But other recent decisions show the same substantive criteria being applied to new route awards. See, e.g., *Reopened Service to Omaha and Des Moines Case*, Order 75–9–19, September 8, 1975.

[25] The sole reference to the proposed full-ROI criterion appears in footnote 1 on p. 6 of the Explanatory Statement, where the criterion is referred to in a way which implies that it covers only the applicant's ROI, not the incumbent's. No effort is there made to relate the criterion to any past or current Board decisions.

[26] Moreover, a significant fraction of the Subpart N applications actually filed and processed have involved markets in which no other carrier already held unrestricted authority, and there the applicant currently carried the great bulk of the traffic. Several were unopposed and were finalized without hearing. (See footnote 28, *infra*.)

[27] There is no reason to believe that trunkline carriers would file fewer restriction-removal applications under expedited procedures than would local service carriers, given equivalent criteria for hearing such applications. Certainly trunkline certificates restrict operations in as many city-pair markets as do local service certificates, although the former tend toward long-haul, closed-door, and segmentation restrictions, while local service certificates tend to contain more intermediate-stop requirements.

[28] See our discussion of the history and purposes of Subpart M in our dissenting statement in Southern Airways Memphis-Nashville Subpart M Application, Order 76–3–104, March 16, 1976.

cases processed under normal Subpart A procedures as well. Thus it seems inescapable that the imposition of a 20-percent "incumbency" criterion can only serve to deny a hearing to numerous restriction-removal applications which would be set for hearing under existing standards,[29] and which, were they heard, would undoubtedly be granted.

Thus, if the statement that the 20-percent incumbency criterion under Subpart N has "worked well" is intended to mean that this criterion has operated effectively to keep down the number of Subpart N applications filed to a very small number,[30] we would have to agree with it as a statement of fact, but would venemently dispute the implied proposition that this establishes the desirability of such a criterion. Although we agree that the market share already achieved by a restricted carrier is a significant factor worthy to be taken into consideration in setting route hearing priorities, we consider the 20-percent incumbency criterion proposed by the majority here to be far and away too restrictive, to the point of being completely arbitrary. In our own proposal, *infra*, we will indicate the manner in which we believe this factor should be taken in consideration.[31]

First nonstop authority. The traffic criterion proposed in PSDR–45 for setting down an application for first nonstop authority in a market—40,000 annual O&D passengers (excluding, in this instance, all interline connecting and other on-board passengers)—strikes us as substantially too high, although perhaps not so egregiously so as the 120,000-passenger criterion for first competitive authority. As previously noted (supra p. 14), this 40,000-passenger criterion is mort than twice that employed in the *Gulf States* case in 1967, a degree of increase we doubt can be justified by changed circumstances since that time, although some increase might well be justified.

Apart from the excessively high level of the proposed traffic criterion for first nonstop applications—and apart from the difficulties we have with the use of O&D passengers as the sole measure of traffic in this situation (a matter to which we will return hereafter)—we would point out a serious anomaly in the proposed standard as now drafted. If no carrier presently holds nonstop authority in a market of 40,000 annual O&D passengers, the proposed standard would set a nonstop application for hearing if the applicant could show an operating profit in the first normal year of operations.[32] However, if another carrier holds nonstop authority but is in fact providing only single-plane but nonstop service, an application to provide such service would not be set for hearing under this standard as drafted in the proposed rule, since it would not be an application for "first nonstop authority". Instead, traffic of 80,000 annual passengers would be required if the existing service in the market were judged deficient, or 120,000 annual passengers (plus full 12 percent ROI's for both carriers) if it were not.[33] This "first nonstop" standard thus will have the effect, no doubt inadvertent, of biasing the system quite unjustifiably in favor of protecting the monopoly privileges of a holder of unused nonstop authority, contrary to all Board precedent. No explanation is offered for this strange anomaly, which is consistent not only with past Board priority and decisional standards but with other provisions of the PSDR–45 proposal itself[34] (and indeed with the text of the Explanatory Statement (p. 6).

First single-plane service. The Board once held that markets generating ten or more O&D passengers a day ought to receive single-plane service.[35] No doubt the larger aircraft now in use have rendered that standard obsolete, but we nevertheless cannot believe that 40,000 annual passengers (110 a day) is an appropriate threshhold standard today even where all on-board (and not just O&D) passengers are included in the tally. In our judgment PSDR–45's criterion for setting down first single-plane applications is too high by a factor of at least two or three.

4. *The factors employed in the proposed standards are not consistent and in some cases not appropriate, while other appropriate factors have been ignored.*

Traffic volume. PSDR–45's proposed standards in four of the five categories employ a factor of traffic volume. For applications to serve large monopoly markets and those with deficient service, the traffic factor considered is O&D plus interline connecting passengers; for applications for first nonstop authority in markets receiving single-plane service, it is O&D passengers only, for applications to provide first single-plane service, it is total on-board traffic flow. Finally, for applications to remove operating restrictions, no factor of traffic volume is considered.

This inconsistency in the treatment of traffic volume as a factor in the priority standards is nowhere explained, and appears to us to reflect considerable confusion on the part of the proposal as to why traffic volume is a significant factor in the priorities equation. It seems to us there are two main reasons why traffic volume is significant: first, because it provides a rough measure of the number of travelers who would benefit from new service in a market, and second, because it also provides a rough measure of the likelihood of achieving adequate load factors and, therefore, profitable operations. As to the former reason, the Board has traditionally considered O&D plus interline connecting passengers to be the best (though not the only) rough measure of the number of travelers who could benefit.[36] No reason has been suggested why interline connecting passengers would not benefit from the provision of first nonstop service, and their exclusion

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[29] The majority's Explanatory Statement (p. 7) makes the point that the 20-percent criterion is not being incorporated into the Subpart M rule "because it has been the Board's policy to facilitate the removal of local service carrier restrictions in order to effect subsidy reduction * * *" This statement is seriously misleading, because under the proposal those Subpart M applications which do not meet the 20-percent incumbency criterion will be subject to the other highly restrictive standards of PSDR–45—most commonly, to the almost impossibly restrictive 120,000-passenger-per-year traffic standard for competitive nonstop markets—and accordingly very few such cases will be heard.

[30] It should be noted that, even where a Subpart N applicant has been able to meet the 20-percent criterion, and even show that it was the dominant carrier in a majority of the markets involved, other reasons have sometimes been found to deny it a Subpart N hearing on its application. See, e.g., Continental Airlines Subpart N Application, Order 76–3–71, March 11, 1976.

[31] We would also take separate action to eliminate or modify the 20-percent criterion where it already exists in Subpart N, on the basis of the experience to date showing that this criterion has prevented Subpart N from achieving its intended purposes.

[32] Compare the proposed standard for first competitive service, discussed supra pp. 14–16. Our difficulty with the employment of any kind of profit forecasts in setting hearing priorities will be discussed hereafter.

[33] The 120,000-passenger standard, moreover, would be applicable only if the market could qualify as a "monopoly" market under footnote 2 to the proposed Policy Statement (see next footnote, infra). Query, whether a market in which two carriers hold unrestricted authority but neither operate nonstop service would qualify as a "monopoly" market under the language of the cited definition.

[34] The proposed standard for "large monopoly" markets (proposed Policy Statement, footnote 2) defines such a market as one where only a single carrier holds unrestricted authority, or as one in which only a single carrier currently provides nonstop service, even though another carrier or carriers may also hold unrestricted authority but have not provided nonstop service for at least three months continuously out of the past two years. This standard recognized, albeit in an awkwardly worded manner, that new nonstop service in a market with only one present nonstop operator should be treated as first competitive nonstop service, notwithstanding other outstanding but dormant authorizations. But the subsequent standard fails to recognize that where no nonstop service is now being provided, new nonstop service should qualify as first nonstop service, regardless of dormant nonstop authorizations.

[35] *Washington-Baltimore Adequacy of Service investigation*, 30 C.A.B. 1215, 1225 et seq.; 32 C.A.B. 239, 240 et seq. (1960).

[36] The Board has also traditionally given weight to the number of passengers in beyond-segment markets who would receive improved service (e.g., first single-plane, first single-carrier) through grant of a particular carrier's application to serve the principal market at issue. Many, though by no means all, of these benefited beyond-segment passengers are typically drawn from the ranks of those who previously were tallied as interline connecting passengers in the principal market. (All base-year traffic figures, of course, are subject to the application of appropriate growth and stimulation factors, but for present purposes these may be ignored; see discussion infra.)

from PSDR–45's first-nonstop criterion seems to us wholly unjustified.

As to the latter reason for taking traffic volume into account—its relationship to the prospect of achieving profitable load factor—the significant factor here is total on-board traffic, not just O&D or O&D plus interline connecting passengers. The majority's effort [37] to explain its numerical traffic criteria in terms of round-trips per day on 100-passenger aircraft would make better sense if the traffic criteria were specified in terms of total on-board traffic. Given the fact that total on-board traffic is a more volatile and less accurately measurable quantity than O&D plus interline connecting traffic,[38] but for some purposes is a more significant factor, we think that both of these measures of traffic volume should be taken into account in all categories of cases. Our proposal does this.

We do not, however, think that for the purpose of assigning hearing priorities it is necessary or desirable to take separate account of such further traffic-related parameters as prospective growth and stimulation, prospective beyond-segment traffic benefits of various kinds, and the like. It is neither possible nor desirable to try to base hearing priorities on an assessment of all the multiple and diverse factors which are appropriately considered in deciding cases after a full hearing. What are needed are a few, readily ascertainable parameters which will give a reasonably good rough measure of the potential public benefits and prospective success of the new service proposed by an applicant. For this purpose we think the dual traffic measures we favor—O&D plus interline connecting, and total on-board traffic—are entirely adequate.

We see no justification for ignoring traffic volume altogether when assigning priorities to restriction-removal applications, as PSDR–45 does. It seems obvious to us that a rational system would give precedence to a restriction-removal application by a carrier with a 19 percent market share in a market of 75,000 annual passengers, over one by a carrier with a 21 percent market share in a market of 10,000 annual passengers. Yet PSDR–45 would set the latter application for hearing, and dismiss the former.

Market share. As indicated earlier, we agree that a restricted carrier's existing market share is a valid factor to be taken into consideration in setting priorities.[39] Our disagreement with the majority is that we would treat market share as a significant factor in all categories; would not treat it as the sole significant factor in any category; and would take it into account on a sliding scale, i.e., in proportion to its percentage magnitude, rather than as a rigid (and excessively high) percentage threshhold, as PSDR–45 does. The majority's proposal treats the difference between a market share of 5 percent and one of 19 percent, or between one of 21 percent and one of 50 percent, as being insignificant in assigning priorities, yet treats the difference between a 19 percent and a 21 percent market share as totally decisive. We find this irrational and unacceptable.[40]

Deficient service. In our view deficiencies in the existing service in a market should be a factor to be taken into account in all cases, rather than a separate category. The ultimate goal should be the development of a numerical index of service deficiencies or, conversely, of service quality, starting with the Board's long-standing Quality of Service Index, but also taking into account such additional factors as coverage of the major time periods of the day, excessive load factors (overall or on particular flights), percentage of travelers using connecting service or other services of less than the highest quality (e.g., one-stop or multi-stop service), and so forth. There is no reason to believe that such an expanded index could not be devised, which would allow an objective comparison between the quality of service offered in a particular market and that offered in other markets of similar size and other relevant characteristics.

Pending development of such an objective index, however, we would on a judgment basis rate the adequacy of service in the market or markets included in an application on a scale of, say, from one to ten, rather than simply characterizing the service as "adequate" or "deficient," as PSDR–45 does. This servict adequacy rating would then be taken into account along with other relevant factors in assigning an overall priority rating to the application.

Profitability. We have already discussed our strong disagreement with the majority's proposal to require a showing of a full 12 percent return on investment in the first normal year of operations as a prerequisite to setting down an application to provide competitive service in a large monopoly market—a barrier which will make it almost impossible for such applications to gain a hearing. In the other four categories, PSDR–45 calls for a showing of an operating profit in the first normal year, which is certainly a much more conventional test. Nevertheless, where existing service is deficient or other significant public benefits are in prospect, we see no justification for making a first-year operating profit an absolute prerequisite.

The Board has in the past made numerous route awards where not even an operating profit was in prospect in the first year; in the great majority of such cases, the award later became fully profitable after a reasonable period of development. Particularly where the applicant is a strong and health carrier, earning profits on its established routes, it seems to us wholly inconsistent with the spirit of free enterprise and a market-oriented regulatory system to erect an absolute barrier against allowing an applicant to take a risk with its own capital and to invest in the development of new route authority which will be of benefit to the traveling public. Particularly is this true where the long-run prospects are bright, and also where the risks can be minimized by granting authority in permissive form.

However, our criticism of the use of first-year profitability as a factor in fixing hearing priorities goes deeper than this. In our judgment, the profitability factor should be eliminated from the priorities equation altogether, as being unreliable, unnecessary, and wastefully burdensome to calculate. We would instead rely on the traffic-volume factor as an adequate rough guide to potential long-term profitability.

The trouble with using profitability as a factor in setting priorities is that it requires one of the major and most complex ultimate issues in the case to be tried out in advance, before the case is ever assigned for hearing. There is nothing simple and objective about a profit forecast; every such forecast embodies dozens or even hundreds of judgments, most of them controversial and subject to dispute. A large part of the typical route case is spent by the parties in supporting their own and attacking the other parties' profit forecasts, no two of which, it would seem, ever agree. In hardly any area is cross-examination so valuable and, indeed, so necessary.

When profit forecasts are used as a priorities factor, however, the whole process is perverted, and the result inspires little confidence. If the rules require a forecast showing a first-year operating profit, the applicant will submit such a forecast, come what may. Equally predictably, the incumbent carrier will submit a forecast prophesying financial disaster for itself, the applicant, or both. Neither can cross-examine the other's exhibits at this stage. Instead, the Board's staff analyzes the conflicting forecasts and comes up with one of its

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[37] Explanatory Statement, p. 6, footnote 1. Query, however, whether the criteria ought not to take account of the actual size of the aircraft most suitable for use in the particular market or markets involved.

[38] An incumbent carrier's total on-board traffic during any given base year can be accurately ascertained, but its future on-board traffic may vary considerably as a result of changes in its scheduling practices. An applicant carrier's prospective on-board traffic is necessarily somewhat speculative; here again, what points it chooses to serve beyond the market at issue will have an important influence. Future route awards in other markets may also siphon off some of each carrier's beyond-segment on-board traffic.

[39] Query, however, whether a carrier's historic share of single-carrier local plus interline connecting passengers (O&D Survey, Table 10) is the only valid measure of this factor. It may be that total O&D plus interline connecting RPM's would be a better, or at least an additional, measure of market share. Query, also, whether account should be taken of a carrier's RPM market share, if signicant, even where it has no single-carrier authority or significant single-carrier market share. We would welcome public comment on these questions.

[40] The same criticism, of course, applies to PSDR–45's treatment of other relevant factors, e.g., traffic volume. In our proposal we have attempted to take all factors into account on a sliding-scale rather than a simple yes-no basis.

own—a forecast which only the Board sees, and which the parties accordingly cannot cross-examine or rebut.

It has been our observation over the years that the staff's profit forecasts at the hearing-priority stage (or those of the parties, for that matter) bear little resemblance to those later developed at the hearing stage, on the basis of fuller evidentiary submissions—much less those ultimately adopted by the administrative law judge and the Board. The cost of these not very reliable advance profit forecasts is a major investment of staff time, by staff members who could otherwise be employed in trying cases. In other words, the use of profit forecasts in assigning hearing priorities consumes an appreciable portion—we do not know how much—of the very hearing resources the priorities process is supposedly intended to conserve. It is also our impression that very little of the work that goes into making profit forecast at the hearing-priorities stage is useful later on in the event the application is set for hearing; virtually all the work ordinarily has to be redone on the basis of later-submitted evidentiary data.

The use of profit forecasts in fixing hearing priorities is not only unreliable and wasteful of the Board's resources, it is also unnecessary. By and large, the potential profitability of any kind of proposed new service—first, single-plane, first nonstop, or competitive—will depend primarily on the volume of traffic generated by the principal market at issue, and by other related markets (intermediate or beyond-segment) whose traffic can be carried on flights serving the principal market. Particular service proposals (which are the basis for detailed profit forecasts) are simply experimental hypotheses as to how the traffic potential of the market may best be tapped; if a particular service pattern is tried, and fails, others will be tried until success is achieved or the attempt is abandoned. Applicants are in no way bound to their original service proposals, nor are incumbents. Amid all these hypotheses, judgments, and contentious forecasts, the one relatively solid factor is the historic traffic data. Since experience has taught us that it is basically traffic and not other factors which spells profitable or unprofitable operations, it makes sense to rely on historic traffic alone as the most reliable rough measure of long-run profit potential, at least at the very preliminary stage of assigning cases for hearing.

Length of time the application has been pending. Existing Section 399.60 includes among the factors to be considered in assigning hearing priorities "the time for which the matter has already been pending * * *" PSDR–45 fails to give any recognition to this factor. We think it deserves recognition—not perhaps as a major factor, but as which will allow the Board to give priority to the older of two applications which otherwise are relatively equal in their merits. Our counter-proposal, discussed infra, gives a modest amount of weight to this factor.

Period elapsed since Board last considered service needs. Another factor cited in existing § 399.60, to which PSDR–45 gives no weight, is "the period that has elapsed since the Board considered the service needs of the places or areas involved. Here again, our counter proposal takes this factor into account.[a]

Availability of expedited procedures. Two other factors from existing § 399.60 which PSDR–45 improvidently ignores are "the times * * * which would be required to dispose of it [the pending matter]," and "the relative availability of necessary staff members . . . to handle the processing of the case." What these considerations suggest to us is that, where one application can be more expeditiously disposed of than another, with the expenditure of less of the Board's scarce hearing resources, then it makes sense to accord priority to the former. Certainly this must be true where there is no great difference in the public benefits which would stem from the two applications.

As we pointed out in a dissenting statement last year,[a] the Board in 1968 and 1969 adopted Subparts M and N with the intention of establishing a separate hearing track for relatively simple applications to remove operating restrictions on local service and trunkline carriers, respectively. The plan was that these applications would be given a preliminary once-over-lightly, to make sure they were not too complex or controversial to be processed under the highly simplified and expedited procedures proposed, after which they would be promptly set for hearing and heard on a separate track without having to compete for priority with the larger and slower Subpart A route cases. As we showed in our dissent, this policy was followed for about two years—until the "route moratorium"—with great success. Many Subpart M cases, in particular, were heard and decided in short order, to the considerable strengthening of the local service carriers, while the Board was simultaneously carrying on a very active Subpart A route program, which was not perceptibly impeded by the limited assignment of resources to the Subpart M program.

We have previously recorded our conviction that the Board should revert to the original concept of Subparts M and N, and should after preliminary scrutiny accord applications under these procedures an automatic priority of hearing. Under this plan, Subpart M and N applications would be excluded from the scope of the hearing priority standards being proposed for route matters generally. But even if this plan is not adopted—and our colleagues are adamant in rejecting it—we can see no possible justification for PSDR–45's failure to give any recognition whatever to the markedly smaller demands made on the Board's hearing resources by the typical Subpart M or N case. Our colleagues recognize that applications which can be processed by nonhearing procedures can be taken out of the priorities structure and dealt with immediately. Why are they so reluctant to accord similar treatment to applications which require a hearing but only a brief and simple one? At very least, even if Subpart M and N cases are not given a separate hearing track of their own, the priorities calculation should give a significant degree of weight to their lesser demand on the Board's resources. Our counterproposal incorporates a factor designed to do this.

5. *The majority's preference for narrowly scoped cases is wasteful of the Board's resources.* In PSDR–45, as in a number of recent orders of investigation, the majority have expressed a strong preference for "narrowly scoped" cases—those limited to a single city-pair market, or, at most, a very small number of such markets.[a] Fortunately this preference has not always prevailed over other factors, and some cases of reasonably broad scope have been set for hearing during the past two years.[a] The priority standards of PSDR–45, however, will inevitably make this much more difficult in the future.

The majority's preference for narrowly scoped cases evidently stems from their belief that, if each individual case is limited to a single market, or at any rate to as few markets and as few issues as possible, a more perfect ordering of priorities will result, whereby the most important markets and issues will be heard sooner and resolved more promptly, while lesser markets and issues will be deferred. In our view, however, this argument ignores the affirmative benefits to the public interest which often can only be achieved by considering closely related markets and issues together in a single proceeding. It ignores, for example, the fact that an applicant may require new authority in several related markets in order to implement a service proposal which would be both economically viable and highly beneficial to the traveling public. But even conceding arguendo that narrowly scoped cases might allow a theoretically more perfect ordering of priorities, that is not the end of the matter. Perfection in the ordering of the Board's workload is not the sole desideratum, particularly where it is achieved at the cost of hearing fewer applications. The refusal to hear a case is a decision also—a decision to preserve

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[a] It is not always easy to define precisely when the Board last "considered the service needs of the places or areas involved" in an application. Rather than attempt to develop a strictly objective numerical index, we have treated this factor in the same manner as service deficiencies.

[a] *Southern Airways Memphis-Nashville Subpart M Application*, Order 76–3–104, March 16, 1976 (dissent of Members Minetti and West).

[a] See our dissents in Additional Dallas/Ft. Worth-Kansas City Nonstop Service Case, Orders 76–4–177, April 30, 1976, and 76–6–160, June 24, 1976, and Las Vegas-Dallas/Ft. Worth Nonstop Service Investigation, Orders 76–6–161, June 24, 1976, and 76–10–61, October 15, 1976.

[a] See our concurrence and dissent in Louisville Service Case, Order 76–10–113, October 26, 1976; and see, e.g., Oklahoma-Denver-Southeast Points Investigation, Order 75–10–135, October 31, 1975.

the status quo, to protect an incumbent against competition, to leave service deficiencies unremedied. We deny that a rule of narrowly scoped cases will result in a better overall performance by the Board of its Congressionally assigned task, when a large part of the Board's work product consists of hastily and superficially considered decisions not to hear applications, many of which could otherwise have been heard.[45]

The plain fact is that Congress when it adopted the Civil Aeronautics Act of 1938 expected the Board to pass on the merits of all of the applications that would be filed under Section 401 of the Act—to set them for hearing and grant or deny them. There came to be such a flood of applications that the Board could not do this. But it ought to do its best. If 200 route applications are filed every year, it ought to scheme and plan how to hear 200 route applications; or, if not 200, then 100; or, if not 100, then 50. If hearing 200, or 100, or 50 route applications involves the adoption of mass production methods, of simplification and standardization and rules of thumb, of a certain robust indifference to minor details, then so be it. The Board has no mandate from Congress to concentrate on deciding a handful of cases to perfection, in precisely the right order, while turning its back on the majority of the applications brought before it.

The point about all this is that the Board can dispose of significantly more of the applications before it on their merits if it consolidates related markets and related issues into a single proceeding. Obviously judgment and discretion have to be applied; little but chaos is achieved by jamming a mass of unrelated markets and issues into a single proceeding, and even where the markets and issues are related, the important ones can be smothered with trivia and their resolution delayed unconscionably if too many minor ones are included. Our voting record shows that we do not automatically and unthinkingly vote to consolidate every possible market or issue into a proceeding—any more than our colleagues invariably vote to exclude all markets but one. The difference in views seem to boil down to a difference in emphasis as between perfection and production; we would prefer to see as many markets and issues dealt with on the merits as the Board's resources will allow, even at some cost in loss of perfection in both selection and decision, while our colleagues place much greater stress on the most perfect possible choice of the markets and issues to set for immediate hearing, even at the cost of passing over without hearing a significantly larger portion of the applications filed.

In our view the hearing priority standards must give express and adequate recognition to the fact that related issues and markets can be heard more efficiently, in terms of maximum utilization of the Board's resources, when heard in one proceeding rather than in two or more. We find the very limited recognition given this principle in PSDR–45 (Explanatory Statement, p. 8) grudging and wholly inadequate, though it is indeed an improvement over the prior version which gave no such recognition at all. In our counterproposal, infra, we have attempted to show one way in which such recognition can be given. Basically, we would calculate priority ratings for each of several related markets separately, add together the indices for the several markets, and then divide by a figure which is not equal to the number of markets involved but is somewhat smaller.[46] Many alternative ways of achieving the same objective are possible; we anticipate that others will wish to offer suggestions.

6. *The priority standards should encompass route transfer, route exchange, deletion, and suspension cases.* In several respects we consider the PSDR–45 proposal as not sufficiently all-inclusive in its coverage of domestic operating authority cases. During the past two years the Board has been rethinking its traditional treatment of small-scale route transfer and route exchange agreements,[47] and has, for example, reversed its former policy of refusing to give simultaneous consideration to competing applications for the same authority by other carriers. We have come to the view that these small-scale route transfer or exchange agreements are entitled to no higher priority of hearing than applications by competing carriers in the same market or markets, and should be encompassed within the priority standards on that basis.[48]

Another category of applications which should be brought within the priorities system and should no longer continue to be given automatic priority are applications to terminate service at small and allegedly unprofitable points. During the period of the route moratorium, the Board gave the appearance of being far more interested in paring down the domestic route system than in building up and strengthening it; dozens of deletion applications were given expedited treatment,[49] while virtually no applications for new route authority were allowed to be heard. Although the freeze on new route applications has now been ended, deletion applications are still being given an automatic priority which in our judgment they do not merit. It seems wholly illogical to us, for instance, that hearing priority should automatically go to a deletion application by a carrier which claims it is losing $50,000 annually through serving a small community, while a new route application by another carrier which claims it could earn a $1 million profit while benefiting many thousands of travelers is deferred and eventually dismissed as "stale." In our counterproposal we have accordingly suggested standards to be applied to contested deletion (and long-term suspension) applications, in order to create some reasonable balance in the priorities accorded them vis-a-vis new route cases.

In summary, therefore, we find the hearing priority standards proposed in PSDR–45 unsatisfactory (1) because the basic structure of the proposal is inadequate and unworkable, in that the standards fail to assign a definite rank order to each application; (2) because the standards are excessively restrictive, and will probably result in no more than a barely minimal route hearing program once the backlog from the route moratorium is worked off; (3) because the standards are based in part on inappropriate criteria and criteria which are not logically or consistently treated, while other valid and important criteria are overlooked; (4) because the majority's

[45] We are similarly aware of the contention—not, however, adopted by the majority in PSDR–45—that narrowly scoped cases tend to be better decided than broadly scoped ones, because the issues are fewer and receive more concentrated attention from the parties, the administrative law judge, and the Board. It is no doubt true that in some very large multi-issue cases—such as, perhaps, the area investigations of the late 1950's—subordinate but still significant issues are sometimes found to have been inadequately developed on the record, and do not receive the careful treatment they would get in a more narrowly scoped case. In route cases involving no more than half a dozen or a dozen related markets, on the other hand, we question whether there is much tendency to gloss over subordinate issues. Moreover, as indicated in the text, supra, the argument ignores the fact that broadly scoped cases allow the Board greater flexibility in shaping the overall route system and in combining and dividing awards so as to maximize public benefits. In any event, as we point out in the text, supra, the ultimate desideratum is not perfection of individual Board decisions, but its overall performance of the Congressional mandate.

[46] When the number of markets grows to what we judge to be an inconveniently large number, the divisor becomes equal to the number of markets, and the "consolidation bonus" disappears.

[47] We are referring to agreements for the transfer or exchange of relatively small portions of a carrier's route authority, e.g., authority in one or a small number of markets, and not to those for transfer of all or a substantial fraction of a carrier's authority. We are also not referring to temporary agreements to meet emergency situations, such as the recently approved Pan American-TWA Route Exchange Agreement. Both of these latter types of agreements should undoubtedly continue to be accorded a high degree of hearing priority, as has traditionally been the case.

[48] Of course, the fact that in each case the transferring carrier will be dropping out of the market or markets in question must be taken into account in assigning the case to its proper category. Thus, if a monopoly nonstop carrier in a market seeks to transfer its authority to a new carrier, the case should be classified as one of first nonstop service rather than first competitive service.

[49] Along with a number of route transfer and route exchange agreements, which consumed a disproportionate share of the Board's hearing resources, and which in the upshot produced little of value to the air transportation system which the Board found itself able to approve.

emphasis on narrowly scoped cases is misguided to the point of being wasteful of the Board's scarce hearing resources; and (5) because additional types of cases should be brought within the scope of the priority standards. All of these deficiencies should be remedied in any final proposal which the Board should adopt.

OUR COUNTERPROPOSAL

In order to illustrate the manner in which an acceptable set of route hearing priority standards might be developed, we have ventured to draft a counterproposal of our own. We wish it understood that we are by no means wedded to the details of this of this counterproposal, which does not have behind it anything like the kind of research and statistical study that an ultimate set of priority standards ought to reflect. We ask that it be treated simply as a prototype, illustrating the application of certain principles discussed earlier in this statement which we believe to be sound.

It is entirely possible that these principles can be applied in different and perhaps better ways which have not so far occurred to us. We welcome further suggestions, and we retain an entirely open mind as the plan that ought finally to be adopted. We also have not arrived at any final conclusion as to whether our counterproposal or any other would in fact be superior to the traditional methods of assigning route hearing priorities. We nevertheless are convinced that our proposal, at least in regard to its governing principles, is superior to that put forth in PSDR–45. Without more, then, we offer our proposal for comments.

PROPOSED RULE

1. *Applicability.* These standards are intended to govern the relative priority of hearing which the Board will accord to all applications for new or amended authority to engage in domestic (interstate and overseas) scheduled passenger air transportation, including applications for new route authority, for modification or removal of restrictions on existing route authority, for deletion or suspension (other than temporary suspension) of existing authority, for authority to serve separately named points as a single hyphenated point or through a single airport, or for approval of transfers or exchanges of route authority. These standards do not apply to route applications where can be disposed of by nonhearing procedures.

2. *Exceptions.* The Board reserves the right to accord exceptional priority of hearing to applications presenting exceptional policy questions which the Board believes should be dealt with expeditiously, and those which involve unusual public-interest factors over and above those upon which these standards are based. Illustrative of the types of applications to which the Board may wish to accord exceptional priority are the following: applications for entirely new entry into air transportation; applications to provide distinctively new types of service, including high-density, low-fare, or satellite-airport services; applications contemplating the use of novel types of equipment; applications to provide service required by the national defense. Where the Board gives exceptional priority of hearing to an application, it will explain its reasons for doing so.

3. *Definitions.* Except where otherwise specified or the context otherwise requires—

"Application" includes a petition by a person other than an applicant requesting the Board to investigate the need for granting new or amended authority to engage in air transportation of the types subject to these standards.

"Base period" means the most recent 12-month period for which the Board's Origin and Destination Survey (the Survey) has been published, except than an applicant or petitioner may use an earlier base period if traffic data for the most recent base period are shown to have been significantly distorted by unusual circumstances.

"Market" means a pair of points between which air service is being, or is proposed to be, provided.

"Traffic" means the volume of passenger traffic moving in a particular market during the applicable base period, expressed in terms of the average number of passengers per day moving in each direction during such period.

"O&D&C traffic" means O&D plus interline connecting traffic in a market, as shown in Tables 8 and 10 of the Survey.[50]

"On-board traffic" means the total number of passengers on board flights operated in a given market during the base period, as shown in the service segment data filed with the Board; [51] or, in the case of an applicant, the number of passengers who he demonstrates could reasonably have been expected to be on board the flights he proposes, had they been operated during the base period, without allowance for growth or stimulation.

"Market share" means a carrier's percentage share of the single-carrier local and interline connecting traffic in a market in the base year, as shown in Table 10 of the Survey.[52]

"First single-plane service" means single-plane service in a market where no such service is authorized or is currently being operated.[53]

"First nonstop service" means nonstop service in a market which currently receives single-plane service but where nonstop service is not authorized or is not currently being operated.

"First unrestricted service" means unrestricted service in a market which currently receives single-plane service but where no carrier holds unrestricted authority.

"First competitive nonstop service" means nonstop service in a market currently receiving nonstop service from a single carrier only; and similarly for second, third, etc., competitive nonstop service.

"Competitive unrestricted service" means unrestricted service in a market in which the applicant holds restricted nonstop authority, and in which another carrier or carriers currently operate nonstop service.

"Restriction" means any term, condition, or limitation of its certificate which prevents a carrier authorized to serve both terminals of a market from operating nonstop turnaround service between them through any available airports.

4. *Procedure.* Motions for expedited hearing of route applications subject to these standards and petitions for route investigations shall set forth all facts known to the applicant or petitioner bearing on the assignment of a priority rating and shall show a calculation of the rating to which the applicant or petitioner believes he is entitled. Any responsive pleading may set forth a rebuttal to this calculation. Following receipt of such a motion for expedited hearing or petition for a route investigation, together with responsive pleadings thereto, the Board will assign a priority rating to the application or petition in accordance with the Hearing Priority Index specified in paragraphs 5 and 6 hereof. At intervals of approximately six months the Board will review all pending applications and petitions and will assign for hearing as many as its currently available hearing resources will permit, commencing with those having the highest priority ratings. The Board will issue a notice listing the applications so assigned, and will subsequently issue an appropriate order with respect to each such application, specifying the precise issues to be heard, procedural dates, and so forth. Applications not assigned for hearing will be carried over to the next six-months review, until such time as they may be dismissed as stale pursuant to § 302.911. Notwithstanding the foregoing, the Board may assign an application for hearing between six-months reviews if (a) it falls within one of the exceptional categories described in paragraph 2 above or (b) its priority rating under the Hearing Priority Index is so high in relation to other recent and currently pending applications that there can be no doubt of its qualifying for an immediate

[50] An applicant or petitioner is entitled to use other sources of traffic data if he demonstrates that the data published in the Survey or the service segment data does not accurately reflect the actual movement of traffic in the market in question.

[51] See preceding footnote.

[52] Query, whether a carrier's percentage participation in the total O&D plus interline connecting revenue passenger-miles in a market should be employed as a measure of market share instead of, or in addition to, single-carrier passenger participation (see text, *supra*, p. 22).

[53] In determining what service is currently being operated in a market, the Board will disregard (a) service being operated under exemption or other non-certificate authority and (b) any temporary suspension or other interruption of service by a carrier which holds certificate authority to perform such service and which was providing it on a regular basis prior to such temporary suspension or interruption.

hearing, and the Board finds such an immediate hearing to be required by the public interest or conducive to the proper dispatch of the Board's business.

5. *Hearing Priority Index—Application covering a single market.* An application covering a single market will be assigned a priority rating which will be the sum of the Hearing Priority Index (HPI) points specified in the following subparagraphs:

a. *Traffic volume.* The following table shows, for each category of application, the initial volume of traffic (O&D&C traffic, on the one hand, or on-board traffic, on the other, whichever produces the higher score) required for the initial assignment of traffic-volume HPI points, and the subsequent increments of traffic required for assignment of additional such HPI points. In all cases traffic is specified in terms of passengers per day each way. In each case 10 HPI points are assigned for the specified initial traffic volume, and 2 additional HPI points are assigned for each subsequent increment of traffic volume as specified.

Type of service proposed	Initial traffic volume (10 HPI points)		Incremental traffic volume (2 HPI points per increment)	
	O. & D. & C. traffic [1]	On-board traffic [1]	O. & D. & C. traffic [1]	On-board traffic [1]
1st single plane	20	30	2	3
1st nonstop 1st unrestricted	40	60	4	6
1st competitive nonstop Competitive unrestricted	80	120	8	12
2d competitive nonstop [2]	140	210	14	21
3d competitive nonstop	200	300	20	30

[1] Per day each way.
[2] Regardless of HPI point scores based on traffic volumes, the Board does not anticipate setting for hearing applications to provide 2d (or subsequent) competitive nonstop service except where there is evidence of serious deficiencies in existing service or where other significant public-interest factors other than the desirability of competition per se are present.

b. *Service deficiencies.* Based on all available evidence as to the quality of service currently being provided in the market in relation to other markets of similar size and other relevant operating characteristics—including single-plane schedule frequency, timing, and number of stops; volume and convenience of connecting service where this is the best available or is widely used; load factors; sold-out flights; number and percentage of passengers using less than the best available service (connecting where single-plane is offered, one-stop and multi-stop where nonstop is offered, etc.) or circuitous routings; and the like—the Board will assign a service quality rating on a scale from zero (highest quality, fewest deficiencies) to ten (lowest quality, most deficiencies). On applications for first single-plane service, 5 HPI points are assigned plus an additional point for each two service quality points (i.e., a minimum of 5 and a maximum of 10 HPI points); in all other categories, one HPI point is assigned per service quality point (i.e., a minimum of zero and a maximum of 10 HPI points).

c. *Market share.* Where the applicant has a historic market share of up to 10 percent, one HPI point is assigned for each 2 percent market share, or major fraction thereof. Where the applicant has a historic market share of 10 percent or over, traffic-volume HPI points are assigned in accordance with the next lower set of traffic volumes in the table, supra,[54] and one HPI point is assigned for each 5 percent market share (or major fraction thereof) in excess of the initial 10 percent, up to a maximum of 10 points.

d. *Expedited procedures.* Ten HPI points are assigned to any application which is to be heard under the expedited procedures of Subparts M and N.[55]

e. *Period since Board last considered service needs.* Up to a maximum of 5 HPI points will be assigned on the basis of the period that has elapsed since the Board last considered the service needs of the communities or areas involved in the application.

f. *Age of the application.* One HPI point is assigned for each 6 months (or major fraction thereof) since the motion for expedited hearing or petition for route investigation was filed. Where an application is refiled after having been dismissed as stale under § 302.911, one-half of the prior pending-application HPI bonus points are carried over.

g. *Deletion (suspension) applications.* Applications for deletion or suspension do not receive points under subparagraphs a through e above. In the following table, HPI points are assigned in proportion to the net savings (expenses saved less revenues lost) the applicant shows it will achieve annually by terminating its service at the community in question, based on the number of passengers per day enplaned at the point in the most recent year.

Passengers per day enplaned:	*Savings annually by terminating service* [1]
Fewer than 10	$25,000
10 to 25	75,000
Over 25	200,000

[1] HPI point for each increment of this amount.

6. *Hearing Priority Index—Application covering more than one market.* Where an application covers more than one market,[56] or where it is urged that an additional market or markets be included in an investigation, an HPI priority rating will be calculated for each market separately, pursuant to paragraph 5. Where the markets (or some group of them) are shown to be related, by geographical closeness, by the fact that the incumbent carrier serves them (or the applicant proposes to serve them) on the same flights, or by the fact that traffic in one market will otherwise support service in another, an HPI priority rating for the group of markets will also be calculated, as follows: the HPI points scores for the individual markets will be totaled,[57] and the sum will then be divided by the number of markets involved times the factor shown in the following table:

No. of markets:	*Factor*
2	0.6
3	.65
4	.7
5	.75
6	.8
7	.85
8	.9
9	.95
10 or over	1.0

Example: An application covers four related markets with individual HPI point scores of 38, 30, 20, and 10. The HPI rating for the group of markets is then

$$\frac{38+30+20+10}{4\times .7}=\frac{98}{2.8}=35.$$

G. JOSEPH MINETTI
LEE R. WEST

[FR Doc.77-3406 Filed 2-2-77;8:45 am]

[54] Thus, if the application is for first nonstop service but the applicant's historic market share is over 10 percent, the initial 10 HPI points are assigned for the first 20 rather than the first 40 daily O&D&C passengers; if the application is for first competitive nonstop, 10 HPI points are assigned for the first 40 rather than the first 80 O&D&C passengers; and so forth.

[55] Alternatively, Subpart M and N applications could be excluded from the priorities system and be set for hearing automatically after the initial screening called for by the Subpart M and N rules. (This is the procedure we advocated in our dissent in *Southern Airways Memphis-Nashville Subpart M Application*, Order 76-3-104, March 16, 1976.)

[56] In counting the number of markets involved in an application, the Board will disregard entry-mileage markets and other markets in which the applicant seeks authority merely as an incident to the authority sought in the principal market or markets in the case, where it is clear that the grant of this incidental authority would not materially affect the existing competitive balance in the side market.

[57] In assigning traffic-volume HPI points, any double-counting of traffic will be eliminated.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Notice of Proposed Changes in Customs Region VII

In order to provide better Customs service to carriers, importers, and the public it is considered desirable to extend

the port limits of Nogales, Arizona, in the Nogales, Arizona, Customs district (Region VII).

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 (41 FR 47970), it is hereby proposed to extend the port limits of Nogales, Arizona, in the Nogales, Arizona, Customs district (Region VII). As extended, the boundaries of the port of Nogales, Arizona, will include the area in Santa Cruz County, State of Arizona, described as follows:

Sections 1, 12, 13, 24, 25, 36 of Township 23 South, Range 13 East, Gila and Salt River Base and Meridian.

Sections 7, 18, 19, 30, 31, 32, 33 and Section 6 (excepting that part of Section 6 designated as Lots 1, 2, 3, 4, 5, 6, 7, and 8) of Township 23 South, Range 14 East, Gila and Salt River Base and Meridian.

Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, Township 24 South, Range 14 East, Gila and Salt River Base and Meridian.

Sections 1, 12, 13, and 24 of Township 24 South, Range 13 East, Gila and Salt River Base and Meridian.

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 30 days from the date of publication of this notice in the FEDERAL REGISTER.

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: January 24, 1977.

JOHN H. HARPER,
Acting Assistant Secretary for Enforcement, Operations and Tariff Affairs.

[FR Doc.77-3408 Filed 2-2-77;8:45 am]

DEPARTMENT OF JUSTICE

Parole Commission

[28 CFR Part 16]

PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Public Observation of Parole Commission Meetings

The United States Parole Commission, being an "agency" as defined in 5 U.S.C. 552b(a)(1), ("The Government in the Sunshine Act") proposts to implement the requirements of subsections (b) through (f) of that statute by adding to Title 28 CFR Part 16 a new Subpart F entitled "Public Observation of Parole Commission Meetings".

Interested persons may participate in this proposed rulemaking by submitting their written comments to the United States Parole Commission, 320 First Street, NW., Washington, D.C. 20537, Attn: Rulemaking Committee. Comments received before March 4, 1977, will be considered by the Commission before final action is taken on this proposal. Copies of all comments received will be available for public inspection in the public reading room of the U.S. Parole Commission, 3d Floor, 320 First Street, NW., Washington, D.C. This proposal may be changed in the light of the comments received.

In summary of these proposed regulations, the Commission intends to open to public observation as many as possible of those meetings wherein major questions of paroling policy are determined. The Commission has also determined to close, pursuant to 5 U.S.C. 552(d)(4), those meetings in which it exercises its responsibility in adjudicating cases involving parole, rescission, revocation, and other matters concerning the personal lives of the individuals who come within its jurisdiction.

In consideration of the foregoing, it is proposed to add to 28 CFR, Chapter I, Part 16, a new Subpart F as follows:

Dated: February 1, 1977.

CURTIS C. CRAWFORD,
Acting Chairman, Parole Commission.

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart F—Public Observation of Parole Commission Meetings

Sec.

AUTHORITY: 18 U.S.C. 4203(a)(1) and 5 U.S.C. 552b(g).

Subpart F—Public Observation of Parole Commission Meetings

§ 16.200 Definitions.

As used in this part: (a) The term "Commission" means the United States Parole Commission and any subdivision thereof authorized to act on its behalf.

(b) The term "meeting" refers to the deliberations of at least the number of Commissioners required to take action on behalf of the Commission where such deliberations determine or result in the joint conduct or disposition of official Commission business.

(c) Specifically included in the term "meeting" are:

(1) Meetings of the Commission required to be held by 18 U.S.C. 4203(a);

(2) Special meetings of the Commission called pursuant to 18 U.S.C. 4204(a)(1);

(3) Meetings of the National Commissioners in original jurisdiction cases pursuant to 28 CFR 2.17(a);

(4) Meetings of the entire Commission to determine original jurisdiction appeal cases pursuant to 28 CFR 2.27; and

(5) Meetings of the National Appeals Board pursuant to 28 CFR 2.26.

(6) Meetings of the Commission to conduct a hearing on the record in conjunction with applications for certificates of exemption under Section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959, and Section 411 of the Employee Retirement Income Security Act of 1974 (28 CFR 4.1–17 and 28 CFR 4a.1–17).

(d) Specifically excluded from the term "meeting" are:

(1) Determinations made through independent voting of the Commissioners without the joint deliberation of the number of Commissioners required to take such action, pursuant to § 1.2 of these regulations;

(2) Original jurisdiction cases determined by sequential vote pursuant to 28 CFR 2.17;

(3) Cases determined by sequential vote pursuant to 28 CFR 2.24 and 2.25;

(4) National Appeals Board cases determined by sequential vote pursuant to 28 CFR 2.26;

(5) Meetings of special committees of Commissioners not constituting a quorum of the Commission established by the Chairman to report and make recommendations to the Commission or the Chairman on any matter;

(6) Determinations required or permitted by these regulations to open or close a meeting, or to withhold or disclose documents or information pertaining to a meeting.

(e) All other terms used in this part shall be deemed to have the same meaning as identical terms used in Chapter I, Part 2, of Title 28, of the Code of Federal Regulations.

§ 16.201 Voting by the Commissioners without joint deliberation.

(a) Whenever the Commission's Chairman so directs, any matter which (1) does not appear to require joint deliberation among the members of the Commission, or (2) by reason of its urgency, cannot be scheduled for consideration at a Commission meeting, may be disposed of by presentation of the matter separately to each of the members of the Commission. After consideration of the matter each Commission member shall report his vote to the Chairman.

(b) Whenever any member of the Commission so requests, any matter presented to the Commissioners for disposition pursuant to paragraph (a) of this section shall be withdrawn and scheduled instead for consideration at a Commission meeting.

(c) The provisions of § 16.206(a) of these rules shall apply in the case of any Commission determination made pursuant to this section.

§ 16.202 Open meetings.

(a) Every portion of every meeting of the Commission shall be open to public observation unless closed to the public pursuant to the provisions of § 16.203 (Formal Procedure) or § 16.205 (Informal Procedure).

(b) The attendance of any member of the public is conditicned upon the orderly demeanor of such person during the conduct of Commission business. The public shall be permitted to observe and to take notes, but unless prior permission is granted by the Commission, shall not be permitted to record or photograph by means of any mechanical or electronic device any portion of meetings which are open to the public.

(c) The Commission shall be responsible for arranging a suitable site for each open Commission meeting so that ample seating, visibility, and acousties are provided to the public and ample security measures are employed for the protection of Commissioners and Staff. The Commission shall be responsible for recording or developing the minutes of Commission meetings.

(d) Public notice of open meetings shall be given as prescribed in § 16.204(a), and a record of votes kept pursuant to § 16.206(a).

§ 16.203 Closed meetings—formal procedure.

(a) The Commission, by majority vote, may close to public observation any meeting or portion thereof, and withhold from the public announcement concerning such meeting any information, if public observation or the furnishing of such information is likely to:

(1) Disclose matters (i) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (ii) in fact properly classified pursuant to such executive order;

(2) Relate solely to the internal personnel rules and practices of the Commission or any agency of the Government of the United States;

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552, or the Federal Rules of Criminal Procedure) provided that such statute or rule (i) requires that the matters be withheld in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld, including exempted material under the Privacy Act of 1974 or the Commission's Alternate Means of Access under the Privacy Act of 1974, as set forth at 28 CFR 16.85;

(4) Disclose a trade secret or commercial or financial information obtained from any person, corporation, business, labor or pension organization, which is privileged or obtained upon a promise of confidentiality, including information concerning the financial condition or funding of labor or pension organizations, or the financial condition of any individual, in conjunction with applications for exemption under 29 U.S.C. 504 and 1111, and information concerning income, assets and liabilities of inmates, and persons on supervision;

(5) Involve accusing any person of a crime or formally censuring any person;

(6) Disclose information of a personal nature, where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose an investigatory record compiled for law enforcement purposes, or information derived from such a record, which describes the criminal history or associations of any person under the Commission's jurisdiction or which describes the involvement of any person in the commission of a crime, but only to the extent that the production of such records or information would:

(i) Interfere with enforcement proceedings;

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

(iii) Constitute an unwarranted invasion of personal privacy;

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

(v) Disclose investigative techniques and procedures, or

(vi) Endanger the life or physical safety of law enforcement personnel;

(8) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of proposed Commission action except where

(i) The Commission has already publicly disclosed the content or nature of its proposed action or

(ii) The Commission is required by law to make such disclosure on its own initiative prior to taking final Commission action on such proposal;

(9) Specifically concern the Commission's issuance of subpoena or participation in a civil action or proceeding; or

(10) Specifically concern the initiation, conduct, or disposition of a particular case of formal adjudication pursuant to the procedures in 5 U.S.C. 554, or of any case involving a determination on the record after opportunity for a hearing. Included under the above terms are:

(i) Record review hearings following opportunity for an in-person hearing pursuant to the procedures of 28 CFR 4.1–17 and 28 CFR 4a.1–17 governing applications for certificates of exemption under the Labor-Management Reporting and Disclosure Act of 1959 and the Employee Retirement Income Security Act of 1974), and

(ii) The initiation, conduct, or disposition by the Commission of any matter pursuant to the procedures of 28 CFR 2.1–58 (parole, release, supervision, and recommitment of prisoners, youth offenders, and juvenile delinquents).

(b) *Public interest provision.* Notwithstanding the exemptions at paragraphs (a) (1)–(10) of this section, the Commission may conduct a meeting or portion of a meeting in public when the Commission determines, in its discretion, that the public interest in an open meeting clearly outweighs the need for confidentiality.

(c) *Non public matter in announcements.* The Commission may delete from any announcement or notice required in these regulations information the disclosure of which would be likely to have any of the consequences described in paragraphs (a) (1)–(10) of this section, including the name of any individual considered by the Commission in any case of formal or informal adjudication.

(d) *Voting and certification.* (1) A separate recorded vote of the Commission shall be taken with respect to each meeting or portion thereof which is proposed to be closed, and with respect to any information which is proposed to be withheld pursuant to this section. Voting by proxy shall not be permitted. In the alternative, the Commission may, by a single majority vote, close to public observation a series of meetings, or portion(s) thereof or withhold information concerning such series of meetings, provided that:

(i) Each meeting in such series involves the same particular matters and

(ii) Each meeting is scheduled to be held no more than thirty days after the initial meeting in the series.

(2) Upon the request of any Commissioner, the Commission shall make a determination as to closure pursuant to this subsection if any person whose interests may be directly affected by a portion of a meeting requests the Commission to close such portion or portions to public observation for any of the grounds specified in subsection (a) (5), (6), or (7) of this section.

(3) The determination to close any meeting to public observation pursuant to this section shall be made at least one week prior to the meeting or the first of a series of meetings as the case may be. If a majority of the Commissioners determines by recorded vote that agency business requires the meeting to take place at any earlier date, the closure determination and announcement thereof shall be made at the earliest practicable time. Within one day of any vote taken on whether to close a meeting under this section, the Commission shall make available to the public a written record reflecting the vote of each Commissioner on the question, including a full written explanation of its action in closing the meeting portion(s) thereof, or series of meetings, together with a list of all persons expected to attend the meeting(s) or portion(s) thereof and their affiliation, subject to the provisions of subsection (c) of this section.

(4) For every meeting or series of meetings closed pursuant to this section, the General Counsel of the Parole Commission shall publicly certify that, in Counsel's opinion, the meeting may be closed to the public and shall state each relevant exemptive provision.

§ 16.204 Public notice.

(a) *Requirements.* Every open meeting and meeting closed pursuant to § 16.203 shall be preceded by a public announcement posted before the main entrance to the Chairman's Office at the Commission's headquarters, 320 First Street, Northwest, Washington, D.C., and, in the case of a meeting held elsewhere, in a prominent place at the location in which the meeting will be held. Such announcement shall be transmitted to the FEDERAL REGISTER for publication and, in addition, may be issued through the Department of Justice, Office of Public Information, as a press release, or by such other means as the Commission shall deem reasonable and appropriate.

The announcement shall furnish: (1) A brief description of the subject matter to be discussed; (2) The date, place, and approximate time of the meeting; (3) Whether the meeting will be open or closed to public observation; and (4) The name and telephone number of the official designated to respond to requests for information concerning the meeting. See § 16.205(d) for the notice requirement applicable to meetings closed pursuant to that section.

(b) *Time of notice.* The announcement required by this section shall be released to the public at least one week prior to the meeting announced therein except where a majority of the members of the Commission determines by a recorded vote that Commission business requires earlier consideration. In the event of such a determination, the announcement shall be made at the earliest practicable time.

(c) *Amendments to notice.* The time or place of a meeting may be changed following the announcement only if the Commission publicly announces such change at the earliest practicable time. The subject matter of a meeting, or determination of the Commission to open or close a meeting, or portion of a meeting, to the public may be changed following the announcement only if:

(1) A majority of the entire membership of the Commission determines by a recorded vote that Commission business so requires and that no earlier announcement of the change was possible, and

(2) The Commission publicly announces such change and the vote of each member upon such change at the earliest practicable time; *Provided,* That individual items which have been announced for Commission consideration at a closed meeting may be deleted without notice.

§ 16.205 Closed meetings—informal procedure.

(a) *Finding.* Based upon a review of the meetings of the U.S. Parole Commission since the effective date of the Parole Commission and Reorganization Act (May 14, 1976), the regulations issued pursuant thereto (28 CFR Part 2) the experience of the U.S. Board of Parole, and the regulations pertaining to the Commission's authority under 29 U.S.C. 504 and 29 U.S.C. 1111 (28 CFR Parts 4 and 4a), the Commission finds that the majority of its meetings may properly be closed to the public pursuant to 5 U.S.C. 552b (d)(4) and (c)(10). The major part of normal Commission business lies in the adjudication of individual parole cases, all of which proceedings commence with an initial parole or revocation hearing and are determined on the record thereof.

(1) Original jurisdiction cases are decided at bi-monthly meetings of the National Commissioners (28 CFR 2.17) and by the entire Commission in conjunction with each business meeting of the Commission (held at least quarterly) (28 CFR 2.27).

(2) The National Appeals Board normally decides cases by sequential vote on a daily basis, but may meet from time to time for joint deliberations. In the period from October, 1975 through September, 1976, the National Appeals Board made 2,072 Appellate decisions.

(3) Finally, over the last two years the Commission determined eleven cases under the Labor and Pension Acts, which are proceedings pursuant to 5 U.S.C. 554. The only meetings of the Commission not of an adjudicative nature involving the most sensitive inquiry into the personal background and behavior of the individual concerned, or involving sensitive financial information concerning the parties before the Commission, are the normal business meetings of the Commission, which are held at least quarterly.

(b) *Meetings to which applicable.* The following types of meetings may be closed in the event that a majority of the Commissioners present at the meeting, and authorized to act on behalf of the Commission, votes by recorded vote at the beginning of each meeting or portion thereof, to close the meeting or portions thereof:

(1) Original jurisdiction initial and appellate case deliberations conducted pursuant to 28 CFR 2.17 and 2.27;

(2) National Appeals Board deliberations pursuant to 28 CFR 2.26;

(3) Meetings of the Commission to conduct a hearing on the record regarding applications for certificates of exemption pursuant to the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. 504, and the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1111 (28 CFR 4.1–17 and 29 CFR 4a.1–17).

(c) *Written record of action to close meeting.* In the case of a meeting or portion of a meeting closed pursuant to this section, the Commission, shall make available to the public as soon as practicable:

(1) A written record reflecting the vote of each member of the Commission to close the meeting; and

(2) A certification by the Commission's General Counsel to the effect that in Counsel's opinion, the meeting may be closed to the public, which certification shall state each relevant exemptive provision.

(d) *Public notice.* In the case of meetings closed pursuant to this section the Commission shall make a public announcement of the subject matter to be considered, and the date, place, and time of the meeting. The announcement described herein shall be released to the public at the earliest practicable time.

§ 16.206 Transcripts, minutes, and miscellaneous documents concerning commission meetings.

(a) In the case of any Commission meeting, whether open or closed, the Commission shall maintain and make available for public inspection a record of the final vote of each member on rules, statements of policy, and interpretations adopted by it: 18 U.S.C. 4203(d).

(b) The Commission shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public pursuant to § 16.203. In the case of a meeting, or portion of a meeting, closed to the public pursuant to § 16.205 of these regulations, the Commission may maintain either the transcript or recording described above, or a set of minutes unless a recording is required by Title 18, U.S.C. 4208(f). The minutes required by this section shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each Commissioner on the question). All documents considered in connection with any action shall be identified in such minutes.

(c) The Commission shall retain a copy of every certification executed by the General Counsel's Office pursuant to these regulations together with a statement from the presiding officer of the meeting, or portion of a meeting to which the certification applies, setting forth the time and place of the meeting, and the persons present.

(d) Nothing herein shall affect any other provision in Commission procedures or regulations requiring the preparation and maintenance of a record of all official actions of the Commission.

§ 16.207 Public access to non-exempt transcripts and minutes of closed Commission meetings—documents used at meetings—record retention.

(a) *Public access to records.* Within a reasonable time after any closed meeting, the Commission shall make available to the public, in the Commission's Public Reading Room located at 320 First Street, Northwest, Washington, D.C., the transcript, electronic recording, or minutes of the discussion of any item on the agenda, or of any item of the testimony of any witness received at such meeting, maintained hereunder, except for such item or items of such discussion or testimony contain information which exempt under any provision of the Government in the Sunshine Act (P.L. 94–409), or of any amendment thereto. Copies of non-exempt transcripts, or minutes, or a transcription of such recording disclosing the identity of each

speaker, shall be furnished to any person at the actual cost of duplication or transcription.

(b) Access to documents identified or discussed in any Commission meeting, open or closed, shall be governed by Department of Justice regulations at 28 CFR Part 16, Subparts C and D. The Commission reserves the right to invoke statutory exemptions to disclosure of such documents under 5 U.S.C. 552 and 552a, and applicable regulations. The exemptions provided in U.S.C. 552b(c) shall apply to any request made pursuant to 5 U.S.C. 552 or 552a to copy of inspect any transcripts, recordings or minutes prepared or maintained pursuant hereto.

(c) *Retention of records.* The Commission shall maintain a complete verbatim copy of the transcript, or a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion thereof was held, whichever occurs later.

§ 16.208 Annual report.

The Commision shall report annually to Congress regarding its compliance with Sunshine Act requirements, including a tabulation of the total number of meetings open to the public, the total number of meetings closed to the public, the reasons for closing such meetings, and a description of any litigation brought against the Commission under this section, including any costs assessed against the Commission in such litigation and whether or not paid.

Dated: February 1, 1977.

CURTIS C. CRAWFORD,
Acting Chairman,
United States Parole Commission.

[FR Doc.77-3494 Filed 2-2-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 678-8]

MISSOURI: APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

On June 3 and October 1, 1976, the State of Missouri submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the States. Therefore, the Administrator proposes the approval and disapproval of the compliance schedules listed below.

The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Missouri. This determination is based on a finding that the compliance schedules will not interfere with attainment and maintenance of NAAQS.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below under the heading "Final compliance date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The "Effective date" column in the table indicates the date the compliance schedules become effective for purposes of federal enforcement.

The schedule for St. Joseph Light and Power, St. Joseph, Missouri, is an amendment to a schedule previously published as a final approval on January 23, 1975 (40 FR 3566).

The schedule for International Multifoods Corporation, which is proposed to be disapproved in this notice, fails to meet the requirements of 40 CFR 51.15 (b)(1), in that the compliance schedule extends beyond the attainment date in the State Implementation Plan and the information available fails to demonstrate that emissions from the source will not interfere with attainment and maintenance of Primary National Ambient Air Quality Standards.

In the indication of proposed approval and disapproval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office. 1735 Baltimore, Kansas City, Missouri. The compliance schedules proposed to be approved and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, Washington, D.C.; and the Missouri Department of Natural Resources, State Office Building, Jefferson City, Missouri.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted on or before March 7, 1977 will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

This proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Date: January 24, 1977.

CHARLES V. WRIGHT,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart AA—Missouri

1. In § 52.1335, the table in paragraph (a) is amended by adding the following:

§ 52.1335 Compliance schedules.

(a) • • •

Missouri

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
•	•	•	•	•	•
Associated Electric Cooperative: Coal-fired boiler.	New Madrid...	8-VI, 8-VIII	May 26, 1976	Immediately...	June 15, 1977
A. P. Green Refractories Co.: Vibrating bed clay dryer.	Mexico.....	8-V	....do.....	....do.....	Feb. 1, 1978
St. Joseph Light & Power: Boiler No. 5.	St. Joseph....	(1)	....do.....	....do.....	May 31, 1977
Hercules, Inc.: Ammonium nitrate falling film evaporator.	Carthage.....	8-V	Aug. 31, 1976	....do.....	July 31, 1977

[1] Regulations III and IV air pollution control regulation for the Kansas City metropolitan area.

2. In § 52.1335, the table in paragraph (b) is amended by adding the following:

§ 52.1335 Compliance schedules.

(b) • • •

Missouri

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
International Multifoods Corp.: Mechanical sifters.	North Kansas City	(1)			Aug. 31, 1976

[1] Regulation IV, air pollution control regulations for Kansas City metropolitan area.

[FR Doc.77-3127 Filed 2-2-77;8:45 am]

LEGAL SERVICES CORPORATION

[45 CFR Part 1606]

FINANCIAL ASSISTANCE

Procedures Governing Applications For and Denial of Refunding; Correction

In FR Doc. 77-2576 appearing at page 4864 in the FEDERAL REGISTER of Wednesday, January 26, 1977, the "COMMENT" appearing on pages 4864-4865 is corrected by deleting Section 3 "Obligations of the Corporation" and substituting the following language:

3. *Obligations of the Corporation.* The temporary regulation places the burden of proof in every case upon the recipient. Section 1606.11 of the current draft imposes upon the Corporation the obligation of proving, by a preponderance of the evidence, any disputed fact relied upon as a ground for denying refunding on a ground described in paragraph (c) or (d) of Section 1604.4. On all other issues, the Corporation has the obligation of showing that there is a substantial basis for denying refunding.

The Regulations Committee believes there is no legal requirement for the Corporation to assume these obligations, but concluded that it would be wise policy for it to do so.

Dated: January 28, 1977.

ALICE DANIEL,
General Counsel,
Legal Services Corporation.

[FR Doc.77-3308 Filed 2-2-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Chapter 1]

[CGD 75-075]

BENZENE CARRIAGE REQUIREMENTS

Extension of Comment Period

This notice extends the period for comments to the advance notice, published December 23, 1976 (41 FR 55897), concerning regulations for the reduction of personnel exposure to benzene vapors during benzene related operations on tank ships and tank barges.

Because of considerable interest generated by this advance notice, and the Coast Guard's desire to obtain all relevant comments, the comment period will be extended 30 days, and comments will be received until March 7, 1977.

Dated: January 31, 1977.

H. G. LYONS,
Acting Chief, Office of
Merchant Marine Safety.

[FR Doc.77-3403 Filed 2-2-77;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[49 CFR Part 903]

PUBLIC ATTENDANCE AT MEETINGS OF THE BOARD OF DIRECTORS OR A COMMITTEE OF THE BOARD OF DIRECTORS

Notice of Proposed Rulemaking

The United States Railway Association is considering the issuance of regulations to implement the "Government in the Sunshine Act" (5 U.S.C. 552b), which requires the Association, among other agencies, to open its meetings to public observation, except in those cases specified in the statute wherein the Association may decide otherwise.

Interested persons may participate in the proposed rulemaking by submitting written data, views and arguments to the Office of the General Counsel, United States Railway Association, Room 2222, 2100 2nd Street S.W., Washington, D.C. 20595. Each person submitting comments should include his or her name and address, identify this notice, and give reasons for the recommendations. Comments received by March 5, 1977, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in the Office of the General Counsel, both before and after the date of closing. The proposal may be changed in the light of the comments received.

It will be the policy of the Association that the meetings of its Board of Directors, or any committee thereof, will be open to public observation to the fullest extent consistent with individual rights and the Association's statutory and legal duties to carry out its functions.

Generally, actions of the Association are taken by its statutory Board of Directors, Executive Committee, or Finance Committee. However, there may be cases in which some other committee of the Board of Directors could be established for the purpose of handling a specific situation, or series of situations, to which the "Sunshine" Act applies. Therefore, in the case of a meeting (as defined in § 903.2) by the Board, or any Committee of it, the rules proposed in this notice would apply to the public notice of, information about, and conduct of, that meeting. In addition, by virtue of section 201(i)(1) of the Regional Rail Reorganization Act of 1973, as amended, the Finance Committee is authorized to establish, revise and maintain its own rules and procedures. Consequently these rules, as they may be changed in light of the comments received, may be separately and independently adopted by the Finance Committee.

In consideration of the foregoing, it is proposed to amend Chapter IX of Title 49, Code of Federal Regulations, by adding a new Part 903, as set forth below.

This notice is issued under the authority of § 522b of Title 5, United States Code and section 202 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 712).

Issued in Washington, D.C. on January 28, 1977.

ARTHUR D. LEWIS,
Chairman of the Board, United
States Railway Association.

PART 903—PUBLIC ATTENDANCE AT MEETINGS

Sec.

AUTHORITY: 5 U.S.C. 552b, sec. 202 Regional Rail Reorganization Act of 1973 (45 U.S.C. 712).

§ 903.1 Purpose and scope.

(a) Section 552b of Title 5, United States Code, the "Government in the Sunshine Act" requires each agency to "open every portion of every meeting" to public observation, except for certain cases enumerated in § 903.5.

(b) This part sets forth the Association's procedures for implementing the Act, with respect to meetings of its Board of Directors, Executive Committee, Finance Committee, or other committee of the Board of Directors.

§ 903.2 Definitions.

Unless otherwise required by the context, the following definitions apply in this part:

"Association" means the United States Railway Association.

"Board of Directors" means the Board of Directors of the Association, established by section 201 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 711), and include the Executive Committee or Finance Committee, established by that section, and any other Committee of the Board of Directors.

"Meeting" means the deliberation of the Board of Directors where those deliberations determine or result in the joint conduct or disposition of official Association business, but does not include deliberations required or permitted by section 552b (d) or (e) of Title 5, United States Code.

§ 903.3 Open meeting policy.

It is the policy of the Association that meetings are presumptively open to public observation to the fullest extent consistent with the protection of individual rights and the Association's obligation to carry out its responsibilities and duties. A meeting, part of a meeting, or series of meetings will not be closed to public observation unless the Board of Directors determines specifically, pursuant to § 903.5, that the meeting or information pertaining to the meeting, or both, will be closed to public observation.

§ 903.4 Scheduling and announcement of meetings.

(a) Except as provided in paragraphs (c), (d), and (e) of this section, the Board of Directors will make a public announcement at least one week before a meeting it has scheduled. The announcement will include a statement of—

(1) The time, place, and subject matter of the meeting;

(2) Whether the meeting is open or closed; and

(3) The name and telephone number of the Association official who will respond to requests for information about the meeting.

(b) If announcement of the subject matter of a closed meeting would reveal the information that the meeting itself was closed to protect, the subject matter of the meeting will not be announced.

(c) After public announcement of a meeting, the time and place of the meeting will be changed only if the change is publicly announced at the earliest practicable time.

(d) After public announcement of a meeting, its subject matter or the determination to open or close it will be changed only—

(1) Upon a majority, recorded vote of the membership of the Board of Directors that Association business requires the change and that no earlier announcement was possible; and

(2) If there is a public announcement of the change and of the member's votes, at the earliest practicable time.

(e) When an emergency or extraordinary Association business so requires, the Board of Directors may decide, upon a majority recorded vote of its members, to schedule a meeting for a date earlier than provided in paragraph (a) of this section, and shall, at the earliest practicable time, follow the procedures in paragraph (a) (1), (2), and (3) of this section.

§ 903.5 Cases in which a meeting may be closed.

(a) A meeting, part of a meeting, or series of meetings may be closed to public observation, and information pertaining to those meetings or that meeting may be withheld from the public when the Board of Directors determines that the meeting or disclosure of that information, is likely to—

(1) Disclose matters that are (i) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (ii) in fact properly classified pursuant to such Executive order;

(2) Relate solely to the internal personnel rules and practices of the Association;

(3) Disclose matters specifically exempted from disclosure by statute (other than section 552 of Title 5, United States Code), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would—

(i) in the case of an action by the Association involving regulation of currencies, securities, commodities, or financial institutions, be likely to (A) lead to significant financial speculation in currencies, securities, or commodities, or (B) significantly endanger the stability of any financial institution; or

(ii) be likely significantly to frustrate implementation of a proposed Association action,

except that subparagraph (ii) shall not apply in any instance where the Association has already disclosed to the public the content or nature of its proposed action, or where the Association is required by law to make such disclosure on its own initiative prior to taking final Association action on such proposal; or

(10) Specifically concern the Association's issuance of a subpoena, or its participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by it of a particular case of formal adjudication pursuant to the procedures in section 554 of Title 5, United States Code or otherwise involving a determination on the record after opportunity for a hearing.

(b) The Board of Directors may open a meeting, or a part thereof, that could be closed under any provision of this section, if it finds that it would be in the public interest to do so.

§ 903.6 Procedures for closing meetings.

(a) The Board of Directors may decide to close a meeting, or a part thereof, or to withhold information pertaining thereto, only upon the affirmative vote of a majority of its membership.

(b) A single vote may be taken with respect to a series of meetings, all or part of which are proposed to be closed to public observation, or with respect to any information concerning the series of meetings, if each meeting in the series involves the same matters and is scheduled to be held not more than 30 days after the first meeting in the series.

(c) If a decision is made to open or close a meeting, part of a meeting, or series of meetings, the Association will prepare a full written explanation of the closure action together with a list of the names of persons expected to attend, and stating the affiliation of each of those persons, and shall make such explanation publicly available within one day of that decision.

(d) Proxy votes are not allowed under this section.

(e) A written copy of any vote taken pursuant to § 903.5 to close a meeting, or portion thereof, reflecting the vote of each member of the Board of Directors on the question, shall be made publicly available within one day of such vote.

§ 903.7 Certification by General Counsel.

(a) In each case that the Board of Directors has voted to close a meeting, part of a meeting, or series of meetings, the General Counsel of the Association shall publicly certify that, in his opinion, the meeting may be closed to the public and the relevant provision of § 903.5(a) under which it may be closed.

(b) The Association will retain a copy of each certification under this section,

together with a statement of the presiding officer of the meeting setting forth the time and place of the meeting and listing the persons present.

§ 903.8 Requests by affected persons for closed meetings.

(a) Whenever a person whose interests may be directly affected by a meeting, part of a meeting, or series of meetings requests closure for a reason stated in § 903.5(a) (5), (6), or (7), the Board of Directors shall upon the motion of any of its members, decide by recorded vote whether to grant that request.

(b) If a closure decision is made, the Board of Directors shall prepare a full written explanation of the action, a list of the persons expected to attend the meeting or meetings, and a statement of the affiliation of each of those persons.

§ 903.9 Public availability of recorded vote to close meeting.

(a) Information available to the public in accordance with this part will be posted in the Office of Public Information, Room 2212, 2100 2nd Street S.W., Washington, D.C.

(b) A person or organization may obtain copies of that information from the Office of Public Information, Room 2212, 2100 2nd Street S.W., Washington, D.C. 20595.

§ 903.11 Publication of notice in the Federal Register.

Immediately after each public announcement required by this part, the Association will submit the substance of that announcement for publication in the FEDERAL REGISTER.

§ 903.12 Meeting places.

Each meeting to which this part applies will be held in a meeting room designated in the public announcement of that meeting.

§ 903.13 Procedures for open meetings.

(a) A member of the public may attend an open meeting only for the purpose of observation.

(b) When a meeting is partly closed, each observer shall leave the meeting, upon request, when the time for the discussion of the exempted matter arrives.

§ 903.14 Records of closed meetings.

(a) The Association shall retain a record of each meeting or part thereof that is closed pursuant to this part for two years or until one year after the conclusion of the proceeding with respect to which such meeting or portion thereof was held, whichever occurs later. The record may be a recording or a transcript, or in the case of a closure pursuant to § 903.5(a) (8), (9)(A), or (10), minutes or a recording or transcript.

(b) In a case where minutes are used, the minutes will fully and clearly describe all matters discussed and a full and accurate summary of the actions taken, with the reasons therefor, including a description of each view expressed on any item and a record of each rollcall vote, reflecting the vote of each member. The minutes shall identify all documents considered in connection with any action.

§ 903.15 Availability of records to the public.

(a) The Association will promptly make available to the public, the transcript, recording, or minutes of each closed meeting, part of a meeting, or series of meetings, except for information that may be withheld under § 903.5 (a), at the actual cost of the duplication or transcription.

(b) The nonexempt parts of transcripts, recordings or minutes are in the custody of Secretary of the Association. Facilities are available for the review of those records.

(c) Each request for a copy of a nonexempt part of a transcript, recording or minutes must be made to the Secretary of the Association, Room 2212, 2100 2nd Street S.W., Washington, D.C. 20595. The request must—

(1) Identify the record sought; and

(2) Include a statement that the costs involved will be accepted by the requester or set forth the amount up to which the requester will accept the costs.

[FR Doc.77-3340 Filed 2-2-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered or Threatened Status for 41 U.S. Species of Fauna

Correction

In FR Doc. 77-809, appearing at page 2507 in the issue for Wednesday, January 12, 1977, the following changes should be made:

1. In the tenth line, first column, page 2508, "Dillion Beach" should read "Dillon Beach".

2. In the 16th line, third full paragraph, first column, page 2508, "*ganteria*" should read "*ganteri*".

3. The following text should be added to the end of the first full paragraph, third column, page 2508: "compounds associated with mining form sulphuric acids and decrease stream pH."

4. In the 12th line of the second full paragraph, third column, page 2509, "spiny river" should read "spiny river snail".

5. In the last line of the first paragraph, third column, page 2510, "Shelvyville" should read "Shelbyville".

6 In the 12th line, bottom paragraph, third column, page 2510, and in the 17th line, first full paragraph, first column, page 2511, "Susan Creek" should read "Swan Creek."

7. In the table in § 17.11, page 2514, under "Crustaceans" the "Special rules" entries for "Crayfish, Big South Fork" and "Crayfish, Chickamauga", now reading "1", should read "2"; and in the scientific name of the last entry in the table "commingi" should read "cummingi".

8. In the fifth line of § 17.95(e)(5)(i), first column, page 2515, "mouth of Dickinsonville" should read "mouth to Dickinsonville".

9. In the third line of § 17.95(g)(8)(i), middle column, page 2515, "Loptoxis" should read "Leptoxis".

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. A430]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Nash County, North Carolina, as a result of extreme drought April 1 through May 1, 1976, and June 1 through October 1, 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 Public Law 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 March 21, 1977, for physical losses and October 19, 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 26th day of January 1977.

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

[FR Doc.77-3352 Filed 2-2-77:8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-1-158; Docket 28795; Agreement CAB 25980]

AMERICAN SOCIETY OF TRAVEL AGENTS, INC.

Order Modifying Authorization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of January, 1977.

In the matter of agreement among certain air carriers, the American Society of Travel Agents, Inc., and the American Express Company.

By Order 76–8–156, August 31, 1976, the Board approved an agreement among certain air carriers, the American Society of Travel Agents, Inc. (ASTA), and the American Express Company establishing the conditions under which the parties would undertake certain pilot projects designed to test the feasibility of establishing a multicarrier/travel agent reservation transfer system.[1] The agreement specified that the pilot projects were to be completed by June 1, 1977.

A question subsequently arose among the parties as to whether the Board order approving the agreement limited their consideration of vendors for the experiment to companies offering the type of computerized reservation system described in the agreement, i. e, the TRAVICOM system.[2] Counsel for the participants thereupon raised this question in a letter to the Director of the Board's Bureau of Operating Rights. In responding on November 3, 1976, the Director stated his belief that the discussions were so limited. On December 3, 1976, the parties petitioned the Board requesting "modification of Agreement CAB 25980 and of Board Order 76–8–156 to permit consideration of additional Pilot Project systems and additional vendors." In this connection, the parties noted, in part, that their experience to date pointed to the desirability of testing several different systems in an operational environment using different vendors and different site locations.

In a related filing, Tymeshare/Western Twenty Nine (Tymeshare) filed a petition which, as amended, urges that the Board expeditiously grant authority for additional pilot projects and extend the time for completion of all pilot projects to October 31, 1977.[3]

It appears to the Board that the parties' request for modification of the agreement and order is reasonable and may result in a more definitive and useful period of research that might otherwise be possible. Accordingly, we will grant the petition. We do not construe the parties' request to be limited in nature or scope, e.g., as to (1) the type of systems which may be considered, (2) the number of pilot projects which may be undertaken, (3) the site locations, (4) the number of agents involved in a project, or (5) the number of vendors.

Also, as requested, we shall extend the duration of our approval to October 31, 1977.[4]

Accordingly, it is ordered that: 1. The modifications to Agreement CAB 25980 described above, be and they hereby are approved, subject to the conditions, as amended herein, in ordering paragraph 1 of Order 76–8–156;

2. Ordering paragraph 1(g) of Order 76–8–156 be and it hereby is amended to read:

"(g) The pilot projects approved herein shall be completed by October 31, 1977;" and

3. The petitions of the parties and of Tymeshare be and they hereby are granted to the extent indicated herein and denied in all other respects; and

4. This order shall be served on The American Society of Travel Agents, The American Express Company, all certificated air carriers, Tymeshare/Western Twenty Nine, and all other persons who responded to the filing of the original application of the parties and on the United States Departments of Transportation and Justice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-3405 Filed 2-2-77:8:45 am]

[1] The following air carriers are parties to the agreement: American Airlines, Braniff International, Continental Air Lines, Delta Air Lines, Eastern Air Lines, Hughes Airwest, National Airlines, Northwest Airlines, Pan American World Airways, Trans World Airlines, United Air Lines, and Western Air Lines, hereinafter referred to as "the parties".

[2] Videcom is a company domiciled in the United Kingdom which designed and developed and holds all the rights in the hardware and software for the TRAVICOM system. TRAVICOM is a common reservation system employing an "intelligent transfer" concept.

[3] Tymeshare is a California corporation specializing in travel agency ticketing and accounting systems through an international computer network.

[4] The Board notes that by letter dated November 23, 1976, the parties sought confirmation from the Director, Bureau of Operating Rights that their actions to date were in accordance with Order 76–8–156. In view of our actions herein, it is not necessary to respond to the request of the parties.

DEPARTMENT OF COMMERCE

Economic Development Administration

LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Notice of Denial of Proposed Projects

On December 23, 1976, the Economic Development Administration (EDA) published a notice in the FEDERAL REGISTER listing those projects selected, subject to final clearance, under the Local Public Works Capital Development and Investment Program and denying all other applications originally submitted on or before C.O.B. December 3, 1976 or resubmitted on or before C.O.B. December 9, 1976.

Notice is hereby given to all applicants that all new applications originally submitted between the dates December 4, 1976, and January 31, 1977, inclusive, and,

all applications resubmitted between the dates December 10, 1976, and January 31, 1977, inclusive, have been denied by the Assistant Secretary.

Dated: January 31, 1977.

JOHN W. EDEN,
Assistant Secretary for Economic Development.

National Oceanic and Atmospheric Administration

G. CAUSEY WHITTOW

Receipt of Application for Scientific Research and Scientific Purposes Endangered Species

Notice is hereby given that the following Applicant has applied for a Permit for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Dr. G. Causey Whittow, Professor of Physiology, Kewala Marine Laboratory, University of Hawaii, 41 Ahui Street, Honolulu, Hawaii 96813, to conduct research on the Hawaiian monk seal (*Monachus schaunislandi*) listed as endangered under the Endangered Species Act of 1973 (41 F.R. 51611 November 23, 1976; effective December 23, 1976).

The Applicant holds a Permit under the authority of the Marine Mammal Protection Act of 1972, to conduct research on this species and in view of recent listing cited above has requested authorization to continue the research in compliance with the provisions of the Endangered Species Act of 1973. The aims of the study are:

a. Document the behavior of the seals as they regulate their body temperature;

b. Measure the solar heat load to which the seals are exposed;

c. Determine to what extent the seals are adapted to hot climate and the role of climatic factors in the behavior, distribution, numbers and movements of the seals.

In the course of these studies it will not be necessary to obtain any samples from the animals or will it be necessary that any animals be restrained. The data is collected by remote sensing equipment and observation from a distance.

Documents submitted in connection with this application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Written data or views, or request for a public hearing on this application, should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 7, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions that may be contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

JANUARY 27, 1977.

[FR Doc.77-3415 Filed 2-2-77;8:45 am]

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Notice of Public Meeting

Notice is hereby given of a meeting of the South Atlantic Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The South Atlantic Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to east coast of Florida, Georgia, North Carolina, and South Carolina. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The meeting will be held Tuesday through Thursday, February 22, 23 and 24, 1977, at the Holiday Inn, Hutchinson Island, A1A North, Jensen Beach, Florida. The meeting will convene at 1:30 p.m. on February 22, 1977, and adjourn at about noon on February 24. The daily sessions will start at 9:00 a.m. and adjourn at 5:00 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

Proposed Agenda:

1. Council Organization and Administration Procedures.

2. Technical Procedures Including Fishery Management Plan Development.

3. Review of foreign fishing applications, if any.

4. Other fishery management business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about February 14, 1977.

Mr. Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, c/o National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Ernest Premetz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: January 31, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-3410 Filed 2-2-77;8:45 am]

UNITED FISHERMEN OF ALASKA

Receipt of Application for a General Permit

Notice is hereby given that the following applications have been received to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder.

The United Fishermen of Alaska, Box 1352, Juneau, Alaska 99802, has applied for a general permit, Category 3, "Encircling Gear, Seining other than Yellowfin Tuna."

The United Fishermen of Alaska, Box 1352, Juneau, Alaska 99802, has applied for a general permit, Category 4, "Stationary Gear."

The United Fishermen of Alaska, Box 1352, Juneau, Alaska 99802, has applied for a general permit, Category 5, "Other Gear."

Copies of the applications are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Interested parties may submit written views on this application on or before March 7, 1977 to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

JANUARY 28, 1977.

[FR Doc.77-3414 Filed 2-2-77;8:45 am]

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Scientific and Statistical Committee of the Western Pacific Fishery Management Council, established in accordance with Section 302(g)(1) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Western Pacific Fishery Management Council will have authority, effec-

tive March 1, 1977, over fisheries within the conservation zone adjacent to the State of Hawaii, American Samoa and Guam. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings. The Scientific and Statistical Committee will assist the Council in the development, collection and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

The meeting will be held on February 24 and 25 in the conference room of the National Marine Fisheries Service laboratory at 2570 Dole Street, Honolulu, Hawaii, from 9:00 a.m. to 4:30 p.m. each day.

Proposed Agenda:

1. Organization of the Committee.
2. Review of the Committee's terms of reference.
3. Review of sources of information on fisheries of the region.
4. Recommendation to the Council on priorities for development of fishery management plans.
5. Recommendation to the Council on membership of planning teams.
6. Scheduling of fishery plan development process.

This meeting is open to the public and there will be seating for approximately 15 members of the public on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, interested members of the public should contact:

Mr. W. G. Van Campen, Executive Director, Western Pacific Fishery Management Council, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813, (telephone: (808) 523-1368

about 10 days before the meeting.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Committee business. Interested members of the public who wish to submit written comments should do so by submitting them to Mr. Van Campen at the above address. To receive due consideration and facilitate inclusion of these comments in the written record of the meeting, typewritten statements should be received within 10 days after the close of the Committee meeting.

Date: January 31, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-3409 Filed 2-2-77;8:45 am]

COMMISSION OF FINE ARTS

VARIOUS PROJECTS AFFECTING APPEARANCE OF WASHINGTON, D.C.

Meeting

JANUARY 31, 1977.

The Commission of Fine Arts will meet in open session on Tuesday, February 22, 1977, at 10:00 a.m. in the Commission offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda or requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.77-3364 Filed 2-2-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 28, 1977.

The USAF Scientific Advisory Board Division Advisory Group, Aeronautical Systems Division, will hold meetings on February 21-23, 1977 from 8:30 a.m. to 6:00 p.m. at the Pratt & Whitney Aircraft Group, Government Products Division, West Palm Beach, Florida.

The Group will receive classified briefings concerning the F-15 propulsion system and vehicle performance.

The meeting concerns matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8845.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-3323 Filed 2-2-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP—50271]

ABBOTT LABORATORIES, ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 (7 U.S.C. 136(a) et seq.)), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 275-EUP-14. Abbott Laboratories, North Chicago, Illinois 60064. This experimental use permit allows the use of 82 kg. of the plant regulator Gibberelin A_3 on sugarcane grown in a 2-year cycle. A total of 1,000 acres is involved; the program is authorized only in the States of Florida, Louisiana, Texas, and Puerto Rico. The experimental use permit is effective from November 17, 1976, to November 17, 1978. A permanent tolerance for residues of the active ingredient in or on sugarcane has been established (40 CFR 180.224).

No. 352-EUP-94. E. I. du Pont de Nemours and Company, Wilmington, Delaware 19898. This experimental use permit allows the use of 1,260 pounds of the aquatic herbicide 3-cyclohexyl - 6-(dimethylamino)-1-methyl-S-triazine-2,4 (1H,3H)-dione to evaluate control of aquatic weeds including pond weeds, elodea, waterhyacinth, hydrilla, milfoil, duckweed, cabomba, and naiad. A total of 245 surface pond acres is involved; the program is authorized only in the States of Illinois, Mississippi, Indiana, Missouri, Louisiana, Florida, Michigan, Colorado, and New Jersey. The experimental use permit is effective from December 10, 1976, to December 10, 1977. This permit is being issued with the restriction that treated water will not be used for human or animal consumption, and that fish from water treated with this product will not be used for food or feed.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: January 24, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-3302 Filed 2-2-77;8:45 am]

[FRL 680-3]

NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

Open Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9:00 a.m. on March 2 and 3, 1977, at the Royal Villa Hotel, Highway 70 West, Raleigh, North Carolina 27612. The commercial telephone number is (919) 782-4433.

The purpose of the meeting will be to discuss two New Source Performance Standards to be proposed under Section 111 of the Clean Air Act—sulfur emissions from natural gas plants and the guideline document for control of emissions from existing kraft pulp mills. Also, on the agenda will be a review of two

control techniques documents as required by Section 108 of the Clean Air Act—nitrogen oxide emissions from stationary sources and lead emissions from all sources.

All meetings are open to the public. Anyone wishing to make a presentation should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by February 28, 1977.

The area code and telephone number are (919) 688–8146, extension 271.

Dated: January 27, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-3301 Filed 2-2-77;8:45 am]

[FRL 680-2]

SOLID WASTE MANAGEMENT

Regional Public Discussions

The Resource Conservation and Recovery Act of 1976 (Pub. L. 94–580) provides the opportunity for EPA, the States, and local governments to develop comprehensive solid waste management programs which will control hazardous wastes, eliminate the open dump as a principal disposal practice, and increase the opportunities for resource conservation.

The Act provides for public participation in the planning and implementation, and in the enforcement of any regulation, guideline, or program carried out under the Act, and EPA held the first in a series of public meetings on the legislation in December 1976. During February and March 1977, EPA's ten Regional Offices will hold the next series of public meetings to make possible throughout the country the involvement of the general public, representatives of environmental, industrial, governmental, and other organizations who are potentially affected by the new Act.

These open discussions on the topics of hazardous wastes, land disposal, resource conservation and recovery, State programs, manpower training, and information programs will be held in the following locations:

EPA REGION I (TWO IDENTICAL SESSION)—TIME: 1 P.M.

February 25: Sheraton Lincoln Inn, Lincoln Street, Worcester, Massachusetts.
February 26: Holiday Inn, 172 N. Main Street, Concord, New Hampshire.

EPA REGION II—TIME: 4 TO 7 P.M.

February 23: American City Squire Hotel, 52nd and 7th Avenue, New York, N.Y.

EPA REGION III (TWO IDENTICAL SESSIONS)—TIME: 7 P.M. EVENING; 9 A.M. MORNING

February 17, 18: The Colony House-Executive Motor Inn, Richmond, Virginia.

EPA REGION IV (TWO IDENTICAL SESSIONS)—TIME: 7 P.M. EVENING; 8 A.M. MORNING

February 23, 24: Sheraton Biltmore Hotel, 817 W. Peachtree St., N.E., Atlanta, Georgia.

EPA REGION V (TWO SEPARATE SESSIONS)—TIME: 7 P.M. EVENING; 9 A.M. (ALL DAY)

March 21, 22: Holiday Inn O'Hare/Kennedy Expy., Chicago, Illinois.

EPA REGION VI (TWO IDENTICAL SESSIONS)—TIME: 7 P.M. EVENING; 9 A.M. MORNING

March 8, 9: First International Bldg., 29th Fl., 1201 Elm Street, Dallas, Texas.

EPA REGION VII (TWO IDENTICAL SESSIONS)—TIME: 7 P.M. EVENING; 9 A.M. MORNING

February 15, 16: Hilton Inn Plaza, 45th & Main Streets, Kansas City, Missouri.

EPA REGION VIII (TWO IDENTICAL SESSIONS)—TIME: 8:30 A.M.

March 3: Main Library, 1357 Broadway, Denver, Colorado.
March 4: Hilton Hotel, 150 West South 5th St., Salt Lake City, Utah.

EPA REGION IX (TWO IDENTICAL SESSIONS)—TIME: 7 P.M. EVENING; 8 A.M. MORNING

March 10, 11: Holiday Inn Union Square, 480 Sutter Street, San Francisco, California.

EPA REGION X (TWO SEPARATE SESSIONS)—TIME: 7 P.M. EVENING; 8:30 A.M. (ALL DAY)

March 17, 18: Seattle Center, Seattle, Washington.

Anyone desiring additional information on these public meetings is requested to contact: Mrs. Gerri Wyer, Technical Information and Communications Branch, MIS, Office of Solid Waste (AW-462), Environmental Protection Agency, Washington, D.C. (telephone 202–755–9163) or the individual regional offices as follows:

Region I—Mr. Dennis Huebner (617–223–5775).
Region II—Mr. Michael Debonis (212–264–0503).
Region III—Mr. Charles Howard (215–597–0982).
Region IV—Mr. James Scarbrough (404–881–3116).
Region V—Mr. Jay Goldstein (312–353–2197).
Region VI—Mr. Herbert Crowe (214–749–7607).
Region VII—Mr. Morris Tucker (816–374–3307).
Region VIII—Mr. Jon Yeagley (303–837–2221).
Region IX—Mr. Charles Bourns (415–556–4606).
Region X—Mr. Tobias Hegdahl (206–442–1260).

Dated: January 27, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-3300 Filed 2-2-77;8:45 am]

[FRL 680-5; OPP-50272]

STAUFFER CHEMICAL CO.

Issuance of an Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751, 7 U.S.C. 136(a) et seq.), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 476-EUP-79. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 1,820 pounds of the herbicide atrazine and 661.-50 pounds of the herbicide 2-[[4-Chloro-6-(ethylamino) - s-triazin-2-yl] amino] - 2-methyl-propionitrile to evaluate control of grasses and broadleaf weeds on corn. These two herbicides will be used in a tank mix combination, incorporated with water, and applied by center pivot sprinklers. A total of 420 acres is involved; the program is authorized only in the States of Alabama, Florida, Georgia, and Wisconsin. The experimental use permit is effective from February 1, 1977, to February 1, 1978. Permanent tolerances for residues of the active ingredients in or on corn have been established (40 CFR 180.220 and 40 CFR 180.307).

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202–755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: January 24, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-3303 Filed 2-2-77;8:45 am]

[FRL 680-6; OPP-50274]

STAUFFER CHEMICAL CO.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 476-EUP-74. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 500 pounds of the herbicide atrazine and 1708.5 pounds of the herbicide S-ethyl diisobutylthiocarbamate to evaluate weed control on corn. These two herbicides will be used in a tank mix combination, and applied by center pivot sprinklers. A total of 350 acres is involved; the program is authorized only in the States of Alabama, Florida, Georgia, and Idaho. The experimental use permit is effective from Febru-

ary 1, 1977, to February 1, 1978. Permanent tolerances for residues of the active ingredients in or on corn have been established (40 CFR 180.220 and 40 CFR 180.232).

No. 476-EUP-78. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 812 pounds of the herbicide atrazine and 2,800 pounds of the herbicide S-ethyl dipropylthiocarbamate to evaluate control of weeds on corn. These two herbicides will be used in a tank mix combination, and applied by center pivot sprinklers. A total of 560 acres is involved; the program is authorized only in the States of Alabama, Colorado, Florida, Georgia, Idaho, Kansas, Nebraska, and Wisconsin. The experimental use permit is effective from February 1, 1977, to February 1, 1978. Permanent tolerances for residues of the active ingredients in or on corn have been established (40 CFR 180.220 and 40 CFR 180.117).

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: January 24, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-3304 Filed 2-2-77;8:45 am]

[FRL 680-1; OPP-240006A]

STATE OF FLORIDA

Approval of Amendment of Request for Interim Certification to Register Pesticides to Meet "Special Local Needs"

Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the State of Florida submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on February 4, 1976. Notice of approval of this Request was published in the FEDERAL REGISTER on February 25, 1976 (41 FR 8211). This initial Request sought authority to amend EPA registrations which do not involve "changed use patterns", as that term is defined in § 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538).

On May 27, 1976, the State of Florida sought to amend its Request to include authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations, and to amend EPA registrations which involve changed use patterns. This Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request, in that Florida's registration program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of Florida for Interim Certification. The State agency designated responsible for issuance of such registrations, the Florida Department of Agriculture, was notified on June 30, 1976, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from Florida, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 345 Courtland St., N.E., Atlanta, Georgia 30308.

Dated: January 27, 1977.

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

[FR Doc.77-3307 Filed 2-2-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

MAJOR FUEL BURNING INSTALLATIONS

Requirement To Complete FEA Early Planning Process Identification Report

Pursuant to section 13 of the Federal Energy Administration Act of 1974, 15 U.S.C. 761 et seq., as amended, the Federal Energy Administration (FEA) hereby requires that each major fuel burning installation (MFBI) which on or after December 27, 1976 is in the "reporting interval" and meets the "design firing rate requirements," as hereafter specified, complete and submit to the FEA the "Major Fuel Burning Installation—Early Planning Process Identification Report" (Report), FEA Form C-607-S-0.

The purpose of the Report is to enable FEA to identify MFBI's, including individual combustors, in order to assist FEA in determining whether the MFBI should be issued a construction order pursuant to section 2(c) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 791 et seq., as amended by Pub. L. 94-163. A construction order will require the MFBI to be designed and constructed to be capable of using coal as its primary energy source.

For the purposes of this reporting requirement,

(a) "Combined cycle unit" means an electric power generation unit that consists of a combination of one or more combustion gas turbine units and one or more steam turbine units with the required energy input of the steam turbine(s) provided by and approximately matched to the energy in the exhaust gas from the combustion gas turbine unit(s). Use of small amounts of supplemental firing for the steam turbine does not preclude the unit from being a combined cycle unit;

(b) "Combustion gas turbine unit" means a combination of a rotary engine driven by a gas under pressure that is created by the combustion of a fuel, usually natural gas or petroleum product, with an electric power generator driven by such engine;

(c) "Foundation" means the base supporting an MFBI, consisting of pilings, a concrete pad, or equivalent structure.

(d) "Major fuel burning installation" or "MFBI" means an installation or unit other than a powerplant that has or is a fossil-fuel fired boiler, burner or other combustor of fuel, or any combination of combustors at a single site, that has individually, or in combination, a design firing rate of 100 million Btu/hour or greater, and includes any person who owns, leases, operates, controls or supervises any such installation or unit. Combustion gas turbines and combined cycle units are excluded from this classification;

(e) "Powerplant" means a fossil-fuel fired steam electric generating unit that produces electric power for purposes of sale or exchange; and includes any person who owns, leases, operates, controls or supervises any such unit;

(f) "Person" means any association, firm, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity, however organized, including charitable, educational or other eleemosynary institutions, and the Federal Government, including corporations, departments, Federal agencies, and other instrumentalities, and state and local governments, and includes any officer, director, owner or duly authorized representative thereof. The FEA may treat as a person:

(1) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls,

(2) A parent and its consolidated entities,

(3) An unconsolidated entity, or

(4) Any part of a person.

(g) "Preliminary feasibility study" means that analysis, formal or otherwise, which concludes that new, additional, or replacement capacity appears to be required and which precedes the managerial decision to initiate the design of an MFBI.

(h) "Reporting interval" means that period which commences upon completion of a preliminary feasibility study for the MFBI and ends upon completion of the foundation for that MFBI. If no preliminary feasibility study can be identified, the reporting interval commences at the earlier of 1) the formation of a contract, express or implied, for design of the MFBI, or if such design is not to be performed in accordance with a contract, the date the managerial decision to initiate design work is made, or 2) the approval of construction funds for the MFBI by responsible officials.

Each MFBI which meets the design firing rate requirements and was in the reporting interval as of December 27,

1976, is required to file a Schedule A–2 of the Report within 30 days of the date of this notice or within 21 days after individual notification by FEA that a Report should be submitted, whichever date comes first. Each MFBI which meets the design firing rate requirements and which enters the reporting interval after December 27, 1976 is required to file a Schedule A–2 of the Report on or before the 15th of the month subsequent to the month that the preliminary feasibility study was completed. One Schedule A–1 of the Report must accompany the submission of one or more Schedules A–2. No MFBI need file Schedule A–3 of the Report unless specifically requested to do so by the FEA.

The design firing rate requirements are met for each MFBI which includes a combustor that (1) has a design firing rate of 100 million Btu's per hour or greater, or (2) has a design firing rate of 50 million Btu's per hour or greater and has a design firing rate of 100 million Btu's per hour or greater when taken in the aggregate with other combustors at the same location which have design firing rates of 50 million Btu's per hour or greater and which entered the reporting interval on or after December 27, 1976.

A major fuel burning installation which enters the reporting interval but does not meet the design firing rate requirements on that date is required, if it subsequently meets the design firing rate requirements (because additional major fuel burning installations at the same location enter the reporting interval), to file FEA Form C–607–S–O on or before the fifteenth day of the month subsequent to the month in which it meets such requirements.

If any information submitted on FEA Form C–607–S–O schedules A–1, A–2, A–3 changes, a revised schedule(s) should be submitted to the FEA within 30 days of the change.

Copies of the Identification Report should be requested from the national headquarters at the following address:

Federal Energy Administration, Code OCU, MFBI–EPP Identification Report, Room 6113, Washington, D.C. 20461.

The completed Reports should be sent to the address given in the Report's General Instructions.

If there are any questions, please call Mr. Paul Bjarnason of the Office of Coal Utilization at 202–566–9653.

Issued in Washington, D.C. on January 28, 1977.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77–3322 Filed 1–31–77;10:21 am]

FEDERAL MARITIME COMMISSION

JAPANESE FLAG OPERATORS CONTAINERSHIPS AND SPACE CHARTERINGS AGREEMENTS NOS. 9718–5 AND 9731–7

Agreements Filed

Notice is hereby given that the following agreements 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 at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreements 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 February 23, 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 agreements filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreements Nos. 9718–5 (among Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd. and Yamashita-Shinnihon Steamship Co., Ltd.) and 9731–7 (among Nippon Yusen Kaisha and Showa Line, Ltd.) are identical agreements modifying Articles 10 and 11 of the respective basic agreements to provide that the authority conferred under each shall continue in effect to and including August 22, 1980. The present expiration date for the authority conferred under the respective agreements is August 22, 1977.

Agreement No. 9718 is a containership service agreement among the four named carriers providing for the operation of eight containerships in the trade between ports in Japan and ports in California.

Agreement No. 9731 is a containership service agreement between the two named carriers providing for the operation of four containerships in the trade between ports in Japan and ports in Japan and ports in California, Hawaii and Alaska.

By Order of the Federal Maritime Commission.

Dated: January 31, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–3419 Filed 2–2–77;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 14, 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:

Charles F. Warren, Esq., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 14–44, entered into by the member lines of the Trans-Pacific Freight Conference (Hong Kong), is a petition to extend the Conference's intermodal authority for an indefinite period beyond the present termination date of February 21, 1977.

By Order of the Federal Maritime Commission.

Dated: January 31, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–3420 Filed 2–2–77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CS72–1170, et al.]

AMCO ENERGY CORP., ET AL.

Applications for "Small Producer" Certificates [1]

JANUARY 26, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and ne-

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

cessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS72-1170 [1]	Jan. 13, 1977	Amco Energy Corp. (successor to Continental Energy Corp., Meadows Bldg., Dallas, Tex. 75206.
CS77-195 [2]	Dec. 20, 1976	Wynn D. Miller, 1111 NBC Bldg., San Antonio, Tex. 78205.
CS71-236 [3]	Dec. 17, 1976	Hawthorne Oil & Gas Corp., 2100 1st City National Bank Bldg., Houston, Tex. 77002.
CS77-272	Jan. 5, 1977	Marvin C. Zeid, 1515 Capitol National Bank Bldg., Houston, Tex.
CS77-273	Jan. 4, 1977	Glenn E. Alexander, trustee for Judith Marian Alexander, Patricia Lee Alexander, Sara Anne Alexander, and C. Hilton Alexander, 1111 Mercantile Dallas Bldg., Dallas, Tex. 75201.
CS77-274	.....do.....	Glenn E. Alexander, 1800 1st National Bank Bldg., Dallas, Tex. 75202.
CS77-275	.....do.....	Creston H. Alexander, 1800 1st National Bank Bldg., Dallas, Tex. 75202.
CS77-276	.....do.....	Charles E. Dimit, trustee for Lucy Marshall Alexander, Helen Jean Alexander, Alice Kay Alexander, and Clyde H. Alexander, II, 1800 1st National Bank Bldg., Dallas., Tex. 75202.
CS77-277	Dec. 20, 1976	James S. Little, Rock Springs Route, Uvalde, Tex. 78801.
CS77-278	Jan. 6, 1977	Walter Woolley, Box 506, Spearman, Tex. 79081.
CS77-279	Jan. 10, 1977	Massey Oil & Gas Co., P.O. Box 66, Sand Fork, W. Va. 26430.
CS77-280	.....do.....	Rhodes & Hicks Drilling Corp., P.O. Box 1579, Alice, Tex. 78332.
CS77-281	.....do.....	Howard E. Davenport, 212 Devonian Bldg., 310 North Willis, Abilene, Tex. 79604.
CS77-282	.....do.....	Melvin Dixon, P.O. Box 2320 Abilene, Tex. 79604.
CS77-283	.....do.....	Hilton T. Ray, 6483 Crestmore Rd., Fort Worth, Tex.
CS77-284	Jan. 13, 1977	B. O. Greenwade, Jr., P.O. Box 1675, Roswell, N. Mex. 88201.
CS77-285	.....do.....	Synexd, Inc., 294 Washington St., Boston, Mass.
CS77-286	Jan. 14, 1977	Hiram H. Champlin trust under the will of Joe N. Champlin, H. H. Champlin, trustee, 700 1st National Bank Bldg., Enid, Okla. 73701.
CS77-287	.....do.....	Joel E. Champlin trust under the will of Joe N. Champlin, H. H. Champlin, trustee, 700 1st National Bank Bldg., P.O. Box 1066, Enid, Okla. 73701.
CS77-288	.....do.....	Jane Delight Champlin trust under the will of Joe N. Champlin, H. H. Champlin, trustee, Enid, Okla. 73701.
CS77-289	.....do.....	Alec R. Champlin trust under the will of Joe N. Champlin, H. H. Champlin, trustee, 700 1st National Bank Bldg., Enid, Okla. 73701.
CS77-270	Jan. 18, 1977	C. N. Martin, Jr., P.O. Box 1675, Roswell, N. Mex.
CS77-291	.....do.....	Moorman P. Prosser, 6902 Avondale Dr., Oklahoma City, Okla. 73116.
CS77-292	.....do.....	Margaret Hoy Prosser, 6902 Avondale Dr., Oklahoma City, Okla. 73116.
CS77-293	.....do.....	Ogle Petroleum, Inc., 438 Guaranty Bank Bldg., 817 17th St., Denver, Colo. 80202.

[FR Doc.77-3150 Filed 2-2-77;8:45 am]

[Docket No. RP76-112]

CITY OF INDIANAPOLIS AND PANHANDLE EASTERN PIPE LINE CO.

Pipeline Rates; Demand Charge Adjustment; Order Dismissing Complaint, etc.

JANUARY 25, 1977.

On June 22, 1976, the City of Indianapolis, Indiana (Indianapolis) filed a complaint pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure, seeking certain relief from the manner of computation of Demand Charge Adjustments and Commodity Surcharges under the FPC Gas Tariff of Panhandle Eastern Pipe Line Company (Panhandle). By letter of June 30, 1976, Panhandle was informed of the complaint. Panhandle filed its answer to the complaint on July 30, 1976. For the reasons hereinafter stated, the Commission shall dismiss Indianapolis' complaint.

Indianapolis complains that Panhandle's tariff operates unjustly and to its disadvantage in that it results in payments by Indianapolis of approximately $1.6 million more through the commodity surcharge than it receives under the demand charge adjustment for the period July 1974 through December 1976. Under the presently effective tariff provisions,[1] demand charge credits arising from curtailments on Panhandle's system are balanced by surcharges on a total rate schedule basis. Indianapolis proposes that the tariff provision be modified so that the credit and surcharge be computed on an individual customer basis instead of on a total rate schedule basis.

Panhandle opposed the relief sought by Indianapolis in its answer filed on July 30, 1976. Indianapolis responded to Panhandle's answer on August 19 and October 29, 1976. Public notice of the complaint was issued on September 21, 1976. Various customers[2] petitioned to intervene in response to the notice.

We do not believe that the relief sought by Indianapolis should be granted at this time and accordingly shall dismiss Indianapolis' complaint. The provision and its application to Indianapolis and all other customers is the product of a settlement agreement resolving all issues in a general rate increase proceeding. Indianapolis' proposal would result in a significant change in the unit cost of gas to various customers of Panhandle. We are not persuaded to disturb the bargain of the parties and their reliance thereon at this time.[3] Accordingly, Indianapolis' complaint will be dismissed, without prejudice to the right of Indianapolis to seek such relief as it may believe appropriate in any future proceeding.

The Commission finds: (1) Good cause exists to dismiss Indianapolis' complaint filed herein.

(2) It is desirable and in the public interest to permit the above named petitioners to intervene.

The Commission orders: (A) Indianapolis' complaint is dismissed and the captioned proceeding is terminated.

(B) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved

[1] The tariff sheets containing the presently effective method of computing the demand charge adjustment and the commodity surcharge were approved as part of a settlement agreement in *Panhandle Eastern Pipe Line Company*, Docket No. RP73-108, 52 FPC 606 (1974). See also, *Panhandle Eastern Pipe Line Company*, Opinion No. 754, issued February 27, 1976, mimeo at 38-9.

[2] Central Illinois Light Company, Central Illinois Public Service Company, Columbia Gas Transmission Corporation, East Ohio Gas Company, Illinois Power Company, Indiana Gas Company, Kokomo Gas and Fuel Company, and Northern Indiana Public Service Company.

[3] In another context, Opinion No. 754, supra, n. 1, we also declined to modify this provision of Panhandle's tariff.

because of any order or orders of the Commission entered in this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3392 Filed 2-2-77;8:45 am]

[Docket No. CP77-133]

COLUMBIA GAS OF PENNSYLVANIA, INC.

Order Authorizing Importation of Natural Gas

JANUARY 27, 1977.

On January 21, 1977, Columbia Gas of Pennsylvania, Inc. (Columbia) filed in Docket No. CP75-133 an application pursuant to Section 3 of the Natural Gas Act and part 153 of the Commission's Regulations for authorization to import liquefied natural gas (LNG) to be transported by cryogenic semi-trailer tanker trucks of Montreal, Canada to Tewksbury, Massachusetts, then by pipeline to Pennsylvania, all as more fully set forth in the application.

Columbia proposes to import up to approximately 3,120,000 gallons of LNG (equivalent to approximately 250 million cubic feet of vaporous natural gas) to be purchased by Gaz Metropolitain, Inc. of Montreal, Quebec, Canada (Gaz Metro). Gaz Metro will sell the LNG to Columbia at the point of loading into trucks at its Montreal storage facility. Columbia will employ Gas Incorporated, a motor common carrier affiliate of Lowell Gas Company (Lowell), to transport the LNG from Montreal to Tewksbury, Massachusetts. The LNG will be offloaded into an existing LNG storage tank at Lowell's facility near Tewksbury, where it will be vaporized and delivered into an existing interconnection to Tennessee Gas Pipeline Company (Tennessee) a division of Tenneco, Inc. Tennessee will transport the gas and deliver by displacement to Columbia Gas Transmission Company (Columbia Gas) an affiliate of Columbia, through an existing facility at Unionville, Pennsylvania. Columbia Gas will transport the gas and deliver it into the distribution system of Columbia. It is contemplated that this transportation will be accomplished with existing facilities under the Commission's 60-day emergency procedures.

Columbia proposes to purchase volumes of LNG up to the equivalent of 250,000 Mcf of natural gas in the vaporous state from Gaz Metro at a price equivalent to $3.25/Mcf.[1] Gas Incorporated (Gas Inc.) has agreed to provide motor carrier transportation for the LNG from Montreal to Tewksbury for $0.917/Mcf equivalent. Lowell will retain 3 percent of the LNG (7,500 Mcf equivalent) to cover fuel requirements in addition to receiving 18 cent/Mcf from Columbia for storage, vaporization, measurement and delivery to Tennessee. The estimated cost is approximately $4.48 per Mcf for the 242,500 Mcf delivered to Tennessee for Columbia's account. In order to complete this transaction, there will be additional transportation charges assesed by Tennessee and Columbia Gas. We estimate that the final cost to Columbia's customers will be approximately $5.00.

No contract for this purchase was submitted with the application pursuant to Section 153.4 of the Commission's Regulations nor has the National Energy Board of Canada (NEB) issued an export license for such gas. In view of the emergency situation, we waive this requirement; however, the authorization herein granted will be conditioned upon the filing of such contract as required by Section 153.8 of our regulations. Importation of LNG from Gaz Metro for delivery of LNG via Gas Inc.'s cryogenic semi-trailer motor carrier to Lowell's facilities at Tewksbury have been approved by the Commission on numerous prior occasions.[2] The same facility equipment will be used to implement the proposed importation of LNG by Columbia.

In its application, Columbia asserts that prompt authorization is urgently needed to ameliorate the severely critical shortage in gas supply available to Columbia. Columbia states that the Columbia Gas System, of which Columbia is a part, has experienced 826 degree days colder than normal during the period October 1, 1976 through January 16, 1977. As of January 1, 1977, Columbia terminated all service to large industrial boiler customers with alternate fuel capability and the remaining large industrial customers were curtailed; 65% large commercial customers were curtailed 40% and schools curtailed 10%. Essentially, this level of curtailment results in reducing the takes of approximately 265 large industrial contract customers to plant maintenance level with resulting layoffs of workers. Barring any further relief, Columbia forecasts that the supply deficiency resulting from the colder than normal weather experienced will require that the curtailment of industrial customers be increased to 85% of their volumes for the months of February and March 1977.

On January 18, 1977, Governor Milton Shapp issued Proclamation of Extreme Emergency in Pennsylvania. Columbia is currently seeking Federal Energy Administration authority to acquire additional propane for expanded use of the peak shaving facilities. As Columbia Gas' underground storage is substantially below scheduled volumes, the deliverability of peak requirements to Columbia during the balance of the winter is threatened.

The Commission is aware of the unprecedented cold weather which has affected the Eastern and Southern portions of the country including Columbia's service region. The Commission has previously found that a state of emergency exists as a result of the continuation of substantially colder than normal winter weather now prevailing east of the Rocky Mountains. On January 18, 1977, in the order issued in Docket No. CP77-126, Columbia Gas Transmission Corporation, the Commission authorized the importation of a total of 15 Bcf of natural gas from Canada for a 60-day term for the use of Columbia Gas' general system supply. In that order, the Commission recognized Columbia Gas' need for additional supplies to maintain its ability to render natural gas service to its customers.[3]

Based on the evidence submitted herein, we find that the public interest requires that the authorization be issued. This authorization will be granted under the broad powers covered upon the Commission by Sections 3 and 16 of the Natural Gas Act. *Public Service Commission of the State of New York* v. *FPC, 327 F. 2d 893. Niagara Mohawk Power Corporation* v. *FPC,* 379 F. 2d 153 (D.C. Cir-1967).

On January 21, 1977, the Commission issued a notice of the foregoing application. No protests to the granting of the application, petitions to intervene or notices of application has been filed.

At a hearing held on January 26, 1977, the Commission on its own motion received and made a part of the record in in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record.

The Commission finds: (1) A natural gas supply emergency exists on the Columbia Gas Transmission Corporation system which has substantially diminished Columbia's ability to render natural gas service to Columbia Gas of Pennsylvania, Inc., a distribution company.

(2) Approval of the proposed importation of LNG by Columbia will materially assist in helping to alleviate curtailment of high priority customers and is consistent with the public interest.

(3) It is necessary and appropriate for the purposes of the Natural Gas Act and the Commission's Regulations thereunder to waive the Commission's Regulations as hereinafter provided.

The Commission orders: (A) Columbia Gas of Pennsylvania, Inc. is herein authorized to commence the importation of approximately 300,120,000 gallons of LNG (Equivalent to approximately 250 million cubic feet of vaporous natural gas) from Canada for a 60-day period, as hereinbefore described and as more fully described in the application in Docket No. CP77-133, upon the terms and conditions outlined below.

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[1] The Gaz Metro contract requires that the required U.S. and Canadian governments approvals be obtained by February 1, 1977. It is our understanding that the proposed export price will be reviewed by the National Energy Board to determine whether it is "just and reasonable". The "just and reasonable" price will be specified in the export license.

[2] Lowell Gas Company, Docket Nos. CP71-9, CP72-10, CP73-63 and CP74-3.

[3] On January 24, 1976, the Commission held a hearing on the relative needs of Columbia and other natural gas pipelines to this new supply.

(B) The authorization hereinbefore granted is conditioned upon Columbia's receipt of appropriate authorization from the National Energy Board of Canada for the exportation of LNG.

(C) The LNG imported under the subject arrangement shall not be used to displace alternate fuel capability or cause other gas to displace alternate fuel capability.

(D) Columbia shall file within 10 days after the initial importation of LNG herein its contract for the purchase of such gas and all contracts which are designed to effectuate the transportation of the imported LNG to its intended market.

(E) Pursuant to the provisions of Section 1.7 of the Commission's Rules of Practice and Procedure, the following sections of the Commission's Regulations are hereby waived to facilitate issuance of this order: Section 2.1 of the Commission's General Policy and Interpretations and Section 153.4 of the Commission's Regulations under the Natural Gas Act.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-3395 Filed 2-2-77;8:45 am]

[Docket No. ER77-163]

DUKE POWER CO.

Supplement to Electric Power Contract

JANUARY 28, 1977.

Take notice that Duke Power Company tendered for filing on January 21, 1977, a supplement to the Company's Electric Power Contract with the City of King's Mountain, North Carolina, which is to become effective on February 18, 1977. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 260.

The Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for an increase in contract demand from 3,500 kw to 6,000 kw. The supplement also includes an estimate of sales and revenue for the twelve months immediately preceding and for the twelve months immediately succeeding the effective date.

The Company states that a copy of this filing was mailed to the Mayor of the City of Kings Mountain, North Carolina.

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.W., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3398 Filed 2-2-77;8:45 am]

[Docket No. ER77-98]

EDISON SAULT ELECTRIC CO.

Proposed Electric Service Contract

JANUARY 28, 1977.

Take notice that Edison Sault Electric Company (Edison), on January 10, 1977, tendered for filing a contract for service between Edison and Upper Peninsula Power Company (Upper Peninsula) dated September 10, 1976, which contract will cancel and supersede an existing contract for Emergency Electric Service dated June 1, 1971, between the same two parties. The proposed effective date of service under this contract is April 1, 1977.

Copies of the filing were served upon Upper Peninsula Power Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said Agreement, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3400 Filed 2-2-77;8:45 am]

[Docket No. RP76-90]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order Consolidating Proceedings for Hearing, Prescribing Procedures, and Accepting for Filing and Suspending Tariff Sheets, and Granting Petition To Intervene

JANUARY 26, 1977.

On December 27, 1976, Kansas-Nebraska Natural Gas Company, Inc. (K-N) filed in Docket No. RP76-90 pursuant to Section 4 of the Natural Gas Act proposed changes to Sections 13 and 18 of the General Terms and Conditions of its FPC Gas Tariff, Third Revised Volume No. 1. K-N proposes by its December 27, 1976 tender that the Commission accept for filing effective February 1, 1977, eleven tariff sheets[1] which constitute K-N's comprehensive plan governing service interruption to its customers and which, generally stated, provide for (1) the allocation of delivery capability by priority, (2) procedures for the implementation of reduced deliveries, (3) conditions attached to gas storage injections and withdrawals, (4) emergency situation adjustments and (5) an index of requirements for large volume customers. These proposals supplement and modify K-N's tariff filing of August 27, 1975, in Docket No. RP76-8.

On August 29, 1975, K-N filed in Docket No. RP76-8, as a part of a proposed rate increase inter alia, certain tariff provisions embodied in Section 13 which placed restrictions on additional service, limited electric generation service, contemplated reductions in service to accommodate storage injection, and placed limitations on storage withdrawals to serve lower priority customers.[2] By order issued April 26, 1976, in Docket No. CP75-334, et al., the Commission severed the curtailment issues raised in Docket No. RP76-8 from the price issues in that docket and redocketed the curtailment issues in Docket No. RP76-90. Still later, by order issued December 21, 1976, the Commission ordered evidentiary hearing to resolve the questions raised by the tariff proposals in Docket No. RP76-90.

The latter order in the subject docket established a date for prehearing conference of January 4, 1977. However, K-N sought postponement of the hearing by motion filed December 22, 1976, in which K-N announced its intention to file with the Commission "a more complete plan to govern service interruptions" to both firm and interruptible customers. On December 27, 1976 K-N filed its plan. Owing to the overlapping subject matter of the tariff provisions set for hearing that were filed August 29, 1975, with the tariff provisions filed December 27, 1976, the Commission's Secretary postponed the January 4, 1977, conference date until February 9, 1977, to give all parties a chance to study the new tariff filing.

K-N's proposed plan provides (in Section 13b(3)(i)) for the allocation of delivery capacity as follows:

(i) Whenever the delivery capability of Seller's (K-N's) system, due to any cause whatsoever not limited to force majeure, is such that Seller is unable to deliver to consumers served directly by Seller and consumers served indirectly

[1] Second Revised Sheet No. 14; Substitute First Revised Sheet No. 24; Original Sheets Nos 24A, 24B, and 24C; First Revised Sheet No. 35; Original Sheet Nos. 33, 34, 36 and 37; Substitute Original Sheet No. 35.

[2] These enumerated provisions were tendered in original sheets Nos. 22, 23, and 24. By Commission order issued October 10, 1975, the said three tariff sheets, along with the rest of K-N's tariff proposal in Docket No. RP76-8, were accepted for filing and suspended until March 14, 1976. The three sheets including the Section 13 provisions have been in effect subject to refund since March 14, 1976.

by Seller through Buyer the quantity of gas which the consumers require and to fulfill its requirements to inject gas into its storage facilities, deliveries shall be reduced uniformly to consumers of Seller and for consumers served by Buyer and within each step the reductions shall be made pro-rata as follows:

Step 1: Boiler fuel use by industrial consumers having a requirement for such use on a peak day of more than 10,000 Mcf.

Step 2: Boiler fuel use by industrial consumers having a requirement for such use on a peak day of more than 3,000 Mcf but not more than 10,000 Mcf.

Step 3: Boiler fuel use by industrial consumers having a requirement for such use on a peak day of more than 1,500 Mcf but not more than 3,000 Mcf.

Step 4: Boiler fuel use by industrial and commercial consumers having a requirement for such use on a peak day of more than 300 Mcf but not more than 1,500 Mcf.

Step 5: Industrial use not specified in Steps 1, 2, 3, 4 and 6 having a peak day requirement for such use of more than 500 Mcf.

Step 6: Requirements of all consumers not specified in Steps 1, 2, 3, 4, 5, 7 and 8.

Step 7: All uses by commercial consumers on a peak day of more than 50 Mcf except for boiler fuel use by commercial consumers having requirements on a peak day of more than 300 Mcf, and requirements of all industrial consumers for plant protection, feedstock and process needs.

Step 8: Requirements of residential consumers and of commercial consumers having requirements on a peak day of less than 50 Mcf.

Other major proposals set forth in K–N's tariff would allow that (1) reductions may be implemented upon four hours notice, (2) deliveries will not be reduced in Steps 5 through 8 for the purpose of storage injection, (3) gas will not be removed from storage to serve requirements of Steps 1 through 5, (4) supplemental deliveries may be provided in response to emergencies or to insure safe operation of electric generating facilities as long as no reduction in service to Steps 6 through 8 results, and (5) K–N shall maintain an Index of Requirements for each consumer, served directly or indirectly, in Steps 1 through 5 based upon the peak day requirements of the consumer's facilities.

After due notice of K–N's December 27, 1976, tariff filing by publication in the FEDERAL REGISTER on January 14, 1977 (42 FR 3018), the State Corporation Commission of the State of Kansas filed an untimely notice of intervention and American Dehydrators Association filed a petition for leave to intervene.[3] Substantial objection to the subject tariff filing was sounded by The Great Western Sugar Company (Great Western), Central Kansas Power Company, Inc. (CKP), and Nebraska Public Power District, the City of Grand Island, and the Central Nebraska Public Power and Irrigation District (jointly NPPD), all three of which filed protests and motions to reject K–N's filing. In the alternative, if K–N's filing is not rejected, the three parties all request K–N's filing be suspended for five months and set for evidentiary hearing.

Various claims are advanced alleging that K&N's instant tariff filing is deficient including (1) that K–N's priority scheme is in some categories ambiguous and overlapping; (2) that K–N has failed to allocate all of its system's requirements in the Index of Requirements; (3) that K–N's priority classification schedule also fails to consider the existing and technical feasibility of alternate fuel usage of affected customers; (4) that K–N's Index of Requirements is inconsistent with data on file with the Commission in K–N's Form 2, and (5) that K–N has advanced no justification for either the proposed priorities of service chosen, or the proposed reduction of deliveries based upon peak day requirements. Aside from the claimed deficiencies cited, other issues raised included (1) that K–N's tariff proposals would permit the attachment of new service while existing customers are curtailed in contradiction of Commission policy; (2) that any provisions permitting reductions in deliveries and more stringent restrictions on the terms of service to certain direct sales customers which are subject to regulation by state commissions are invalid and of no effect; and (3) that K–N's assertion of its right to reduce or eliminate service to certain customers in order to provide gas for storage injections is legally deficient and in direct contradiction to Commission certification granted to K–N to develop the Big Springs Storage Project in Docket No. CP75–334.[4] The Commission does not agree that the foregoing provides a basis for rejection of K–N's instant tariff filing. The evidentiary hearing, hereinafter prescribed, will provide adequate forum for the resolution of the cited issues.

One other claim raised unanimously by Great Western CKP, and NPPD merits separate attention. It is urged that K–N's instant tariff be rejected on the ground that K–N's plan is not proposed in contemplation of "curtailment," defined as the allocation of present gas supplies which are insufficient to meet present requirements (cf. *FPC* v *Louisiana Power & Light Co.* 406 U.S. 621 (1972)). It is argued that K–N's plan properly should be filed under Section 7 rather than Section 4 of the Natural Gas Act.

While K–N stops short of describing its December 27, 1976, filing as a curtailment plan, K–N states that its plan to govern "service interruptions" is filed in specific response to Commission Order 431 (45 FPC 570 (1971)), calling for the filing of curtailment plans by pipelines. Nevertheless, it appears that K–N may not intend that its plan be implemented, as curtailment plans ordinarily are, in response to a present shortage of necessary supplies. K–N states that its gas supply position does not require curtailment of deliveries to firm service customers at the present time. K–N claims that its gas reserves have been rapidly declining recently as its annual requirements have exceeded annual reserves added and that its proposed plan is designed to respond to that troublesome trend. Thus, while the instant plan has the trappings of a curtailment plan, its purpose may be other than to allocate a present shortage on K–N's system. Assuming that to be so, then the Commission must address the issue of whether K–N's proposed plan should more properly be treated as a matter under Section 7 rather than as a curtailment filing under § 4.[5]

The Commission concludes in light of all of the foregoing that it shall permit the filing by K–N of the proposed tariff filings but shall suspend their effectiveness for the full statutory period until July 1, 1977. K–N has offered no justification for the requested February 1, 1977, effective date,[6] and the intervening 5-month suspension period will afford the opportunity to resolve the question of whether K–N's proposed plan should be acted upon under § 7 or § 4. To that end it is directed that the consolidated hearing hereinafter prescribed be phased as necessary to allow for the expeditious treatment of this single issue.

Fundamental to the uncertainty regarding the purpose behind K–N's proposed plan is K–N's failure to particularize the implementation of the plan. K–N does not indicate in its filing exactly what triggers implementation of the plan or what determines the extent and duration of such implementation. K–N must cure these fundamental omissions before any meaningful discussion of the issues can ensue. Accordingly, the Commission directs K–N to provide (1) an explanation of the implementation of

[3] Iowa Electric Light and Power Company (Iowa Electric) and Great Western also filed petitions to intervene which are superfluous in view of the fact that both have previously requested and been granted permission to intervene in this proceeding. In that regard the Commission notes that all parties previously made parties to the proceedings related to the Commission's orders issued October 10, 1975, in Docket No. RP76–8, April 26, 1976, in Docket No. CP75–334, et al, or December 21, 1976, in Docket No. RP76–90, are deemed parties to the instant proceeding regarding K–N's December 27, 1976, tariff filing.

[4] NPPD suggest that the proceeding in Docket No. CP75–334 should be reopened because it appears to NPPD that K–N's instant tariff filing is inconsistent with certain representations made by K–N in Docket No. CP75–334. The Commission is disinclined to reopen that proceeding on the basis of what amounts to NPPD's speculation at this time.

[5] The distinction is not merely academic. Section 7 authorization must precede implementation of a plan whereas § 4 sanction may follow such implementation with protection afforded through refund. Of course, gas refunds are problematical in times of shortage.

[6] Since K–N does not indicate a need for immediate implementation there is no reason to disrupt, with little more than 30 day's advance notice, K–N's customers winter season expectations.

its proposed plan, (2) definitions of the following terms from Section 13b(3)(1) of the General Terms and Conditions of K–N's proposed tariff:

"delivery capability"
"quantity of gas which consumers require" (Does this include IOR Service?)
"requirements to inject gas into its storage facilities"

and (3) projections of the use of its proposed plan through 1982.

The Commission finds. (1) The tariff sheets filed by K–N on December 27, 1976, hereinbefore described may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful under the Natural Gas Act.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act, particularly Sections 4, 5, and 15 thereof, that the question of lawfulness of K–N's instant tariff filing be set for evidentiary hearing, that K–N's proposed tariff sheets be accepted for filing, and that the operation of the proposed tariff sheets be suspended and the use thereof deferred, all as hereinafter provided.

(3) Due to the similarity of facts and questions of law the instant proceeding initiating from K–N's tariff filing of December 27, 1976 should be consolidated for simultaneous hearing with the proceeding related to the tariff sheets filed by K–N on August 29, 1975, and heretofore set for hearing in this docket by order issued December 21, 1976.

(4) The participation of American Dehydrators Association in this proceeding may be in the public interest, and the participation of those who filed untimely petitions will not delay the subject proceeding.

(5) Good cause, as defined in Section 1.8(d) of the Commission's Rules of Practice and Procedure, exists to permit the filing of the late notice of intervention.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5 and 15 thereof, the Commission's Rules of Practice and Procedure (18 CFR Chapter 1), and the Regulations under the Natural Gas Act, the question of the lawfulness of the tariff sheets, hereinbefore described, filed by K–N on December 27, 1976, is set for hearing and consolidated with the proceeding set for hearing by order issued December 21, 1976, in Docket No. RP76–90. In accordance with that order and the Notice Postponing Conference issued in this docket on December 30, 1976, a prehearing conference regarding these consolidated proceedings shall be held on February 9, 1977, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426.

(B) K–N shall serve the Commission and all parties to this consolidated proceeding by February 7, 1977, with its response to the inquiries posed hereinbefore.

(C) The tariff sheets tendered by K–N, as hereinbefore described, are accepted for filing, pending hearing and disposition thereon, and suspended until July 1, 1977, and thereafter until they are made effective in the manner prescribed by the Natural Gas Act.

(D) American Dehydrators Association is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That the participating of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene; *Provided, further,* That the admission of said intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3396 Filed 2-2-77;8:45 am]

[Docket No. CP76-492]

NATIONAL FUEL GAS SUPPLY CORP. AND NATIONAL GAS STORAGE CORP.

Amendment to Application

JANUARY 27, 1977.

Take notice that on December 23, 1976,[1] National Fuel Gas Supply Corporation (Supply Corporation) and National Gas Storage Corporation (Storage Corporation) (sometimes jointly referred to herein as Applicants), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP76–492 an amendment to their pending joint application for a certificate of public convenience and necessity and for permission and approval to abandon certain facilities, filed pursuant to Sections 7(c) and 7(b), respectively, of the Natural Gas Act on August 20, 1976, in said docket. The amendment requests authorization for Applicants to construct and operate storage and withdrawal wells, compressor, pipeline and other gathering facilities required for the development of a gas storage field, designated as Beech Hill, located in Allegany County, New York, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that in their application filed August 20, 1976, in said docket, Storage Corporation proposes to acquire and develop and Supply Corporation proposes to abandon three storage fields in Allegany County, New York. The storage pools are East Independence, West Independence and Beech Hill. It is stated that in their original application Applicants request authorization for the construction of 17.7 miles of pipeline to connect the proposed storage facilities with Supply Corporation's interstate gas transmission facilities near Supply Corporation's Ellisburg Compressor Station near Ellisburg, Potter County, Pennsylvania, to construct or upgrade a total of 26 storage, withdrawal and observation wells at the East Independence and West Independence fields, and to add 2,000 HP capacity to an existing compressor station at East Independence. Further, Storage Corporation requests authorization to render gas storage service to nonaffiliated customer utilities pursuant to a proposed Rate Schedule SS–1, such service contemplating the use of the East and West Independence fields as well as any other Storage Corporation facilities subsequently authorized.

Applicants, in the instant amendment, propose a plan for the development of the Beech Hill storage field. Applicants state that upon receipt of authorization from the Commission, Storage Corporation would acquire the rights that Supply Corporation has in the Beech Hill field. Consideration for the property would be common stock of the Storage Corporation and the property would be entered on the books of Storage Corporation at original cost less accumulated amortization and depreciation or a net book value of $6,217 as of April 1, 1977. It is stated that the proposed Beech Hill storage field is a substantially depleted gas producing field which is believed suitable for underground gas storage. There are 36 wells in the field of which Applicants plan to recondition 26, 16 for use as injection and withdrawal wells and 10 for use as observation or salt-water disposal wells. The 10 remaining wells would be replugged. In addition, Applicants propose to drill 7 new wells, all for the purpose of injection and withdrawal. All injection and storage wells, it is indicated, would be connected to a proposed 5,000 HP compressor station by a gathering system consisting of about 8,000 feet of 12-inch and 27,000 feet of 4-inch pipeline. In summary, Applicants propose to:

1. Recondition 26 wells, recap 10 wells and drill 7 wells,
2. Install a 5,000 HP compressor station, and
3. Install about 8,000 feet of 12-inch and 27,000 feet of 4-inch pipeline.

Additionally, Applicants indicate that it may be necessary to construct salt water disposal facilities at the storage field site.

Applicants estimate that the total cost to Supply Corporation, including the costs of acquiring the rights to Beech Hill from Supply Corporation, of purchasing 6.8 million Mcf of cushion gas and of constructing the proposed facilities (including possible salt water disposal facilities), to be $22,716,000.

Applicants would begin construction no later than July 1, 1977, and injection of cushion gas would commence July 15, 1978. Injection of customers' top storage gas would commence July 15, 1978, for withdrawal, during the 1979–80 heating season, of 7.1 million Mcf of natural gas. The maximum working capacity of the Beech Hill field, approximately 11 million Mcf, is expected to be utilized during the 1980–81 heating season.

[1] The instant amendment was tendered for filing on December 23, 1976; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until January 4, 1977. Thus, filing was completed on the latter date.

Applicants state that the gas storage service provided through Beech Hill would be rendered substantially according to the tariff proposed in the pending application in the instant docket. It is indicated that Supply Corporation has excess storage capacity; that the Supply Corporation anticipates no need to develop the Beech Hill field for service to its customers in the foreseeable future; and, that Storage Corporation requires the subject storage facility for the same purposes put forth in the pending application in the instant docket, namely, to offset the gas shortage and to provide reliable service despite fluctuating load levels. It is indicated that the proposed storage would allow Storage Corporation to make gas, which otherwise would be available to low priority and interruptible customers during the summer months, available to high priority customers during winter peak periods.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulation 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 persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who already have filed in the subject docket need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3394 Filed 2-2-77;8:45 am]

[Docket No. ER77-88]

SOUTHERN CALIFORNIA EDISON CO.

Rate Change

JANUARY 28, 1977.

Take notice that Southern California Edison Company (Edison) on December 1, 1976, tendered for filing a change of rate for scheduling and dispatching services under the provisions of Edison's agreement with the City of Riverside as embodied in Rate Schedule FPC No. 84. The new rate for these scheduling and dispatching services will be $460 per month effective January 1, 1977.

The Company states that copies of this filing were mailed to the City of Riverside, California, the Attorney for the City of Riverside, California, and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene or to protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 15, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3399 Filed 2-2-77;8:45 am]

[Docket No. CP77-148]

SOUTHERN NATURAL GAS CO. AND TEXAS GAS TRANSMISSION CORP.

Order Authorizing Exchange of Natural Gas

JANUARY 27, 1977.

On January 25, 1977, Southern Natural Gas Company (Southern) and Texas Gas Transmission Corporation (Texas Gas) filed a petition seeking authorization pursuant to Section 7 of the Natural Gas Act to exchange gas pursuant to a letter agreement between Southern and Texas Gas executed January 25, 1977. Specifically, Southern and Texas Gas seek to continue deliveries and redeliveries beyond the 60-day period specified in Section 157.22 of the Commission's Regulations. Southern also requests advance authority to track the above-described cost of this exchange agreement including the cost of transportation through the Purchased Gas Adjustment Provision of Section 17 of Southern's FCP Gas Tariff, Sixth Revised Volume No. 1, and that to the extent required, Section 154.63(d) of the Commission's Regulations be waived to permit the flow-through of the cost incurred by Southern.

Pursuant to a letter agreement between Southern and Texas Gas executed January 25, 1977, Texas Gas has agreed to deliver to Southern up to 20,000 Mcf per day until March 31, 1977. The agreement is conditioned to provide that when such volumes are needed to meet Texas Gas' planned level of deliveries to its customers during the winter heating season 1976–77 or when necessary to provide natural gas service to its existing customers, Texas Gas is able to interrupt deliveries to Southern. It further provides that the repayment of volumes be delivered by Southern to Texas Gas at the earliest possible time, but in no event later than November 1, 1977.

Southern proposes to pay Texas Gas 64.39 cents per Mcf of gas delivered (which is the average cost of gas to Texas Gas from its suppliers) plus a storage service rate of 32.9 cents per Mcf. The gas to be delivered to Southern will be provided from Texas Gas' storage facilities. The rate for this storage service is based on the cost of storage reflected in Texas Gas' rate settlement data in Docket No. RP76-17. Upon redelivery of gas by Southern to Texas Gas, Texas Gas shall reimburse Southern 64.39 cents per Mcf, the cost of the gas.

Southern alleges that the payments made to Texas do not constitute a sale of gas and will in no way relieve Southern of its obligation to redeliver the volumes by November 1, 1977. Moreover, Southern will request deliveries of natural gas only on those days when it cannot serve "essential Priority One requirements and any service to entities not properly classified in Priority One which cannot safely sustain natural gas curtailment which is required to prevent irreparable injury to life or property (such as service to hospitals which lack alternate fuel capability)" [1]

Southern further asserts that this proposed transaction is in response to a Commission directive to meet its high priority requirements. By telegram issued January 18, 1977,[2] the Commission directed Southern to take whatever action necessary to prevent irreparable injury to life or property of customers not properly classified in Priority One. The Commission has found that a state of emergency exists on Southern's system as a result of the continuation of substantially colder than normal winter weather prevailing east of the Rocky Mountains.

The Commission has further directed that "all interstate pipelines should consummate voluntary exchange, transportation and displacement agreements to shift gas, on an emergency basis from those pipelines which are not curtailing, of facing imminent threat of curtailing, essential requirements to those pipelines actually curtailing essential requirements." [3] The agreement executed by Southern and Texas Gas clearly seek to comply with this Commission directive.

Deliveries to Southern will be made during the emergency period, i.e., to March 31, 1977. It is critical that Southern receive these volumes to maintain essential service. Texas Gas' transportation of this emergency gas for Southern constitutes the "operation of facilities * * * necessary to assure maintenance of adequate gas service when interruption or serious curtailment of service exists * * *" (18 CFR Section 157.22 (a)).

Southern further requests advanced authority to track the cost of this exchange arrangement. We find it appropriate to permit the waiver of Section 154.63(d) of the Commission's Regulations to permit the flow-through of cost incurred by Southern. We condition this waiver to provide for Southern crediting its purchase gas account with the reserves received from Texas Gas upon redelivery.

The Commission finds that prior public notice of this proceeding is impracticable, unnecessary and in contrary to

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[1] Petition p. 3.

[2] As supplemented by Telegram and Order dated January 18, 1977.

[3] Order Granting Relief, East Tennessee Natural Gas Company, Docket No. CP77-138, issued January 19, 1977.

the public interest given the circumstances set forth above.

The Commission orders: (A) The petition for relief filed in Docket No. CP77– on January 25, 1977, by Southern Natural Gas Company and Texas Gas Transmission Corporation, is granted as set forth above.

(B) Southern is hereby authorized to track the above-described cost of this exchange arrangement including the cost of transportation Purchase Gas Adjustment Provision of Section 17 of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1. Section 154.63(d) of the Commission's Regulations are hereby waived to permit the flow-through of the cost incurred by Southern provided Southern credits its purchase gas account with the reserves received from Texas Gas upon redelivery.

(C) For good cause shown, this order is effective on the date of issuance, the Secretary shall cause this order to be published in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–3393 Filed 2–2–77;8:45 am]

[Docket No. ER77–165]

UTAH POWER AND LIGHT CO.

Service Schedules

JANUARY 28, 1977.

Take notice that Utah Power & Light Company (Utah), on January 24, 1977, tendered for filing Service Schedule UTAH–1A to the Intercompany Pool Agreement (Revised), dated September 1, 1973.

Utah states that Service Schedule UTAH–1A provides a rate comprising three components: Incremental fuel costs; other fixed steam production costs and working capital; and fixed costs on steam production and related transmission investment.

Utah states that by its terms, Service Schedule UTAH–1A is to become effective January 1, 1977. Utah requests that the notice requirements of Section 35.3 of the Commission's Regulations be waived as provided in Section 35.11, and that the Service Schedule be accepted for filing as of January 1, 1977.

Copies of the filing were served on the Director of the Intercompany Pool and the six other members of the pool.

Any person desiring to be heard or to protest this application should file a petition to intervene or to protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–3397 Filed 2–2–77;8:45 am]

[Docket Nos. RI76–119, etc.]

ANADARKO PRODUCTION CO. ET AL.

Amended Petition for Special Relief

JANUARY 31, 1977.

Take notice that on January 28, 1977, Anadarko Production Company (Petitioner), P.O. Box 1330, Houston, Texas 77001, filed a proposed settlement agreement in the above-captioned dockets which amends its petition for special relief filed March 26, 1976 [1] for natural gas produced in waters more than 250 feet deep, pursuant to § 2.56a(g)(2) of the Commission's rules of practice and procedure. By this amendment petitioner seeks a flat rate of approximately $1.62 per Mcf, commencing March 1, 1977, for all gas attributable to its 12.5 percent working interest in West Cameron Block 639, Offshore Louisiana. Petitioner, on the basis of the record submitted to date, was seeking a comparable rate of approximately $1.85.

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 February 14, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–3346 Filed 1–31–77;2:51 pm]

[Docket Nos. G–17350, G–17351, CP69–346, CP69–347]

PACIFIC GAS TRANSMISSION CO.

Petition To Amend

JANUARY 31, 1977.

Take notice that on January 13, 1977, Pacific Gas Transmission Company (Petitioner), 245 Market Street, San Francisco, California 94105, filed in Docket Nos. G–17350, G–17351, CP69–346 and CP69–347 a petition to amend the orders of the Commission issued in Docket Nos. G–17350 and G–17351 on August 5, 1960 (24 FPC 134), in Docket Nos. CP69–346 and CP69–347 on March 13, 1970 (43 FPC 418), and in Docket Nos. G–17350, G–17351, CP69–346 and CP69–347 on April 4, 1974 (51 FPC 1202), on October 31, 1974 (52 FPC 1155), and on December 31, 1975 (54 FPC ____) pursuant to section 7(c) of the Natural Gas Act so as to authorize Petitioner to transport and deliver to Northwest Pipeline Corporation (Northwest) on a best efforts basis such additional volumes of natural gas which Northwest would import from Canada from November 1, 1976, through October 31, 1977, all as more fully set forth in the application which is on file with the Commision and open to public inspection.

Petitioner states that by Commission order issued December 31, 1975, it was authorized to transport and deliver to Northwest on a best-efforts basis such volumes of natural gas which Northwest imported from Canada, in excess of previously authorized peak-day volumes of 151,731 Mcf of gas for the period November 1, 1975 through October 31, 1976. It is stated that Petitioner was authorized to transport up to 30,000 Mcf of gas on an average day and up to 125,000 Mcf of gas on a peak day from Northwest's Kingsgate, British Columbia, import point and to deliver such volumes at points of interconnection between Petitioner and Northwest in Stanfield, Oregon, or Spokane, Washington. Northwest paid Petitioner a transportation rate under Petitioner's Rate Schedule T–1, it is said.

Petitioner, by the instant petition to amend, requests authorization to continue the previously authorized transportation arrangement from November 1, 1976, through October 31, 1977, pursuant to an agreement between Petitioner nad Northwest dated January 6, 1977. Petitioner states that the agreement is in substance identical with the previously authorized best-efforts agreement.

It is stated that it would transport on a best-efforts basis up to 30,000 Mcf of gas on an average day and up to 125,000 Mcf of gas on a peak day and that deliveries would be made under its Rate Schedule T–1. It is further stated that Petitioner is not obligated to accept for transportation and delivery volumes of natural gas in excess of 157,731 Mcf per day unless, in Petitioner's sole judgement and descretion, there is sufficient pipeline capacity and operating flexibility to transport and deliver such additional volumes. Petitioner asserts that such capacity would be available when there are mechanical difficulties in that portion of Petitioner's pipeline system and intrastate extensions south of the Stanfield, Oregon tap, such that delivery capability in that portion of the pipeline system must be reduced. Petitioner states that an outage of one or more compressor units south of Stanfield due to mechanical problems would cause the

[1] Notice issued April 6, 1976. Published in the FEDERAL REGISTER on April 13, 1976 at 41 FR 15447.

delivery capability to be restricted, but that the pipeline upstream of the defective unit would still have the capability of delivering maximum daily volumes.

Petitioner states that it has calculated from the operating records of its system the amount of time various outages can be expected to occur and has estimated best-efforts deliveries from November 1, 1976, through October 31, 1977, as follows:

Delivery volume (1,000 Mcf per day)	*Number of days at this volume*
0	193
1 to 30	41
31 to 60	51
61 to 90	27
91 to 120	53

The Petitioner states that deliveries under the instant transportation arrangement would not decrease, beyond those decreased volumes caused equipment outages, the quantities of natural gas delivered by Petitioner at other delivery points to Northwest or quantities of natural gas delivered by Petitioner to Pacific Gas and Electric Company, a customer of Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3389 Filed 2-2-77;8:45 am]

[Docket No. CP77-152]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Certificate Application

JANUARY 31, 1977.

Take notice that on January 26, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-152 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 8,000 Mcf of natural gas per day on a best-efforts basis for Atlantic Richfield Company (Atlantic Richfield), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Atlantic Richfield owns and operates a refinery complex in Philadelphia, Pennsylvania, which purchases its natural gas feedstock requirements from Philadelphia Gas Works (PGW), an existing customer of Applicant under Applicant's Rate Schedule CD-3. It is further stated that PGW has notified Atlantic Richfield that all gas deliveries to Atlantic Richfield's Philadelphia Refinery would be 100 percent curtailed until further notice.

It is asserted that Atlantic Richfield currently requires 6,000 to 8,000 Mcf of natural gas per day for feedstock for the manufacture of hydrogen essential to the production of specification home heating oil, industrial fuel oil, and motor gasoline. Such curtailment by PGW, it is asserted, would cause the following estimated reductions in the production of specification products:

Product	*Gallons per day*
Motor Gasoline	21,000
Home Heating Oil	109,000
Low Sulfur Industrial Fuel Oil	798,000
Propane	42,000
Butanes	59,000

It is further asserted that without hydrogen derived from natural gas, the refinery would be forced to produce sulfur fuel oil, not acceptable under existing environmental regulations, in the amount of approximately 483,000 gallons per day, assuming the refinery could continue to operate using an additional 231,000 gallons per day of reformer stock which has not yet been located.

Applicant states that Atlantic Richfield also owns and operates a refinery complex near Houston, Texas, which would be able temporarily to utilize liquid fuels for a portion of its energy requirements, thereby reducing its consumption of natural gas in amounts up to 8,000 Mcf per day. It is further stated that Atlantic Richfield plans to effectuate exchange agreements in order to make such equivalent natural gas volumes available for delivery to Applicant at an existing delivery point on Applicant's system to be mutually agreed upon by Applicant and Atlantic Richfield. Applicant, therefore, proposes to transport up to 8,000 Mcf of natural gas per day to PGW for delivery and ultimate use at Atlantic Richfield's Philadelphia refinery for a period not to exceed 60 days, and to charge Atlantic Richfield 22.0 cents per Mcf transported. Applicant also states that Atlantic Richfield would furnish an additional 4.4 percent of the transportation volumes for pipeline fuel requirements. Applicant asserts that no additional facilities would be required to effectuate this transaction.

It is stated that Atlantic Richfield has advised Applicant that PGW is agreeable to the proposed transportation arrangement and would effect delivery to Atlantic Richfield's Philadelphia Refinery.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3390 Filed 2-2-77;8:45 am]

[Docket No. CP77-153]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Certificate Application

JANUARY 31, 1977.

Take notice that on January 27, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-153 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas and ethane in interstate commerce for certain unspecified customers of Applicant and authorizing the construction and operation of unspecified facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant, acting as agent for its customers, has arranged for the purchase of ethane by certain of said customers from Enterprise Products Company (Enterprise). Applicant states that the participating customers would purchase up to 24,000 barrels (1,008,000 gallons) of ethane per day for a 60-day period at 16 cents per gallon for the first 18,000 barrels and 16.25 cents per gallon for the remaining 6,000 barrels, equivalent to a weighted average delivered price of 16.0625 cents per gallon. Such price and quantity, it is stated, compute to approximately $2.29 per million Btu's and 71 billion Btu's per day, respectively. It is further stated that

Enterprise has advised Applicant that Enterprise may be able to increase the ethane quantities to 36,000 barrels, equivalent to 1,512,000 gallons and 106 billion Btu's per day.

Applicant asserts that deliveries of ethane by Enterprise for the accounts of the participating customers would commence as soon as Applicant has completed construction of facilities needed to take the ethane into its system at an existing crossover of Enterprise's products pipeline and Applicant's Central Louisiana Gathering System, presently estimated to be completed on or about February 1, 1977.

It is stated that the instant proposal is made by Applicant to assist its customers in alleviating the effects of curtailments of deliveries of natural gas by Applicant occasioned by a shortage of gas supply and aggravated by adverse weather conditions which have been and are continuing to plague the country east of the Rocky Mountains.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3391 Filed 2-2-77;8:45 am]

GAS POLICY ADVISORY COUNCIL

Order Renewing Certain Committees

JANUARY 26, 1977.

This Order renews the former Reserves and Resources Classifications Subgroup; Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources; Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels; Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas; Transmission, Distribution and Storage-Technical Advisory Task Force-Rate Design; Transmission, Distribution and Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers; Conservation-Technical Advisory Task Force-Efficiency in Use of Gas Finance-Technical Advisory Committee: Curtailment Strategies-Technical Advisory Committee, as committees of the Gas Policy Advisory Council identified by Commission order issued January 21, 1977.

The Commission establishes these advisory committees in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, Executive Order No. 11769 dated February 21, 1974, 39 FR 7125, and FPC General Order No. 464-A, dated August 2, 1974, 39 FR 28929. They were established initially by Commission order issued September 15, 1975, and renewed by Commission order issued November 8, 1976, 41 FR 50505 to and including a date not later than December 24, 1976. The September 15, 1975, order refers to the provisions of an order of the Commission issued February 23, 1973, 38 FR 5940, which restates and revises the content of the aforementioned Commission's February 23, 1971, order, so as to reflect, in one order format, provisions of succeeding orders of this Commission which have changed portions of the February 23, 1971, order as necessary from time to time by reason of Commission determination.

By notice published in the Federal Register, December 27, 1976, 41 FR 56234, the Chairman of the Commission has determined and certified that renewal of these committees for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed on the Commission by law. The purpose, function, and membership of these committees are as follows:

1. *Purpose.* The purposes of the advisory committees of the Gas Policy Advisory Council as renewed herein are as set forth in the Commission's order of February 23, 1971, Paragraph 1, 45 FPC 338, and that Paragraph is hereby incorporated by reference herein. These committees will function as set forth in the aforementioned orders issued September 15, 1975, and November 8, 1976, for such period of time as necessary to complete their work, and will expire upon publication of their reports.

2. *Membership.* The current membership of the committees renewed herein are identified in the attached appendix.

The following paragraphs of the aforementioned order of February 23, 1973, are hereby incorporated by reference herein:

2. Selection of Committee Members.
3. Conduct of Meetings.
4. Minutes and Records.
5. Secretary of the Committee.
6. Locaion and Time of Meetings.
7. Advice and Recommendations Offered by the Committee.

The committees renewed herein, or such other committee or committees as may be established shall not be permitted to receive, compile, or discuss data or reports showing the current or projected nonpublic commercial operations of identified business enterprises. Data or reports of a nonpublic nature that are requested from identified business enterprises shall be submitted directly to the Director of the Gas Policy Advisory Council, or to such person on the Commission staff as designated by the Director, and such data or reports will be composited with that submitted by other identified business enterprises and reported on a composite basis and the provisions of section 8(b) of the Natural Gas Act, 15 U.S.C. 717(g), and the Freedom of Information Act, 5 U.S.C. 552(b)(4), shall apply.

The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order, as constituting the charter of the National Gas Survey Committees as hereinabove described.

This order is effective as of the date of issuance.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

KENNETH F. PLUMB,
Secretary.

RESERVES AND RESOURCES CLASSIFICATIONS SUBGROUP

Mr. Lucio A. D'Andrea, Federal Energy Administration, Washington, D.C.
Mr. Ralph W. Garrett, Exxon Company, U.S.A., Houston, Texas.
Mr. James R. Gill, Department of the Interior, Washington, D.C.
Dr. Edwin D. Goebel, University of Missouri, Kansas City, Missouri.
Mr. Edwin F. Hardy, Jensen Associates, Inc., Washington, D.C.
Mr. Francis X. Jordan, Independent Petroleum Association of America, Washington, D.C.
Mr. Robert Kalisch, American Gas Association, Arlington, Virginia.
Mr. William J. McCabe,[1] Federal Power Commission, Washington, D.C.
Dr. Daniel Merriam, Syracuse University, Syracuse, New York.
Dr. Richard F. Meyer,[2] U.S. Geological Survey, Reston, Virginia.
Mr. Robert P. Pikul, The MITRE Corporation, McLean, Virginia.
The Arie Verrips, American Public Gas Association, Washington, D.C.

SUPPLY-TECHNICAL ADVISORY TASK FORCE-NONCONVENTIONAL NATURAL GAS RESOURCES

Mr. Ellis R. Boyd, Jr., Federal Power Commission, Washington, D.C.
Mr. Porter John Brown, Columbia Gas Transmission Corporation, Charleston, West Virginia.
Mr. Robert R. Czarick, Federal Power Commission, Washington, D.C.
Mr. P. A. Dennie, Shell Oil Company, Houston, Texas.
Dr. John M. Dennison, University of North Carolina, Chapel Hill, North Carolina.
Mr. George H. Denton, The Pittston Company, Lebanon, Virginia.
Mr. Maurice Deul, U.S. Bureau of Mines, Pittsburgh, Pennsylvania.
Mr. Wallace DeWitt, Jr., U.S. Bureau of Mines, Reston, Virginia.
Mr. Lloyd E. Elkins,[3] AMOCO Production Company, Tulsa, Oklahoma.
Mr. Sidney S. Galpin, Consolidated Gas Supply Corporation, Clarksburg, West Virginia.
Dr. Gerald Ham, U.S. Energy Research & Development Administration, Washington, D.C.
Professor John W. Harbaugh,[4] Stanford University, Palo Alto, California.
Professor Claude R. Hocott, University of Texas, Austin, Texas.
Mr. Thomas Jennings,[1] Federal Power Commission, Washington, D.C.
Dr. Paul H. Jones, Louisiana State University, Baton Rouge, Louisiana.
Mr. William Laird, Gates Engineering Company, Pittsburgh, Pennsylvania.

Mr. William LaLonde, III, Elizabethtown Gas Company, Elizabeth, New Jersey.
Dr. Philip E. LaMoreaux, P. E. LaMoreaux & Assoc. Inc., Tuscaloosa, Alabama.
Dr. David Lombard, U.S. Energy Research & Development Administration, Washington, D.C.
Mr. W. E. Matthews, IV, Southern Natural Gas Company, Birmingham, Alabama.
Mr. John L. McCormick, Environmental Policy Center, Washington, D.C.
Mr. David Morehouse, Federal Power Commission, Washington, D.C.
Mr. William K. Overbey, Jr., U.S. Energy Research & Development Administration, Morgantown, West Virginia.
Dr. Douglas Patchen, West Virginia Geological Survey, Morgantown, West Virginia.
Mr. Frank C. Schora, Institute of Gas Technology, Chicago, Illinois.
Mr. Milford L. Skow, U.S. Bureau of Mines, Washington, D.C.
Mr. Frank Stead, US Geological Survey, Denver, Colorado.
Mr. Raymond H. Wallace, Jr., U.S. Geological Survey, Bay St. Louis, Mississippi.
Mr. Howard Walton, U.S. Federal Energy Administration, Washington, D.C.
Mr. Arthur Warner, U.S. Bureau of Mines, Washington, D.C.
Mr. A. B. Waters Halliburton Services, Duncan, Oklahoma.
Mr. Victor H. Zabel, Federal Power Commission, Washington, D.C.

SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHESIZED GASEOUS HYDROCARBON FUELS

Mr. Donald E. Anderson, Williams Brothers Engineering Company, Tulsa, Oklahoma.
Mr. Albert F. Bass, U.S. Federal Energy Administration, Washington, D.C.
Mr. Aaron I. Bond, New Mexico Scientific Lab. System, Albuquerque, New Mexico.
Mr. Bernard J. Bortz, Ford, Bacon & Davis, Inc., New York, New York.
Mr. Nell Coates, MITRE Corporation, McLean, Virginia.
Mr. Kenneth L. Cornwell, E. I. Du Pont De Nemours & Company, Inc., Wilmington, Delaware.
Mr. Robert R. Czarick, Federal Power Commission, Washington, D.C.
Mr. James M. Evans, Enviro Control Incorporated, Rockville, Maryland.
Mr. Earl V. Fisher, Texas Eastern Transmission Corporation, Houston, Texas.
Dr. Alan G. Fletcher,[4] University of North Dakota, Grand Forks, North Dakota.
Mr. Edward Fornadel, DRAVO Corporation, Pittsburgh, Pennsylvania.
Mr. George Fumich, Jr., U.S. Energy Research & Development Administration, Washington, D.C.
Mr. James R. Garvey, Bituminous Coal Research, Inc., Monroeville, Pennsylvania.
Professor James J. Harris, University of North Dakota, Grand Forks, North Dakota.
Mr. Emby Kaye, Independent Operator, Tulsa, Oklahoma.
Mr. Ralph Kienker, Monsanto Company, St. Louis, Missouri.
Mr. Douglas King, American Gas Association, Arlington, Virginia.
Dr. Christopher Knudsen, U.S. Energy Research & Development Administration, Washington, D.C.
Professor Wayne Kube, University of North Dakota, Grand Forks, North Dakota.
Dr. Bernard S. Lee, Institute of Gas Technology, Chicago, Illinois.
Mr. Franklin W. Lipshultz, Federal Power Commission, Washington, D.C.
Mr. Charles Lohah, Council of Energy Resources Tribes, Boulder, Colorado.
Mr. Walter Lusby, Federal Power Commission, Washington, D.C.
Mr. Charles W. Margolf,[3] W. R. Grace & Company, Englewood, Colorado.
Mr. David C. Masselli, Common Cause, Washington, D.C.
Mr. William J. McCabe,[1] Federal Power Commission, Washington, D.C.
Mr. John McComb, Sierra Club, Tucson, Arizona.
Mr. John L. McCormick, Environmental Policy Center, Washington, D.C.
Mr. David F. Morehouse, Federal Power Commission, Washington, D.C.
Mr. Ralbern H. Murray, Consolidated Natural Gas Company, Pittsburgh, Pennsylvania.
Mr. Finn Neilson, U.S. Federal Energy Administration, Washington, D.C.
Dr. Maurice F. Oxenreiter, AMOCO Production Company, Naperville, Illinois.
Mr. R. H. Park, Texaco Inc., Houston, Texas.
Professor George Provenzano, University of Illinois, Urbana, Illinois.
Mr. Israel Putnam, U.S. Community Services Administration, Washington, D.C.
Mr. Lester Schramm, U.S. Bureau of Mines, Washington, D.C.
Mr. James R. Spor, Federal Power Commission, Washington, D.C.
Mr. Elwood R. Volpe, Public Service Electric & Gas Company, Newark, New Jersey.
Dr. John A. Whitcombe, TOSCO Corporation, Los Angeles, California.
Mr. Jack T. Wooten, Texas Eastern Transmission Corporation, Houston, Texas.

Supply-Technical Advisory Task Force-Regulatory aspects of Substitute Gas

Mr. Alex Bastos, Consultant, Washington, D.C.
Mr. Robert B. Catell, Brooklyn Union Gas Company, Brooklyn, New York.
Mr. G. Scott Cuming, The El Paso Company, Houston, Texas.
Mr. Robert R. Czarick, Federal Power Commission, Washington, D.C.
Mr. Martin N. Erck,[3] Exxon Company, U.S.A., Houston, Texas.
Mr. Earl V. Fisher, Texas Eastern Transmission Corporation, Houston, Texas.
Mr. Gordon Gooch, Baker & Botts, Washington,, D.C.
Ms. Eileen Grevey, New Mexico Energy Resources Board, Santa Fe, New Mexico.
Mr. David S. Harter, South Carolina Energy Management Office, Columbia, South Carolina.
Mr. C. Luther Heckman, Ohio Public Utilities Commission, Columbus, Ohio.
Professor Richard Hellman, University of Rhode Island, Kingston, Rhode Island.
Professor Christopher T. Hill, Office of Technology Assessment, U.S. Congress, Washington, D.C.
Mr. C. Roger Hoffman, Texaco Inc., Houston, Texas.
Mr. John W. Howard, Standard Oil Company (Indiana), Chicago, Illinois.
Mr. Frank Jestrab,[4] Bjella & Jestrab, Williston, North Dakota.
Mr. W. F. Lamm, Carter Oil Company, Houston, Texas.
Mr. Charles Lohah; Council of Energy Resources Tribes, Boulder, Colorado.
Mr. David C. Masselli, Common Cause, Washington, D.C.
Mr. William J. McCabe,[1] Federal Power Commission, Washington, D.C.
Mr. John L. McCormick, Environmental Policy Center, Washington, D.C.
Mr. David F. Morehouse, Federal Power Commission, Washington, D.C.
Mr. William M. Pfeiffer, Pacific Lighting Corporation, Los Angeles, California.
Mr. Israel Putnam, U.S. Community Services Administration, Washington, D.C.
Mr. Frederick H. Warren, NUS Corporation, Rockville, Maryland.
Mr. Alfred J. Weiss, Lummus Company, Bloomfield, New Jersey.
Mr. Harry S. Welch, Panhandle Eastern Pipe Line Company, Houston, Texas.
Mr. Jack T. Wooten, Texas Eastern Transmission Corporation, Houston, Texas.
Dr. Arthur W. Wright, Purdue University, West Lafayette, Indiana.

TRANSMISSION, DISTRIBUTION AND STORAGE-TECHNICAL ADVISORY TASK FORCE-RATE DESIGN

Mr. W. Page Anderson, Panhandle Eastern Pipe Line Company, Houston, Texas.
Mr. Robert Ashburn, Long Island Lighting Company, Mineola, New York.
Mr. Andrew W. Battese, Federal Power Commission, Washington, D.C.
Professor Colin Blaydon, Duke University, Durham, North Carolina.
Mr. John Brickhill, Foster Associates, Inc., Washington, D.C.
Mr. Louis J. Carter, Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania.
Mr. Harry Connelly, Philadelphia Gas Works, Philadelphia, Pennsylvania.
Mr. Bert Deleeuw, Movement for Economic Justice, Washington, D.C.
Mr. Charles Frazier, National Economic Research Associates, Philadelphia, Pennsylvania.
Ms. Janet S. Grimes,[1] Federal Power Commission, Washington, D.C.
Dr. Ernst Habicht, Environmental Defense Fund, East Setauket, New York.
Professor James J. Harris, University of North Dakota, Grand Forks, North Dakota.
Mr. Frank J. Hartmann, PEZ-HAAS Inc., Orange, Connecticut.
Mr. John P. Hewitt, Maryland Energy Policy Office, Baltimore, Maryland.
Mr. Jonel C. Hill, Southern California Gas Company, Los Angeles, California.
Mr. A. Stewart Holmes, Federal Power Commission, Washington, D.C.
Mr. William D. Jaques, Algonquin Gas Transmission Company, Boston, Massachusetts.
Dr. Peter Konijn, U.S. Department of Health, Education, and Welfare, Washington, D.C.
Mr. Randolph E. Mathura, Federal Power Commission, Washington, D.C.
Rear Admiral William A. Meyers, III, U.S. Department of Defense, Washington, D.C.
Mr. Michael J. Mroczka, Federal Power Commission, Washington, D.C.
Mr. Charles Olson,[3] H. Zinder & Associates, Inc., Washington, D.C.
Ms. M. Cecile Pinette, Federal Power Commission, Washington, D.C.
Mr. James I. Poole, Jr., Natural Gas Pipeline Company of America, Chicago, Illinois.
Mr. Donald T. Quinn, Texas Eastern Transmission Corporation, Houston, Texas.
Mr. Jerome Stockhausen, Columbia Gas System, Service Corp., Wilmington, Delaware.
Mr. James J. Tanner, Pacific Gas and Electric Company, San Francisco, California.
Mr. Peter Tracey, Olin Corporation, Stamford, Connecticut.
Dr. Richard Tybout, Ohio State University, Columbus, Ohio.
Mr. Michael A. Vlren, Missouri Public Service Commission, Jefferson City, Missouri.
Mr. Richard W. Walker,[4] Arthur Anderson & Company, Chicago, Illinois.
Mr. Kenneth A. Williams, Federal Power Commission, Washington, D.C.
Mr. Lundy R. Wright, Jr., Federal Power Commission, Washington, D.C.

TRANSMISSION, DISTRIBUTION AND STORAGE-TECHNICAL ADVISORY TASK FORCE IMPACT OF GAS SHORTAGE ON CONSUMERS

Mr. Neil L. Adams, Federal Power Commission, Washington, D.C.
Mr. David Arpi, Federal Power Commission, Washington, D.C.
Mr. Alvin Askew, Governor's Energy Advisory Council, Austin, Texas.

Mr. Albert F. Bass, U.S. Federal Energy Administration, Washington, D.C.
Mr. Elmer S. Biles, U.S Department of Commerce (Census), Suitland, Maryland
Mr. Ellis R. Boyd, Jr., Federal Power Commission, Washington, D.C.
Mr. Jack M. Campbell, U.S. Appalachian Regional Commission, Washington, DC.
Mr. Thomas Clarke, U.S. Bureau of Mines, Washington, D.C.
Mr. Lucio A. D'Andrea, U.S. Federal Energy Administration, Washington, D.C.
Mr. Bert DeLeeuw, Movement for Economic Justice, Washington, D.C.
Ms. Janet B. Grimes,[1] Federal Power Commission, Washington, D.C.
Mr. Robert E. Ham, California Energy Commission, Sacramento, California.
Mr. William Harkaway, Beinap, McCarthy, Spencer, et al., Washington, D.C.
Mr. David S. Harter, South Carolina Energy Management Office, Columbia, South Carolina.
Mr. Paul L. Hitchcock, North Carolina State Energy Division, Raleigh, North Carolina.
Mr. Joseph A. Hoffman, New Jersey Department of Labor and Industry, Trenton, New Jersey.
Mr. Hillard Huntington, U.S. Federal Energy Administration, Washington, D.C.
Mr. Donald M. Joyce, Pomona Corporation, Greensboro, North Carolina.
Mr. Thomas J. Joyce,[2] Joyce Associates, Inc., Fairfax, Virginia.
Mr. G. G. Jurenka, Mobil Oil Corporation, Houston, Texas.
Mr. Gordon Koelling, U.S. Bureau of Mines, Washington, D.C.
Dr. Peter Konijn, U.S. Department of Health, Education and Welfare, Washington, D.C.
Rear Admiral William A. Meyers, III, U.S. Department of Defense, Washington, D.C.
Mr. Richard C. Perry, Union Carbide Corporation, New York, New York.
Mr. Israel Putnam, U.S. Community Services Administration, Washington, D.C.
Mr. Robert Reinsel, U.S. Department of Agriculture, Washington, D.C.
Mr. Wilson Riley, U.S. Department of State, Washington, D.C.
Mr. Louis Santone,[4] U.S. Department of Commerce, Washington, D.C.
Ms. Linda Scholl, U.S. Federal Energy Administration, Washington, D.C.
Mr. J. L. Schweizer, Gulf Energy and Minerals Company, U.S., Houston, Texas.
Mr. James Smith, United Steel Workers of America, Pittsburgh, Pennsylvania.
Mr. Robert H. Steder, PPG Industries, Inc., Pittsburgh, Pennsylvania.
Mr. William H. Stinsman, Philadelphia Gas Works, Philadelphia, Pennsylvania.
Mr. John Stone, Mitre Corporation, McLean, Virginia.
Dr. Ernesto Venegas, Minnesota Energy Agency, St. Paul, Minnesota.
Dr. William C. White, Fertilizer Institute, Washington, D.C.

CONSERVATION-TECHNICAL ADVISORY TASK FORCE-EFFICIENCY IN USE OF GAS

Mr. John Albright, U.S. Bureau of Mines, Washington, D.C.
Mr. Harvey M. Bernstein, Hittman, Associates, Inc., Columbia, Maryland.
Mr. Elmer S. Biles, U.S. Department of Commerce (Census), Suitland, Maryland.
Mr. Douglas Blake, MITRE Corporation, McLean, Virginia.
Mr. Jack M. Campbell, U.S. Appalachian Regional Commission, Washington, D.C.
Mr. Jon R. Collins, Nevada Energy Resources Advisory Board, Las Vegas, Nevada.
Dr. John B. Edwards, Ford Motor Company, Dearborn, Michigan.
Mr. Robert A. Filip, Southern California Gas Company, Los Angeles, California.
Mr. Robert F. Garfoot, Northern Natural Gas Company, Omaha, Nebraska.
Mr. J. F. Gustaferro, U.S. Department of Commerce, Washington, D.C.
Mr. D. L. Henry, Gulf Energy and Minerals Company, U.S., Houston, Texas.
Mr. John A. Irwin,[5] Panhandle Eastern Pipe Line Company, Houston, Texas.
Mr. William D. Jaques, Algonquin Gas Transmission Company, Boston, Massachusetts.
Mr. James R. Kirby,[1] Federal Power Commission, Washington, D.C.
Mr. Gordon Koelling, U.S. Bureau of Mines, Washington, D.C.
Mr. Jack Langmead, Gas Appliance Manufacturers Association, Arlington, Virginia.
Mr. William J. McCabe, Federal Power Commission, Washington, D.C.
Mr. James W. McCloskey, Delaware Department of Public Safety, Delaware City, Delaware.
Ms. Bonnie Moore, Fuel Economy Consultants, Inc., New York, New York.
Mr. John George Muller, U.S. Federal Energy Administration, Washington, D.C.
Dr. Francis X. Murray, Center for Strategic and International Studies, Washington, D.C.
Rear Admiral William A. Myers, III, U.S. Department of Defense, Washington, D.C.
Mr. Robert Podlasek, Illinois Commerce Commission, Springfield, Illinois.
Mr. Israel Putnam, U.S. Community Services Administration, Washington, D.C.
Mr. Robert Reinsel, U.S. Department of Agriculture, Washington, D.C.
Mr. Charles F. Reusch, Federal Power Commission, Washington, D.C.
Mr. Francis J. Riordan, New Hampshire Public Utilities Commission, Portsmouth, New Hampshire.
Mr. John Rogers, United States Concrete Pipe Company, Ocala, Florida.
Mr. Joseph Sherman, U.S. Department of Housing and Urban Development, Washington, D.C.
Mr. Robert Sloan, Philadelphia Gas Works, Philadelphia, Pennsylvania.
Mr. James R. Spor, Federal Power Commission, Washington, D.C.
Mr. Samuel Stewart, Minnesota Energy Agency, St. Paul, Minnesota.
Mr. James J. Tanner, Pacific Gas and Electric Company, San Francisco, California.
Mr. Gregory A. Thomas, Sierra Club, Washington, D.C.
Mr. John vonRosen, Michigan Consolidated Gas Company, Detroit, Michigan.
Mr. James Woodruff,[5] Michigan Public Service Commission, Lansing, Michigan.

FINANCE-TECHNICAL ADVISORY COMMITTEE

Mr. Jack Adelman,[1] Federal Power Commission, Washington, D.C.
Mr. R. Gamble Baldwin, First Boston Corporation, New York, New York.
Mr. Sheldon Bierman, Pierce & Brand, Washington, D.C.
Mr. J. R. Bixby, Texas Eastern Transmission Corporation. Houston, Texas.
Mr. Robert H. Blanchard, First National Bank of Chicago, Chicago, Illinois.
Mr. Walter H. Boris, Consumers Power Company, Jackson, Michigan.
Mr. Robert E. Brady, First National City Bank, New York, New York.
Mr. John G. L. Cabot, Cabot Corporation, Boston, Massachusetts.
Mr. Paul L. Cato, Tesoro Petroleum Corporation, San Antonio, Texas.
Mr. W. R. Craig, Union Oil Company of California, Los Angeles, California.
Mr. Donald B. Craven, Miller and Chevalier, Washington, D.C.
Mr. Leroy Culbertson, Phillips Petroleum Company, Bartlesville, Oklahoma.
Mr. E. Kent Damon, Atlantic Richfield Company, Los Angeles, California.
Mr. E. L. Dow, Standard Oil Company of California, San Francisco, California.
Mr. Charles G. Freund,[3] Peoples Gas Company, Chicago, Illinois.
Mr. Phillip W. Frick, Columbia Gas System, Inc., Wilmington, Delaware.
Mr. John H. Hoelscher, Coastal States Gas Corporation, Houston, Texas.
Mr. Don W. Hummell, Northern Trust Company, Chicago, Illinois.
Dr. William A. Johnson, George Washington University, Washington, D.C.
Mr. Garrett Kirk, Jr., Dillon Read & Company, Inc., New York, New York.
Mr. George K. Ledakis, Federal Power Commission, Washington, D.C.
Mr. Arthur L. Litke, Financial Accounting Standards Board, Stamford, Connecticut.
Professor Ronald W. Melicher, University of Colorado, Boulder, Colorado.
Donald Mishara, Paine, Webber, Jackson & Curtis, 140 Broadway, New York, New York.
Mr. David F. Morehouse, Federal Power Commission, Washington, D.C.
Mr. J. Lawrence Muir, U.S. Securities & Exchange Commission, Washington, D.C.
Mr. James L. Murdy, Gulf Oil Corporation Pittsburgh, Pennsylvania.
Mr. Michael Nolan, Midwest Research Institute, Kansas City, Missouri.
Mr. Thomas O'Brien, Long Island Lighting Company, Mineola, New York.
Mr. Raymond J. O'Conner, Bache Halsey Stuart, Inc., New York, New York.
Mr. John A. Redding, Continental Illinois National Bank & Trust Co., Chicago, Illinois.
Mr. S. L. Robertson, Jr., Panhandle Eastern Pipe Line Company, Houston, Texas.
Dr. Marquis R. Seidel, Federal Power Commission, Washington, D.C.
Mr. Edward A. Skipton, Ohio Public Utilities Commission, Columbus, Ohio.
Mr. William Stratton, D.C. Public Service Commission, Washington, D.C.
Mr. Edward Symonds,[4] Consultant, New Vernon, New Jersey.
Mr. Joseph Talago, American Gas Association, Arlington, Virginia.
Mr. William Thomas, Pacific Lighting Corporation, Los Angeles, California.
Mr. John Townley, Texas Commerce Bank, Houston, Texas.
Mr. Frederick L. Webber, Harris Trust and Savings Bank, Chicago, Illinois.
Dr. Helmut F. Wendel, U.S. Federal Reserve System, Washington, D.C.
Mr. Lundy R. Wright, Jr., Federal Power Commission, Washington, D.C.

CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Mr. Neil L. Adams, Federal Power Commission, Washington, D.C.
Mr. Raymond Attebery, National Distillers and Chemical Corp., New York, New York.
Mr. Albert F. Bass, U.S. Federal Energy Administration, Washington, D.C.
Ms. Sally W. Bloomfield, Ohio Public Utilities Commission, Columbus, Ohio.
Mr. Kenneth Bossong, Center for Science in the Public Interest, Washington, D.C.
Mr. Lynn Alan Brooks, Connecticut Planning & Energy Policy Dept., Hartford, Connecticut.
Mr. Gerald L. Brubaker, U.S. Council On Environmental Quality, Washington, D.C.
Mr. Richard C. Byrd, Interstate Oil Compact Commission, Ottawa, Kansas.
Dr. Charles Cicchetti, University of Wisconsin, Madison, Wisconsin.
Mr. Thomas Clarke, U.S. Bureau of Mines, Washington, D.C.

Mr. Thomas R. Clift, Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania.
Mr. Lucio A. D'Andrea, U.S. Federal Energy Administration, Washington, D.C.
Mr. Lorin H. Drennan, Jr., Federal Power Commission, Washington, D.C.
Mr. John W. Duane, Consumers Power Company, Jackson, Michigan.
Mr. Thomas W. Ferguson, Jr., National Gypsum Company, Dallas, Texas.
Mr. Leonard W. Fish, American Gas Association, Arlington, Virginia.
Mr. Jack Gaines, U.S. Dept. of Commerce, Washington, D.C.
Ms. Kathleen M. Gramp, Ernst & Ernst, Washington, D.C.
Mr. Edward J. Grenier, Jr., Sutherland, Asbill & Brennan, Washington, D.C.
Ms. Janet S. Grimes, Federal Power Commission, Washington, D.C.
Mrs. Anne Renouf Headley, Public Chartering Inc., Washington, D.C.
Mr. Joseph A. Hoffman, New Jersey Dept. of Labor & Industry, Trenton, New Jersey.
Mr. Thomas Hughes, New York State Public Service Commission, Albany, New York.
Mr. Andrew Kessock, Jr., Columbia Gas Transmission Corporation, Charleston, West Virginia.
Mr. Gordon Koelling, U.S. Bureau of Mines, Washington, D.C.
Dr. Peter Konijn, U.S. Dept. of Health, Education & Welfare, Washington, D.C.
Mr. Ronald E. Kutscher, U.S. Department of Labor, Washington, D.C.
Mr. Franklin W. Lipshultz,[1] Federal Power Commission, Washington, D.C.
Dr. Bruce Melaas, Celanese Corporation, New York, New York.
Mr. Joseph Mullin, U.S. Department of Justice, Washington, D.C.
Rear Admiral William A. Myers, III, U.S. Department of Defense, Washington, D.C.
Mr. Ray J. Nery, North Carolina Utilities Commission, Raleigh, North Carolina.
Mr. John F. O'Leary,[4] New Mexico Energy Resource Board, Santa Fe, New Mexico.
Mr. Vincent O'Reilly, International Brotherhood of Electrical Workers, Washington, D.C.
Mr. Ned V. Poer, General Motors Corporation, Detroit, Michigan.
Mr. Carl Pope, Sierra Club, San Francisco, California.
Mr. Robert Reinsel, U.S. Department of Agriculture, Washington, D.C.
Mr. Wilson Riley, U.S. Department of State, Washington, D.C.
Dr. Milton Russell, Resources for the Future Inc., Washington, D.C.
Mr. Thomas Schrader, U.S. Environmental Protection Agency, Washington, D.C.
Mr. Walter Senek, Philadelphia Gas Works, Philadelphia, Pennsylvania.
Mr. Wade P. Sewell, Federal Power Commission, Washington, D.C.
Mr. Joseph Sherman, U.S. Department of Housing & Urban Development, Washington, D.C.
Mr. Peter Susey, Ohio Energy and Resource Development Agency, Columbus, Ohio.
Mr. Jim Guy Tucker, Attorney General, Little Rock, Arkansas.
Mr. Ronald Visness, Minnesota Energy Agency St. Paul, Minnesota.
Dr. William A. Vogely,[2] Pennsylvania State University, University Park, Pennsylvania.
Dr. Haskell P. Wald, Federal Power Commission, Washington, D.C.

[1] FPC coordinating representative and secretary.
[2] Subgroup leader.
[3] Vice chairman.
[4] Chairman.
[5] Cochairman.

[FR Doc.77-3188 Filed 2-2-77;8:45 am]

GAS POLICY ADVISORY COUNCIL CURTAILMENT STRATEGIES-TECHNICAL ADVISORY SUBGROUP

Agenda of Meeting

Agenda, meeting of Curtailment Stategies-Technical Advisory Subgroup, Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, February 24, 1977, 9:00 a.m., presiding, Mr. Franklin W. Lipshultz, FPC Coordinating Representative and Secretary.

1—Call to order and introductory remarks, Mr. Lipshultz.
2—Determination of which of the suggested changes to the November 1, 1976 draft report should be adopted, Dr. William A. Vogely, Vice Chairman.
3—Schedule for preparing the final report and obtaining approval of the committee members.
4—Adjournment, Mr. Lipshultz.

This meeting is open to the public. Any interested person may attend, appear before, or file statements wtih the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3329 Filed 1-3-77;11:36 am]

GAS POLICY ADVISORY COUNCIL TRANSMISSION, DISTRIBUTION, & STORAGE TECHNICAL ADVISORY TASK FORCE-RATE DESIGN-SUBGROUP #5

Agenda of Meeting

Gas Policy Advisory Council, Agenda, meeting of, Transmission, Distribution & Storage Technical Advisory Task Force-Rate Design-Subgroup No. 5, Conference Room 3401, Federal Power Commission, Union Plaza Building, 941 North Capitol Street NE., Washington, D.C. 20426, February 24, 1977, 9:30 a.m., presiding: Mrs. Janet S. Grimes, Acting FPC Coordinating Representative and Secretary.

1.—Call to order, Ms. Janet S. Grimes.
2—Introductory remarks, Mr. Donald T. Quinn, Subgroup Chairman.
3—Review all revised subgroup reports.
4—Prepare Subgroup No. 5 Report.
5—Adjournment, Ms. Janet S. Grimes.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3328 Filed 1-31-77;11:36 am]

[Docket No. ER77-153]

IOWA PUBLIC SERVICE CO.

Proposed Rate Change

JANUARY 27, 1977.

Take notice that on January 13, 1977, Iowa Public Service Company tendered for filing an executed contract for wholesale electric service to the City of Denver, Iowa, dated December 6, 1976. A new contract supersedes a prior agreement between the parties dated July 1, 1946, which was terminated by an FPC filing of December 10, 1976, in Docket No. ER77-119.

Any person desiring to be heard or to protest such application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 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 protests or petitions should be filed on or before February 7, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3336 Filed 2-2-77;8:45 am]

[Docket No. ER77-154]

IOWA PUBLIC SERVICE CO.

Proposed Rate Change

JANUARY 27, 1977.

Take notice that on January 13, 1977, Iowa Public Service Company tendered for filing an executed rate contract for wholesale electric service to the Town of Hudson, Iowa, dated December 13, 1976. The contract tendered for filing supersedes a previous agreement between the parties dated December 10, 1956, which was previously terminated by a filing with the Federal Power Commission on December 10, 1976, Docket No. ER77-120.

Any person desiring to be heard or to protest such application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC, 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 protests or petitions should be filed on or before February 7, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3334 Filed 2-2-77;8:45 am]

[Docket No. R-478]

JUST AND REASONABLE RATES FOR SALES OF NATURAL GAS FROM WELLS COMMENCED PRIOR TO JANUARY 1, 1973

Extension of Time

JANUARY 27, 1977.

On January 13, 1977, El Paso Natural Gas Company (El Paso) filed a motion to extend the date set for submitting its plan for flow-through of refunds as required by Ordering Paragraph (D) of Opinion No. 749, as amended by Opinion No. 749-C, in the above-designated proceeding.

Upon consideration, notice is hereby given that the date El Paso shall submit its plan for flow-through of refunds is extended to and including March 1, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3335 Filed 2-2-77;8:45 am]

[Docket No. ER76-818]

NORTHERN STATES POWER CO. (MINNESOTA)

Renewal of Motion for Approval of Settlement Agreement

JANUARY 27, 1977.

Take notice that on January 14, 1977, Northern States Power Company (NSP) filed a Renewal of Motion For Approval Of A Settlement Agreement, dated September 2, 1976. Said Agreement executed between NSP and The River Electric Association, purportedly acting as Agent for fourteen total requirement municipal customers, was the subject of a motion filed by NSP on September 13, 1976. The Commission published notice of this motion in the FEDERAL REGISTER on September 23, 1976, and invited comments by October 8, 1976.

After receiving timely comments on the September 13 motion, the Commission ordered a settlement conference which was held on December 1, 1976. Pursuant to discussions during this conference, NSP filed the instant motion renewing its prior motion.

On September 20, 1976, by letter to the Commission, the City of Shakopee (Shakopee) informed the Commission that it had revoked authority previously delegated to the River Electric Association to settle the present case. On October 8, 1976, Shakopee filed an amended petition to intervene alleging the existence of a price squeeze and raising certain rate-related issues.

In its instant motion NSP has requested that the Commission either determine that the proposed settlement rates do not create a price squeeze for Shakopee or in the alternative, order a hearing on the issue. NSP has submitted revenue comparison data in support of its request and has conditioned the making of the instant motion on the Commission granting the above request.

Any person wishing to do so may submit comments in writing concerning the above filing. Comments should be addressed to the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, and should be submitted on or before February 9, 1977. Copies of the company's filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3333 Filed 2-2-77;8:45 am]

[Docket No. ER77-127]

OKLAHOMA GAS AND ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Rate Schedules, Granting Interventions and Establishing Procedures

JANUARY 26, 1977.

On December 27, 1976, Oklahoma Gas & Electric Company (OG&E) submitted for filing a proposed rate increase of $2,916,855 for the 12 months period succeeding the proposed effective date of February 1, 1977. The proposed increase is applicable to the customers itemized on Attachment.[1]

Oklahoma's present rate schedules are of a fixed rate nature. The company, therefore, requests rearing under section 206 of the Act and has filed supplements to the present rate schedules which it wants to become effective upon conclusion of such hearing. It has also submitted a tariff for its municipal customers and a tariff for its cooperative customers to become effective upon termination of any fixed-rate contract. The rates in the proposed supplements and the proposed tariffs are identical.

The present individual rate schedules contain step demand and step energy charges with respect to the municipal customers. The present rate to cooperative customers consists of 50 hours use of the maximum demand at 1.22¢/kWh with excess use billed at .51¢/kWh. The rates are subject to a fuel adjustment clause, a power factor adjustment clause, a tax clause applicable to cooperatives, a minimum bill in the case of cooperative customers, and a 60% ratchet provision to cooperative customers.

As indicated above, OG&E's instant submittal consists of proposed tariff Volumes No. 1 applicable to municipal and cooperative customers and supplements to the present individual municipal and cooperative rate schedules. The proposed rate schedule supplements contain rates identical to those proposed under the municipal and cooperative tariffs. In addition to providing firm service, the proposed rate schedules provide for economy and replacement energy services. The proposed rates for such additional service have been previously accepted for filing in other OG&E agreements.

The proposed rate schedules to municipals and cooperatives contain: A fuel adjustment clause, a power factor adjustment clause, a tax clause, a minimum bill provision, a high voltage discount, and a 50 percent ratchet provision applicable to municipals (the 60 percent ratchet provision remains in effect to cooperatives).

OG&E presently has two forms of fixed rate contracts with its municipal customers. Those applicable to 15 of the municipals[2] provide that the rates may be changed only after approval of the Commission. For each of these municipals, OG&E requests a hearing under section 206 of the Act and that the rates become effective upon conclusion of a 206 proceeding or upon termination of the present contracts whichever comes first. With respect to the remaining six municipal customers[3] the contracts provide that the rates may not be changed unless a similar increase is made to all of the company's wholesale municipal customers. For these customers, OG&E requests an effective date corresponding to the earlier of (1) approval of a rate increase to the other 15 municipals or (2) the expiration date of the longest fixed-rate contract. The company's contracts with the 21 municipals will terminate during the period from March 17, 1977, to April 18, 2000.

As in the case with the municipals, OG&E's existing rates to cooperatives may be changed only after approval by the Commission. Therefore, the company requests hearing under section 206 and an effective date which is the earlier of (1) the time when approval is granted or (2) the cooperatives contract has been terminated. The cooperative contracts expire during the period between May 12, 1977, and July 23, 1980.

Notice Period. Notice of the proposed filing was issued January 6, 1977, with comments, protests, and petitions to intervene due on or before January 21, 1977.

On January 19, 1977, the Arkansas Valley Electric Cooperative, the City of Blackwell, Oklahoma, the City of Edmund, Oklahoma, Indian Electric Cooperative, an Oklahoma Cooperative Cooperation, KAMO Electric Cooperative, also an Oklahoma Cooperative Cooperation, the Cities of Kingfisher, Mannford, Okeene, Ponca City, Purcell, Prague, Stroud, Stillwater, Tecumseh, Tonkawa, Waynoka and Wynnewood, Oklahoma (Customers) filed a "Protest Petition To Intervene, And Motion To Reject Filing Made Pursuant To Section 205 Of The Federal Power Act." Each Customer is either a full or partial requirements customer of OG&E. The Customers allege *Inter alia* that the governing contracts, the Federal Power Act, and the Commission's regulations require that the rate increase be litigated under section 206 of the Federal Power Act; the proposed rates are discriminatory and will impose a "price squeeze"; the rate of

[1] Such Attachment also contains the designations and descriptions.

[2] The Cities of Blackwell, Clarksville, Edmond, Geary, Kingfisher, Mannford, Okeene, Perry, Ponca City, Purcell, Stillwater, Stroud, Tonkawa, Watonga and Waynoka, Oklahoma.

[3] The Cities of Manchester, Orlando, Pond Creek, Tecumseh and Wynnewood, Oklahoma.

return is excessive; OG&E's fuel clause fails to conform with § 35.14 of the Commission's Regulations; and, the overall and allocated cost of service present serious questions requiring that this proceeding be tried under section 206. The Customers request that the Commission reject the filing to the extent it purports to be a filing made pursuant to section 205 of the Federal Power Act. In the alternative, the Customers request that the Commission treat OG&E's submittal as a section 206 filing and to suspend the proposed rate schedules for five months.

On January 24, 1977, OG&E filed an answer to the Customers' protest and petition to intervene. OG&E does not oppose the intervention of the Customers. It states that the Customers' motion to reject should be denied because the Customers have misread § 35.3(a) of the Commission's regulations, rejection of the filing because of price squeeze allegations would be inappropriate prior to a hearing, and rejection of the fuel adjustment clause prior to a hearing is inappropriate.

Preliminary analysis of OG&E's proposed increased rates reveals that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or othrewise unlawful. The Commission will therefore accept for filing and suspend OG&E's proposed tariffs to municipal and cooperative customers for two months to become effective on April 1, 1977, subject to refund for the customers whose contracts terminate prior to that date and establish hearing procedures. For those 15 municipal customers [4] whose contracts provide that the rates may be changed only after approval by the Commission, the rates will become effective upon conclusion of a section 206 proceeding or upon termination of the present contracts, whichever comes first. With respect to the six municipal customers [5] whose contracts provide that the rates may not be changed unless a similar increase is made to all of the company's wholesale municipal customers, the rates will become effective upon approval of a rate increase to the other 15 municipal customers or the expiration of the longest fixed term contract, whichever occurs first.

The effective date of the increased rates to the cooperatives will be the date when approval is granted or the cooperatives' contracts terminate, whichever occurs first.

The Commission finds. (1) Good cause exists to accept for filing OG&E's proposed increased rates tendered for filing on December 27, 1976 and suspend those rates for two months to become effective on April 1, 1977, subject to refund, pending the outcome of a hearing and decision thereon, for those customers whose contracts terminate prior to that date. The other rates should become effective as discussed above.

(2) The participation in this proceeding of the Arkansas Valley Electric Cooperative, Indian Electric Cooperative, KAMO Electric Cooperative, Inc., the Cities of Blackwell, Edmund, Kingfisher, Mannford, Okeene, Ponca City, Purcell, Prague, Stroud, Stillwater, Tecumseh, Tonkawa, Waynoka, and Wynnewood, Oklahoma may be in the public interest.

The Commission orders: (A) Pending a hearing and decision thereon, OG&E's proposed rate schedules are hereby accepted for filing and suspended for two months, to become effective April 1, 1977, subject to refund, for those customers whose contracts expire prior to that time. The other rates will become effective in the manner discussed above.

(B) Pursuant to the Federal Power Act, especially section 206 thereof, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act, a hearing shall be held concerning the justness and reasonableness of OG&E's proposed rate increases.

(C) The Arkansas Valley Electric Cooperative, Indian Electric Cooperative, KAMO Electric Cooperative, Inc., the Cities of Blackwell, Edmund, Kingfisher, Mannford, Okeene, Ponca City, Purcell, Prague, Stroud, Stillwater, Tecumseh, Tonkawa, Waynoka, and Wynnewood, Oklahoma are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights to intervene and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order issued by the Commission in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(E) OG&E shall file monthly with the Commission the report on billing determinants and revenues collected under the present effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission's regulations, 18 CFR 35.19a.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT

OKLAHOMA GAS AND ELECTRIC COMPANY
RATE SCHEDULE DESIGNATIONS (DOCKET NO. ER77-127)

	Designation and description	*Customer*
(1)	FPC electric tariff original vol. No. 1—municipals.	Municipal tariff customers.
(2)	FPC electric tariff original vol. No. 1—cooperatives.	Cooperative tariff customers.
(3)	Supplement No. 4 to rate schedule FPC No. 79.	City of Blackwell, Blackwell, Okla.
(4)	Supplement No. 2 to rate schedule FPC No. 82.	Clarksville Light and Water Commission. Clarksville, Ark.
(5)	Supplement No. 2 to rate schedule FPC No. 88.	City of Edmond, Edmond, Okla.
(6)	Supplement No. 3 to rate schedule FPC No. 86.	City of Geary, Geary, Okla.
(7)	Supplement No. 4 to rate schedule FPC No. 43.	Town of Manchester, Manchester, Okla.
(8)	Supplement No. 2 to rate schedule FPC No. 66.	Town of Okeene, Okeene, Okla.
(9)	Supplement No. 4 to rate schedule FPC No. 44.	Town of Orlondo, Orlondo, Okla.
(10)	Supplement No. 2 to rate schedule FPC No. 85.	City of Tonkawa, Tonkawa, Okla.
(11)	Supplement No. 2 to rate schedule FPC No. 81.	City of Watonga.
(12)	Supplement No. 2 to rate schedule FPC No. 72.	City of Waynoka, Waynoka, Okla.
(13)	Supplement No. 4 to rate schedule FPC No. 51.	City of Wynnewood, Wynnewood, Okla.
(14)	Supplement No. 9 to rate schedule FPC No. 53.	Arkansas Valley Cooperative, Corp., Ozark, Ark.
(15)	Supplement No. 3 to rate schedule FPC No. 93.	Alfalfa Electric Coop., Inc.
(16)	Supplement No. 4 to rate schedule FPC No. 54.	Indiana Electric Coop., Inc.
(17)	Supplement No. 4 to rate schedule FPC No. 55.	Cimmarron Electric Coop.
(18)	Supplement No. 3 to rate schedule FPC No. 94.	City of Perry, Perry, Okla.

[4] Those cities listed in Footnote 2.
[5] Those cities listed in Footnote 3.

Designation and description	Customer
(19) Supplement No. 2 to rate schedule FPC No. 87.	City of Ponca, Ponca, Okla.
(20) Supplement No. 4 to rate schedule FPC No. 45.	City of Pond Creek, Pond Creek, Okla.
(21) Supplement No. 3 to rate schedule FPC No. 46.	Town of Prague, Prague, Okla.
(22) Supplement No. 2 to rate schedule FPC No. 75.	City of Purcell, Purcell, Okla.
(23) Supplement No. 3 to rate schedule FPC No. 78.	City of Stillwater, Stillwater, Okla.
(24) Supplement No. 4 to rate schedule FPC No. 47.	City of Stroud, Stroud, Okla.
(25) Supplement No. 4 to rate schedule FPC No. 48.	City of Tecumseh, Tecumseh, Okla.
(26) Supplement No. 4 to rate schedule FPC No. 80.	Red River Valley Rural Electric Association.
(27) Supplement No. 4 to rate schedule FPC No. 77 (Muldrow delivery point).	Kamo Electric Coop., Inc.
(28) Supplement No. 3 to rate schedule FPC No. 97 (Crescent delivery point).	Komo Electric Coop., Inc.
(29) Supplement No. 3 to rate schedule FPC No. 95.	City of Kingfisher, Kingfisher, Okla.
(30) Supplement No. 3 to rate schedule FPC No. 96.	Town of Mannford, Mannford, Okla.
(31) Supplement No. 3 to rate schedule FPC No. 98.	Red River Valley Rural Electric Association.

[FR Doc.77-3332 Filed 2-2-77;8:45 am]

[Docket No. ER77-126]

PACIFIC GAS AND ELECTRIC CO.

Order Accepting for Filing Proposed Rate Changes Initiating Investigation and Granting Intervention

JANUARY 26, 1977.

Pacific Gas and Electric Company (PG&E) and the U.S. Bureau of Reclamation (USBR) currently exchange energy under a 1967 agreement. Transactions recorded in the Annual Energy Exchange Account are balanced or paid for at the end of each calendar year. USBR currently pays three mills per kWh for any energy owed to PG&E and, USBR charges PG&E a rate of 2 mills per kWh for any energy owed them by PG&E at the end of the calendar year. The proposed rate charged to USBR by PG&E (as filed on December 27, 1976) will be the Energy Charge specified in PG&E's current FPC Electric Tariff, Resale Service, Schedule R-1, including the effective fuel clause.

By Commission Order issued August 25, 1976, in Docket No. ER76-811, the effectiveness of R-1 was suspended for two months. USBR has agreed to the proposed rate to be charged under Schedule R-1, which would be 6.66 mills per kWh. Both USBR and PG&E anticipate that the account balance will be zero for 1976 and 1977. PG&E requests waiver of the required notice and an effective date of December 31, 1976, to allow the proposed rates to apply to 1976 transactions, if any. PG&E advises that USBR concurs in this.

Notice of the filing was issued on January 4, 1976 with responses due on or before January 19, 1977. On January 19, 1977, the Northern California Power Agency (NCPA)[1] petitioned to intervene, requested rejection or suspension of the proposed rates and consolidation with other named proceedings. NCPA states that increased rates charged to USBR could impact on the rates that NCPA members are charged by USBR. NCPA alleges that proper consideration requires investigation and consolidation with Docket No. ER76-532 (PG&E transmission rate to CVP), Docket No. E-7777 II (anticompetitive aspects of PG&E/CVP contract and others) and Project Nos. 1988 and 2735.

Our review of the proposed rates and charges indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall suspend the proposed rates for one day and establish hearing procedures. However, for good cause shown, we shall grant waiver of the 30 days notice requirements and permit the proposed rates to become effective, subject to refund, as of December 31, 1976. However, good cause has not been shown for the consolidation of dockets requested by NCPA.

The Commission finds. (1) Good cause exists to accept for filing and suspend PG&E's December 27, 1976, filing; to grant waiver of the 30 days notice period, and to establish hearing procedures as hereinafter order and conditioned.

(2) Participation by NCPA in this proceeding may be in the public interest.

(3) Good cause exists to deny the consolidation of dockets requested by NCPA.

The Commission orders. (A) The requested waiver of the 30 day notice period is hereby granted as provided in Ordering Paragraph (B) below.

(B) The proposed rate increases should be accepted for filing and suspended for one day to become effective subject to refund as of December 31, 1976.

(C) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, and the Commission's rules and regulations, an investigation shall be conducted to determine the justness and reasonableness of the subject rate increase.

(D) NCPA's request for consolidation of certain dockets is denied.

(E) NCPA is hereby permitted to intervene in this proceding, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; *And provided further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3331 Filed 2-2-77;8:45 am]

[1] NCPA represents the Cities of Biggs, Fidley, Palo Alto, Redding, Roseville, and Santa Clara and associate members Plumas-Sierra Rural Electric Cooperative.

[Docket No. RI76-138, etc.]

SOUTHERN UNION SUPPLY CO. ET AL.

Order Setting Date for Hearing, Consolidating Proceedings, and Granting Intervention

JANUARY 26, 1977.

On July 21, 1976, Southern Union Supply Company (Susco) filed a petition for special relief pursuant to § 2.56a(g) of the Commission's General Policy and Interpretations. Susco seeks rolled in "average" rates of approximately $1.13 [1] and 86 [1] cents per Mcf, respectively, for the sale of natural gas to its parent distributor, Southern Union Company (Southern) under a contract dated April 13, 1976, and to El Paso Natural Gas Company (El Paso) under a contract dated April 30, 1976, from the No. 2 Gallagher State Well, Lea County, New Mexico. Susco's request includes a raw gas shrinkage factor of 20 percent in connection with the gathering, compression, and processing of such gas by Phillips Petroleum Company (Phillips) in addition to liquids extracted under a con-

[1] See the following table:

	Rolled in basis	Susco share 50 pct	Small producer share 50 pct
Proposed rates for Sales to Southern:			
Base price	59.8	52.0	67.60
Taxes	3.940	3.43	4.454
Btu	8.474	7.368	9.577
Shrinkage	22.804	19.825	25.778
Transportation	18.15	18.15	18.15
Total	113.168	100.773	125.559
Proposed rates for sale to El Paso:			
Base price	59.8	52.0	67.60
Taxes	3.940	3.428	4.454
Btu	5.099	4.434	5.764
Shrinkage	17.209	14.965	19.454
Total	86.048	74.825	97.272

tract dated April 30, 1976, performed prior to delivery to El Paso for transportation to various points in Arizona, New Mexico and Texas where such gas will be delivered for Susco to Southern. Although Phillips' April 30, 1976 contract provides for retention of 20 percent of the raw gas volume plus liquids as compensation for its services, Susco is requesting a rate sufficient to pay for 100 percent of the raw wellhead volume produced plus El Paso's transportation charges as set forth below.

Transportation and delivery by El Paso is pursuant to an agreement dated April 13, 1976, designated as El Paso's Rate Schedule No. T–5 and submitted as Exhibit P in its certificate application in Docket No. CP76–410. El Paso's proposed rate schedule No. T–5 reflects transportation charges of 18.15 cents per Mcf for gas delivered in Arizona, 17.16 cents per Mcf for gas delivered in New Mexico, 15.18 cents per Mcf for gas delivered in Texas and 9 cents for special service to certain points in Texas and New Mexico. The transportation agreement calls for delivery to Southern's distribution system at Borger, Texas,[2] one of two Texas delivery points, of one-half of the volume available; however, in Susco's filings only the 18.15 cents per Mcf rate was reflected. Also with regard to the transportation agreement, El Paso agrees to deliver on a daily basis gas containing 95 percent of the Btu's contained in the gas it receives for transportation. The remaining 5 percent of the Btu's is to be retained by El Paso for fuel usage and other gas losses but is included in Susco's filing as a further shrinkage factor cost to be recovered by Susco. The contract dated April 30, 1976, for the sale of gas to El Paso also contains provisions for Btu loss and shrinkage reimbursement.

Prior to filing its application for special relief, Susco on May 28, 1976, filed in Docket Nos. CI76–578 and CI76–579 requests pursuant to section 7 of the Natural Gas Act for issuance of certificates authorizing it to sell gas to Southern Union Company (CI76–578) and any excess gas to El Paso (CI76–579). These applications together with the request by El Paso contained in Docket No. CP76–410 involving transportation and delivery of such gas also request temporary authority on the basis of emergency conditions. In its petition for special relief, Susco states that if relief is not granted the amount realized by it would be less than the national base rate contemplated in § 2.56a of the Commission's General Policy and Interpretations (Opinion No. 699–H rate) plus applicable adjustments, inasmuch as the 20 percent shrinkage plus Btu loss inherent in the Phillips contract is a necessary additional cost of transportation of the gas and should not be a factor which reduces the price realized at the wellhead. Accordingly, Susco's petition for special relief along with its previously filed section 7 certificate applications have been consolidated together with El Paso's transportation application so that an evaluation can be made by the Commission as to whether or not the entire transaction is just and reasonable and in the public interest.

The Gas Gathering and Exchange Agreement between Susco and Phillips was entered into, according to Susco, to provide a means of gathering the gas over approximately 5 miles by the most direct route to El Paso's system and also to provide additional compression facilities to raise the pressure approximately 500 pounds to introduce the gas into El Paso's interstate pipeline system. Susco states that there are no gathering system or compression facilities in the area presently available to it other than those of Phillips for these purposes. Susco has indicated that the gas involved is of pipeline quality and therefore could be introduced into El Paso's system without processing, but would require gathering and compression. Susco states that its arrangement with Phillips avoids construction of duplicative gathering and compression facilities; morever, such an expenditure is not economically justifiable in view of the limited volume of gas involved (eg. approximately 750 Mcf per day). Susco relates in its petition that the consideration to Phillips, consisting of 20 percent of the raw gas volume plus extracted liquids, was necessary to induce Phillips to provide the gathering and compression required. The agreement between Susco and Phillips further provides for acceptance by Phillips of deliveries from Susco up to 3,000 Mcf per day as well as additional sources of gas to be committed by Susco upon notice to Phillips, subject to adequacy of existing plant capacity to receive such deliveries. While production from the No. 2 Gallagher State well is estimated to be 750 Mcf per day, Susco has acquired additional uncommitted acreage which as of June 21, 1976, the date of filing its petition for special relief, contained a "second" well in the process of being completed and a "third" well in the process of being drilled.

By letter dated November 12, 1976, Susco advised that the No. 2 Gallagher State well was originally spudded in 1967 by Monsanto Company and abandoned after reaching 11,300 feet. In 1969, the well was reentered by Pennzoil-United, deepened to 11,998 feet and abandoned. Subsequently on November 14, 1975, Susco respudded the well and drilled to a depth of 13,510 feet. Completion occurred on December 18, 1975. Production will be from depths between 13,181 and 13,364 feet.

On June 30, 1976, Wynn Exploration Company, Inc. (Wynn), a purported 50 percent working interest owner in the No. 2 Gallagher State Well, filed suit in Dallas County District Court against Susco, reference suit No. 76 6756B, disclaiming consent to the present application for certification and denying the existence of a valid option to buy Wynn's portion of gas attributable to the No. 2 Gallagher State well. The suit requests that Wynn be allowed to operate the No. 2 Gallagher State well and that Susco either arrange for an immediate sale of the gas or release its purported call on Wynn's portion of the gas. Under the terms of the operating agreement dated September 15, 1975, each party may dispose of their proportionate share of oil and gas produced subject to the disputed call of Susco on Wynn's gas.

The New Mexico Public Service Commission (NMPSC), the Energy Resources Board of the State of New Mexico (ERBNM), El Paso and Southern have filed notices or petitions to intervene in support of Susco's petition and/or applications. Southern, Susco, and ERBNM have also filed petitions to intervene in support of El Paso's application for transportation of the subject gas. Pacific Gas and Electric Company (PG&E) has filed a petition to intervene in opposition to El Paso's application and requests the matter be set for hearing to insure proper allocation of costs and capacity sufficiency.

The Commission finds: (1) The public convenience warrants the consolidation of Docket Nos. RI76–138, CI76–578, CI76–579 and CP76–410.

(2) It is in the public interest that the petition for special relief together with the applications filed by Susco and El Paso in Docket Nos. RI76–138, CI76–578, CI76–579 and CP76–410 be set for hearing.

(3) Good cause exists to permit the interventions of NMPSC, ERBNM, El Paso, Susco, Southern, and PG&E.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly section 4, 5, 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, to determine the lawfulness of Susco's and El Paso's proposed rates.

(B) 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 preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Susco and El Paso and any intervenor supporting the foregoing shall file their direct testimony and evidence on or before February 4, 1977, showing that the proposed rates, including each component thereof, are just and reasonable

[2] The contract provision with respect to Borger, Texas, deliveries is the result of the Commission's Order of February 20, 1974, in Docket No. CP73–57 affirming an initial decision of August 22, 1973, which involved gas to be sold by El Paso to Southern at Borger, Texas. Such service by El Paso was either to be reduced or terminated upon attachment by Southern of additional or new supplies of gas to serve its Borger customers.

and in the public interest. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(D) The presiding Administrative Law Judge shall preside at a pre-hearing conference to be held on February 23, 1977, at 10:00 a.m., in a hearing room at the address noted in Ordering Paragraph (A).

(E) NMPSC, ERBNM, El Paso, Susco, Southern and PG&E are permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting asserted rights and interests specifically set forth in their respective petitions for leave to intervene: *And provided, further,* That the admission of NMPSC, ERBNM, El Paso, Susco, Southern and PG&E in the manner provided shall not be construed as recognition by the Commission that any or all might be aggrieved because of any order or orders entered in this proceeding and that each agrees to accept the record as it now stands.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-3330 Filed 2-2-77;8:45 am]

FEDERAL RESERVE SYSTEM

NATIONAL DETROIT CORP.

Acquisition of Bank

National Detroit Corporation, Detroit, Michigan, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Brighton State Bank, Brighton, Michigan. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 23, 1977.

Board of Governors of the Federal Reserve System, January 26, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-3363 Filed 2-2-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

Notice of Rechartering

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the rechartering by the Secretary, Department of Health, Education, and Welfare, on January 19, 1977, of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism in accordance with Section 14(b)(2) of said Act.

Dated: January 28, 1977.

FRANCIS N. WALDROP,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-3324 Filed 2-2-77;8:45 am]

NATIONAL PANEL ON ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

Notice of Rechartering

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the rechartering by the Secretary, Department of Health, Education, and Welfare, on January 17, 1977, of the National Panel on Alcohol, Drug Abuse, and Mental Health in accordance with Section 14(b)(2) of said Act.

Dated: January 28, 1977.

FRANCIS N. WALDROP,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-3325 Filed 2-2-77;8:45 am]

UNIVERSITY OF NORTH CAROLINA

Research on the Use of Psychoactive Drugs; Authorization of Confidentiality

Under the authority vested in the Secretary of Health, Education, and Welfare by section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)), all persons who—

1. Are employed by the University of North Carolina, Chapel Hill, N.C.; and

2. Have, in the course of that employment, access to information which would identify individuals who are the subjects of the research on the use and effect of psychoactive drugs which is assisted under the Department of Health, Education, and Welfare grant numbered DA 01127, entitled "Utility Theory and Drug Behavior";

are hereby authorized to protect the privacy of the individuals who are the subjects of that research by withholding their names and other identifying characteristics from all persons not connected with the conduct of that research.

As provided in section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)):

> Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals.

This authorization does not authorize employees of the University of North Carolina to refuse to reveal to qualified personnel of the Department of Health, Education, and Welfare, for the purpose of management or financial audits or program evaluation, the names or other identifying characteristics of individuals who are the subjects of the research conducted pursuant to Department of Health, Education, and Welfare grant numbered DA 01127. Such personnel will hold any identifying information so obtained strictly confidential in accordance with 45 CFR 5.71.

This authorization is applicable to all information obtained pursuant to Department of Health, Education, and Welfare grant numbered DA 01127 which would identify the individuals who are the subjects of the research conducted under that grant.

Dated: January 18, 1977.

ROBERT L. DUPONT,
Director, National Institute on Drug Abuse.

Dated: January 19, 1977.

F. NEIL WALDROP,
Deputy Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-3320 Filed 2-2-77;8:45 am]

National Institutes of Health

STUDY SECTIONS

March Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the following study sections for March 1977 and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of P.L. 92-463, for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301–496–7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

Study section	March 1977 meetings	Time	Location
Allergy and immunology, Dr. Morton Reitman, room 320, telephone 301–496–7380.	9–12	8:45	Holiday Inn, Chevy Chase, Md.
Applied physiology and orthopedics, Mrs. Ileen E. Stewart, room 318, telephone 301–496–7581.	10–12	9	Summer House Inn, La Jolla, Calif.
Biochemistry, Dr. Adolphus P. Toliver, room 350, telephone 301–496–7516.	9–12	9	Kenwood Country Club, Bethesda, Md.
Biophysics and biophysical, chemistry B, Dr. John B. Wolff, room 236, telephone 301–496–7070.	10–12	8:30	Room 9, building 31, C-wing, Bethesda, Md.
Experimental virology, Dr. Eugene Zebovitz, room 206, telephone 301–496–7474.	13–16	4 p.m.	Room 8, building 31, C-wing, Bethesda, Md.
Hematology, Dr. Joseph E. Hayes, Jr., room 355, telephone 301–496–7508.	9–12	9	Holiday Inn, Chevy Chase, Md.
Medicinal chemistry B, Mr. Richard P. Bratzel, room 222, telephone 301–496–7286.	10–12	8	El Rancho Inn, Millbrae, Calif.
Metabolism, Dr. Robert M. Leonard, room 218, telephone 301–496–7091.	9–12	7 p.m.	Room 4, building 31, Bethesda, Md.
Microbial chemistry, Dr. Gustave Silber, room 357, telephone 301–496–7130.	17–19	8:30	Room 8, building 31, C-wing, Bethesda, Md.
Physiological chemistry, Dr. Robert L. Ingram, room 338, telephone 301–496–7837.	10–12	9	Holiday Inn, Bethesda, Md.
Reproductive biology, Dr. Dharam S. Dhindsa, room 307, telephone 301–496–7318.	9–12	8:30	Do.
Toxicology, Dr. Rob S. McCutcheon, room 226, telephone 301–496–7570.	10–12	8	Do.
Virology, Dr. Claire H. Winestock, room 340, telephone 301–496–7128.	10–12	8:30	Room 10, building 31, C-wing, Bethesda, Md.

(Catalog of Federal Domestic Assistance Program Nos. 13.333, 13.337, 13.349, 13.393–13.396, 13.836–13.844, 13.866–13.871, 13.876, National Institutes of Health, DHEW)

Dated: January 26, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77–3208 Filed 2–2–77;8:45 am]

Public Health Service

HEALTH MAINTENANCE ORGANIZATIONS

New Qualification Review Procedures

Introduction. Notice is hereby given that effective February 2, 1977, new procedures will be instituted by the Assistant Secretary for Health for the processing of applications for a determination by the Secretary, under section 1310 (d) of the Public Health Service Act, that an applicant is a qualified health maintenance organization. The current review procedures have been revised to help expedite the processing of the present backlog and future submissions of qualification applications. The revised procedures are based on a series of screens, the intention of which is to eliminate, as early as possible, in the review process, applications with either incomplete information or a major compliance problem. In this way, the available review resources will be used more efficiently. The first screen, completeness of the application, is intended to remove the incentive to submit an incomplete application in order to acquire a favorable place in the review process. The remaining screen is based on the most frequent reason for qualification denial—enrollment and the marketing plan.

New Qualification Review Procedures. All applications received by February 2, 1977, will receive an initial screening review for completeness and for acceptability of the marketing plan, and the results will be communicated to applicants by March 4, 1977; all applications received after February 2, 1977, will receive the same review within 30 days of their receipt, and applicants will be promptly notified of the results.

Any applicant whose application is found to be incomplete will be so notified and will have 60 days from the date of the notification to provide the missing materials. If the missing information is received within 30 days from the date of the notification, the application will be processed according to the original date of receipt. If the missing information is received within the 60 days, but after the 30th day, the application will be treated as a new application; that is, the application will be processed according to the date of receipt of the additional information. Any applicant failing to provide the required information within the 60-day period will be denied qualification.

An application found to be complete will have its marketing plan, including Medicare and Medicaid enrollment, reviewed. This review will be directed at an analysis of the applicant's current enrollment limitations under Title XIII (42 CFR 110.108(c) and 110.109(c)) along with a review of the total marketing plan. If an application is found to be unacceptable in this area, qualification will be denied and the applicant will be so informed. Those applicants that have passed this initial screening review will then receive a complete qualification determination review.

The applicant will be notified in writing of application deficiencies uncovered by the complete review. The applicant will then have 30 days from the date of the notification to satisfy the indicated deficiencies. If these deficiencies are not corrected within the 30 days, the applicant will be denied qualification.

Dated: January 28, 1977.

WILLIAM B. MUNIER,
Director, Office of Quality Standards.

[FR Doc.77–3413 Filed 2–2–77;8:45 am]

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 in the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, is hereby amended to reflect: (1) The consolidation of the Health Services Administration's (HSA) responsibilities in Equal Employment Opportunity and Civil Rights in the Office of Equal Employment Opportunity (3AA107) and changing its title to the Office of Equal Employment Opportunity and Civil Rights (3AA107); (2) the transfer of the Office of Manpower Management (3AA504) from the Office of Planning, Evaluation, and Legislation (3AA5) to the Office of Management (3AA9), the revision of the statements for the Office of Planning, Evaluation, and Legislation and the Office of Management to reflect this transfer and certain minor changes in the statement for the Office of Manpower Management (3AA908); and (3) the addition of HSA international health responsibilities to the Office of Planning, Evaluation, and Legislation.

Section 3–B, Organization and Functions is amended by: (1) replacing the current statement for the Office of Equal Employment Opportunity (3AA107) (39 FR 10463, March 20, 1974) with the following revised statement retitled Office of Equal Employment Opportunity and Civil Rights (3AA107); (2) replacing the current statements for the Office of Planning, Evaluation and Legislation (3AA5) (40 FR 11932, March 14, 1975) and the Office of Management (3AA9) (39 FR 10463, March 20, 1974) with the following revised statements; (3) removing the current statement for the Office of Manpower Management (3AA504) (40 FR 11932, March 14, 1975) and placing the following revised statement for the Office of Manpower Management (3AA 908) after the statement for the Office of Management Policy (3AA907) (39 FR 27489, July 29, 1974).

Office of Equal Employment Opportunity and Civil Rights (3AA107). To fulfill Health Services Administration (HSA) responsibilities for assuring equal employment opportunity (EEO), nondiscrimination, and equity of opportunity to participate in or benefit from programs and activities receiving Federal assistance through HSA, the Office: (1)

advises the Administrator and other key HSA officials in the execution of these HSA responsibilities; (2) provides policy, program direction and leadership to HSA EEO and Civil Rights programs and personnel; (3) plans, develops and evaluates programs and procedures designed to: (a) eliminate discriminatory employment, promotion, and training practices throughout HSA; and (b) assure nondiscriminatory implementation and operation of Federally supported HSA programs and projects; (4) receives, provides for the investigations of, and prepares for the Administrator proposed dispositions of complaints filed throughout HSA alleging discrimination based on race, color, religion, national origin, sex or age; (5) maintains liaison with various non Federal organizations concerned with EEO and Civil Rights as well as with the Department's Equal Employment Opportunity Staff and Office for Civil Rights, the Office of the Assistant Secretary for Health's Equal Employment Opportunity Office and the Office of Administrative Management, and the Civil Service Commission regarding EEO and Civil Rights program development and administration, and the resolution of discrimination complaints.

Office of Planning, Evaluation, and Legislation (3AA5). Under the direction of the Associate Administrator for Planning, Evaluation and Legislation, who is a member of the Administrator's immediate staff: (1) serves as the Administrator's primary staff element and principal source of advice on program planning, program evaluation, regulation development, and legislative affairs; (2) develops, in collaboration with financial management staff, the long-range program and financial plan for the Administration; (3) overseas, in coordination with the Office of the Assistant Secretary for Health, communications between HSA and higher levels of government (including the Office of the Secretary, the Office of Management and Budget, and Congress) on all matters that involve long-range plans, the regulations development process, evaluations of program performance, or legislative affairs; (4) develops long-range goals, objectives, and priorities for HSA; (5) directs all activities within HSA which have the goal of comparing the costs of the agency's programs with their benefits, including the preparation and implementation of comprehensive program evaluation plans; (6) directs all the legislative affairs of HSA, including the development of legislative proposals and a legislative program; (7) acts as the focal point in HSA for the preparation, development, and monitoring of program regulations; (8) conducts policy analyses and develops policy positions in programmatic areas for HSA; and (9) coordinates the overall direction of the international health activities of HSA.

Office of Management (3AA9). Under the direction of the Associate Administrator for Management, who is a member of the Administrator's immediate staff: (1) provides Administration-wide leadership, program direction, and coordination of all phases of management; (2) provides management expertise, and staff advice and support to the Administrator in program and policy formulation and execution; (3) plans, directs, and coordinates the Administration's activities in the areas of management policy, financial management, personnel management, manpower management, grants and contracts management, procurement, real and personal property accountability and management, systems management, and administrative services; (4) oversees the development of annual operating objectives and coordinates HSA's work planning; (5) plans and conducts an Equal Employment Opportunity program for the Office of the Administrator; and (6) provides direction to the Executive Officer for the Office of the Administration.

Office of Manpower Management (3AA908). (1) Assists and supports the Administrator and Bureau Directors in effective management of HSA manpower resources; (2) plans, directs and coordinates HSA's manpower management program; (3) supervises the operation of the HSA manpower management system including the manpower deployment and utilization system, the work measurement and productivity tracking system, the future manning needs forecasting system, and the manpower budgeting system; (4) integrates manpower analyses with the preparation of agency forward plans, annual budget submissions, and HSA work planning; (5) conducts special studies and analyses of manpower utilization productivity and future manning requirements; (6) serves as the focal point in HSA for manpower management and analysis efforts; (7) interprets PHS and Departmental policy in these areas; (8) provides technical assistance in work planning to the Office of the Administrator and the bureaus; and (9) coordinates HSA's participation in the Department's OPS system.

Dated: January 24, 1977.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.77-3344 Filed 2-2-77;8:45 am]

SAFETY AND OCCUPATIONAL HEALTH STUDY SECTION

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Safety and Occupational Health Study Section.
Date: March 3-4, 1977.
Place: Connecticut Room, Holiday Inn Bethesda Motel, 8120 Wisconsin Avenue, Bethesda, Maryland 20014.
Time: 9:00 a.m.
Type of Meeting: Open—9 a.m. to 10:30 a.m., on March 4. Closed—9 a.m. to 5 p.m., on March 3, and 10:30 a.m., on March 4 through remainder of meeting.
Contact person: John F. Bester, Ph.D., Executive Secretary, Park Building, Room 3-40, NIOSH, 5600 Fishers Lane, Rockville, Maryland 20857. Phone: 301-443-4493.
Purpose: The Committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.
Agenda: Agenda items for the open portion of the meeting will include reading of minutes of previous meeting, and administrative and staff reports. During the closed session beginning at 9 a.m. to 5 p.m., March 3, 1977, and 10:30 a.m., March 4, 1977, through the remainder of the meeting, the Study Section will be performing the initial review of research grant and training grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552(b) (5) and (6), Title 5, U.S. Code, and the Determination of the Director, Center for Disease Control, pursuant to Public Law 92-463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 28, 1977.

WILLIAM C. WATSON, JR.,
Acting Director, Center for Disease Control.

[FR Doc.77-3627 Filed 2-2-77;8:45 am]

Office of the Assistant Secretary for Health

PERFORMANCE OF INSTITUTIONAL REVIEW BOARDS

Notice of Public Hearings

The National Commission for the Protection of Human Subjects will conduct public hearings on the performance of the Institutional Review Boards (IRBs) which review research involving human subjects. These hearings will provide an opportunity for investigators whose research proposals are reviewed by IRBs, members of IRBs, and other interested persons to address the Commission concerning difficulties that have been encountered under the existing system of review and suggestions for improvement. For the convenience of the public, the hearings on IRBs will be held at three locations:

APRIL 5, 1977

Room 204A, Dirksen Federal Building, 219 Dearborn Street, Chicago, Illinois.

APRIL 15, 1977

Room 15018, U.S. Court Federal Building, 450 Golden Gate Avenue, San Francisco, California.

MAY 3, 1977

Conference Room 6, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

Each of these hearings will begin at 9:00 a.m. on the date noted and will be open to the public, subject to the limitation of available space. If warranted by the volume of requests to testify, hearings will also be scheduled for April 6 (Chicago), April 14 (San Francisco), and May 4 (Bethesda).

The National Research Act (Pub. L. 93-348, section 212(a)) requires that any institution applying to DHEW for support to conduct research involving human subjects have established an IRB to review such research in order to protect the rights of the subjects. The Act also directs the Commission to consider mechanisms for evaluating and monitoring the performance of IRBs and to recommend to the Secretary, DHEW, such administrative action as may be appropriate to apply guidelines for the protection of human subjects (section 202 (a)).

The hearings are planned to assist the Commission in identifying problems with the existing system, with regard both to shortcomings in the protection of human subjects and unnecessary impediments to the conduct of research. Suggestions for improvements either in the regulation or operations of IRBs are also solicited. Individuals presenting testimony are encouraged to focus on particular problems and suggestions.

Anyone wishing to speak at one of the hearings must file a written request not later than March 4, 1977, and receive approval from the Commission. Requests should specify the particular hearing location and include a brief summary of the planned presentation, which shall be limited to 10 minutes. Written materials of any length may be submitted for the record or to the Commission at any time. Requests to testify or for further information should be directed to the Public Information Officer, Room 125, Westwood Office Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

JANUARY 25, 1977.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.77-3345 Filed 2-2-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-396; FDAA-3023-EM]

CALIFORNIA

Notice of Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795, of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 20, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of California is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of California. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, FDAA Region IX, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency:

The counties of:

Amador	Plumas
Butte	Sacramento
Calaveras	San Joaquin
Colusa	Shasta
El Dorado	Stanislaus
Glenn	Sutter
Lassen	Tehama
Mariposa	Trinity
Mendocino	Tuolumne
Merced	Yolo
Nevada	Yuba
Placer	

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: January 20, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-3353 Filed 2-2-77;8:45 am]

[Docket No. NFD-397; FDAA-524-DR]

MARYLAND

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 26, 1977, the President declared a major disaster as follows:

I have determined that the situation in certain areas of the State of Maryland resulting from ice conditions in the Chesapeake Bay region beginning about January 1, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Maryland.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Arthur T. Doyle, FDAA Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Maryland to have been adversely affected by this declared major disaster:

The Counties of:

Anne Arundel	Kent
Baltimore	Queen Anne's
Calvert	Somerset
Caroline	St. Mary's
Cecil	Talbot
Charles	Wicomico
Dorchester	Worcester
Harford	

The city of Baltimore

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: January 27, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-3354 Filed 2-2-77;8:45 am]

[Docket No. NFD-398; FDAA-525-DR]

VIRGINIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 26, 1977, the President declared a major disaster as follows:

I have determined that the situation in certain areas of the State of Virginia resulting from ice conditions in the Chesapeake Bay region and the Atlantic Coast of Virginia beginning about January 1, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Virginia.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Arthur T. Doyle, FDAA Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Virginia to have

been adversely affected by this declared major disaster:

The counties of:

Accomack	Lancaster
Arlington	Mathews
Charles City	Middlesex
Chesterfield	New Kent
Essex	Northampton
Fairfax	Northumberland
Glouster	Prince George
Henrico	Prince William
Isle of Wight	Richmond
James City	Stafford
King George	Surry
King and Queen	Westmoreland
King William	York

The cities of:

Alexandria	Petersburg
Chesapeake	Poquoson
Colonial Heights	Portsmouth
Hampton	Richmond
Hopewell	Suffolk
Newport News	Virginia Beach
Norfolk	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: January 27, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-3355 Filed 2-2-77;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-77-700; 76-332-IS; OILSR No. 0-0274-05-18 (A)]

COLORADO MOUNTAIN ESTATES

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Colorado Mountain Estates, Magnuson Corporation and Frank N. Magnuson, President, authorized agents and officers, hereinafter refered to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued November 4, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 C.F.R. 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Colorado Mountain Estates, located in Teller County, Colorado, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 23, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on February 15, 1977 at 2:00 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 25, 1977.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 243 CFR 1720.440.

Dated: December 6, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-3356 Filed 2-2-77;8:45 am]

[Docket No. N-77-703, 76-316-IS; OILSR No. 0-3171-38-167 & (A)]

MINNESOTT BEACH

Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), notice is hereby given that:

1. Minnesott Beach, Indian Trace Company, Garvin B. Hardison, Joint Venturer, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 21, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 C.F.R. 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Minnesott Beach, located in Pamlico County, North Carolina, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 22, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on February 22, 1977 at 2 p.m.

5. The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before January 28, 1977.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 6, 1976.

By the Secretary.

JAMES W. MAST,
Adminstrative Law Judge.

[FR Doc.77-3357 Filed 2-2-77;8:45 am]

MOUNT POCOHONTAS

[Docket No. N-77-699; 76-326-IS, OILSR No. 0-3551-44-260]

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) notice is hereby given that:

1. Mount Pocohontas Holiday Pocohontas Land, Inc., Diana Chesley, President, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 28, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 C.F.R. 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Mount Pocohontas, located in Carbon County, Pennsylvania, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 11, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of tak-

ing evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on February 25, 1977 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before February 1, 1977.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45 (b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: November 24, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-3358 Filed 2-2-77;8:45 am]

[Docket No. N-77-698; 76-287-IS, OILSR No. 0-4322-44-304]

MUSHROOM FARM

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) Notice is hereby given that:

1. Mushroom Farm, The Mushroom Farm, Inc., Norman E. Weiss, President, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued September 24, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 C.F.R. 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for The Mushroom Farm, located in Monroe County; Pennsylvania, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 14, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on January 27, 1977 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 4, 1977.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith purusant to 24 CFR 1720.440.

Dated: November 23, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-3359 Filed 2-2-77;8:45 am]

[Docket No. N-77-701; 76-321-IS, OILSR No. 0-0976-09-232 and (A) through (C)]

RIDGE MANOR ESTATES

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Ridge Manor Estates, Units 3, 4, 5, and 6, Gerald Robins, President and Roland International Corporation, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 26, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 C.F.R. 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Ridge Manor Estates, Unit 3, 4, 5, and 6, all located in Hernando County, Florida, contain untrue statements of material fact or omit to state material facts reqirued to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 22, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on February 18, 1977 at 10.00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 28, 1977.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 6, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-3360 Filed 2-2-77;8:45 am]

[Docket No. N-77-702; 76-322-IS, OILSR No. 0-0117-09-37]

RIDGE MANOR ESTATES

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Ridge Manor Estates, Unit 2, Patricia Sacks, President and Ridge Manor Estates, Inc., authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq., received a Notice of Proceedings and Opportunity for Hearing issued October 26, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Ridge Manor Estates, Inc., located in Hernando County, Florica, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 17, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge

James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on February 18, 1977 at 2:00 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 26, 1977.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 6, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-3361 Filed 2-2-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA DESERT CONSERVATION AREA ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with Public Laws 92-463 and 94-579 that the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will hold its initial meeting in San Bernardino, California, March 7-8, 1977. The purpose of the meeting is to organize the committee, elect officers and to brief members on action to date on development of the comprehensive long-range plan for management, use, development and protection of national resource lands of the California Desert and the interim management program of the Bureau of Land Management. Other subjects to be considered by the committee and work groups will be the planning approach, priorities and design of the public involvement program for the desert plan.

The meetings will be held in the California Room of the San Bernardino Convention Center, 303 North "E" Street, San Bernardino, California 92418. The meetings will be open to the public and there will be time available for brief statements by members of the public. Persons who wish to make an oral statement should inform the committee prior to the meeting. Any interested person may file a written statement with the committee for its consideration. The committee is newly appointed and has not elected officers, so written statements and requests for time to make oral statements should be submitted to the State Director (C-912), Bureau of Land Management, 2800 Cottage Way, Sacramento, CA 95825.

ED. HASTEY,
State Director.

[FR Doc.77-3313 Filed 2-2-77;8:45 am]

OREGON

Order Providing for Opening of Public Lands

JANUARY 26, 1977.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 24 S., R. 29 E.,
Sec. 7, lots 1, 2, 3, and 4, E½, and E½W½;
Sec. 19, lots 1, 2, 3, and 4, E½, and E½W½;
Sec. 25;
Sec. 27;
Sec. 35.
T. 24 S., R. 30 E.,
Sec. 29;
Sec. 31, lots 1, 2, 3, and 4, E½, and E½W½.

The areas described aggregate 4,480.38 acres in Harney County.

2. The subject lands are located approximately 12 miles southwest of the City of Burns. Elevation averages 4,500 feet above sea level, and the topography is characterized by broad drainage separated by rock ridges. Vegetation consists primarily of sagebrush, native grasses, and juniper. In the past, the lands have been used for livestock grazing purposes, and they will be managed, together with adjoining national resource lands, for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. March 3, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-3314 Filed 2-2-77;8:45 am]

[OR 8843 Wash.]

WASHINGTON

Order Providing for Opening of Public Land

JANUARY 26, 1977.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following land has been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 10 N., R. 31 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, and N½S½.

The area described contains 479.14 acres in Franklin County.

2. The subject land is located in the Juniper Forest area approximately 12 miles northeast of the City of Pasco. Elevation varies from 800 to 850 feet above sea level, and the topography is generally rolling and undulating. Vegetation consists primarily of native brush and grasses with some western Juniper. In the past, the land has been used for livestock grazing purposes. The land also has outdoor recreational values, and it will be managed, together with adjoining national resource lands, for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land described in paragraph 1 hereof is hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. March 3, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965. Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals.

[FR Doc.77-3315 Filed 2-2-77;8:45 am]

[Wyoming 57960]

WYOMING

Application

JANUARY 25, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Cities Service Gas Company of Oklahoma City, Oklahoma, filed an application for a right-of-way to construct a 6 inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 101 W.,
Sec. 4, S¼SW½.

The pipeline will transport natural gas from a point in sec. 5, T. 20 N., R. 101 W. to a point of connection with Colorado Interstate Gas Company's existing pipeline in sec. 9, T. 20 N., R. 101 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Per-

sons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-3317 Filed 2-2-77;8:45 am]

[Wyoming 57959]

WYOMING

Application

JANUARY 25, 1977.

Notice if hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Cities Service Gas Company of Oklahoma City, Oklahoma, filed an application for a right-of-way to construct a 4 inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 94 W.,
Sec. 6, lots 10 and 11

The pipeline will transport natural gas from a point in sec. 1, T. 18 N., R. 95 W., to a point of connection with Colorado Interstate Gas Company's existing pipeline in sec. 6, T. 18 N., R. 94 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-3316 Filed 2-2-77;8:45 am]

[Wyoming 58051]

WYOMING

Application

JANUARY 27, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation of Salt Lake City, Utah, filed an application for a right-of-way to construct two 4½ inch pipelines for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 34, NW¼SE¼.
T. 30 N., R. 113 W.,
Sec. 33, NE¼NE¼;
Sec. 34, NW¼NW¼.

The pipelines will transport natural gas from a point in sec. 34, T. 28 N., R. 113 W., into an existing gathering line in sec. 34, T. 28 N., R. 113 W., and from a point in sec. 33, T. 30 N., R. 113 W., into an existing gathering line in sec. 34, T. 30 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-3319 Filed 2-2-77;8:45 am]

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Notice of Approval

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams (revised) approved on the date indicated, are available, for information only, in the New York Outer Continental Shelf Office, Bureau of Land Management, New York, N.Y. 10048. In accordance with Title 43, Code of Federal Regulations, the protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

Outer Continental Shelf Official Protraction Diagrams

	Original description	Revised description	Approval date
NJ 18-11	Eastville South	Virginia Beach	Dec. 6, 1976
NJ 18-9	None	Baltimore Rise	Do.
NJ 18-8	Eastville North	Chincoteague	Dec. 2, 1976
NJ 19-1	None	Block Canyon	Do.
NJ 19-10	....do	Block Island Shelf	Do.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, New York Outer Continental Shelf Office, 6 World Trade Center, Room 600D, New York, N.Y. 10048. Checks or money orders should be made payable to the Bureau of Land Management.

JUDITH B. GRESHAM,
Acting Manager, New York, Outer Continental Shelf Office.

[FR Doc.77-3321 Filed 2-2-77;8:45 am]

OUTER CONTINENTAL SHELF OFFICE

Availability of Official Protraction Diagrams

Correction

In FR Doc. 77-2309, appearing at page 4906 in the issue for Wednesday, January 26, 1977, the following change should be made:

The nineteenth from bottom line of the first column of the table on page 4906 now reading "Louisiana Map No. 5A", should read, "Louisiana Map No. 6A".

National Park Service

MID-ATLANTIC REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a combined public meeting and field trip of the Mid-Atlantic Regional Advisory Committee will be held on February 23, 24, 1977 at Colonial National Historical Park, Yorktown, Virginia. The public meetings will be held at the Park Headquarters, Yorktown Visitor Center at 8:30 a.m. to 12:00 Noon, February 23, and 1:00 p.m. to 4:00 p.m., February 24. The field trip through Yorktown will begin at Park Headquarters, 1:00 p.m., February 23 and through Jamestown at 8:30 a.m., February 24.

The Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Mid-Atlantic Region of the National Park Service.

The members of the Committee are as follows:

Mr. Hyman J. Cohen (Chairman)
Mrs. Dorothy W. Haas (Secretary)
Mrs. Beverly B. Fluty
Dr. M. Graham Netting
Mr. Meade Palmer
Mr. Henry G. Parks, Jr.
Mr. John O. Simonds
Mrs. St. Clair Wright

The matters to be discussed at this meeting include:

1. The new requirements of the General Authorities Act, such as law enforcement, new areas monitoring of landmarks, disposal of park resources.

2. Discussion of and comments on Colonial National Historical Park and Management as seen on the field trip.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact George A. Palmer, Special Assistant to the Regional Director, Mid-Atlantic Regional Office, at Area Code 215–597–7015. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Mid-Atlantic Region, 143 South Third Street, Philadelphia, Pennsylvania, 19106.

Dated: January 25, 1977.

BENJAMIN J. ZERBEY,
Acting Regional Director, Mid-Atlantic Region National Park Service.

[FR Doc.77–3416 Filed 2–2–77;8:45 am]

LEGAL SERVICES CORPORATION

PANHANDLE LEGAL SERVICES ET AL.

Notice of Grants and Contracts

JANUARY 27, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l*. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * * ."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Panhandle Legal Services to serve counties of Box Butte, Dawes, Sheridan and Sioux, Nebraska.

2. Legal Aid and Defender Society of Greater Kansas City to serve the counties of Buchanan, Ray, Cass, Lafayette, Henry, Bates, Missouri.

3. Legal Aid Service of Northeastern Minnesota to serve the counties of St. Louis, Lake and Cook, Minnesota.

4. Legal Assistance of Ramsey County to serve the counties of Blue Earth, Nicolet, Brown, Martin, Faribault and Watonwan, Minnesota.

5. Legal Aid Society of Minneapolis to serve the counties of Benton and Sherburne, Minnesota.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services at:

Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,
President.

[FR Doc.77–3348 Filed 2–2–77;8:45 am]

NATIONAL COMMUNICATIONS SYSTEM

IMPLEMENTATION OF DATA ENCRYPTION STANDARD FIPS PUB 46 IN GOVERNMENT TELECOMMUNICATION APPLICATIONS

Development of Federal Standard(s)

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Act of 1949, as amended, for the Federal Standardization Program. On 14 August 1972, the National Communications System (NCS) [1] was designated, by the Administrator, GSA, as the responsible agent for the development of Federal Standards for NCS interoperability and the computer-communication interface. The Federal Telecommunication Standards Committee (FTSC) was established under the administration of NCS to accomplish this mission.

On 14 December 1976, the FTSC established a technical subcommittee to develop the supplementary technical standards required to make the data encryption standard described by FIPS PUB 46 implementable (1) as a standalone device inserted between the data terminal equipment and the modem in a data communication network, and (2) as an integral imbedded part of the data terminal equipment. Prime considerations in the development of both of these standards are the preservation of on-line operational compatibility between these encryption devices and their transparency to communication protocols employed in present and future data communication systems of the Federal Government. The purpose of this notice is to solicit the views of all parties, public and private, on this undertaking. Interested parties are urged to submit their comments to Mr. Frank M. McClelland, Office of the Manager, National Communications System, Washington, D.C. 20305.

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

JANUARY 31, 1977.

[FR Doc.77–3438 Filed 2–2–77;8:45 am]

[1] DOD Directive 5100.41 "Arrangements for Discharge of Executive Agent Responsibilities for the NCS"—filed as part of original document.

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENGINEERING CHEMISTRY AND ENERGETICS

Amendment to Meeting Notice

On January 28, 1977, the National Science Foundation announced a meeting of the Advisory Panel for Engineering Chemistry and Energetics to be held on February 14 and 15, 1977.

Please make the following amendments to that notice:

Dates and times: February 13, 3 p.m. to 6 p.m.; February 14, 9 a.m. to 6 p.m.; February 15, 9 a.m. to 12 noon.

Type of meeting: Open—February 14, 9 a.m. to 1 p.m., and February 15, 9 a.m. to 1 p.m. Closed—February 13, 3 p.m. to 6 p.m., and February 14, 1 p.m. to 5 p.m.

Contact person: Dr. Marshall M. Lih, Head, Engineering Chemistry and Energetics Section.

Agenda: Delete closed session on February 15 from 1 p.m. to 5 p.m. That session is being held on February 13 from 3 p.m. to 6 p.m.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 31, 1977.

[FR Doc.77–3349 Filed 2–2–77;8:45 am]

SCIENCE APPLICATIONS TASK FORCE

Open Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, the National Science Foundation announces the following meeting:

Name: Science Applications Task Force.

Date: February 21–22, 1977.

Time: February 21, 9 a.m. to 5 p.m.; February 22, 9 a.m. to 4 p.m.

Place: Room 540, 180 G Street, N.W., Washington, 20550.

Type of meeting: Open.

Contact person: Gilbert B. Devey, Executive Secretary, Science Applications Task Force, 1730 K Street, N.W., Washington, D.C. Telephone 202–634–6608.

Persons interested in attending the meeting should inform the Executive Secretary before 5 p.m. on February 14, 1977.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, DC 20550.

Purpose of advisory group: The purpose of tions is to provide advice and assessments and make recommendations to the NSF Director on science applications programs and related organization and mangement issues.

AGENDA

FEBRUARY 21, 1977

9 to noon: General Discussion of Objectives of Task Force. Discussion led by: Dr. John R. Whinnery, Task Force Chairperson.

Noon to 1:30 p.m.: Lunch.

1:30 to 3:30 p.m.:

Case Studies of Science Applications Projects. Moderated by Mr. Gilbert B. Devey, Executive Secretary.

Science Applications in Other Countries, Dr. Aaron L. Segal, Division of International Programs.

Optical Communications, Mr. Elias Schutzman, Division of Engineering.

Earthquake Engineering, Dr. Charles C. Thiel, Jr., Division of Advanced Environmental Research and Technology.

Pest Control, Dr. John L. Brooks, Division of Environmental Biology.

Industrial Automation, Dr. Bernard Chern, Dr. Bernard Chern, Division of Advanced Productivity Research and Development.

3:30 to 4 p.m.: Legislation History: Applied Research and NSF (1968 Amendment to the NSF Act), Mr. Martin Lefcowitz, Office of the General Council.

4 to 5 p.m.: General Discussion led by Dr. John R. Whinnery.

FEBRUARY 22, 1977

9 a.m. to noon: General Discussion of RANN Program Objectives and Project Management (project selection criteria; coordination mechanisms; program/project transfer criteria; utilization plans). Dr. Alfred J. Eggers, Jr., Assistant Director for Research Applications, and RANN staff members will participate.

Noon to 1:30 p.m.: Lunch.

1:30 to 4 p.m.: Critique of Discussions and Assignment of Tasks. Dr. John R. Whinnery.

4 p.m.: Adjourn.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 31, 1977.

[FR Doc.77-3350 Filed 2-2-77;8:45 am]

PROJECT DIRECTORS' MEETING

Student Science Training Program

A project directors' meeting will be held from 9 a.m. to 5 p.m. on February 25, 1977 and from 9 a.m. to noon on February 26, 1977 at the Sheraton Park Hotel, 2660 Woodley Road NW., Washington, D.C.

The purpose of this meeting is to give project directors of the Student Science Training Program an opportunity to become better informed regarding appropriate methods for conducting internal project evaluation and to allow the program staff to set into motion mechanisms for monitoring of projects.

While these project directors' meetings are not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P.L. 91-463) the conferences are believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as meetings open for public attendance and participation.

The meeting will be chaired by Dr. Max Ward. Because of space limitation, members of the public who wish to attend should call (202-282-7150) regarding attendance at any of these meetings.

ALLEN M. SHINN, Jr.,
Deputy Assistant Director for Science Education.

JANUARY 31, 1977.

[FR Doc.77-3351 Filed 2-2-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE SUNDESERT NUCLEAR POWER PLANT, UNITS 1 AND 2

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Sundesert Nuclear Power Plant, Units 1 and 2, will hold a meeting on February 18, 1977 at the Blythe City Hall, 220 North Spring Street, Blythe, CA 92225. The purpose of this meeting is to review the application of the San Diego Gas and Electric Company for an early site review and approval.

The agenda for subject meeting shall be as follows:

Friday, February 18, 1977; 12:30 p.m.—1:00 p.m. (Open) The Subcommittee, with any of its consultants who may be present, will meet in Executive Session to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered in order to formulate a report and recommendations to the full Committee.

1:00 p.m. until the conclusion of business (Open) The Subcommittee will hear presentations by representatives of the NRC Staff, the San Diego Gas and Electric Company, and their consultants, and will hold discussions with these groups pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee. Upon conclusion of his caucus, the Subcommittee will announce its determination.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect confidential proprietary information (5 U.S.C. 552(b)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than February 11, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555, and at the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, CA 92255.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on February 17, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agree-

ment. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Thomas G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after February 25, 1977 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555, and at the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, CA 92255.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 after May 18, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: January 27, 1977.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc.77-3134 Filed 1-2-77;8:45 am]

[Docket Nos. 50-295, 50-304]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses No. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee) for operation of the Zion Station Units 1 and 2 (the facility) located in Zion, Illinois.

The amendments will involve changes to the comon Unit 1 and Unit 2 Technical Specifications to allow the deletion of the requirement to monitor the Unit axial peaking factor, Fj(Z), with the Axial Power Distribution Monitoring System (APDMS). The present Technical Specifications requiring monitoring the Unit 2 Fj(Z) with the APDMS for power levels above 94.9%.

Prior to issuance of the proposed license amendments, the Commisison will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 7, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714 of 10 CFR, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Mr. John W. Rowe, Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60690, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated December 10, 1976, as amended January 17, 1977, which is available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

Dated at Bethesda, Md., this 1st day of February 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-3736 Filed 2-2-77;9:58 am]

[Docket No. 50-254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-29, issued to Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) (the licensee), for operation of the Quad Cities Unit No. 1 (the facility) located in Rock Island County, Illinois. The amendment is effective as of its date of issuance.

The amendment authorized operation of the reactor beyond the previously analyzed end-of-cycle scram reactivity conditions in accordance with Commonwealth Edison's request dated December 7, 1976.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 7, 1976, (2) the licensee's filing dated June 11, 1976, in Docket No. 50-265, (3) Amendment No. 36 to DPR-29, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Moline Public Library, 504 17th Street, Moline, Illinois 60265. A single copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 21st day of January, 1977.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-3368 Filed 2-2-77;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of the date of issuance.

This amendment revises the Haddam Neck Plant Technical Specifications, Appendix A, to (1) delete Sections 4.6 and 4.7; (2) clarify terminology and make corrections (Section 1.24 and Table 1.1); (3) reflect recent on-site organizational changes (Section 6.0); (4) modify certain administrative procedures (Section 6.0); and (5) incorporate specific qualification requirements for members of the Nuclear Review Board (Section 6.0).

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 7, May 12, June 22, 1976, (2) Amendment No. 11 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of January 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-3053 Filed 2-2-77;8:45 am]

[Docket No. 50-247, OL No. DPR-26]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., (INDIAN POINT STATION, UNIT NO. 2)

Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's Order of January 27, 1977 (ALAB-369), oral argument on the appeals from the November 30, 1976 Partial Initial Decision (PID) and the December 27, 1976 Supplemental PID of the Licensing Board in this proceeding is calendared for 10:00 a.m., Wednesday, February 9, 1977, in the Commission's Hearing Room, 5th Floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

Dated: January 28, 1977.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-3369 Filed 2-2-77;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of the date of issuance.

The operation of shock suppressors is required to protect the reactor coolant system and all other safety related systems and components and was assumed in the Staff Safety Evaluation Report. Operating history of other plants have indicated that shock suppressors were not always operable. Accordingly, this amendment requires the operability and surveillance of safety related shock suppressors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 7, 1975, as modified October 8, 1976, (2) Amendment No. 23 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of January 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-3051 Filed 2-2-77;8:45 am]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Notice of Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised Technical Specifications for operation of the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment establishes new pressure-temperature operating limits for the LACBWR to assure conformance with 10 CFR Part 50, Appendix G, "Fracture Toughness Requirements."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 3, 1976, (2) Amendment No. 8 to License No. DPR-45, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of January 1977.

For the nuclear regulatory commission.

ROBERT W. REED,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.77-3054 Filed 2-2-77;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states. The Senior Advisory Group then considers the member state comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG–QA10, "Quality Assurance Auditing for Nuclear Power Plants," has been developed and the NRC staff is soliciting comments on this Guide from the U.S. public.

An IAEA Working Group consisting of Mr. C. Carrier of France, Mr. R. A. Pritchard of the United Kingdom and Mr. M. E. Langston (U.S. Energy Research and Development Administration) of the United States developed the draft from an IAEA collation during a meeting that was held in Vienna, Austria on January 10–14, 1977.

As the next step in its development the draft Safety Guide is scheduled to be reviewed by the IAEA Technical Review Committee on Quality Assurance at a meeting in Vienna, Austria on March 21, 1977. Comments received by March 1, 1977 will be useful to this review. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Md., this 24th day of January 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-3371 Filed 2-2-77;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Provisional Operating License No. DPR–16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment consists of a license amendment and Technical Specifications change relating to the receipt, possession, and use of byproduct, source, and special nuclear material and incorporates surveillance requirements for leakage testing of sealed sources in the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 18, 1975, as supplemented by letters dated March 16, 1976, May 7, 1976, November 15, 1976 and December 17, 1976, (2) Amendment No. 19 to License No. DPR–16 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 25th day of January 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-3049 Filed 2-2-77;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. WOLF CREEK GENERATING STATION, UNIT NO. 1

Notice of Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Kansas Gas and Electric Company to conduct certain site activities in connection with the Wolf Creek Generating Station, Unit No. 1, prior to a decision regarding the issuance of a construction permit.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and 50.10(e)(3) and include the following:

Clearing and grading, construction of plant access and secondary access roads, excavation for foundations of site structures and placement of mud mats, construction and installation of facilities and services for construction, relocation of existing water, power, and telephone utilities and installation of new utilities, excavation for and installation of underground pipelines construction of railroad bed and installation of trackwork.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Kansas Gas and Electric Company and the Kansas City Power and Light Co. and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision on matters relating to the National Environmental Policy Act site suitability and all matters arising under the Atomic Energy Act with the exception of matters pertaining to the applicants' financial qualifications, was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on January 18, 1977. A copy of (1) The Partial Initial Decision; (2) the applicants' Preliminary Safety Analysis Report and amendments thereto; (3) the applicants' Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated October 1975; and (5) the Commission's letter of authorization, dated January 24, 1977, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and the Coffey County Courthouse, Burlington, Kansas.

Dated at Rockville, Maryland the 24th day of January, 1977.

For the Nuclear Regulatory Commission.

WM H. REAGAN, JR.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-3056 Filed 2-2-77;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power & Light Company and Pennsylvania Electric Company (the licensees), for operation of the Three Mile Island Nuclear Station Unit No. 1, located in Dauphin County, Pennsylvania.

The amendment would revise the provisions in the Technical Specifications to authorize a site integrated reactor vessel surveillance program, in accordance with the licensees' application for amendment dated October 29, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 7, 1977, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to J. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 29, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

Dated at Bethesda, Md., this 29th day of November 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-3613 Filed 2-2-77;8:45 am]

[Docket Nos. STN 50-568, STN 50-569]

NEW ENGLAND POWER CO., ET AL. (NEP UNITS 1 & 2)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Alan S. Rosenthal, Chairman, Richard S. Salzman, Dr. W. Reed Johnson.

Dated: January 27, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-3370 Filed 2-2-77;8:45 am]

[Docket No. 27-39]

NUCLEAR ENGINEERING CO., INC.

Notice of Receipt of Application for Land Burial of Radioactive Waste

Please take notice that Nuclear Engineering Company, Inc., P.O. Box 7246, Louisville, Kentucky 40207, has filed an application for renewal and amendment to License No. 13-10042-01 which requests authority to possess up to 50,000 curies of byproduct material, 40,000 pounds of source material, and 5,000 grams of special nuclear material and to dispose of radioactive material by land burial at its facility located near Sheffield, Illinois. Nuclear Engineering Company, Inc., also proposes to increase the size of their existing burial facility from 20.45 acres to a total of 188.45 acres.

Dated at Silver Spring, Maryland, January 26, 1977.

For the Nuclear Regulatory Commission.

NATHAN BASSIN,
Acting Chief, Radioisotopes Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77-3048 Filed 2-2-77;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.68.1, Revision 1, "Preoperational and Initial Startup Testing of Feedwater and Condensate Systems for Boiling Water Reactor Power Plants," describes the type and nature of BWR feedwater and condensate system tests that are acceptable to the NRC staff in more detail than Regulatory Guide 1.68, "Initial Test Programs for Water-Cooled Reactor Power Plants." This guide was revised following public comments and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrigthed and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 25th day of January 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.77-3050 Filed 2-2-77;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DP-54, issued to Sacramento Municipal Utility District (the licensee) for operation of the Rancho Seco Nuclear Generating Station (the facility), located in Sacramento County, California. The amendment is effective as of its date of issuance.

This amendment identifies and incorporates into the operating license the currently approved industrial security plan for the Rancho Seco Nuclear Generating Station.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

Pursuant to 10 CFR 2.790(d), the licensee's submittals dated November 26 and 29, 1976, and the security plan are being withheld from public disclosure because they are deemed to be commercial or financial information within the meaning of 10 CFR 9.5(a)(4). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 10 to License No. DPR-54, and (2) the Commission's related letter to the licensee dated January 24, 1977. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of both items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of January 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.77-3372 Filed 2-2-77;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO. (DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1)

Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Davis-Besse Nuclear Power Station, Unit 1, to be located in Ottawa County, Ohio. Notice of receipt of the Toledo Edison Company and the Cleveland Electric Illuminating Company application to construct and operate the Davis-Besee Nuclear Power Station, was published in the FEDERAL REGISTER on April 30, 1973 (38 FR 10661).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452 for inspection and copying. The report (Document No. NUREG-0136) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 9th day of December 1976.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Branch Chief, Light Water Reactors Branch #1, Division of Project Management.

[FR Doc.77-3373 Filed 2-2-77;8:45 am]

[Dockets Nos. 50-280, 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 28 to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric & Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station Units Nos. 1 and 2 (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments relate to fourth cycle operation for Surry Unit No. 1 and modify clad flattening limitations and consider the emergency core cooling system analysis for an average of 15% of the steam generator tubes plugged in Surry Units Nos. 1 and 2.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the licensee's filings dated September 27, 1976, as supplemented October 19 and 29, November 26, December 15, 1976, January 3, and January 11, 1977, (2) Amendments No. 28 to Licenses Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 19th day of January 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.77-3374 Filed 2-2-77;8:45 am]

[Docket No. 50-280]

VIRGINIA ELECTRIC & POWER CO.

Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-32, issued to Virginia Electric & Power Company (the licensee), for operation of the Surry Power Station Unit No. 1 (the facility) located in Surry County, Virginia. The amendment is effective as of its date of issuance.

The amendment adds a condition to the license related to the repair program for the steam generators of Surry Power Station Unit No. 1, limiting operation to twenty equivalent days.

The Commission has made appropriate findings as required by the Atomic Energy

Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensec's submittals dated October 25, 1976, January 3 and 14, 1977, (2) Amendment No. 29 to License No. DPR–32, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of January 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-3055 Filed 2-2-77;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., ET AL.

Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR–43, issued to Wisconsin Public Service Corporation, Wisconsin Power & Light Company, and Madison Gas & Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee, Wisconsin. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to provide additional limiting conditions for operation and surveillance requirements for the installed filter systems at Kewaunee.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or neagtive declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 25, 1976, as supplemented October 12, 1976, (2) Amendment No. 12 to License No. DPR–43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of January 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-3052 Filed 2-2-77;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., WISCONSIN POWER AND LIGHT CO. AND MADISON GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR–43 issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wisconsin. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to (1) allow use of other radiation monitors to monitor the activity of the steam generators, (2) remove a restriction which prohibits discharge of water containing low level activity, (3) allow discharge of very low level gaseous waste without a 45 day retention period, and (4) changes the reporting requirements of the Environmental Technical Specifications.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action.

For further details with respect to this action, see (1) the application for amendment dated February 9, 1976, as supplemented May 18, 1976, and application dated July 30, 1976, (2) Amendment No. 13 to Facility Operating License No. DPR–43, and (3) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 21st day of January 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc.77-3375 Filed 2-2-77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-5]

AIRCRAFT ACCIDENT BRIEFS; SAFETY RECOMMENDATIONS AND RESPONSE

Availability and Receipt

Aircraft Accident Briefs. The first of five volumes of computerized briefs of 1976 general aviation accidents to be released by the National Transportation Safety Board this year is now available. This volume, "Aircraft Accident Reports, U.S. Civil Aviation, Issue Number 1 of 1976 Accidents," Report No. NTSB–BA–76–6, was released January 27.

Issue No. 1 reports on 893 selected accidents which occurred in the United States last year, presenting the facts, conditions, circumstances, and probable cause(s) for each accident. Additional statistical information is tabulated by type of accident, phase of operation, kind of flying, injury index, aircraft damage, conditions of light, pilot certificate, injuries, and causal factors.

In its press release No. SB–77–4 announcing the availability of Issue No. 1, the Safety Board calls on all instrument-rated pilots to "approach every instrument flight as you did your first." The press release cites one of the general avi-

ation accidents included in this volume—the crash of a Gates Lear Jet during a bad-weather approach. Both pilots and four of the six passengers aboard died when the small twin-engine jet crashed 1,000 yards short of its destination runway; the two surviving passengers were seriously injured. Weather at the accident site at the time of the crash involved a ceiling of 300 feet and visibility of a quarter of a mile or less in fog and freezing rain. This was below the flight's landing minimums. The Board cited "improper IFR operation" as the probable cause of the accident. Contributing factors listed were the pilot's "improper in-flight decisions or planning," his "inadequate preflight preparation and/or planning," and the low ceiling and fog. The Board said the weather forecasting was substantially correct.

The brief reports in this publication contain essential information concerning the accidents reported; more detailed data may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 25¢ per page for printed matter, $1.35 per page for black-and-white photographs, and $4.50 per page for color photographs, plus postage. Minimum reproduction charge is $3.00; an additional $4.00 user-service charge will be made for each order. Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The requester must provide this information concerning the accident: (1) Date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot.

The 1976 Issue No. 1 volume may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Aviation Safety Recommendations. Investigation of the crash of an Alaska Airlines B–727 at Ketchikan (Alaska) International Airport last April 5 has prompted the Board to issue three safety recommendations to the Federal Aviation Administration. During its investigation the Safety Board found that the FAA had not inspected the airport's crash/fire/rescue (CFR) capability in almost 12 months. Accordingly, by letter issued January 25, the Safety Board has recommended that the FAA—

Inspect more frequently the CFR capabilities of certificated airports, especially those in Alaska, to assure adequate training of personnel, maintenance and operational readiness of CFR equipment, currency of emergency procedures, and availability of qualified personnel to conduct and to direct CFR activity. (Recommendation A–76–141)

Initiate a program for those airports which have no full-time CFR crew, especially those in Alaska, to properly train and equip the personnel that must respond to an aircraft fire. (A–76–142)

Amend 14 CFR Part 139 to require that airport personnel who are not professional firefighters but who, because of their supervisory status, must direct CFR operations at airports, be qualified to perform this task. (A–76–143)

Each of these recommendations is designated "Class II, Priority Followup."

Class II recommendations A–77–1 and A–77–2, directed by letter of January 27 also to the Federal Aviation Administration, resulted from the Safety Board's investigation of the crash last July 13 of a Grumman American Model AA–1B airplane at New Cumberland, West Virginia, during an emergency landing which followed a complete loss of engine power. Investigation indicated that the engine failed as a result of fuel starvation even though the fuel selector was positioned to a tank which contained approximately 3 gallons of fuel (about ¼ full). Since this amount of fuel substantially exceeds the 1 gallon of unusable fuel per tank designated in certification criteria applicable to this airplane, the Safety Board stated that the design-related, operational planning aspects of the accident warrant review and appropriate corrective action by the FAA. Accordingly, the Board recommended that FAA—

Conduct tests of the fuel system installed in the Grumman American AA–1B airplane to ascertain the amount of usable fuel under the most adverse fuel feed conditions, including the effects of turbulence. If these flight tests so dictate, require a fuel system design change in all newly manufactured Grumman American AA–1B airplanes to assure 11 gallons of usable fuel per tank under all operational conditions, or establish a new usable fuel supply based on the above tests. (A–77–1)

Issue an airworthiness directive pertaining to all Grumman American AA–1B and similar models, which do not incorporate this design change or its equivalent, requiring that subsequent flight operations be in conformance with the newly established usable fuel supply. (A–77–2)

Response to Safety Board Recommendations. Federal Aviation Administration letter of January 18 is in answer to recommendations A–76–134 and A–76–135, issued following Board investigation of an incident last August 4 at Miami (Florida) International Airport which occurred when the left main gear of a National Airlines B–727 jammed in an intermediate position in a partially closed door. The Safety Board recommended that FAA issue an airworthiness directive requiring periodic inspection and replacement of all 7079–T6 aluminum alloy uplock universal blocks when signs of corrosion or cracking are discovered. (See 41 FR 48616, November 4, 1976.)

FAA states that it has carefully reviewed the information obtained in accordance with FAA GENOTs (Notices 8320.197 and 8320.200, dated August 25 and September 9, 1976, respectively). Copies of these notices are attached to the FAA letter. FAA states that its records indicate that there have been three failed uplock universal blocks reported in addition to the August 4, 1976, failure. One, which was cracked, was found on a routine inspection. The others were experienced when the landing gear failed to extend hydraulically. In both cases the gear was extended manually.

According to FAA, the 14 Boeing 727 operators involved are handling the problem as follows:

1. Thirteen inspect the universal blocks during scheduled maintenance checks as noted in their operations specifications.

2. One operator has removed the blocks twice in the past two years but has no scheduled inspection period. However, this operator is replacing all blocks within 500 hours.

3. All 14 operators replace the blocks if cracks are found.

4. Six operators clean and treat corroded blocks if within limits. Seven operators replace corroded blocks.

5. When blocks are replaced, ten operators are using the 7075–T73 type and four are using stainless steel.

In view of the corrective measures taken, FAA concludes that issuance of an airworthiness directive is not necessary at this time.

The safety recommendation letters and the press release referred to herein are available to the general public; single copies may be obtained without charge. Copies of the letter in response to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JANUARY 31, 1977.

[FR Doc.77-3411 Filed 2-2-77;8:45 am]

[Docket No. SA–455]

AIRCRAFT ACCIDENT—CAPE MAY COUNTY AIRPORT, NEW JERSEY

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:30 a.m. e.s.t., on February 22, 1977, in the Navigator/Windjammer Rooms of the Holiday Inn Motel, Rochester and Atlantic Avenues, Wildwood Crest, New Jersey.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving an Atlantic City Airlines, Inc., DeHavilland DHC–6 Twin Otter, N101AC, which occurred December 12, 1976, near the Cape May County Airport, New Jersey.

LESLIE D. KAMPSCHROR,
Hearing Officer.

JANUARY 28, 1977.

[FR Doc.77-3412 Filed 2-2-77;8:45 am]

POSTAL RATE COMMISSION

[Docket No. MC76–4]

MAIL CLASSIFICATION SCHEDULE, 1976

Order

JANUARY 27, 1977.

Notice is hereby given that pursuant to the Administrative Law Judge's "Order Establishing Procedures Pursuant To Remand Of Proposal Concerning Admission of Educational Maps Into Special-Rate Fourth-Class Mail," dated January 27, 1977, a hearing will be held in the Commission's Hearing Room,

Suite 500, 2000 L Street, NW., Washington, D.C., commencing at 9:30 a.m., on Wednesday, February 23, 1977, to continue until and including February 24 (and thereafter as may be scheduled at the hearing), to expedite the scheduling of the remanded portion of this docket, pursuant to Commission's Order No. 148, issued January 12, 1977.

DAVID F. HARRIS,
Secretary.

[FR Doc.77-3318 Filed 2-2-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9621; 812-3982]

ADMIRALTY INVESTMENT PLANS

Filing of Application for Approval of Offer of Exchange and for Exemption

JANUARY 27, 1977.

In the Matter of Admiralty Investment Plans for the Accumulation of Shares of Admiralty Fund Insurance Series; Admiralty Investment Plans for the Accumulation of Shares of Admiralty Fund Growth Series; Capital Accumulation Program of Shares of Oppenheimer A.I.M. Fund; Oppenheimer A.I.M. Fund, Inc., Oppenheimer Management Corporation, One New York Plaza, New York, New York 10004 and Bank of California, 400 California Street, San Francisco, California 94104.

Notice is hereby given that Admiralty Investment Plans for the Accumulation of Shares of Admiralty Fund Insurance Series, Admiralty Investment Plans for the Accumulation of Shares of Admiralty Fund Growth Series (collectively referred to herein as "Admiralty Plans") and Capital Accumulation Program of Shares of Oppenheimer A.I.M. Fund ("AIMCAP"), each of which is registered as a unit investment trust under the Investment Act of 1940 (the "Act"); Oppenheimer A.I.M. Fund, Inc. ("AIM"), which is registered under the Act as an open-end management investment company; Oppenheimer Management Corporation, individually and as the depositor of AIMCAP; and the Bank of California N.A. ("Bank") have filed an application pursuant to Sections 6 (c) and 11(a) of the Act for an order approving an offer of exchange to be made by AIMCAP to the planholders of the Admiralty Plans and exempting applicants and certain transactions from the provisions of Sections 22(d), 27(d), 27(e) and 27(f) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

In September of 1971, All States Management Company ("All States"), as sponsor and depositor of the Admiralty Plans, entered into a custodian agreement with the Bank. At that time, All States was the investment adviser and principal underwriter of Admiralty Fund. On December 7, 1973, Admiralty Fund terminated its investment advisory and principal underwriting agreements with All States which then ceased to function as sponsor and depositor of the Admiralty Plans. No successor sponsor or depositor has been appointed. Admiralty Fund suspended sale of its shares to the Admiralty Plans on January 22, 1975. Since August 4, 1975, Oppenheimer Management Corporation ("OMC") has served as interim investment manager to Admiralty Fund on an at-cost basis. On May 14, 1976, the Board of Directors of Admiralty Fund adopted, subject to shareholder approval, an agreement and articles of merger with AIM pursuant to which Admiralty Fund would be merged with and into AIM. The merger was approved by shareholders on October 27, 1976, and became effective December 7, 1976. OMC, as sponsor and depositor of AIMCAP, wishes to propose to the planholders of the Admiralty Plans that they exchange their plans for securities to be issued by AIMCAP.

The application states that if the exchange offer is made subsequent to the merger between Admiralty Fund and AIM, the Admiralty Fund shares held under the Admiralty Plans will have been exchanged for AIM shares. A planholder who acepts the offer will receive an AIMCAP Plan certificate and the AIM shares credited to his Admiralty Plan will be transferred to the AIMCAP Plan received in the exchange. Additional AIM shares will be purchased with any uninvested cash, less custodian fees and sales charges, which may have been paid under the Admiralty Plans since January, 1975 at net asset value. A planholder will be considered to have made the same number of payments under the AIMCAP Plan as has been made by him under his Admiralty Plan. Thereafter, all items of his Plan will be in accordance with the provisions of the AIMCAP Plan.

If a planholder elects not to accept the exchange offer, he will be entitled to receive either the AIM shares credited to his Admiralty Plan, plus any uninvested cash, or the cash redemption value of his Admiralty Plan, which would be based upon the value of the AIM shares held thereunder. Upon the expiration of the exchange offer, the Admiralty Plans will terminate and any planholder who has not responded to the exchange offer will receive all AIM shares credited to his Admiralty Plan account plus all uninvested cash which may have been sent in by him since January, 1975. OMC and the Bank intend to act as interim sponsor and interim custodian, respectively, of the Admiralty Plans for the purpose of taking the steps necessary to terminate the Admiralty Plans and consummate the exchange offer.

Investment Data Corporation ("IDC"), the administrator of Admiralty Plans, has advised that the costs that will be incurred by it to facilitate and record the above described transactions and to forward the records of Admiralty Plans to the AIMCAP administrator are expected to approximate $11,000. IDC has agreed that it will do all that is required to enable those transactions to be properly effected and recorded and to complete the transfer of the records for a fixed fee of $11,000 which will be charged ratably to all the planholder accounts of the Admiralty Plans. In addition, fully paid-up Admiralty Plans are to be charged for service fees for 1975 and 1976 and delinquent planholders (systematic payment planholders who have not made any payment since January 1, 1974) will be charged for service fees up to May 1976.

Sections 11 (a) and (c) of the Act require prior Commission approval of any offer to exchange the securities of a registered unit investment trust for the securities of any other investment company. Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Under Sections 27(d), 27(e) and 27(f) of the Act, the holder of a periodic payment certificate is given, respectively, (1) the right to surrender the certificate at any time within the first 18 months after its issuance and to receive, in cash, the value of his account and an amount equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder; (2) the right to be informed in writing, in the event that he has missed a certain number of payments, that he may surrender his certificate and receive the aforementioned payments; and (3) the right, within forty-five days after the mailing of notice of his right of withdrawal, to exercise such right of withdrawal, by surrendering his certificate and receiving in payment, cash in an amount equal to the value of his account and an amount equal to the difference between the gross payments made and the net amount invested.

It is contended that the exchange offer will effect an orderly and prompt termination of the Admiralty Plans without the necessity of litigation and that it will provide each planholder the opportunity to either liquidate his current investment or to continue with a comparable long term investment program on a basis that gives effect to the sales charges previously paid by that planholder.

It is also contended that the granting of the proposed exemption would be consistent with the purposes of Section 22 (d) of the Act. It is asserted that as shares of Admiralty Fund have been unavailable for sale to the Admiralty Plans the exchange offer will provide planholders with the opportunity to continue their investment programs without payment of any additional sales charge in respect of investments already made in the Admiralty Plans.

It is also contended, as to the notification and refund rights provided by Sections 27(d), 27(e) and 27(f) of the Act, that since all of the Admiralty Plans have been issued at least 18 months and no planholder possesses a right of refund, and since the object of the exchange offer is to place the planholder in the

same position as if he had originally purchased an AIMCAP Plan instead of an Admiralty Plan, the AIMCAP Plan issued in exchange for the Admiralty Plan should not be subject to a refund right.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested persons may, not later than February 22, 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 applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE FITZSIMMONS,
Secretary.

[FR Doc.77–3377 Filed 2–2–77;8:45 am]

[Release No. 19860; 70–5958]

ALABAMA POWER CO., ET AL.

Proposal To Issue First Mortgage Bonds for Sinking Fund Purposes

JANUARY 27, 1977.

In the Matter of ALABAMA POWER COMPANY, P.O. Box 2641, Birmingham, Alabama 35291. GULF POWER COMPANY, P.O. Box 1151, Pensacola, Florida 32520. GEORGIA POWER COMPANY, P.O. Box 4545, Atlanta, Georgia 30302. MISSISSIPPI POWER COMPANY, P.O. Box 4079, Gulfport, Mississippi 39501.

Notice is hereby given that Alabama Power Company ("Alabama"), Gulf Power Company ("Gulf"), Georgia Power Company ("Georgia"), and Mississippi Power Company ("Mississippi"), all of which are public-utility subsidiaries of The Southern Company, a registered holding company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Alabama, Georgia, Gulf and Mississippi propose to issue their respective First Mortgage Bonds ("Sinking Fund Bonds") and to surrender such Sinking Fund Bonds to the trustees under their respective Indentures for the purpose of satisfying the sinking fund (improvement fund, in the case of Alabama) requirements thereunder for 1977. The amounts and series of Sinking Fund Bonds are proposed to be issued as follows:

Name of company	Amount	Series
Alabama	$13,238,000	3¼ pct series due 1985.
Georgia	19,970,000	2⅝ pct series due 1980.
Gulf	2,146,000	3¼ pct series due 1984.
Mississippi	2,324,000	2¾ pct series due 1980.

The Sinking Fund Bonds are to be issued on the basis of unfunded net property additions, thus making available for construction purposes cash which would otherwise be needed to satisfy the sinking fund requirements or to purchase bonds to be used for such purpose. It is stated that currently, Alabama does not have the necessary coverage to issue any additional bonds under its Indenture because of a lack of earnings. If at the time necessary to satisfy the sinking fund requirement, Alabama is unable to issue additional bonds for that purpose, it will be necessary for Alabama to satisfy such requirement by depositing cash with its trustee. It is stated that the delivery of the Sinking Fund Bonds is exempt from the competitive bidding requirements of Rule 50 by reason of clause (a)(5) thereof inasmuch as such Bonds will not constitute obligations of the companies for the payment of money.

The fees, commissions, and expenses incurred or to be incurred in connection with the proposed transactions will aggregate $8,000, of which total fees for legal counsel will be $1,600. The Alabama Public Service Commission has authorized the issuance of the bonds by Alabama. The Georgia Public Service Commission and the Florida Public Service Commission have jurisdiction over the issuance of the Sinking Fund Bonds by Georgia and Gulf, respectively. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 22, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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 Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–3378 Filed 2–2–77;8:45 am]

[Release No. 34–13203; File No. SR Amex 77–1]

AMERICAN STOCK EXCHANGE, INC.

Proposed Rule Change by Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on January 17, 1977, the American Stock Exchange, Inc. (the "Amex") filed with Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed recission of Rules 481, 483 and 485 and the adoption of new Rule 481 will eliminate the requirement that members and member organizations obtain prior Amex approval of advertisements, radio and television broadcasting and telephone market reports. Such material would require approval of a member, allied member or appropriate supervisory person of a member organization, would be required to conform to the Exhange's standard for communications with the public, and would be subject to review by the Amex.

The text of the rule changes are attached as Exhibit A.

PURPOSE OF PROPOSED CHANGES

Under the proposed changes, Rules 481, 483 and 485 would be rescinded. Rule 481 requires members and member organizations to obtain prior Amex approval of advertisements. Rule 485 requires members and member organizations to obtain prior Amex approval for

radio and television broadcasting and telephone market reports. The substance of Rule 483 relates to reports, market letters and sales literature, and is incorporated into new Rule 481. New Rule 481 also requires prior approval, by a member, allied member or authorized supervisory person of a member organization, of all advertising issued by a member organization. A definition of advertising has been added to include "any material for use in any newspaper or magazine or other public medium or by radio, telephone recording or television." Members and member organizations will be required to retain such material for inspection by the Amex. The standards set forth in the Commentary to Rule 484 (which is to be renumbered Rule 483). will not be amended and will continue to be applicable to advertising and broadcasting activities.

These amendments properly place compliance with advertising standards in the domain of member organization management which will be responsible for adherence with the standards for communications with the public set forth in the Commentary to Rule 484 (which is to be renumbered Rule 483). Further, it also eliminates potential delays and burdens on member organizations.

Advertising will be reviewed by the Amex after publication on a sampling basis.[1] This method of surveillance is used with all other investment literature (market letters, research reports), i.e., a one-month sample is requested once a year. Failure to comply to standards may subject the member or member organization to enforcement proceedings. Since the Securities Exchange Act of 1934 does not address itself to surveillance procedures to be used by self-regulators, the Amex is of the opinion that the amended review procedures will continue to fulfill the regulatory obligations.

The proposed rescission of Rules 481, 483 and 485 and the adoption of new Rule 481 is based on Section 6(b)(8) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975, which provides that the rules of an exchange may not "impose any burden on competition not necessary or appropriate in furtherance of the purpose of this title."

(i) The Amex has the staff to review members and members organizations for compliance with standards for communications with the public set forth in the Commentary to Rule 484 (to be renumbered Rule 483) and in the Act. (The Amex will be reviewing only those members and member organizations which are not also members of the New York Stock Exchange.) This will be accomplished by a spot check of advertising material. Failure to comply with the standards or the Act may result in enforcement proceedings against the member or member organization.

The proposed rule changes maintain the standards of truthfulness and good taste in advertising. Such standards relate to the requirements of Section 9(a) and 10(b) of the Act.

No comments were solicited or received in connection with the proposed changes.

The proposed rescission of the requirement of pre-approval for advertising eliminates a possible burden on competition since many nonmember broker/dealers are not subject to such a requirement.

On or before March 14, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed Rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 24, 1977 of the date of this publication.

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

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 25, 1977.

EXHIBIT A

AMERICAN STOCK EXCHANGE, INC.

The Amex proposes to rescind Rules 481, 483 and 485 in their entirety, as follows:

(*Brackets indicate words to be deleted, italics indicate words to be added*)

APPROVAL OF ADVERTISEMENTS

Rule 481. Every advertisement of a member, member firm or member corporation shall be submitted to the Exchange for approval as to form of presentation prior to publication, unless the copy is in a general form previously approved. The provisions of this rule shall not apply to any advertisement of a member, member firm or member corporation subject to similar requirements of the New York Stock Exchange except that a copy of any advertisement referring to any security traded on the American Stock Exchange shall be filed with the Exchange.

Amendments.
September 6, 1962.
October 1, 1964.

. . . *Commentary*

.10 Information Regarding Advertising.—Provided that they are in a general form previously approved, the following routine advertisements and business announcements do not have to be submitted to the Exchange:

(1) Business cards;

(2) Announcements stating that specific unlisted securities are bought, sold and quoted;

(3) Announcements of dissolution; and

(4) Announcements of Exchange-approved: firm or corporation formations; partnership, officer, director or stockholder changes; new offices; and employment of registered representatives.

Underwriting advertisements do not require Exchange approval unless a member organization in advertising with a non-member wishes to identify itself as a member of the American Stock Exchange.

All other advertisements should be submitted in duplicate to the Membership Services Division for pre-publication review. One copy will be returned bearing Exchange approval and/or suggested changes as to form of presentation.

Standards relating to the preparation of advertisements are set forth in Paragraph 9495 of these Rules.

.20 Requirements Administered by S.E.C. for Over-the-Counter Brokers and Dealers.—Members are reminded that unless registered as a broker or dealer with the Securities and Exchange Commission under Section 15(b) of the Securities Exchange Act of 1934, they may not advertise through the facilities of interstate commerce with respect to over-the-counter securities except in the case of securities specifically exempted under the following Rules and Regulations of the Commission:

(a) S.E.C. Rule 15a–1 relating to certain types of notes or bonds secured by lien on real estate;

(b) S.E.C. Rule 15a–2 relating to certain securities of cooperative apartment houses; and

(c) S.E.C. Rule 15a–3 relating to specialists' block purchases and sales of securities off the Floor, when approved by the Exchange.

RESEARCH REPORTS, MARKET LETTERS AND SALES LITERATURE

Rule 483. Any printed or processed research report, market letter or sales literature prepared and issued by a member, member firm or member corporation for general distribution to customers or to the public shall:

(a) as to all such materials other than research reports, be approved prior to distribution by the member, by a general partner of the member firm, by an officer or member of the member corporation, or by a qualified employee authorized to act in his behalf; and

(b) as to research reports, be prepared or approved by a supervisory analyst acceptable to the Exchange under the provisions of Rule 343 *and* be approved for distribution by a person specified in subparagraph (a) above unless the approving supervisory analyst meets one of the requirements thereof.

Retention copies of research reports, market letters and sales literature shall bear the name(s) of the persons approving the publication and distribution thereof; shall identify the individual(s) who prepared the material; and shall be retained by the originating member, member firm or member corpo-

[1] Advertising review of dual members of the Amex and the New York Stock Exchange would be allocated to the latter under the Joint Plan for allocating regulatory responsibility recently filed with the Commission. The Amex's responsibilities with respect to options advertising (Rule 991) would not be subject to such allocation, and would not be affected by the proposed amendments.

ration and kept readily available for at least three years.

Amendments.

October 1, 1964.

June 1, 1970.

. . . *Commentary*

.10 Information Regarding Market Letters, Research Reports and Sales Literature.—The term "market letter" refers to any commentary concerning the securities markets, individual securities, business conditions, government affairs and financial matters. It also includes copy on investment subjects prepared for publication in newspapers and periodicals.

The term "research report" refers to an analysis and evaluation of the investment merits of a company or of an industry.

The term "sales literature" refers to any material describing a member organization's facilities and services, discussing the role of securities investment in an individual's financial planning, or calling attention to sales materials prepared for general distribution. Wires and written communications for general internal distribution are subject to the requirements of this rule if they

(a) pertain to securities, industries or general market conditions, and as shown or distributed to the public, or

(b) are used in making recommendations to customers.

Wires and written communications in response to specific inquiries or intended *strictly* for internal use are exempt from this rule.

Standards relating to the preparation of market letters, research reports and sales literature are set forth in Paragraph 9495 of these Rules.

RADIO, TELEVISION, TELEPHONE REPORTS

Rule 485. Any member, member firm or member corporation desiring to include American Stock Exchange market prices in radio or television broadcasts or in public telephone market reports, or to use radio or television broadcasts for any business purpose, shall first obtain:

(a) Exchange consent by submitting an outline of the program and an example of the script to be used, and

(b) Exchange approval of the text of all commercial messages to be used.

Copies of all commercial messages and program material (except lists of market prices) used in radio or television broadcasts or in telephone market reports by members, member firms or member corporations shall be retained and kept readily available for at least one year. Program materials supplied by a member, member firm or member corporation for use in radio or television broadcasts without sponsorship shall be subject to the same requirements.

The provisions of this Rule shall not apply to radio or television broadcasts, or telephone market reports by a member, member firm or member corporation subject to similar requirements of the New York Stock Exchange except that a copy of any commercial message or program material referring to any security traded on the American Stock Exchange (except lists of market prices) shall be filed with the Exchange.

Amendments.

October 1, 1964.

. . . *Commentary*

.10 Standards relating to the preparation of program copy and commercial messages are set forth in Paragraph 9495 of these Rules.

The Amex proposes to adopt new Rule 481 to read as follows:

Advertising, Market Letters, Sales Literature, Research Reports and Writing Activities

Rule 481. Each advertisement, market letter, research report and all sales literature prepared and issued by a member or member organization for general distribution to customers or the public shall be approved in advance by a member, allied member or competent authorized delegate. In addition, research reports shall be prepared or approved by a supervisory analyst acceptable to the Exchange under the provisions of Rule 343. In the event that the member organization has no principal or employee qualified with the Exchange to approve such material, it shall be approved by a qualified supervisory analyst in another member organization by arrangement between the two member organizations.

The term "sales literature" refers to printed or processed material interpreting the facilities offered by a member organization or its personnel to the public, discussing the place of investment in an individual's financial planning, or calling attention to any market letter, research report or sales literature, which is prepared for and given general distribution.

Internal wires, memoranda and other written communications to branch offices or correspondent firms which refer to securities, industries or the market in general and which are shown or distributed to the public are subject to these standards; internal sales communications to be used in making recommendations to customers are also subject to these standards. All such material should be approved in advance by a member, allied member or competent authorized delegate, and retained by the firm for three years subject to review by the Exchange.

Internal wires and memoranda carrying flash news, or in response to specific inquiries are exempt from these standards. Wires marked "For Internal Use" or "Confidential" are also exempt if their distribution is actually internal. However, close supervision must be exercised to be sure that these communications are used only for internal purposes.

Standards for advertising, market letters, sales literature, research reports, radio, television and writing activities are set forth in Paragraph 9495 of these Rules.

Advertisements, marked letters, sales literature and research reports which refer to the market or to specific companies or securities, listed or unlisted, shall be retained for at least three years by the member or member organization which prepared the material. The copies retained shall contain the name or names of the persons who prepared the material and the name or names of the persons approving its issuance, and shall at all times within the three-year period be readily available.

. . . Supplementary Material:

.10 Information regarding advertisements, market letters, research reports and sales literature.

The requirement for three-year retention of such material applies only to members and member organizations which prepared it for distribution.

The term "advertisement" refers to any material for use in any newspaper or magazine or other public medium or by radio, telephone recording or television.

The term "market letter" refers to any publication, printed or processed, which comments on the securities market or individual securities and is prepared for general distribution to the organization's customers or to the public. It also includes material on investment subjects prepared by a member or personnel of a member organization for publication in newspapers and periodicals.

The term "research report" refers to printed or processed analyses covering individual companies or industries.

The Amex proposes to renumber Rule 484 as Rule 483, as follows:

Advertisements Regarding Security Listings

Rule 483. [Rule 484] No member, member firm or member corporation shall without the prior approval of the Exchange, in any advertisement or in any form, general or circular letter, make reference to any application, pending or proposed, to list a security upon the Exchange.

[FR Doc.77-3384 Filed 2-2-77;8:45 am]

[Release No. 13202; SR-CBOE-76-22]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 25, 1977.

On December 1, 1976, the Chicago Board Options Exchange, Incorporated LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change strengthens supervisory capabilities over accounts of member firms conducting a non-member customer options business.

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. 13078 (December 6, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 55956 (December 23, 1976)).

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

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 1, 1976, be, and it hereby is, approved.

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

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-3379 Filed 2-2-77;8:45 am]

[Release No. 34-13204; File No. SR-PSE-77-2]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change by Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given that on January 17, 1977 the above-mentioned self-regulatory organization filed with the Securities and Ex-

change Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change consists of amendments to, and deletions from, certain Sections of various Articles of the Constitution of the Pacific Stock Exchange Incorporated ("PSE") as enumerated below:

Article I—Sections 1 and 2 are amended;
Article II—Sections 1(c), 2, 4(b), and 5 are amended;
Article III—Sections 1(b), 2(c), 3(a), 4(e), 6 and 7 are amended;
Article IV—Sections 1 through 4 are amended and 5 through 10 are deleted;
Article V—Section 3 is amended and 4 and 5 are deleted;
Article VI—Sections 1(a), 2, 3 and 4 are amended and 1(b) through 1(f) are new;
Article VII—Sections 1, 3(a), 3(b), 4, 8(a), 8(b), and 9 are amended;
Article VIII—Sections 1(a) through 1(f), 3(b), 3(c), 5, 6(a) and 6(b) are amended and 3(f) is new;
Article X—Sections 1, 2(a), 3, 4, and 6 are amended, and 2(b) and 7 are new;
Article XI—Sections 1, 2, 3(a) and 4 are amended, 3(b), 3(c) and 3(d) are new and 5 is deleted;
Article XII—Sections 1 and 3(a) are amended and 3(b) is new;
Article XIV—Sections 1(a) and 1(b) are amended;
Article XV—Sections 1, 2 and 3 are deleted.

The proposed rule change consists primarily of revisions required by the Securities Acts Amendments of 1975, and the desire to eliminate unnecessary verbiage from, and update language in, the Constitution of the PSE. There are minor language revisions to Articles I and II and to Sections 1(b), 2(c), 3(a), 6 and 7 of Article III. Section 4(e) of Article III is amended to change from eighteen to fifty the number of members needed to nominate by petition. This increase is due to the authorized membership increasing from 220 to 742.

For greater flexibility in assigning duties and responsibilities to Exchange committees, much of the language in Article IV is removed and will be included in the Rules of the Exchange. Sections 1, 2(a), 2(b), 3, and 4 are amended and Sections 5 through 10 are deleted. The definitions in Sections 3, 4, and 5 of Article V are deleted and shall be the same as defined in the Rules of the Exchange.

The language in Article VI is substantially changed to reflect the due process requirements of the Securities Acts Amendments of 1975. Membership in the Exchange shall be limited to a registered broker or dealer, or natural person associated with a registered broker or dealer who is at least eighteen (18) years of age. Membership may be denied for statutory disqualification, or if the applicant fails to meet certain standards of financial responsibility, operational capability, training, experience and competence. An applicant denied membership is provided a procedure for reviewing such denial. Section 1 is changed to Section 1(a) and Sections 1(b) through 1(f) are new. Sections 2, 3, and 4 are amended.

In Article VII there are minor language revisions to Sections 1, 3(a), 3(b), 8(a), 8(b) and 9 to coordinate with Article VI. The scope of Section 4, of Article VII, which deals with claims against the proceeds of the sale of a membership is expanded. The proposed changes in Sections 1(a), 1(b), 1(f), 5, 6(a) and 6(b) of Article VIII reflect similar changes in Article VI and the due process requirements of the Securities Acts Amendments of 1975. There are minor language revisions to Sections 1(c), 1(d), 1(e), 3(b) and 3(c) of Article VIII, and Section 3(f) is new.

There are minor changes proposed to Article X to comply with the due process requirements of the Securities Acts Amendments of 1975. Sections 1, 2(a), 2(b), and 7 reflect these changes, while Sections 3 and 6 contain minor language revisions. Section 4 provides definitive procedures for expelling a suspended member and disposing of the membership. Sections 2(b) and 7 are new. Amendments proposed to Article XI are due process changes similar to Article X. Sections 3(b), 3(c), and 3(d) are new. Section 4 has been expanded to extend the Exchange's disciplinary power for six (6) months after suspension or expulsion. Sections 1, 2, and 3(a) contain less extensive language revisions. Section 5 is deleted.

Section 1 of Article XII is expanded to require arbitration between members and/or member firms to claims arising out of the Exchange business of such parties rather than just a member's contract. There are minor revisions to Section 3(a), and Section 3(b) is added to provide required notification and hearing provisions for a member or member firm suspended for nonpayment of an arbitration award.

In Article XIV there is a minor revision proposed to Section 1(a) and changes to Section 1(b) to reflect due process requirements and to provide for disposing of a membership for nonpayment of dues, fees, charges or fines. Article XV is deleted entirely.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to revise the Constitution of the PSE in light of the Securities Acts Amendments of 1975 and to eliminate unnecessary verbiage from, and update language in, said Constitution.

The proposed rule change by updating the Constitution of PSE shall enhance the ability of PSE to (a) carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the Act and the rules and regulations thereunder, (b) ensure the ability of any registered broker or dealer, or natural person associated with a registered broker or dealer, to become a member thereof and the ability of any person to become associated with a member thereof, (c) prevent fraudulent and manipulative acts and practices and protect investors and the public interest, and (d) provide appropriate discipline for its members and persons associated with its members for violation of the provisions of the Act.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden upon competition.

On or before March 14, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the abovementioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 24, 1977. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 25, 1977.

[FR Doc. 77-3385 Filed 2-2-77; 8:45 am]

[Release No. 34-13206; File No. SR-PSE-77-1]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change by Self-Regulatory Organization

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 10, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed Constitutional change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend Section 2(b) of Article VIII of its Constitution which delineates member firm requirements for Floor Representatives. The PSE previously submitted on Form 19(b)-4A, File No. SR-PSE-76-35, a proposed change to Sections 4(a) through

4(g) of Rule I of the Rules of the Board of Governors. The proposed change to Section 2(b) of Article VIII would make such Section 2(b) of Article VIII consistent with the proposed change to Sections 4(a) through 4(g) of Rule I. The language of the proposed amendment is set forth below:

ARTICLE VIII—MEMBER FIRM REQUIREMENTS

FLOOR REPRESENTATIVES

Sec. 2(b). A member in good standing may designate, subject to approval of the *Exchange* [Board of Governors, one employee or associate] as his Floor Representative *a member or nominee member who is registered with the Exchange for the purpose of exercising full trading privileges on the floor of the Exchange on behalf of his member firm to the same extent such member firm is entitled to transact business on the Floor.* [, who shall be entitled to exercise full trading privileges on behalf of such member. No other rights or privileges of Exchange membership shall be construed as being granted by, attaching to or inuring from the foregoing privilege.] A *designating* member shall be fully responsible for all acts of his Floor Representative which, in all instances and for all purposes, shall be deemed specifically to be those of the member. The exercise of the privilege shall be subject to such rules and regulations as the Board of Governors shall prescribe respecting Floor Representatives.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to make the provisions of Section 2(b) of Article VIII consistent with Sections 4(a) through 4(g) of Rule I of the Rules of the Board of Governors of PSE, to upgrade the quality of market making on the equity floors of the PSE, and to make the requirements for such equity trading consistent with those of the PSE's options floor and those on other exchanges.

The proposed rule change by improving the quality of market making shall add to the protection of investors and of the public interest, and assist the PSE to carry out the purposes of the Act.

Comments have neither been solicited nor received from members on the proposed Constitutional change.

The proposed Constitutional change imposes no burden upon competition.

On or before March 14, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 18, 1977. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 26, 1977.

[FR Doc.77-3386 Filed 2-2-77;8:45 am]

[File No. 500-1]

SCANFORMS, INC.

Suspension of Trading

JANUARY 26, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Scanforms, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 3:00 p.m. (EST) on January 26, 1977 through February 4, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-3380 Filed 2-2-77;8:45 am]

[Release No. 19858; 70-5956]

SOUTHERN CO.

Proposal by Service Company To Issue and Sell Unsecured Promissory Notes; Exception From Competitive Bidding

JANUARY 25, 1977.

Notice is hereby given, That Southern Company Services, Inc. ("Services"), a wholly owned subsidary service company of The Southern Company ("Southern"), Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7 and 12 of the Act and Rules 45 and 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application which is summarized below for a complete statement of the proposed transaction.

By order dated July 23, 1963 (HCAR No. 14913), the Commission authorized Services to issue and sell to Southern for cash, and Southern to acquire, during a five year period commencing July 23, 1963, up to $500,000 aggregate principal amount to be outstanding at any one time of long-term unsecured notes of Services to bear interest at a rate equal to the average effective interest cost of Southern's outstanding obligations for borrowed money on the date of issue. By orders dated September 10, 1971, May 15, 1973, and June 26, 1975 HCAR Nos. 17261, 17461, and 19063), the Commission authorized increases in the aggregate principal amount of such notes to be issued and sold by Services to Southern to the present limit of $19,000,000 and also extended the authorization with respect to the issue and sale of notes to June 30, 1978. By order dated October 21, 1976 (HCAR No. 19723), the Commission authorized increases in the aggregate principal amount of notes to be issued and sold by Services to Southern to $30,000,000. Services' total working capital requirements are expected to be approximately $23,000,000 by December 31, 1977, and $30,000,000 by December 31, 1979. Such requirements include the cost of fixed assets (excluding office building and leasehold improvements) acquired by Services in 1976 ($5,500,000) and to be acquired in 1977 (approximately $6,500,000). The unsecured notes to be issued to Southern will mature December 31, 1999, and will be prepayable at any time without premium. Southern will acquire said notes at the principal amount thereof. To the extent that Services' outstanding debt obligation does not exceed the aggregate principal amount of Southern's obligations the notes will bear interest at a rate equal to the average effective interest cost of Southern's outstanding obligations for borrowed money on the date of issue. Presently such rate is 11½%.

Services now proposes to issue and to sell unsecured notes ("Notes") in an aggregate principal amount not to exceed $30,000,000 to various institutional lenders. The net proceeds from the sale of the Notes will be applied to repay Services outstanding borrowings from Southern and to the extent not required for such purpose will be applied to other working capital requirements including costs of the acquisition of the aforementioned fixed assets. At the time of the sale it is estimated that Services will have $21,000,000 principal amount of notes payable to Southern outstanding. While the terms of the Notes have not been established, it is proposed that they will be guaranteed by Southern as to principal, premium, if any, and interest. It is expected that the Notes will represent a significant saving to Services in interest cost over its current borrowings and other currently available means of equipment financing. It is presently intended that the order dated October 21, 1976 (HCAR No. 19723) will be revoked

by the Commission upon the placement of the $30,000,000 Notes.

Services proposes to employ Morgan Stanley & Co. Incorporated to place the Notes for a commission not in excess of ½ of 1% of the principal amount borrowed payable upon the closing. Services requests exemption from the competitive bidding requirements of Rule 50 pursuant to paragraph (a)(5). Services has never offered any securities to the public and has no established credit in the public market. The nature of Services' business (providing professional and technical services to Southern and its other associates at cost upon request) may be unfamiliar to the general investing public.

The fees, commissions and expenses to be paid or incurred in connection with the proposed transaction will be supplied by amendment. No State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given, That any interested person may, not later than February 18, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations permitted under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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 Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-3381 Filed 2-2-77;8:45 am]

[File No. 81-247; Admin. Pro. File No. 3-5139]

UNAGUSTA CORP.

Application and Opportunity for Hearing

JANUARY 26, 1977.

Notice is hereby given, That Unagusta Corporation (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to Section 15(d) of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 15(d) of the 1934 Act provides that every issuer of a security which has filed a registration statement which has become effective pursuant to the Securities Act of 1933 shall file with the Commission in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to ensure fair dealing in the security, such supplementary and periodic information documents and reports as may be required pursuant to Section 13 of the 1934 Act in respect of a security registered under Section 12.

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 or Section 15(d) if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states in part.—1. Applicant, a North Carolina corporation, prior to 1973 was engaged in the business of manufacturing furniture. Applicant has represented that it has permanently abandoned all business activities and that liabilities sustantially exceed assets.

2. There is currently an absence of public interest in the Applicant's common stock, with virtually no trading in Applicant's common stock in 1975 and 1976.

3. The preparation and filing of the reports required by the 1934 Act would involve heavy burdens of time and costs of a corporation with no income nor employees.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Section 15(d).

Welbilt Corporation ("Welbilt"), the 82% parent of Applicant, has indicated its willingness in writing to have the Commission grant the requested exemption subject to the following conditions. Welbilt will mail to all known holders of record of the Applicant's common stock and, on request, all brokers and dealers, copies of the following:

(a) The press release issued by the Applicant dated February 17, 1976 announcing, among other things, the complete cessation of all business activities of the Applicant.

(b) Unaudited financial statements of the Applicant consisting of a balance sheet at December 27, 1975 and a net expense schedule for the 13 weeks and 52 weeks ended December 31, 1975.

(c) A letter of transmittal setting forth a brief explanation of the Applicant's current status and the circumstances resulting in the exemption under Section 12(h) of the 1934 Act.

Accordingly, Applicant believes that the exemptive order requested is appropriate in view of the fact that Applicant has permanently abandoned all business activities, liabilities substantially exceed Applicant's assets, trading activity in Applicant's common stock is de minimus, the benefits of continuing reporting responsibility without means of compliance would not be in the public interest of investors nor would it further investor protection in circumstances where the Applicant's parent has undertaken to provide the information outlined above relating to the current status of Applicant.

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 February 22, 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 to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., 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. At any time after said 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.77-3382 Filed 2-2-77;8:45 am]

[File No. 81-235; Admin. Pro. File No. 3-5130]

[File No. 81-235]

VISUAL ART INDUSTRIES, INC.

Application and Opportunity for Hearing on Exemption

JANUARY 26, 1977.

Notice is hereby given that Visual Art Industries, Inc. (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order exempting the Applicant from the requirements of Sections 13 and 15(d) of that Act.

Section 15(d) provides that each issuer that 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 peri-

odic information, documents, and reports as may be required pursuant to Section 13 of the 1934 Act in respect of a security registered pursuant to Section 12 of the 1933 Act.

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

The Application states, in part:

(1) At the end of its most recent fiscal year, March 31, 1976, the Applicant had 325 record holders of its common shares. Those shares were registered pursuant to Section 12(g) of the 1934 Act.

(2) On June 28, 1976, C&S Associates, Inc. ("C&S") made a cash tender offer to holders of the Applicant's securities. As a result of the offer and subsequent purchases, C&S now owns over 93% of the Applicant's common shares. The remainder are held by about 150 persons.

(3) Since the close of the tender offer, there have been no transactions in the Applicant's securities except a very small number of sales to C&S. It is not anticipated that any other market for the Applicant's securities will develop.

(4) The Applicant's registration under Section 12(g) of the 1934 Act was terminated on October 4, 1976. Absent an exemption under Section 12(h) of the 1934 Act, the Applicant would be required to file periodic reports for the remainder of its fiscal year ending March 31, 1977. The Applicant states that the expense of preparing such reports outweighs their minimal public usefulness.

(5) The Applicant will continue to file current reports on Form 8-K through the close of its fiscal year ending March 31, 1977.

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.

Notice is further given that any interested person not later than February 22, 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 to 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 applicaiton which he desires to controvert. At any time after said 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.77-3383 Filed 2-2-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. RFA 505-77-1]

PURCHASE OF REDEEMABLE PREFERENCE SHARES

Receipt of Application

Project. Notice is hereby given that the Chicago and North Western Transportation Company ("applicant"), 400 West Madison Street, Chicago, Illinois 60606, has filed an application with the 60606, has filed an application with the Federal Railroad Administration ("FRA") under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, 45 U.S.C. 825, seeking financial assistance through the sale to the United States of redeemable preference shares having an aggregate par value of $17,350,000. Applicant proposes to make 20 annual payments commencing in 1988, each equal to 7.5% of the original amount of redeemable preference shares proposed to be issued by the applicant, each such payment to be applied to dividends and redemption of all preference shares by the end of the year 2007.

The proceeds of the sale of preference shares are to be used by the applicant to rehabilitate and improve 95.25 track miles of applicant's highest density main line by replacing existing jointed rail with welded rail at the following locations:

	Track miles
Ames, Story County, Iowa, to Marshalltown, Marshall County, Iowa	36.50
West Denison, Crawford County, Iowa, to Missouri Valley, Harrison County, Iowa	39.00
Nelson, Lee County, Ill., to Agnew, Whiteside County, Ill.	11.50
Valley, Cook County, Ill., to Tower KO, Lake County, Ill.	8.25

Justification for Project. The applicant states that the proposed track improvements will permit a 60 miles per hour timetable speed to be maintained and will result in increased efficiency and more reliable service. In addition, applicant states that the proposed projects will reduce track maintenance costs and loss and damage claims, decrease the probability of derailments, and enable applicant to attract new traffic.

Comments. Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor. The application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA.

The comments will be taken into consideration by the FRA in evaluating the application. However, formal acknowledgment of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended).

Dated: January 28, 1977.

Comment closing date: March 7, 1977.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc.77-3376 Filed 2-2-77;8:45 am]

Hazardous Materials Transportation Office

EXEMPTION APPLICATIONS

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described, as in past publications. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions because they represent the large majority of applications awaiting disposition.

COMMENTS BY: February 18, 1977, with respect to applications for renewal and applications to become a party.

ADDRESSED TO:
Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Application No.	Applicant	Renewal of special permit or exemption
2587-X	Denison, Inc., Fredonia, Kans.	2587
2587-X	The Great Plains Co., Cheyenne, Wyo.	2587
2709-X	Department of Defense, Washington, D.C.	2709
3416-X	Unidynamics Phoenix, Inc., Phoenix, Ariz.	3416
3780-X	American Cyanamid Co., Wayne, N.J.	3780
4108-X	Southern Oxygen Supply Co., Atlanta, Ga.	4108
4262-X	Schlumberger Well Services, Houston, Tex.	4262

Application No.	Applicant	Renewal of special permit or exemption
4354-X	Pennwalt Corp., Buffalo, N.Y.	4354
4575-X	Racon, Inc., Wichita, Kans...	4575
4698-X	American Bosch Marketing, Springfield, Mass.	4698
4763-X	Hydrite Chemical Co., Milwaukee, Wis.	4763
4790-X	Smith & Wesson/General Ordnance Equipment Co., Pittsburgh, Pa.	4790
5375-X	Union Carbide Corp., Bound Brook, N.J.	5375
5413-X	Publicker Industries, Inc., Philadelphia, Pa.	5413
5559-X	Miraldi Welding Supplies, Inc., Tacoma, Wash.	5559
5600-X	Atlantic Richfield Co., Houston, Tex.	5600
5716-X	Virginia Chemicals, Inc., Portsmouth, Va.	5716
5767-X	Oxy Metal Industries Corp., Morenci, Mich.	5767
5985-X	Nuclear Fuel Services, Inc., Erwin, Tenn.	5985
6083-X	Stauffer Chemical Co., Westport, Conn.	6083
6530-X	Mass Oxygen Equipment Co., Inc., Westborough, Mass.	6530
6545-X	San Diego Gas & Electric Co., San Diego, Calif.	6545
6554-X	Tesco Chemicals, Inc., Marietta, Ga.	6554
6556-X	Castle & Cooke Foods, Inc., Honolulu, Hawaii.	6556
6564-X	----do----	6564
6569-X	Westerwalder Eisenwerk, Weitefeld, West Germany.	6569
6608-X	California Liquid Gas Corp., Sacramento, Calif.	6608
6616-X	Fenwal, Inc., Ashland, Mass..	6616
6651-X	Enthone, Inc., West Haven, Conn.	6651
6687-X	Texas Instruments, Inc., Dallas, Tex.	6687
6687-X	Western Jet Corp., Dallas, Tex.	6687
6687-X	Aerojet-General Corp., Ontario, Calif.	6687
6687-X	AirKaman, Inc., Windsor Locks, Conn.	6687
6687-X	Asplundh Aviation, Inc., Willow Grove, Pa.	6687
6687-X	American Cyanamid Co., Teterboro, N.J.	6687
6687-X	Midwest Air Charter, Inc., Elyria, Ohio.	6687
6687-X	Mellon Bank N.A., West Mifflin Pa.	6687
6687-X	Gates Learjet Corp., Wichita, Kans.	6687
6687-X	Northern Air Service, Detroit, Mich.	6687
6702-X	Dow Chemical Co., Midland, Mich.	6702
6757-X	Eisenbahn - Verkehrsmittel - Aktiengesellschaft, Dusseldorf, Germany.	6757
6825-X	Lox Equipment Co., Livermore, Calif.	6825
6853-X	Metal Finishing Research Corp., Chicago, Ill.	6853
6864-X	Westerwalder Eisenwerk, Weitefeld, West Germany.	6864
6892-X	Spear & Hill, New York, N.Y.	6892
6932-X	Ugine Kuhlmann, Paris, France.	6932
6998-X	Greer Hydraulics, Inc., Los Angeles, Calif.	6998
7005-X	Rhodia, Inc., New York, N.Y.	7005
7062-X	Michlin Chemical Corp., Detroit, Mich.	7062
7085-X	California Seal Control Corp., San Pedro, Calif.	7085
7192-X	Air Products & Chemicals, Inc., Allentown, Pa.	7192
7213-X	Union Carbide Corp., Bound Brook, N.J.	7213
7249-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	7249
7262-X	Hercules, Inc., Wilmington, Del.	7262
7617-X	White Pass & Yukon Route, North Vancouver, British Columbia.	7617

Application No.	Applicant	Renewal of special permit or exemption
2075-P	Orb Industries, Inc., Upland, Pa.	2075
3563-P	Air Resources Laboratories, Silver Spring, Md.	3563
3563-P	AFTAC Headquarters USAF, Patrick AFB, Fla.	3563
3563-P	U.S. Energy Research and Development Administration, Washington, D.C.	3563
3563-P	Lawrence Livermore Laboratory, Livermore, Calif.	3563
3563-P	NASA-Johnson Space Flight Center, Houson, Tex.	3563
4763-P	Milport Chemical Co., Milwaukee, Wis.	4763
5022-P	National Aeronautics and Space Administration, Hampton, Va.	5022
5167-P	Rohm & Haas Co., Philadelphia, Pa.	5167
5736-P	Northern Petrochemical Co., Des Plaines, Ill.	5736
6299-P	Area Oxygen Co., Inc., Cape Girardeau, Mo.	6299
6299-P	Kessler Distributing Co., Fairfield, Iowa.	6299
6231-P	Mobil Chemical Co., Beaumont, Tex.	6231
6309-P	Insta-Foam Products, Inc., Joliet, Ill.	6309
6392-P	Northern Petrochemical Co., Des Plaines, Ill.	6392
6479-P	----do----	6479
6484-P	Dow Chemical Co., Midland, Mich.	6484
6526-P	Cornell Chemical & Equipment Co., Inc., Baltimore, Md.	6526
6571-P	Northern Petrochemical Co., Des Plaines, Ill.	6571
6614-P	Jones Chemicals, Inc., Caledonia, N.Y.	6614
6621-P	Cornell Chemical & Equipment Co., Inc., Baltimore, Md.	6621
6637-P	Troy Chemical Corp., Newark, N.J.	6637
6662-P	Union Carbide Corp., Bound Brook, N.J.	6662
6672-P	Applied Equipment Co., Van Nuys, Calif.	6672
6687-P	Federated Department Stores, Inc., Cincinnati, Ohio.	6687
6687-P	Safelite Industries, Inc., Wichita, Kans.	6687
6687-P	McGraw-Edison Co., West Chicago, Ill.	6687
6687-P	Reserve Oil & Gas Co., Denver, Colo.	6687
6793-P	Hickson & Welch Ltd., London, England.	6793
6803-P	The Harshaw Chemical Co., Cleveland, Ohio.	6803
6825-P	Mobil Chemical Co., Beaumont, Tex.	6825
6825-P	Northern Petrochemical Co., Des Plaines, Ill.	6825
7206-P	Saturn Airways, Inc., Oakland, Calif.	7206
7434-P	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	7434
7470-P	U.S. Industrial Chemicls Co., New York, N.Y.	7470
7584-P	Orval Tank Containers, Paris, France.	7584

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on January 25, 1977.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77-2989 Filed 2-2-77;8:45 am]

MATERIALS TRANSPORTATION BUREAU

Hazardous Materials Transportation Office

EXEMPTION APPLICATIONS

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the application described herein.

COMMENTS BY: March 5, 1977, with respect to applications for a new exemption.

ADDRESSED TO:

Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

New exemptions

Application No.	Applicant	Regulation(s) affected	Nature of application
7605-N	General Dynamics, Fort Worth, Tex.	49 CFR 173.92, 173.102, 173.113, 175.3	To authorize shipment of rocket motors containing class B explosive power devices containing class C explosive small arms ammunition and detonating fuses, class C explosive in an assembled condition. (Modes 1, 3, and 4.)
7606-N	Matheson Gas Products, Lyndhurst, N.J.	49 CFR 173.230(a)(2)	To authorize shipment of metallic sodium blanketed with nitrogen in DOT 4BW cylinders. (Mode 1.)
7607-N	Century Systems Corp., Arkansas City, Kans.	49 CFR 172.101, 175.3	To authorize shipment of hydrogen gas in a cylinder which is less than 7.22 in³ in volume in passenger-carrying aircraft. (Mode 5.)
7608-N	Olin Corp., Stamford, Conn.	49 CFR 173.234, 173.245b, 173.249(a)	To authorize shipment of certain corrosives and oxidizers by private carrier in DOT 5L drums, DOT 2U containers and non-DOT military water cans. (Mode 1.)
6709-N	Nenana Fuel Co., Nenana, Alaska	49 CFR 175.320	To authorize shipment of flammable and combustible liquids in installed tanks of over 110 gal capacity in cargo-only aircraft. (Mode 4.)
7610-N	W. R. Grace & Co., San Leandro, Calif.	49 CFR 173.132	To authorize shipment of a flammable liquid in a non-DOT portable tank. (Modes 1, and 3.)
7611-N	Richmond Food Stores, Inc., Richmond, Va.	49 CFR 173.101	To authorize shipment of small arms ammunition in an outside container of high density polyethylene. (Mode 1.)
7612-N	Shell Oil Co., Houston, Tex.	49 CFR 179.100-23	To authorize retrofitting shelf E or shelf F couplers in lieu of head shields on all uninsulated pressure tank cars. Adopt FRA emergency order 5 as a permanent regulation. (Mode 2.)
7613-N	Rexnord, Inc., Brookfield, Wis.	49 CFR 173.245(a)(17)	To authorize shipment of certain corrosive liquids in 1-gal unlined tin cans overpacked in corrugated cartons. (Modes 1 and 3.)
7615-N	The Norac Co., Inc., Azusa, Calif.	49 CFR 173.157(a)(4), 173.224	To authorize shipment of benzoyl peroxide in a modified DOT 21C drum without an inside plastic bag. (Mode 1.)
7616-N	Missouri Pacific Railroad Co., St. Louis, Mo.	49 CFR 172.204(a), 174.25(a), 174.589 (i)(2).	To authorize telephone billing and a shortened shipper's certificate; use of the train consist in lieu of waybill for empty placarded tank cars; allow buffer car relief on pickup/setout trains. (Mode 1.)
7619-N	Pullman Kellogg, Houston, Tex.	49 CFR 175.10, 175.700	To authorize shipment of exempt quantities of radioactive materials aboard passenger-carrying aircraft. (Mode 5.)
7620-N	W. P. Butterfield (Engineers) Ltd., Shipley, West Yorkshire, England.	49 CFR 173.247	To authorize shipment of thionyl chloride in portable tanks constructed to I.S.O. standards. (Modes 1 and 3.)
7621-N	Great Lakes Chemical Corp., West Lafayette, Ind.	49 CFR 173.353	To authorize shipment of methyl bromide in ISO class 1-C portable tanks. (Modes 1, 2, and 3.)
7622-N	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.365	To authorize shipment of p-nitrobenzyl bromide in DOT 56 portable tanks. (Mode 1.)
7623-N	Safeway Stores, Inc., Oakland, Calif.	49 CFR 173.1200	To authorize shipment of materials classed as ORM-D in wire baskets on rollers. (Mode 1.)
7624-N	Standard Milling Co., Kansas City, Mo.	49 CFR 173.162(h)	To authorize shipment of up to 60,000 lb of charcoal in 1 rail car. (Mode 2.)
7625-N	Milport Chemical Co., Milwaukee, Wis.	49 CFR 173.245, 173.249, 173.263, 173.268, 173.272.	To authorize shipment of certain corrosive liquids in DOT 57 portable tanks. (Mode 1.)

This notice of receipt of application for new exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on January 25, 1977.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations

[FR Doc.77-2990 Filed 2-2-77;8:45 am]

URBAN REINVESTMENT TASK FORCE

NEIGHBORHOOD HOUSING SERVICES PROGRAMS

General Information

INTRODUCTION

The Urban Reinvestment Task Force conducts programs designed to stimulate development of a local private-public resident partnerships committed to stemming neighborhood decline. The Task Force is a joint effort of the Federal financial regulatory agencies—the Federal Home Loan Bank Board, Federal Reserve System, Federal Deposit Insurance Corporation and the Comptroller of the Currency—and the Secretary of the U.S. Department of Housing and Urban Development.

Task Force funding is provided by a HUD demonstration grant and the Federal Home Loan Bank System. The program is administered by the Office of Neighborhood Reinvestment of the Federal Home Loan Banks, based in Washington, D.C.

The Task Force's major effort is helping develop Neighborhood Housing Services programs in cities throughout the country. The programs involve the creation of a local partnership of neighborhood residents, the private sector and local government. To date there are 30 operating NHS programs, and during 1977, 16 to 20 NHS programs will be in development.

NEIGHBORHOOD HOUSING SERVICES PROGRAMS

Neighborhood Housing Services (NHS) programs, as developed by the Urban Reinvestment Task Force, are demonstration projects based on tested experience. Essential features of a typical NHS program include the following.

1. A neighborhood with distinct boundaries characterized by (a) basically sound housing structures showing signs of lack of maintenance and deterioration; (b) difficulty in obtaining mortgages and home improvement loans; (c) a substantial number of owner-occupied structures (usually greater than 50%); (d) an area of from 1000 to 2000 structures in larger cities (fewer structures in smaller cities) which are predominantly single family dwellings; (e) a median family income in the neighborhood no less than 80% of the city-wide median; and (f) structures where typical repair costs are in the range of $6,000 per unit.

2. A neighborhood of residents who want to preserve their community and improve their homes and who will participate in the program and help create a positive improvement climate.

3. Strong local government involvement in developing and implementing the program. This should take the form of increased capital improvements and

city service levels where needed, active participation on boards and committees, and establishment of a senitive and systematic housing inspection program.

4. A group of financial institution executives who agree to reinvest in the neighborhood by making loans at market rates to all homeowners who meet normal underwriting criteria. Financial institution involvement usually takes the form, in addition, of contributions to the NHS to meet operating costs and active participation during development of the program as well as during operation by service on the board and committees.

5. A revolving loan fund designed to meet the needs of NHS clients who cannot meet commercial credit requirements. The fund is set up as a self-help tool for the neighborhood and is a source of loans, not grants, with repayment terms to fit the ability of the borrower. Loans are secured by the property, usually a second deed of trust or mortgage, and NHS counsels with clients to solve payment difficulties. Funds are normally contributed by foundations, local corporate sources and increasingly by local government from community development block grant funds. The Urban Reinvestment Task Force may provide a seed grant to stimulate capitalization of the revolving loan fund.

6. Establishment of an operating program with the following characteristics and providing the following services.

a. A private, state-chartered corporation with a 501(c)(3) tax exempt status;

b. The corporation is governed by a local board of directors made up of neighborhod residents, at-large community members as appropriate, financial industry representatives, and city government representation or liaison as appropriate. No partner controls, but neighborhood residents constitute a numerical majority on the board;

c. NHS board and committees carry out the on-going responsibility to keep the basic resources in place to operate the NHS program. These include loan fund and administrative funding, code inspection services, public improvements, bankable lending, an adequate level of organized resident support, designated target areas and adequate staffing.

d. From an office in the neighborhood, a small but skilled and committed staff (usually a director, assistant director and secretary or administrative assistant) carry out administrative responsibilities and provide the following NHS services:

Rehabilitation counseling—an analysis of home repair needs, work write-ups, cost estimates and home repair counseling;

Construction monitoring services—on-site inspections and communication links between contractors and residents;

Financial services—financial counseling with regard to client financial alternatives, helping assess and solve real estate related problems or other blocks to property improvement, and making referrals to lenders or other non-NHS resources as appropriate.

URBAN REINVESTMENT TASK FORCE ROLE

The Task Force's role is to develop and assist the NHS program. The developmental process usually takes from eight months to a year and includes the following steps taken by the Task Force in conjunction with local entities.

1. Reviewing applications and conducting field reviews to determine if the basic elements for a successful NHS program exist;

2. Entering into a developmental agreement with a local entity to assist local residents, financial institution representatives and representatives of local governments create a NHS program. Cost to the local entity is in the range of $30,000 to $50,000 for development. This covers the cost of a local, full-time staff person hired by the Task Force for six months to a year, and a series of workshops, including travel for participants to an operating NHS program;

3. Conducting a careful survey of local resources, and securing the interest of relevant institutions and individuals;

4. Conducting an educational process featuring several workshops, designed to acquaint representatives of all of the relevant segments of the community with operational details of the NHS program, and assisting them in fitting the general model to local conditions;

5. Assisting in the organization, incorporation, funding and selection of staff for the NHS;

6. Training the NHS staff and assisting in the installation of operating procedures adapted to local needs and conditions;

7. Providing a seed money grant, or assisting in securing one from other sources, to initiate the ongoing fund raising program for a revolving loan fund;

8. Conducting a workshop for local lending officers, appraisers, mortgage insurers and regulatory officials to enable them to appreciate the expected impact of the NHS coordinated reinvestment program on the future of the neighborhood;

9. Providing ongoing information and technical assistance to the newly formed, private, non-profit NHS program.

SPECIAL STATE PROGRAMS

The limited resources of the Task Force will not permit the development of NHS programs in every state, or normally more than one program in any one state during its 1977 Fiscal Year. Applications are encouraged from state agencies, however, to enter into a partnership with the Task Force, whereby state financial resources could be deployed to cover part of the Task Force staffing costs and/or seed money grants to local NHS programs, complementing Task Force technical resources. Under such Task Force-state partnership arrangements, the Task Force could develop several programs in a given state.

Such a program, for example, could involve state funding of $200,000 matched by Task Force funding of $100,000, providing support for full-time Task Force supervisory staff for that state, as well as seed money grants for as many as three NHS programs in that state.

MULTI-NEIGHBORHOOD PROGRAMS

Where resources have been adequate, the Task Force has found it possible to create NHS programs which serve two or more neighborhoods in a given city. Applications for such programs should indicate potential sources of funding for the NHS program at annual levels of typically $60,000 per neighborhood for administrative costs and $100,000 per neighborhood for additions to the revolving loan fund.

ADDITIONAL NEIGHBORHOODS FOR EXISTING NHS PROGRAMS

Several of the 1977 NHS developmental programs may include expansion to one or more additional neighborhoods of already-existing NHS programs. Applications for such assistance should indicate potential sources of the additional annual funding referred to above. Task Force funding is available for a limited number of grants of NHS revolving loan funds and/or funding of the developmental costs of expanding the program.

APPLICATION PROCEDURE

The demonstration program is scheduled to continue through 1979, and applications are being accepted on an ongoing basis. Application forms are available upon request. Local entities may submit applications and materials supporting their readiness to be considered for services of the Task Force in development of a NHS program. The Task Force will review materials and select promising applications for field review.

Following field review, applications will be ranked according to their promise as demonstrations, and agreements will be entered into with the local entities with top ranking applications, subject to availability of Task Force resources.

Inquiries should be addressed to the Urban Reinvestment Task Force, 1120 19th Street, NW, Washington, D.C. 20036.

WILLIAM A. WHITESIDE,
Staff Director.

[FR Doc.77-3418 Filed 1-31-77;3:50 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 317]

ASSIGNMENT OF HEARINGS

JANUARY 31, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119988 (Sub-No. 96), Great Western Trucking Co., Inc., now assigned February 8, 1977, at Chicago, Illinois, is canceled and the application is dismissed.

MC 67866 (Sub-31), Film Transit, Inc., now being assigned continued hearing April 12, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 28255, Chesapeake and Ohio Railroad Company—Lease and Operate—The Baltimore and Ohio Railroad Company Between Clendenin and Charleston in Kanawha County, West Virginia now assigned March 8, 1977, at Charleston, West Virginia will be held in Room C, C Building, Washington Street, East.

MC 134958 (Sub-9), Hams Express, Inc., now assigned March 21, 1977 at Philadelphia, Pennsylvania, will be held in Room No. 3240 William J. Green, Jr. Federal Building, 600 Arch Street.

MC 142432 (Sub-1), Norman R. Jackson, now being assigned March 23, 1977 (3 days) in Philadelphia, Pennsylvania, in Room 3240 William J. Green, Jr. Federal Building, 600 Arch Street. Section 5a Application No. 116, Willamette Tariff Bureau-Agreement (2), now being assigned March 1, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 1 (Sub-No. 7), Eschenbach & Rodgers Trucking, Inc., now assigned March 23, 1977 at Philadelphia, Pennsylvania, is canceled and the application is dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3424 Filed 2-2-77;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 129]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 401, issued by W. J. Trezise or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company
Reporting Marks: ATSF
Bessemer and Lake Erie Railroad Company
Reporting Marks: BLE
The Baltimore and Ohio Railroad Company
Reporting Marks: BO[1]
The Chesapeake and Ohio Railway Company
Reporting Marks: CO-PM
Chicago, Rock Island and Pacific Railroad Company
Reporting Marks: RI-ROCK
Chicago, West Pullman & Southern Railroad Company
Reporting Marks: CWP
The Denver and Rio Grande Western Railroad Company
Reporting Marks: DRGW
Elgin, Joliet and Eastern Railway Company
Reporting Marks: EJE
Illinois Terminal Railroad Company
Reporting Marks: ITC
Louisville and Nashville Railroad Company
Reporting Marks: CIL-L&N-MON-NC
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT
Missouri Pacific Railroad Company
Reporting Marks: CEI-MI-MP-TP
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR
Southern Railway Company
Reporting Marks: CG-NS-SA-SOU[1]
SOO Line Railroad Company
Reporting Marks: SOO
Union Pacific Railroad Company
Reporting Marks: UP
Western Maryland Railway Company
Reporting Marks: WM

Effective 12:01 a.m., January 25, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., January 18, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-3432 Filed 2-2-77;8:45 am]

[S.O. 1252; I.C.C. Order 1; Amdt. 1]

BIRMINGHAM SOUTHERN RAILROAD AND LOUISVILLE AND NASHVILLE RAILROAD CO.

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 1 and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 1 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

[1] St. Louis-San Francisco Railway Company deleted. Burlington Northern Inc., deleted.

Issued at Washington, D.C., January 26, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL L. BURNS,
Agent.

[FR Doc.77-3437 Filed 2-2-77;8:45 am]

[S.O. 1252; I.C.C. Order 17; Amdt. 2]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting Traffic

To all railroads: Upon further consideration of I.C.C. Order No. 17 (The Chesapeake and Ohio Railway Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 17 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 4, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-3428 Filed 2-2-77;8:45 am]

[Rev. S.O. 1252; ICC Order 19]

CONSOLIDATED RAIL CORP.

Rerouting of Traffic

To all Railroads: In the opinion of Joel E. Burns, Agent, the Consolidated Rail Corporation is unable to transport traffic routed via its car ferry between Norfolk, Virginia, and Cape Charles, Virginia, because of accumulations of ice at the float bridges.

It is ordered, That: (a) *Rerouting traffic:* The Consolidated Rail Corporation being unable to transport traffic routed via its car ferry between Norfolk, Virginia, and Cape Charles, Virginia, because of accumulations of ice at the float bridges is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 8:30 a.m., January 24, 1977.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 24, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-3425 Filed 2-2-77;8:45 am]

FILING OF RAIL TARIFFS OF CHANGED RATES PURSUANT TO THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Supplemental Notice

JANUARY 27, 1977.

By notice published in the FEDERAL REGISTER on February 20, 1976 (41 FR 7848), the Commission established procedures for common carriers by railroad governing tariff filings pursuant to sections 15(8)(b) and 15(8)(c) of the Interstate Commerce Act. It was provided therein that any rail common carrier (or its tariff publishing agent) which desires to have any proposed arte change [1] considered by the Commission pursuant to the aforesaid sections of the Act must so notify the Commission, and include in its notice a showing of the rate in effect on January 1 (of the involved year) for the subject traffic, and a vertification that all subscribers to the involved tariff(s) have been furnished the same information as given in the notice to the Commission.

Our experience with the procedures established in the prior notice herein indicates that revision of said procedures is necessary, in order to facilitate the implemmentation of the provisions of sections 15(8) (b) and (c) of the Act. Accordingly, the aforementioned procedures shall be modified to provide (1) that notification of any tariff filing pursuant to sections 15(8) (b) and (c) of the Act include a separate statement with the letter of transmittal accompanying the filed publication addressed to Chief, Tariff Examining Branch, Bureau of Traffic, and entitled "Notice of Filing Pursuant to Sections 15(8)(b) and 15(8)(c) of the Act ("YO-YO" Filing)"; (2) include in said separate statement a showing of the rate in effect (updated through all applicable increases) on January 1 of the year in which the proposed changed rate is to take effect; and (3) make reference in the tariff publication being filed that "Matter in this (tariff, supplement, item etc., as appropriate) is filed pursuant to Sections 15(8)(b) and 15(8)(c) of the Act ("YO-YO" Filing)". Reference to sections 15(8)(b) and 15(8)(c) in the filed tariff publication eliminates the requirement set forth in the prior notice that carriers furnish each tariff subscriber with separate notification of any tariff filing pursuant to the aforesaid sections of the Act.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3430 Filed 2-2-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 31, 1977.

An application, as summarized below, has been filed reqeusting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43313—*Sand to Star City, West Virginia.* Filed by Southwestern Freight Bureau, Agent, (No. B-651), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Crystal City, Klondike and Ludwig, Missouri, to Star City, West Virginia. Grounds for relief—Rate relationship.

Tariff—Supplement 111 to Southwestern Freight Bureau, Agent, tariff 162-Y, I.C.C. No. 5103.

Rates are published to become effective on March 2, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3433 Filed 2-2-77;8:45 am]

[S.O. 1252; ICC Order 20]

GRAND TRUNK WESTERN CO.

Rerouting of Traffic

To all railroads: In the opinion of Joel E. Burns, Agent, the Grand Trunk Western Railroad Company is unable to transport traffic over its car ferry between Milwaukee, Wisconsin, and Muskegon, Michigan, because of ice conditions in Lake Michigan.

It is ordered, That: (a) The Grand Trunk Western Railroad Company, being unable to transport traffic over its car ferry between Milwaukee, Wisconsin, and Muskegon, Michigan, because of ice conditions in Lake Michigan, that line is hereby authorized to reroute and divert such traffic, via any available route, to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving road to be obtained.* The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance

[1] The change must be one which is not of general applicability and the aggregate of the increase or decrease may not exceed 7 per centum of the rate in effect on January 1, 1976 to come within this subsection in connection with rates filed within 365 days of enactment. Thereafter, during the next year, the aggregate increase or decrease may not exceed 7 per centum of the rate in effect on January 1, 1977. See 15(8) (b) and (c), as amended.

with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:00 p.m., January 26, 1977.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 4, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-3427 Filed 2-2-77;8:45 am]

[S.O. 1252; ICC order 9; Amdt. 1]

MIDDLETOWN AND HUMMELSTOWN RAILROAD CO.

Rerouting of Traffic

To all Railroads: Upon further consideration of I.C.C. Order No. 9 (Middletown and Hummelstown Railroad Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 9 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 25, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-3431 Filed 2-2-77;8:45 am]

[S.O. 1252; ICC Order 2; Amdt. 1]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting of Traffic

To all Railroads: Upon further consideration of I.C.C. Order No. 2, (New York, Susquehanna and Western Railroad Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 2 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., January 27, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-3426 Filed 2-2-77;8:45 am]

[Notice No. 112]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

FD-28345 filed January 25, 1977. Transferee: LESLIE HENRY HALLIGER, Doing Business As Lake City Excursion Company, 416 South Lakeshore Drive, Lake City, Minnesota 55041. Transferor: John William Halliger, Doing Business As Lake City Excursion Company, 311 Mill Street, Dallas, Oregon 97338. Applicants' Representative: Philip A. Gartner, P.O. Box 149, Lake City, Minnesota 55041. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Amended Certificate And Order No. W-1185 and No. W-1185 (Sub-No. 1) issued July 28, 1965, authorizing operations as a common carrier by water, by self-propelled vessels, in the transportation of passengers, in round-trip cruise service, during the season from May to October each year (1) beginning and ending at Lake City and Red Wing, Minn., and extending to points on Lake Pepin (Mississippi River). Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76827, filed January 26, 1977. Transferee: TORTORELLO MOVING & TRUCKING CO., INC., 2590 Harding Avenue, Bronx, N.Y. 10465. Transferor: Newcomer Moving Co., Inc., 161-16 45th Avenue, Flushing, N.Y. 11358. Applicants' Representative: Arthur J. Piken, Attorney-at-Law, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 15904, issued June 15, 1972, to Michael Storage Co., Inc., and acquired by transferor herein pursuant to No. MC-FC-76209, approved February 2, 1976, and consummated March 17, 1976, as follows: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76861, filed December 6, 1976. Transferee: M. C. CUMBIE, INC., 5011 Ecoff Avenue, Chester, Virginia 23831. Transferor: Direct Transport, Inc., 2nd & Stockton Streets, Richmond, Virginia 23224. Applicant's Representative: W. R. Gambill, Attorney at Law, Gambill & Martin, P.O. Box 8408, Richmond, Virginia 23226. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 29748, issued March 29, 1971, as follows: Pipe and sheet iron products between Richmond, Va., on the one hand, and, on the other, points in Virginia, North Carolina, and South Carolina and fertilizer, doors, windows, door and window frames, boxes, box shooks, lumber, sash weights, steel bars, metal laths, expansion joint materials, and wire forms from Richmond, Va. to points in Virginia and North Carolina. Transferee presently holds no authority from this Commission. Application has

not been filed for temporary authority under Section 210a(b).

No. MC–FC–76862, filed December 6, 1976. Transferee: HARRIS BROS. CO., INC., 1317–25 S. 49th Street, Philadelphia, Pennsylvania 19143. Transferor: William T. Harris and Theatris Harris, a Partnership, doing business as Harris Bros. Co., 1317–25 S. 49th Street, Philadelphia, Pennsylvania 19143. Applicant's Representative: Morris J. Levin, Attorney at Law, 1620 Eye Street NW., Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 133363 (Sub-No. 1) issued October 31, 1969 and MC 133363 (Sub-No. 3) issued September 13, 1974, as follows: Refrigeration equipment and parts thereof between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, New York, and Maryland and stereo equipment, radios, sewing machines, and cabinets, parts, and materials therefor from Savannah, Ga., New York, N.Y., Los Angeles, Calif., Seattle, Wash., and Philadelphia, Pa., to the facilities of Morse Electric Products Corp. at various specified points. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76863, filed December 9, 1976. Transferee: ZELLMER TRUCK LINES, INC., P.O. Box 996, Granville, Illinois 61326. Transferor: Harry Zellmer, doing business as Zellmer Truck Lines, P.O. Box 996, Granville, Illinois 61326. Applicant's representative: E. Stephen Heisley, Attorney at Law, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates No. MC–127303, MC–127303 (Sub-No. 3), MC–127303 (Sub-No. 5), MC–127303 (Sub-No. 9), MC–127303 (Sub-No. 11), MC–127303 (Sub-No. 12), and MC–127303 (Sub-No. 14), issued December 30, 1965, July 23, 1968, October 17, 1967, March 3, 1971, November 26, 1973, and June 23, 1976 respectively, as follows: Malt beverages and related advertising materials from Minneapolis-St. Paul, Minn. to specified points in Wisconsin and Illinois and various other specified commodities from specfied points in Illinois and Iowa to specified points in Indiana, Iowa, Kansas, Kentucky, Michigan, Colorado, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Wisconsin, Wyoming, and Michigan.

Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–76867, filed December 13, 1976. Transferee: SAV-ON TRANSPORTATION, INC., 143 Frontage Rd., Manchester, New Hampshire 03101. Transferor: Columbine Carriers, Inc., 1720 East Garry Ave., Santa Ana, California 92705. Applicants' representative: Charles J. Kimball, Attorney at Law, Suite 350, 1600 Sherman St., Denver, Colorado 80203. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit, No. MC–135185 (Sub-No. 1), issued July 23, 1976, as follows: *Meats, meat products, and meat by-products,* and *articles distributed by meat packinghouses* as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides), over irregular routes, with restrictions from the plant site and storage facilities of Great Plains Beef Packers, Inc., at or near Council Bluffs, Iowa and Omaha, Nebr., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76874, filed December 14, 1976. Transferee: ROBERT N. DRAKE, doing business as Aerolite Trucking Company, Box 1314, Garden City, Kansas 67846. Transferor: Overland Transportation, Inc., Box 929, Lamar, Colorado 81052. Applicant's representative: Thomas J. Burke, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colorado 80264. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–129415 (Sub-No. 2), MC–129415 (Sub-No. 3) and MC–129415 (Sub-No. 5) issued July 1, 1968, April 5, 1968, and August 12, 1970 respectively, as follows: Feed and feed ingredients and animal and poultry feeds and hygienic materials and supplies used in animal husbandry from specified points in Kansas, Missouri, Colorado, and Texas to specified areas in Oklahoma, Kansas, Texas, New Mexico, and Wyoming.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76876, filed December 15, 1976. Transferee: KAPS TRANSPORT (ALASKA), INC., 750 W. 2nd Avenue, Room 101, Anchorage, Alaska 99501. Transferor: Kaps Transport, Inc., 750 W. 2nd Avenue, Room 101, Anchorage, Alaska 99501. Applicant's representative: Julian C. Rice, Attorney at Law, P.O. Box 2551, Fairbanks, Alaska 99707. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–123298, issued February 18, 1963, as follows: General commodities with the usual exceptions between points in Alaska except points on the Alaska Panhandle south of Haines, Alaska.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76911, filed January 4, 1977. Transferee: EDMOND MOTOR FREIGHT, INC., P.O. Box 922, Edmond, Oklahoma 73034. Transferor: James S. LaGrange, doing business as Edmond Motor Freight, 1608 N.W. 41st Street, Oklahoma City, Oklahoma 73118. Applicant's representative: Michael E. Dunn, Attorney at Law, Andrews, Mosburg, Davis, Elam, Legg & Bixler, Inc., 1600 Midland Center, Oklahoma City, Oklahoma 73102. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC–85997 (Sub-No. 1), issued October 4, 1976, as follows: General commodities between Edmond, Oklahoma and Oklahoma City, Oklahoma and return. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76912, filed January 4, 1977. Transferee: DAVISON TRANSPORT, INC., Sunset Avenue, North Bend, Ohio 45052. Transferor: Roman Nobbe Co., Inc., R.R. No. 3, Batesville, Indiana 47006. Applicant's representative: Malcolm C. Mallette, Attorney at Law, Krieg, Devault, Alexander, and Capehart, One Indiana Square, Suite 2860, Indianapolis, Indiana 46204. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC–124748 (Sub-No. 1), issued July 9, 1970, as follows: Coal from North Bend, Ohio to points in a specified area of Indiana.

Transferee is presently authorized to operate as a common carrier under Certificate No. MC–139243 (Sub-No. 2). Application has not been filed for temporary authority under Section 210(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–3435 Filed 2–2–77;8:45 am]

[Notice No. 114]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 3, 1977.

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 76952. By application filed January 17, 1977, RANGER LEASING CORP., 12 Merlin Place, Pine Brook, NJ 07045, seeks temporary authority to transfer the operating rights of Stacey-Adams Warehouses, Inc., 132 Lockwood Street, Newark, NJ, 07105, under section 210a(b). The transfer to Ranger Leasing Corp., of the operating rights of Stacey-Adams Warehouses, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–3436 Filed 2–2–77;8:45 am]

[Notice No. 113]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 3, 1977.

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 76949. By application filed January 26, 1977, WINDSOR AUTOMOTIVE AND TIRE, INC., 595 Windsor Avenue, Windsor, CT 06095, seeks temporary authority to transfer the operating rights of G. I. Whitehead and Son, Inc., 207 New Britain Avenue, Hartford, CT 06106, under section 210a(b). The transfer to Windsor Automotive and Tire, Inc., of the operating rights of G. I. Whitehead and Son, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-3434 Filed 2-2-77;8:45 am]

MURPHY MOTOR FREIGHT LINES, INC.

Self-insurance Authority

ORDER

At a Session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C., on the 26th day of January 1977.

MC 108937

In the matter of Murphy Motor Freight Lines, Inc. to self-insure (with respect to automobile bodily injury and property damage liability and cargo liability) under the provisions of Section 215, Interstate Commerce Act, and the rules and regulations prescribed thereunder governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers.

It appearing, That on October 22, 1954, the Commission, Division 5, approved the application of authority to self-insure for Murphy Motor Freight Lines, Inc., subject, among other things, to the maintenance of excess insurance in excess of $15,000 per occurrence;

It further appearing, That Murphy Motor Freight Lines, Inc., has requested that it be permitted to increase its self-insured retention from $15,000 per occurrence to $50,000 per occurrence;

And it further appearing, That this request has been considered and has been found to be reasonable;

It is ordered, That Murphy Motor Freight Lines, Inc. is hereby authorized to increase its self-insured retention from $15,000 to $50,000 per occurrence effective January 31, 1977, provided reasonable and adequate excess insurance is maintained.

By the Commission, Insurance Board, Members Burns, Teeple and Schloer.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-3421 Filed 2-2-77;8:45 am]

[Volume No. 2]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

JANUARY 28, 1977.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before March 7, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practices (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 112822 (Sub-No. 117) (Notice of Fling of Petition to Change Destination Point), filed January 14, 1977. Petitioner: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Petitioner's representative: Nancy B. Calvin, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80264. Petitioner holds a motor *common carrier* Certificate in No. MC 112822 (Sub-No. 117), issued October 10, 1975, authorizing transportation over irregular routes, of *malt beverages*, from Fort Worth, Tex., to Las Cruces, Roswell, Albuquerque, and Santa Fe, N. Mex., and Grand Junction, Greeley, Denver, Glenwood Springs, Sterling, Durango, Pueblo, Colorado Springs, Hayden, and Salida, Colo. By the instant petition, petitioner seeks to delete Hayden, Colo. from the above territorial description and to substitute in lieu thereof, Steam Springs, Colo.

No. MC 134734 and (Sub-Nos. 1, 4, 5, 6, 11, and 15) (Notice of Filing of Petition to Change Contracting Shippers), filed December 8, 1976. Petitioner: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 14031 L Street, Omaha, Nebr. 68137. Petitioner's representative: Joseph Winter, 33 N. LaSalle St., Chicago, Ill. 60602. Petitioner holds motor *contract carrier* Permits in No. MC 134734 and (Sub-Nos. 1, 4, 5, 6, 11, and 15), issued August 2, 1971, July 10, 1972, June 22, 1973, June 14, 1973, September 20, 1973, February 22, 1974, and March 31, 1976, respectively, authorizing transportation (1) in No. MC 134734 over irregular routes, of *meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, between Norfolk, Nebr., on the one hand, and, on the other, points in Iowa, Kansas, Michigan, Wisconsin, Illinois, Ohio, Kentucky, Colorado, Indiana, Missouri, South Dakota and Minnesota, under a continuing contract, or contracts, with National Foods, Inc., of Norfolk, Nebr.; (2) in No. MC 134734 (Sub-No. 1) over irregular routes, of *meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209 and 766 (except hides), from points in Dawson County, Nebr., to points in Iowa, Kansas, Michigan, Nebraska, Wisconsin, Illinois, Ohio, Kentucky, Colorado, Indiana, Missouri, South Dakota, and Minnesota, under a continuing contract, or contracts, with National Foods, Inc., of Norfolk, Nebr., and its subsidiaries, Midwestern Beef, Inc., Prairie Maid Meat Products, and Valley Packing Co.; (3) in No. MC 134734 (Sub-No. 4) over irregular routes, of *meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Norfolk and Darr, Nebr., to points in Oklahoma, Texas, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia and West Virginia, under a continuing contract, or contracts, with National Foods, Inc., of Norfolk, Nebr.

(4) No. MC 134734 (Sub-No.5) over irregular routes, of *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Norfolk, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under a continuing contract, or contracts, with National Foods, Inc., of Norfolk, Nebr.; (5) in No. MC 134734 (Sub-No. 6) over irregular routes, of *meats, meat products and meat by-products*, and *such commodities* as are usually dealt in and used by a meat processor (except hides, skins and pieces thereof, and commodities in bulk), between Lincoln, Nebr., on the one hand, and, on the other points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, Wisconsin, South Dakota, North Dakota, and Wyoming, restricted against the transportation of frozen foods from Lincoln, Nebr., to Kansas City, Mo., and points in Kansas and Kentucky, under a continuing contract, or contracts, with National Foods Inc., Prairie Maid Meat Division, of Norfolk, Nebr.; (6) in No. MC 134734 (Sub-No. 11) over irregular routes, of *meat and meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C Appendix I to the report in De-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

scriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Darr, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under a continuing contract, or contracts, with National Foods, Inc., of Norfolk, Nebr.; and

(7) in No. MC 134734 (Sub-No. 15) over irregular routes, of *meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Section A and B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Darr and Norfolk, Nebr., to points in Arizona, California, Idaho, Nevada, New Mexico, Montana, Oregon, Utah, Washington, and Wyoming, under a continuing contract, or contracts, with National Foods, Inc., of Norfolk, Nebr.

By the instant petition, petitioner seeks (a) to modify the lead Permit and (Sub-Nos. 4, 5 and 15) so that "Norris Fauss, d./b./a. National Foods, of Norfolk, Nebr. and Dugdale Packing Company, of St. Joseph, Mo." be reflected as the contract shippers in lieu of National Foods, Inc.; (b) to modify (Sub-Nos. 1 and 11) so that "Dugdale Packing Company, of St. Joseph, Mo." be reflected as the contract shipper in lieu of National Foods, Inc.; and (c) to modify (Sub-No. 6) Permit so that "Prairie Maid Meat Products, Inc., of Lincoln, Nebr." be reflected as the contract shipper in lieu of National Foods, Inc.

No. MC 138522 and 138522 (Sub-No. 1) (Notice of Filing of Petition to Modify Permits), filed December 13, 1976. Petitioner: R. G. STANKO EXPRESS, INC., West Highway 20, P.O. Box 509, Gordon, Nebr. 69343. Petitioner's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds motor *contract carrier* Permits in No. MC 138522 and 138522 (Sub-No. 1), issued November 15, 1974 and December 3, 1976, respectively, authorizing transportation: (1) in MC 138522 over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in tank vehicles), from Gordon, Nebr., to points in Colorado, Iowa, Illinois, Kansas, and Missouri, under a continuing contract or contracts with Nebraska Beef Packers Co., of Gordon, Nebr.; and (2) in MC 138522 (Sub-No. 1) over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (A) from the facilities of Nebraska Beef Packers Co., located at or near Gordon, Nebr., to points in the United States (except Colorado, Kansas, Iowa, Missouri, Illinois, Nebraska, Alaska, and Hawaii), under a continuing contract or contracts with Nebraska Beef Packers Co., of Gordon, Nebr.; and (B) from the facilities of Stanko Packing Company, located at or near Gering, Nebr., to points in the United States (except Alaska, Hawaii, and Nebraska), under a continuing contract or contracts with Stanko Packing Company, doing business as, Nebraska Beef Packers, of Gering, Nebr.

By the instant petition, petitioner seeks (1) in MC 138522(a) to remove restriction from the commodity description so as to provide service for the trasportation of hides and commodities in bulk; (b) to provide service on a return movement from points in Colorado, Iowa, Illinois, Kansas, and Missouri, to Gordon, Nebr.; and (c) to add Stanko Packing Company, doing business as, Nebraska Beef Packers, of Gering, Nebr., and Glasgow Packing Company, doing business as, Nebraska Beef Packers, of Glasgow, Mont., as additional contracting shippers; and (2) in MC 138522 (Sub-No. 1) (a) to remove restriction from the commodity description so as to provide service for the transportation of hides and commodities in bulk; (b) to delete Nebraska from the exceptions in (2) (A) and (B) above; (c) to provide service on a return movement in (2) (A) and (B) above; and (d) to add Glasgow Packing Company, doing business as, Nebraska Beef Packers, of Glasgow, Mont., as an additional contracting shipper.

No. MC 139206 (Notice of Filing of Petition to add an Additional Base Point), filed December 6, 1976. Petitioner: F.M.S. TRANSPORTATION, INC., 900 North Alvarado, Los Angeles, Calif. 90026. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. Petitioner holds a motor *contract carrier* Permit in No. MC 139206, issued January 10, 1977, authorizing transportation over irregular routes, of *textiles and textile products, chemicals, and materials, equipment and supplies* used in the sale, manufacture, processing, production, and distribution of the abovenamed commodities (except commodities in bulk), between Laredo, Brenham, and Houston, Tex., Wellsville, Mo., and Johnson City, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Chromalloy American Corporation and Leon Ferenbach, Inc. By the instant petition, petitioner seeks to add Arlington, Tex. as an additional base point to the above authority.

No. MC 140760 (Notice of Filing of Petition to add an Additional Contracting Shipper), filed January 10, 1977. Petitioner: HARTLE TRUCKING CO., a Corporation, Maine St., Shippenville, Pa. 16254. Petitioner's representative: John A. Pillar, 205 Ross Street, Pittsburgh, Pa. 15219. Petitioner holds a *contract carrier* permit in No. MC 140760, issued October 18, 1976, authorizing transportation, over irregular routes, of *Coal*, in dump vehicles, from points in Clarion County, Pa., to points in Ashtabula, Lake, Trumbull, Mahoning, and Cuyahoga Counties, Ohio, under a continuing contract, or contracts, with Black Gold Coal Corporation, located at Ashtabula, Ohio. By the instant petition, petitioner seeks to add H & G Coal & Clay Company, as an additional contracting shipper.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 12483 (Sub-No. 1), (Republication), filed June 11, 1976, published in the Federal Register issue of July 8, 1976, and republished this issue. Petitioner: FORLOW TRAVEL BUREAU, INC., 716 South Main St., South Bend, Ind. 46618. Petitioner's representative: S. Harrison Kahn, Investment Building, Suite 733, Washington, D.C. 20005. An Order of the Commission, Review Board Number 2, dated December 17, 1976, and served January 7, 1977, finds that operation by petitioner as a *broker* in interstate or foreign commerce, at Frankfort and South Bend, Ind. and Oakbrook Terrace, Ill., to accommodate arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in all-expense round-trip special and charter sight-seeing and pleasure tours, beginning and ending at points in Indiana, Cook County, Ill., and Berrien, Cass, Kalamazoo, and St. Joseph Counties, Mich., and extending to points in the United States (except Alaska and Hawaii), will be consistent with the public interest and the national transportation policy; that petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the substitution of Oakbrook Terrace, Ill., in lieu of Oak Brook, Ill. as an additional point at which petitioners is authorized to engage in operations as a broker, in the modification authorized of petitioner's broker license.

No. MC 51146 (Sub-No. 450) (Republication), filed October 22, 1975, published in the FEDERAL REGISTER issue of November 20, 1975, and republished this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. An Order of the Commission, Review Board Number 2, dated December 28, 1976, and served January 25, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *aluminum cans*, from the facilities of Reynolds Metals Company at or near Middletown, Newburgh, and Warwick, N.Y., and Woodbridge, N.J., to points in the United States (except Alaska, Hawaii, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; and (2) *returned shipments* of the commodities in (1) above, from the destinations in (1) above to the origins in (1) above; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of Woodbridge, N.J. as an additional destination point in (2) above in applicant's grant of authority.

No. MC 141486 (Sub-No. 1) (Republication), filed February 12, 1976, published in the FEDERAL REGISTER issue of May 13, 1976, and republished this issue. Applicant: SLOPE & TRACK PLEASUREWAYS, INC., 7446 Metcalf, Overland Park, Kans. 66204. Applicant's representative: Stephen M. Fletcher, Fairway Office Center, Suite 101B, 4220 Johnson Drive, Shawnee Mission, Kans. 66205. An Order of the Commission, Review Board Number 1, dated September 16, 1976, and served October 1, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *passengers and their baggage* in round-trip charter operations, beginning and ending at those points in Kansas and Missouri within an area bounded by U.S. Highway 54, on the south, U.S. Highway 75, on the west, U.S. Highway 36 on the north, and U.S. Highway 65, on the east, and extending to points in Colorado, Kansas, Missouri, and Nebraska; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that an Order of the Commission, Division 1, Acting as an Appellate Division, dated January 4, 1977, and served January 12, 1977, orders that the above proceeding be reopened for further processing under modified procedure, and that any proper party in interest may file a protest to the grant of authority within 30 days of the date of this publication.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an aplicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 730 (Sub-No. 397) (Amendment), filed October 28, 1976, published in the FEDERAL REGISTER issue of November 24, 1976, and republished this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from Pima and Maricopa Counties, Ariz., to points in California, Nevada and Utah; and (2) *crude fish oil*, in bulk, in tank vehicles, from Terminal Island, Calif., to Colorado Springs, Colo.

NOTE.—The purpose of this republication is to correct applicant's destination in (2) above. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, or San Francisco, Calif.

No. MC 1756 (Sub-No. 31), filed December 13, 1976. Applicant: PEOPLES EXPRESS CO., a Corporation, 497 Raymond Boulevard, Newark, N.J. 07105. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and accessories*, and *materials supplies and equipment* used in the manufacture, sale and distribution of containers and container ends (except in bulk), between points in Middlesex County, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 2202 (Sub-No. 525), filed December 10, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving St. Gabriel, Geismar and Taft, La., as off-route points in connection with applicant presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans or Baton Rouge, La. or Washington, D.C.

No. MC 2900 (Sub-No. 297), filed December 23, 1976. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Com-

mission, commodities in bulk, commodities of unusual value and those requiring special equipment), (1) Between junction U.S. Highway 78 and Interstate Highway 85 and junction Florida Highway 71 and U.S. Highway 90, as an alternate route for operating convenience only: From the junction of U.S. Highway 78 and Interstate Highway 85 over Interstate Highway 85 to the junction of Interstate Highway 75, thence over Interstate Highway 75 to junction Georgia Highway 85, thence over Georgia Highway 85 to Alternate U.S. Highway 27, thence over Alternate U.S. Highway 27 to junction U.S. Highway 431, thence over U.S. Highway 431 to junction U.S. Highway 231, thence over U.S. Highway 231 to U.S. Highway 90, thence over U.S. Highway 90 to Florida Highway 71, and return over the same route, serving the termini for the purpose of joinder only; (2) Between the junction of U.S. Highway 78 and U.S. Highway 31 and the junction of U.S. Highway 90 and Florida Highway 71 as an alternate route for operating convenience only: From junction U.S. Highway 78 and U.S. Highway 31 over U.S. Highway 31 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction U.S. Highway 90, thence over U.S. Highway 90 to junction Florida Highway 71, and return over the same route, serving the termini for the purpose of joinder only; and (3) Between the junction of U.S. Highway 78 and U.S. Highway 31 and the junction of U.S. Highway 29 and U.S. Highway 90 as an alternate route for operating convenience only: From junction U.S. Highway 78 and U.S. Highway 31, over U.S. Highway 31 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction U.S. Highway 90, and return over the same route, serving the termini for the purpose of joinder only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Jacksonville, Fla. or Washington, D.C.

No. MC 2900 (Sub-No. 298), filed December 23, 1976. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vericle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities of unusual value, and those requiring special equipment). Serving points in Sumter County, Ga., as off-route points in connection with carriers presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 130387 (Sub-No. 42), filed December 20, 1976. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street, S.W., Mason City, Iowa 50401. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., to Mason City, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 19157 (Sub-No. 23), filed December 13, 1976. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., Route 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Clem Tomlins (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane, polyurethane foam, and compounds* (except in bulk), from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to Glenloch, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Memphis, Tenn. or Albany, N.Y.

No. MC 19157 (Sub-No. 24), filed December 27, 1976. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., Route 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Clem Tomlins (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by rail (except commodities in bulk), between Mills Shoals and Springerton, Ill., on the one hand, and, on the other, points in and east of Indiana, Kentucky, Michigan, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Louis, Mo. or Schenectady, N.Y.

No. MC 19157 (Sub-No. 26), filed December 23, 1976. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., Route 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Clem Tomlins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clocks, electrical products, electrical supplies and electrical equipment* (except commodities in bulk and those which because of size or weight require the use of special equipment), between Louisville, Miss., on the one hand, and, on the other, points in and east of Alabama, Florida, Illinois, Kentucky, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Columbus, Miss. or Schenectady, N.Y.

No. MC 19778 (Sub-No. 93), filed December 20, 1976. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a Corporation, 516 West Jackson Boulevard, Suite 508, Chicago, Ill. 60606. Applicant's representative: Robert F. Munsell (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, from Sioux Falls, S. Dak., and points 3 miles thereof, to points in Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Pierre, S. Dak.

No. MC 35807 (Sub-No. 66), filed December 13, 1976. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street, N.W., Washington, D.C. 30036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unique (currency) paper*, between Dalton, Mass., and the District of Columbia, under a continuing contract, or contracts, with General Services Administration.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 43706 (Sub-No. 4), filed December 20, 1976. Applicant: ATKINSON FREIGHT LINES, INC., P.O. Box 520, Blanche Rd., Conwells Heights, Pa. 19020. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, and materials, equipment and supplies* used in the manufacture and distribution of containers and container closures (except commodities in bulk and those which because of size or weight require the use of special equipment), (1) from Albany, N.Y., to Johnstown, Pa.; and (2) from Oil City, Pittsburgh and Lancaster, Pa., to points in Delaware, Maryland, New Jersey, New York, North Carolina and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., New York, N.Y. or Pittsburgh, Pa.

No. MC 44989 (Sub-No. 5), filed December 22, 1976. Applicant: WILLIAMS TRUCK LINE, INC., Box 143, Audobon, Iowa 50025. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by American Beef Packers, Inc., located at or near Omaha, Nebr. and Oakland, Iowa, to points in Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio and Wisconsin, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 50307 (Sub-No. 87), filed December 27, 1976. Applicant: INTER-

STATE DRESS CARRIERS, INC., 247 West 35th Street, New York City, N.Y. 10001. Applicant's representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, and *materials, machinery, supplies and equipment* used in the manufacture of wearing apparel, between Waterville, N.Y., and points New Jersey, New York, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 56244 (Sub-No. 52), filed December 27, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., R.D. No. 2, P.O. Box 98, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen commodities and commodities in bulk), from facilities utilized by California Canners and Growers located at Chambersburg, Pa. and points in Adams County, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 59856 (Sub-No. 70), filed December 20, 1976. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: John R. Davidson, Midland Bank Building, Suite 805, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those which require the use of special equipment), Serving the mine and processing plantsite of Mineral Exploration Co., a subsidiary of Union Oil Company of California, located at or near Wamsutter, Wyo., as an off-route point in connection with applicant presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 61592 (Sub.No. 396), filed December 20, 1976. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour* (except in bulk), (a) from McPherson, Kans., to points in Alabama, Arkansas, Georgia, Florida, Indiana, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia and West Virginia; and (b) from Buhler and Inman, Kans., to points in Alabama, Arkansas, Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia and West Virginia; and (2) *manufactured animal and poultry feeds and ingredients* (except in bulk), (a) from Red Bay, Ala., to points in the United States in and east of Montana, Wyoming, Colorado and New Mexico; and (b) from Tupelo, Miss., to points in the United States in and east of Montana, Wyoming, Colorado and New Mexico (except Missouri, Iowa, Oklahoma, Kansas, Nebraska and Illinois).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 82841 (Sub-No. 203), filed December 17, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fence, gates, posts, rails, and pickets*, from Gladstone and Stephenson, Mich., and points in the lower peninsula of Michigan, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 102817 (Sub-No. 27), filed December 27, 1976. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, 5034 Lafayette Road, Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Alabama, to points in Connecticut, Indiana, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 105007 (Sub-No. 35), filed December 9, 1976. Applicant: MATSON TRUCK LINES, INC. 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation, located at Albert Lea, Minn., to Chicago, Ill., and points in its Commercial Zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 105269 (Sub-No. 62), filed December 27, 1976. Applicant: GRAFF TRUCKING COMPANY, INC., P.O. Box 986, 2119 Lake Street, Kalamazoo, Mich. 49005. Applicant's representative: James W. Muldoon, Suite 1815, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives*, when moving in mixed shipments with paper and paper products, from Chillicothe, Ohio, to points in Michigan. NOTE.—Applicant states that it presently holds authority to transport paper and paper products from the requested origin to a portion of the destination state.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 107496 (Sub-No. 1060), filed December 23, 1976. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, 3200 Ruan Center, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molten sulphur*, in bulk, from Burns Harbor, Ind., to points in Illinois; and (2) *chemicals* in bulk, from Milton, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 1061), filed December 23, 1976. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, 3200 Ruan Center, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, in bulk, from East Helena, Mont., to points in Colorado, Idaho, Minnesota, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 107515 (Sub-No. 1045), filed December 20, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 3308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, hides and skins), in vehicles equipped

with mechanical refrigeration, from the plantsite and facilities of Landy of Wisconsin, Inc., located at Eau Claire, Wis., to points in Alabama, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Ohio, South Carolina Tennessee and Texas.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis. or Chicago, Ill.

No. MC 107818 (Sub-No. 85), filed December 26, 1976. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 N.W. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from New Albany, Ind., to points in Florida, Georgia, North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 109397 (Sub-No. 348), filed December 15, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium hexaflouride*, between Paducah, Ky., and Jonesboro, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., Memphis, Tenn. or Washington, D.C.

No. MC 109689 (Sub-No. 305), filed December 27, 1976. Applicant: W. S. HATCH CO., a Corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, in bulk, from East Helena, Mont., to points in Colorado, Idaho, Minnesota, North Dakota Oregon, South Dakota, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Salt Lake City, Utah.

No. MC 111045 (Sub-No. 138), filed December 15, 1976. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. C. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Di-Nitro-Orthocresol*, from Bay Minette, Ala., to Baton Rouge, La., and Galveston and Seabrook, Tex.; (2) *Di-Nitro-Ortho-Seconoary-Butyl-Phenol*, from Bay Minette, Ala., to Greenville, Miss., Holbrook, Mass., and Valdosta, Ga.; and (3) *Styrene, liquid*, from Baton Rouge, La. and Galveston, Tex., to Bay Minette, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Mobile or Montgomery, Ala.

No. MC 112696 (Sub-No. 54), filed December 14, 1976. Applicant: HARTMANS, INCORPORATED, P.O. Box 898, 833 Chicago Avenue, Harrisonburg, Va. 22801. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Avenue and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry and animal feeding, watering and heating equipment and parts and accessories therefor, and material* used in the installation thereof, and *incinerators, heaters and fire grates and parts and accessories thereof*, from Harrisonburg, Va., to points in and east of Iowa, Kansas, Minnesota, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va. or Washington, D.C.

No. MC 113460 (Sub-No. 6), filed December 27, 1976. Applicant: BLACKHAWK TRANSPORTATION, INC., 3909 E. 29th Street, Des Moines, Iowa 50317. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouses facilities of Wilson Foods Corporation, at Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 113651 (Sub-No. 205), filed December 23, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite an dstorage facilities utilized by American Beef Packers, Inc., at or near Omaha, Nebr., and Oakland, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and West Virginia, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114241 (Sub-No. 8), filed December 13, 1976. Applicant: C. T. HERTZSCH, INC., 282 U.S. Highway 31, Speed, Ind. 47172. Applicant's representative: Louis B. Hartlage, 501 South 2nd Street, Louisville, Ky. 40202. Authority sought to operate a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from points in Jefferson County, Ky:, to Speed, Ind., under a continuing contract, or contracts, with Louisville Cement Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Indianapolis, Ind.

No. MC 114273 (Sub-No. 277), filed December 13, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from Clinton, Iowa, to Montezuma, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 285), filed December 27, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets and vanities*, set up in boxes, from Oshkosh, Wis., Jeffersonville, Ind., and Adrian, Mich., to points in Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 114569 (Sub-No. 159), filed December 20, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and used by retail department stores (except foodstuffs, commodities of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities which because of their size and weight require the use of special equipment), (1) from points in Connecticut, Delaware, Maine, Maryland, Mas-

sachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming; (2) from points in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming, restricted in (1) and (2) above to shipments originating at the above-named origins and destined to the facilities of or utilized by Gamble Skogmo, Inc., and its subsidiaries, at the above named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Washington, D.C.

No. MC 114896 (Sub-No. 3), filed December 20, 1976. Applicant: PUROLATOR SECURITY, INC., 111 West Mockingbird Lane, Dallas, Tex. 75222. Applicant's representative: Elizabeth L. Henoch, 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unique (currency) paper*, between Dalton, Mass. and the District of Columbia, under a continuing contract, or contracts, with General Service Administration.

NOTE.—Applicant holds common carrier authority in MC 140345 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114896 (Sub-No. 44), filed December 19, 1976. Applicant: PUROLATOR SECURITY, INC., 1111 West Mockingbird Lane, Suite 1401, Dallas, Tex. 75222. Applicant's representative: Elizabeth L. Henoch, 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foreign coin*, between Hartford, Conn., Boston, Mass., New York, N.Y. and Littleton, N.H., under a continued contract or contracts with Littleton Stamp & Coin Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115242 (Sub-No. 14), filed January 3, 1977. Applicant: DONALD MOORE, 601 N. Prairie Street, Prairie du Chien, Wis. 53821. Applicant's representative: Michael S. Varda, 121 S. Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Peoria, Ill., to Dubuque, Iowa and Prairie du Chien, Wis.; and (2) *empty malt beverage containers and pallets* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis., or Chicago, Ill.

No. MC 115841 (Sub-No. 530), filed December 20, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, Tenn. 37922. Applicant's representative: Chester G. Groebel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned meats*, in vehicles equipped with mechanical refrigeration, from West Point, Miss., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Texas and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 116004 (Sub-No. 42), filed December 14, 1976. Applicant: TEXAS OKLAHOMA EXPRESS, INC., 2222 Grauwyer, Irving, Tex. 76052. Applicant's representative: Doris Hughes, Post Office Box 47112, Dallas, Tex. 75247. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Ardmore, and Oklahoma City, Okla., serving all intermediate points: From Ardmore over U.S. Highway 70 to junction U.S. Highway 70 and Bailey Turnpike, thence over Bailey Turnpike to Oklahoma City and return over the same route; (2) Between Waurika, and Chickasha, Okla., serving all intermediate points; From Waurika over U.S. Highway 81 to Chickasha and return over the same route: (3) Between junction U.S. Highway 70 and Oklahoma Highway 76, and junction Oklahome Highway 76 and Bailey Turnpike, serving all intermediate points: From junction U.S. Highway 70 and Oklahoma Highway 76, thence over Oklahoma Highway 76 to junction Bailey Turnpike, and return over the same route: (4) Between Chickasha, and Pauls Valley, Okla., serving all intermediate points: From Chickasha over Oklahoma Highway 19 to Pauls Valley, Okla., and return over the same route: Alternate routes for operating convenience only: (1) Between junction U.S. Highway 287 and U.S. Highway 281, and junction U.S. Highway 70 and Bailey Turnpike, serving no intermediate points and serving termini for joinder purposes only: From junction U.S. Highway 287 and U.S. Highway 281, thence over U.S. Highway 281 to junction U.S. Highway 70, and return over the same route; (2) Between junction U.S. Highway 77 and Oklahoma Highway 7, and junction Bailey Turnpike and Oklahoma Highway 7, serving no intermediate points, and serving termini for joinder purposes only: From junction U.S. Highway 77 and Oklahoma Highway 7 over Oklahoma Highway 7 to junction Bailey Turnpike, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Lawton, Oklahoma.

No. MC 117109 (Sub-No. 16), filed December 28, 1976. Applicant: SYKES TRANSPORT COMPANY, a Corporation, Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor hicle, over irregular routes, transporting: *Cooling rooms* (except such commodities which because of size and weight require special equipment), from Dallas, Tex., to points in the United States including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 117370 (Sub-No. 28), filed December 10, 1976. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, Wis. 53122. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Clayton, Iowa, to points in Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis. or Dubuque, Iowa.

No. MC 118431 (Sub-No. 24), filed December 13, 1976. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9950, 1310 Stagecoach Road, Little Rock, Ark. 72209. Applicant's representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products and such other commodities as are manufactured and/or dealt in by rubber manufacturers, and materials, supplies and equipment* utilized in the production, distribution, service and utilization of the foregoing commodities, between points in Jefferson and Tuscaloosa Counties, Ala., Los Angeles, Calif., Denver, Colo., Miami, Fla., Franklin Park, Ill., and points in Allen County, Ind., Dubuque, Iowa, points in Cherokee County, Kans., and Kansas City, Kans., points in Newton County, Mo., Reno, Nev., Linden, N.J., Akron, Columbus, and Medina, Ohio, points in Ottawa County, Okla., Portland, Oreg., points in Bucks and Montgomery Counties, Pa., and Dallas, Tex., under a continuing contract or contracts with B. F. Goodrich Company, restricted against the transportation of commodities in bulk, and further restricted to traffic originating at and destined to facilities utilized by B. F. Goodrich Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Little Rock, Ark.

No. MC 118806 (Sub-No. 52), filed December 27, 1976. Applicant: ARNOLD

BROS. TRANSPORT, LTD., a corporation, 739 Lagimodiere Blvd., Winnipeg, Manitoba Canada R2J OT8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg flats, egg cartons and peat moss pots*, from the ports of entry on the International Boundary Line between the United States and Canada located at or near Pembina, N. Dak., and Noyes, Minn. to points in California, Illinois, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119399 (Sub-No. 65), filed December 17, 1976. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from the facilities of Bartlett-Collins Company, located at or near Sapulpa, Okla., to points in Alabama, Florida, Georgia, Iowa, Kentucky, Louisiana (except New Orleans), Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla.

No. MC 119399 (Sub-No. 66), filed December 23, 1976. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th Street, 280 National Foundation Life Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting; (1) *Glass containers, caps, enclosures* for glass containers and *corrugated boxes knocked down*, when shipped with glass containers (a) from Ada and Muskogee, Okla., to points in Illinois (except Chicago) and Wisconsin; and (b) from Rosemount, Minn., to points in Oklahoma (except Muskogee); and (2) *used glass containers*, from the facilities of Seven-Up Bottling Company located at or near Minneapolis, Minn., to points in Louisiana, Nebraska and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Dallas, Tex.

No. MC 119789 (Sub-No. 321), filed December 29, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Los Angeles, Calif., to points in Florida and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Los Angeles, Calif., or Dallas, Tex.

No. MC 119988 (Sub-No. 102), filed December 20, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and particleboard*, from Winnfield and Lillie, La., and Huttig, Ark., to points in Arkansas, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 140271 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

Mo. MC 121044 (Sub-No. 4), filed November 22, 1976. Applicant: CITY DELIVERY SERVICE, INC., P.O. Box 722, Boise, Idaho 83701. Applicant's representative: Kenneth G. Bergquist, 910 Maine Street, P.O. Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Irregular route: *General commodities* (except commercial papers, documents, written instruments, audit and accounting media, business reports and records), between points in Ada, Canyon, Gem, Owyhee, Payette and Washington Counties, Idaho, restricted against the transportation of packages or articles weighing more than 100 pounds each, or 1,000 pounds in the aggregate, on one bill of lading, from one consignor to one consignee on any one day, more than five hundred dollars ($500.00) in value and two hundred (200) inches in size, based on a length plus girth computation; and (2) Regular route: *commodities*, in small packages not in excess of 100 pounds per shipment from one consignor to one consignee, five hundred dollars ($500.00) in value, and one hundred forty (140) inches in size based on a length plus girth computation, limited to a load not to exceed 1,000 pounds per vehicle: Between points near Twin Falls, Idaho in a circular movement: From Twin Falls over U.S. Highway 30 to Buhl, thence over Clear Lake Road to junction Interstate Highway 80N, thence over Interstate Highway 80N to Wendell, thence over Idaho Highway 46 to Gooding, thence over Idaho Highway 26 to junction U.S. Highway 93, thence over U.S. Highway 93 to Jerome, thence over U.S. Highway 93 to Twin Falls.

NOTE.—The purpose of filing (1) above is to (a) eliminate the gateways in Owyhee, Canyon and Payette Counties, Idaho to enable applicant to tack its present authority to the authority it is seeking in a pending related transfer application in MC-FC-76543; and (b) to convert its regular route authority to irregular authority; and additionally the request in (1) and (2) above is seeking a conversion of a Certificate of Registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 121496 (Sub-No. 4), filed December 20, 1976. Applicant: CANGO CORPORATION, 1100 Milam Building, Suite 2900, Houston, Tex. 77002. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Suite 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions and urea liquor*, in bulk, in tank vehicles, from the plant sites of and facilites utilized by Oklahoma Nitrogen Corp., and Bison Chemical Co., located at or near Woodward, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124896 (Sub-No. 20), filed December 20, 1976. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralson Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Wilson Foods Corporation, located at or near Cherokee, Iowa, to points in Georgia and Virginia, restricted to the transportation of traffic originating at the above-named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Kansas City, Mo.

No. MC 126276 (Sub-No. 161) (Partial correction), filed December 3, 1976, published in the FEDERAL REGISTER issue of January 6, 1977, and republished as corrected this issue. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. NOTE.—The purpose of this partial correction is to (1) change duplicate subparagraph (4) to read Paragraph (5); and (2) change Paragraph (C), (1) to read: Between the plant and warehouse sites of Continental Can Company, U.S.A., a member of the Continental Group, Inc. located at Alsip, Bridgeview, Chicago, Danville, Itasca, and Peoria Heights, Ill., Burns Harbor, Chesterton, Elwood, and Portage, Ind., Kansas City and Lenexa, Kans., Louisville, Ky.,

Shoreham, Mich., Arden Hills, Mankato, and St. Paul, Minn., St. Joseph and St. Louis, Mo., Omaha, Nebr., Bedford Heights, Cincinnati, Cleveland, Columbus, Sharonville, and Worthington, Ohio, Oil City and West Mifflin, Pa., LaCrosse, Milwaukee, and Racine, Wis., under a continuous contract or contracts in (A), (B), and (C) above with the Continental Group, Inc., the rest remains the same.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at Chicago, Ill.

Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container closures*, (1) from Hoopeston, Ill., to points in Maine; (2) from Batavia, Ill., to points in Alabama and West Virginia; and (3) from West Chicago, Ill., to points in Alabama and West Virginia, under contract with American Can Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127042 (Sub-No. 183), filed December 23, 1976. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, 3232 Highway 75 North, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Landy of Wisconsin, Inc., located at or near Eau Claire, Wis., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 128527 (Sub-No. 74), filed December 20, 1976. Applicant: MAY TRUCKING CO., a Corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S.W. Lake View Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Log homes*, pre-cut and knocked down, and *hardware and accessories* pertaining to the erection thereof, from the facilities of Lodge Log Homes, located at or near Boise, Idaho, to points in Arizona, California, Colorado, Oregon, Montana, New Mexico, Nevada, Washington, and Wyoming; and (2) *materials and supplies* used in the manufacture of pre-cut knocked down log homes, from points in the destination points named in (1) above, to the facilities of Lodge Log Homes, located at or near Boise, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Portland, Oreg.

No. MC 128573 (Sub-No. 9), filed December 20, 1976. Applicant: BARNETT TRUCK LINE, INC., 3404 Wheat St., Kinston, N.C. 28501. Applicant's representative: James B. Barnett (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Botetourt County, Va., to points in North Carolina on and east of U.S. Highway 301.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C.

No. MC 133095 (Sub-No. 131), filed December 23, 1976. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 Euless Blvd., Euless, Tex. 76039. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pool, billiard, and game tables, amusement devices and games, accessories, parts, equipment, materials, and supplies* (except commodities in bulk), between California, Kansas City and Tipton, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Dallas, Tex.

No. MC 133566 (Sub-No. 70), filed December 13, 1976. Applicant: GANGLOFF AND DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, Suite 4959, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Arkansas and Mississippi; and (2) *materials and supplies*, used in the manufacture, distribution and sale of commodities named in (1) above (except commodities in bulk), from the destination territories as named in (1) above, to the plantsite of The Pillsbury Company, at or near Seelyville, Ind., restricted in (1) and (2) above to the transportation of traffic originating at the above named origin points and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 133689 (Sub-No. 99), filed December 10, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores (except foodstuffs, those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (1) from points in Maine, New Hampshire, Vermont, New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, Delaware, New Jersey, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, and the District of Columbia, to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, and North Dakota; and (2) from points in Michigan, Ohio, Indiana and Illinois, to points in Minnesota, North Dakota, South Dakota, Nebraska, and Kansas, restricted in (1) and (2) above to traffic originating at the above named origins and destined to the facilities of, or utilized by, Gamble Skogmo, Inc., and its divisions and subsidiaries at the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 100), filed December 20, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Landy of Wisconsin, Inc., located at or near Eau Claire, Wis., to points in Georgia, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, South Carolina, South Dakota, Tennessee, and Chicago, Ill., restricted to traffic originating at the above-named origin and destined to the above-named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134270 (Sub-No. 2) filed December 13, 1976. Applicant: M.H.C. MESSENGERS, INCORPORATED, 31 Virginia Avenue, Carteret, N.J. 08007. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical products* (except in bulk), between points in Middlesex and Somerset Counties, N.J., on the one hand, and, on the other Baltimore, Md., points in Bronx, Brooklyn, Columbia, Dutchess,

Greene, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., points in Connecticut, Delaware, Massachusetts, the District of Columbia, and points in that part of Pennsylvania east of the Susquehanna River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. and New York, N.Y.

No. MC 134286 (Sub-No. 16), filed December 13, 1976. Applicant: ILLINI EXPRESS, INC., Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, animal foods, animal food ingredients and meat by-products* (except in bulk), (1) from the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the warehouse of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., and destined to the named destination states; and (2) from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., restricted to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 134477 (Sub-No. 133), filed December 20, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores (except foodstuffs, those of unusual value, explosives, commodities in bulk, household goods, and those requiring special equipment), (1) from points in Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; and (2) from points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, to points in Colorado, Kansas, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, restricted in (1) and (2) above to shipments originating at the above named origins and destined to the facilities of or utilized by Gamble Skogmo, Inc. and its divisions and subsidiaries at the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 134734 (Sub-No. 31) (Amendment) filed September 13, 1976, published in the FEDERAL REGISTER issue of October 21, 1976, and republished as amended this issue. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as set forth in Sections A and D of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (a) from Searcy, Ark., to points in the United States (except Alaska and Hawaii); and (b) from Lansing, Ill., to Searcy, Ark.

NOTE.—The purpose of this republication is to indicate applicant's filing as a common carrier in lieu of a contract carrier. Applicant has pending common carrier authority in No. MC 142508 and subs thereunder the MC 142508 series. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 134922 (Sub-No. 215), filed December 23, 1976. Applicant: B. J. McADAMS, INC., Route No. 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and such commodities* as are manufactured or distributed by manufacturers or distributors of tile (except commodities in bulk and those which because of size and weight require the use of special equipment), from Olean, N.Y., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or Philadelphia, Pa.

No. MC 134922 (Sub-No. 218), filed December 20, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hand and power lawn mowers and parts, garden cultivators and parts, black boards and bulletin boards and such commodities* as are dealt in or distributed by lawn and garden stores, from the plantsites and storage facilities of Great States Corporation, located at or near Muncie and Shelbyville, Ind., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Little Rock, Ark. or Indianapolis, Ind.

No. MC 136008 (Sub-No. 80), filed December 15, 1976. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Timbergate Office Gardens, Suite 200, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash* between points in Arkansas, Missouri, Oklahoma, and Texas, on the one hand, and, on the other, points in Alabama; and (2) *sand*, from points in Oklahoma and Texas to points in Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Dallas, Tex.

No. MC 136553 (Sub-No. 44), filed December 15, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, pallet parts, and materials* used in the manufacture of pallets, (1) from Dubuque, Iowa, to points in Indiana, Michigan, and Nebraska, (2) from Wautoma, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota; and (3) from Marcell, Minn., to points in Illinois and Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 136952 (Sub-No. 5), filed December 15, 1976. Applicant: ADAMIC TRUCKING, INC., 15522 Rider Road, Burton, Ohio 44201. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 930, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic horticultural trays and plastic insert trays*, from Sandusky, Ohio, to points in Connecticut, Florida, Georgia, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and Texas, under a continuing contract, or contracts, with Foster-Grant Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland or Toledo, Ohio.

No. MC 138157 (Sub-No. 33), filed December 13, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, Tenn. 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture and distribution of lighting fixtures, from points in the United States (except Alaska and Hawaii), to the plantsites of the Lithonia Lighting Division of National Service Industries, Inc. located at or near Conyers and Cochran, Ga. and Crawfordsville, Ind., restricted to traffic destined to the plantsite of Lithonia Lighting Division of National Service Industries, Inc., located at or near Conyers and Cochran, Ga. and Crawfordsville, Ind., and further restricted against the transportation of commodities in bulk.

NOTE.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 138404 (Sub-No. 9), filed December 28, 1976. Applicant: DALE FOWLER AND MERLE THRAPP, doing business as D & M TRANSPORT, P.O. Box 38, Sprague ville, Iowa 52074. Applicant's representative: Dale Fowler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel paving joint roadway*, from Maquoketa, Iowa, to points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia and the District of Columbia; and (2) *materials*, used in the manufacture of (1) above from points in Illinois, Indiana, Iowa and Minnesota to Maquoketa, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138522 (Sub-No. 4), filed December 13, 1976. Applicant: R. G. STANKO EXPRESS, INC., 2605 North Seventh St., Box 127, Gering, Nebr. 69341. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Glasgow Packing Company, d/b/a Nebraska Beef Packers, at or near Glasgow, Mont., to points in the United States (except Alaska and Hawaii); and (2) *such commodities*, as are used by meat packers in the conduct of their business, from points in the United States (except Alaska and Hawaii), to the facilities of Glasgow Packing Company, d/b/a Nebraska Beef Packers, at or near Glasgow, Mont., restricted to a transportation service to be performed under a continuing contract, or contracts, with Glasgow Packing Company, d/b/a Nebraska Beef Packers; Stanko Packing Company, d/b/a Nebraska Beef Packers; and Nebraska Beef Packers Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Scottsbluff, Nebr.

No. MC 138732 (Sub-No. 6) (Amendment), filed August 12, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, and republished this issue. Applicant: OSTERKAMP TRUCKING INC., 1049 North Glassell Street, Orange, Calif. 92667. Applicant's representative: Michael Eggleton, 764 North Cypress Street, Orange, Calif. 92667. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soil amendments, lumber, lumber products, and bark*, from the plantsites of Kaibab Industries, Inc., located at Fredonia and Payson, Ariz., and Panguitch, Utah, to points in Arizona, California, Colorado, Nevada, New Mexico, and Utah.

NOTE.—The purpose of this republication is to indicate applicants requests for contract carrier authority in lieu of common carrier authority as previously published. Applicant holds contract carrier authority in MC 133928, and if the authority is granted the certificate would be issued under the MC 133928 series. If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz. or Los Angeles, Calif.

No. MC 138750 (Sub-No. 11), filed December 13, 1976. Applicant: W. F. BARTHELME, doing business as W. F. BARTHELME DIST. CO., 1602 North Broadway, Pittsburg, Kans. 66762. Applicant's representative: Laurel D. McClellan, P.O. Box 478, 430 North 7th, Fredonia, Kans. 66736. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in conetainers, and *related advertising and promotional supplies*, from Newport, Ky., to Pittsburg, Kans.; and (2) *empty malt beverage containers and shipping pallets*, from Pittsburg, Kans., to Newport, Ky., under contract with S&S Distributing Company.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at either Kansas City or Wichita, Kans.; or Tulsa, Okla.

No. MC 138752 (Sub-No. 6), filed December 30, 1976. Applicant: BEAUFERD SCHMIDT, P.O. Box 107, 421 N. 81 By-pass, McPherson, Kans. 67460. Applicant's representative: Eugene W. Hiatt, 308 Casson Building, 603 Topeka Blvd., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane foam*, between Council Bluffs, Iowa, and Newton, Kans., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Missouri, Oklahoma and Texas, under a continuing contract, or contracts, with Future Foam, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Topeka or Wichita, Kans. or Kansas City, Mo.

No. MC 139336 (Sub-No. 11), filed December 13, 1976. Applicant: TRANSTATES, INC., 3216 Westminster, Santa Ana, Calif. 92703. Applicant's representative: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lavatories, toilets, bathtub and wall surrounds, vanity cabinets and washbasins* in specially designed equipment and *materials, supplies and equipment* utilized in the manufacture of lavatories, toilets, bathtub and wall surrounds, vanity cabinets and washbasins, between Orange County, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) under a continuing contract, or contracts, with Kimstock, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 139495 (Sub-No. 187), filed December 17, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings* and *materials and supplies* used in the installation of floor coverings, from Greenville and Landrum, S.C., and Lyerly, Ga., to points in New York and Pennsylvania.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139713 (Sub-No. 3), filed January 3, 1977. Applicant: DONALD M. NASS, doing business as DON NASS TRUCKING, 136 High Street, Box 299, Clinton, Wis. 53525. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plantsites and warehouse facilities of Oconomowoc Canning Company located at or near Poynette and Waunakee, Wis., to points in Missouri and points in Illinois (except points in Boone, Cook, De Kalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry and Will Counties).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 139850 (Sub-No. 8), filed December 22, 1976. Applicant: FOUR STAR TRANSPORTATION, INC., 301–12 Park Building, Council Bluffs, Iowa 51501. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by American Beef Packers, Inc., located at or near Omaha, Nebr., and Oakland, Iowa, to points in Alabama, Florida, Georgia, Illinois, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Tennessee, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Omaha, Nebr.

No. MC 139973 (Sub-No. 13), filed December 23, 1976. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, 909 Brown Street, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vacuum cleaners, vacuum cleaner bags, floor polishers, and parts* for vacuum cleaners, vacuum cleaner bags, and floor polishers, from Bristol, Va., to Des Moines, Iowa, Kansas City, Mo., Hammond, Ind., Memphis, Tenn., Dallas, Tex. and Salt Lake City, Utah, (2) *vacuum cleaners*, from Old Greenwich, Conn., to Des Moines, Iowa, Kansas City, Mo., Hammond, Ind., Memphis, Tenn., Portland, Oreg., Dallas, Tex., Salt Lake City, Utah, Los Angeles and Dale City, Calif., (3) *plastic braid*, from Maryville, Mo., to Trenton, N.J.; and (4) *pulpboard*, from Steubenville, Ohio, to Bristol, Va.

NOTE.—Applicant seeks by this application to convert contract carrier authority in MC 138375 (Subs 13, 14 and 15) to common carrier authority. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn. or Boston, Mass.

No. MC 141033 (Sub-No. 18), filed December 22, 1976. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Sale Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet tacking rims and strips, materials, supplies and equipment* utilized in the installation and maintenance of floor coverings, carpet, and carpet tacking rims and strips, and *tools, adhesives and sealants, floor mats and runnners, and cove base;* and (2) *woodworking machinery*, when moving in mixed shipments with the commodities specified in (1) above, from the plantsite of Roberts Consolidated Industries, located at City of Industry, Calif., to the plantsite of Roberts Consolidated Industries, located in Piqua, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 124796 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles Calif. or Dayton, Ohio.

No. MC 142290 (Sub-No. 2), filed December 23, 1976. Applicant: JERNIGAN TRUCKING COMPANY, INC., Route 1, Box 141, Seffner, Fla. 33584. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clinker*, between Tampa and Fort Manatee, Fla., under a continued contract or contracts with National Portland Cement Company of Florida, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fa.

No. MC 142456 (Sub-No. 3), filed December 27, 1976. Applicant: ED WALKER, doing business as PRESSONS DELIVERY SERVICE, 399 North Main Street, Mansfield, Ohio 44903. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by retail department stores, from Chicago, Ill., and Mansfield, Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia; and (2) *materials and supplies*, from Kentucky, Michigan, Pennsylvania, and West Virginia, to the facilities of the shippers located at Chicago, Ill., under continuing contract or contracts with Aldens, Inc., and Spiegel, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus or Cleveland, Ohio.

No. MC 142535, filed December 7, 1976. Applicant: I–T–L TRUCKING LTD., a Corporation, Salisbury Road, P.O. Box 5000, Moncton, New Brunswick, Canada E1C 8R2. Applicant's representative: Gordon Chapman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expandable shale* (aggregate), in bulk, in dump vehicles, from the port of entry on the International Boundary line between the United States and Canada, located at or near Houlton, Maine, to points in Maine, under a continuing contract, or contracts, with Avon Aggregates Limited, Minto, New Brunswick, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland or Bangor, Maine.

No. MC 142608 (Sub-No. 1), filed December 20, 1976. Applicant: ASCENZO BROTHERS, INC., 535 Brush Avenue, Bronx, N.Y. 10465. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, New Jersey and New York, under a continuing contract or contracts with Interstate Iron & Supply Co.; G. A. Feld Co., Inc.; and Paragon Steel Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142713, filed November 26, 1976. Applicant: PETER GOLDING, doing business as SEVEN BROTHERS TRUCKING CO., 1055 Highland Avenue, Needham, Mass. 02194. Applicant's representative: Jeremy A. Stahlin, 294 Washington Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Fluorescent-lamps and lighting fixtures, batteries, electric dry cell* (except spent) *rectifiers, storage and display racks, pallets, boxes, advertising matter and packing materials*, between Newton, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, those points in that part of New Hampshire south of New Hampshire Highway 9, and east of the New Hampshire-Vermont State line to Concord, N.H. thence over U.S. Highway 202, located at or near Hillsboro, N.H. to its junction with Maine Highway 25, located at or near Gorham, Maine, thence over Maine Highway 25 to Portland, Maine, under a continuing contract, or contracts with General Electric Company, Lamp Business Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., Providence, R.I., or Hartford, Conn.

No. MC 142731 (Sub-No. 2), filed December 20, 1976. Applicant: WESLEY J. WOODARD, doing business as WOODARD TRUCKING, 602 West Coldren, Oberlin, Kans. 67749. Applicant's representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingredients*, from the plantsite of Cargill, Inc. located at McCook, Nebr., to points in Kansas on and west of U.S. Highway 183 and to points in Colorado on and north of U.S. Highway 50.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr. or Denver, Colo.

No. MC 142791, filed December 20, 1976. Applicant: GEORGE PRYSLAK, doing business as PRYSLAK TRUCKING, P.O. Box 101, Great Meadows, N.J. 07838. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, and materails and supplies* used in connection therewith (except in bulk), between Hackettstown, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in the New York, N.Y. Commercial Zone as defined by the Commission, under a continuing contract, or contracts, with M&M/Mars, Division of Mars, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. or New York, N.Y.

No. MC 142792, filed December 23, 1976. Applicant: DENNIS I. OLSON, doing business as TWO WAY TRUCKING, No. 4 Ginger Cove Road, Valley, Nebr. 68064. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible pork fat* (except in bulk, in tank vehicles), from Detroit, Mich., to the plantsite and facilities utilized by Midwest Edible Oil Company located at or near Waterloo, Nebr.; and (2) *inedible animal feed ingredients* (except in bulk, in tank vehicles), from the plantsite and facilities utilized by Wahoo By-Products, Inc. located at or near Wahoo, Nebr., to points in Illinois, Iowa, Kansas, Missouri, Ohio, Pennsylvania and Wisconsin, restricted in (1) and (2) above to traffic originating at the named origins and destined to the named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

PASSENGER APPLICATIONS

No. MC 946 (Sub-No. 6), filed December 13, 1976. Applicant: FERDINAND ARRIGONI, INC., 3320 Hutchinson Avenue, Bronx, N.Y. 10475. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, beginning and ending in the Borough of the Bronx, N.Y. and extending to the New Jersey Expedition Authority Sports Complex location at or near East Rutherford, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 54591 (Sub-No. 9), filed December 17, 1976. Applicant: SOUTHEASTERN TRAILWAYS, INC., P.O. Box 1207, Indianapolis, Ind. 46206. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, (1) in round-trips, (a) from points in Cook County, Ill.; Allen, Blackford, Boone, Clark, Clay, Clinton, Dearborn, Decatur, Delaware, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jay, Jefferson, Jennings, Johnson, Lake, LaPorte, Madison, Marion, Miami, Porter, Pulaski, Putnam, Ripley, Rush, Scott, Shelby, Starke, Tippecanoe, Tipton, Vigo, Wabash, Wells, White, and Whitley Counties, Ind.; Hamilton County, Ohio; Anderson, Boone, Boyle, Campbell, Franklin, Grant, Jefferson, Kenton, Laurel, Lincoln, Mercer, Owen, Rockcastle, and Whitley Counties, Ky.; and Anderson, Campbell, and Knox Counties, Tenn., to points in the United States, including Alaska, but excluding Hawaii; and (b) from the destination territory in (1)(a) above to the origin points named in (1)(a) above; and (2) in one-way operations, (a) from the points in the counties named in (1)(a) above to points in the United States, including Alaska, but excluding Hawaii; and (b) from points in the United States, including Alaska, but excluding Hawaii, to points in the counties named in (1)(a) above; restricted as follows: the authority proposed in (2)(b) above is limited to those passengers or groups of passengers who originated at points in the counties named in (1)(a) above and whose transportation from the named counties in Illinois, Indiana, Ohio, Kentucky and Tennessee was by means other than commercial motor vehicle.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago or Rockford, Ill.; Indianapolis, Ind.; or Cincinnati, Ohio.

No. MC 66810 (Sub-No. 20), filed December 17, 1976. Applicant: PEORIA-ROCKFORD BUS COMPANY, a Corporation, 1034 Seminary Street, Rockford, Ill. 61101. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, (1) in round trips, (a) from points in Jefferson, Milwaukee, Rock, Walworth, and Waukesha Counties, Wis., and Bureau, Cook, DuPage, Grundy, LaSalle, Lee, Marshall, McLean, Ogle, Peoria, Putnam, Tazewell, Will, Winnebago, and Woodford Counties, Ill., to points in the United States, including Alaska but excluding Hawaii; and (b) on return, from the destination territory named in (1)(a) above to the origin points named in (1)(a) above; and (2) in one-way operations, (a) from points in the counties in Illinois and Wisconsin named in (1)(a) above to points in the United States, including Alaska but excluding Hawaii; and (b) from points in the United States, including Alaska but excluding Hawaii, to points in the counties in Illinois and Wisconsin named in (1)(a) above, restricted as follows: the authority sought in (2)(b) above is limited to those passengers or groups of passengers who originated at points in the counties in Illinois and Wisconsin named in (1)(a) above and whose transportation from the named counties was by means other than commercial motor vehicle.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago or Rockford, Ill.; Indianapolis, Ind., or Cincinnati, Ohio.

No. MC 108780 (Sub-No. 73), filed December 6, 1976. Applicant: CONTINENTAL TRAILWAYS, INC., 300 South Broadway, P.O. Box 730, Wichita, Kans. 67201. Applicant's representative: C. Zimmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Decatur, Ill., and Fullerton, Ill.: From Decatur over U.S. Highway 51 to Clinton, Ill., thence over Illinois Highway 54 to Fullerton, Ill. and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Decatur, Clinton or Chicago, Ill.

No. MC 115432 (Sub-No. 6), filed December 17, 1976. Applicant: PAWTUXET VALLEY BUS LINES, INC., 76 Industrial Lane, West Warwick, R.I. 02893. Applicant's representative: Thomas W. Murrett, 342 North Main Street, W. Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Woonsocket, R.I., and extending to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Providence, R.I. or Boston, Mass.

No. MC 142388 (Sub-No. 1), filed December 23, 1976. Applicant: TRANSPORT SECURITAIRE ST-PROSPER, INC., St-Prosper, Dorchester County, P.Q. Canada. Applicant's representative: Guy Poliquin, 580 East Grande-Allee, Room 140, Quebec, Canada G1R 2K3. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggages*, in special and charter operations, from ports of entry on the International Boundary line between the United States and Canada located at points in Maine, New Hampshire, Vermont, New York and Michigan, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at St-Zacharie, St-Prosper, Scott, St-Bernard in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

No. MC 142530 (Sub-No. 1), filed December 9, 1976. Applicant: PIONEER BUS CORP., 6093 Strickland Avenue, Brooklyn, N.Y. 11234. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Brooklyn, N.Y., and extending to the site of the New Jersey Sports and Exposition Authority located at or near East Rutherford, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

BROKER APPLICATIONS

No. MC 130410 (Amendment), filed August 30, 1976, published in the FEDERAL REGISTER issue of October 15, 1976, and republished as amended this issue. Applicant: CORPORATE TRAVEL SERVICE, INCORPORATED, Suite 1202W, One Parkland Blvd., Dearborn, Mich. 48126. Applicant's representative: Joseph O. DiFranco (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Dearborn, Mich., to sell or offer to sell the transportation of *passengers and their baggage*, both as individuals and in groups in round trip sightseeing and pleasure tours by motor carriers, beginning and ending in Washtenaw, Monroe and Wayne Counties, Mich., and extending to points in the United States and Canada.

NOTE.—The purpose of this republication is (1) to include the phrase "in round-trip sightseeing and pleasure tours" to applicant's request for authority; and (2) to restrictively amend applicant's territorial request for authority. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 130430, filed December 28, 1976. Applicant: Ann Erdossy and Nancy Ellis, a partnership, doing business as EXCURSIONAIRE ASSOCIATES, 3718 North Woodrow Street, Arlington, Va. 22207. Applicant's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Arlington, Va., to sell or offer to sell the transportation of *groups of passengers and their baggage*, in round trip escorted tour service, by motor carrier, in charter operations, beginning and ending at Arlington, Va., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 130431, filed December 16, 1976. Applicant: Joella A. Davis, Craig S. Davis, and John T. Davis, a partnership, doing business as MIDVALE TRAVEL, 358 6th Ave., Midvale, Utah 84047. Applicant's representative: Melville E. Quincy, 6483 S. 1040 West, Murray, Utah 84107. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Midvale, Utah, to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage*, by motor, rail, water and air carriers, beginning and ending at Midvale, Utah, and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Midvale or Salt Lake City, Utah.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13075. Authority sought by Edward G. Granger III, an individual (no record), 351 Blossom Hill Drive, Lancaster, PA. 17601, to acquire control of AIRPORT TRANSPORTATION SERVICE, INC., 112-116 North Duke Street, York, PA. 17401, who under Docket No. MC 128019 is authorized to operate as a general commodities, with exception, common carrier over irregular routes between points in York County, Pa., on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa. (restricted to transportation in passenger vehicles), Friendship International Airport, Baltimore, Md., Dulles International Airport, New York, N.Y., La Guardia Airport, New York, N.Y., and Newark Airport, Newark, N.J., with restrictions; and under Docket No. MC 129017 is authorized to operate Passengers and their baggage, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than 8 passengers in any one vehicle (not including the driver thereof), as a common carrier over irregular routes from points in York County, Pa., to Washington National Airport, Gravelly Point, Va., Dulles International Airport, Loudoun-Fairfax County, Va., John F. Kennedy International Airport and La Guardia Airport, New York, N.Y., and Newark Airport, Newark, N.J., with no transportation for compensation on return except as otherwise authorized, between points in York County, Pa., on the one hand, and, on the other, Friendship International Airport, Baltimore, Md., with restrictions, by the purchase from Stephen R. Kerek, an individual, 109 Riveredge Drive, Leola, Pa., 17540, of his 50% of the stock in said corporation; and for control of KEREK AIR FREIGHT CORPORATION, P.O. Box 213, Lancaster, Pa. 17604.

Who under Docket No. MC-127219 and subs thereunder is authorized to operate as a general commodities, with exceptions, common carrier over irregular routes between the Philadelphia International Airport, located in Philadelphia, Pa., and the Lancaster Airport, located in Manheim Township, Lancaster County, Pa., on the one hand, and, on the other, points in Lancaster, York, Dauphin, Cumberland, Franklin, and Lebanon Counties, Pa., between Middletown, Pa., on the one hand, and, on the other, points in Lancaster, York, Dauphin, Cumberland, Franklin, Lebanon, Adams, Centre, Clinton, Columbia, Lackawanna, Lycoming, Mifflin, Montour, Northumberland, Berks, Perry, Schuylkill, and Snyder Counties, Pa., between points in Berks County, Pa., on the one hand, and, on the other, Lancaster, Pa., between points in Lancaster, Lebanon, Dauphin, Cumberland, Berks, Northumberland, Schuylkill, and Montour Counties, Pa., on the one hand, and, on the other, Friendship International Airport, Anne Arundel County, Md., Washington National Airport, Gravelly Point, Va., Dulles International Airport, Loudoun County, Va., John F. Kennedy International Airport, New York, N. Y., LaGuardia Airport, New York, N.Y., and Newark Airport, Newark, N.J., with restrictions, by virtue of the purchase by KEREK AIR FREIGHT CORPORATION of all of the stock of Stephen R. Kerek, which now represents 45% of the outstanding stock. Said purchase will vest 100% of the outstanding capital stock in Edward G. Granger III upon approval. No change in the operating authority is contemplated. Mr. Granger currently owns 50% of the stock of AIRPORT TRANSPORTATION SERVICE, INC. and 55% of the stock in KEREK AIR FREIGHT CORPORATION. Approval herein will vest Mr. Granger with 100% of the outstanding stock in both corporations. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13085. Authority sought for control by Joseph B. Atkinson, Jr., an individual, (no-record), P.O. Box 520 Blanche Road, Cornwells Heights, PA. 19020, of SONELL, INC., 524 Wyndmoor Avenue, Wyndmoor, PA. 19118, and for acquisition by Joseph B. Atkinson, of Corwells Heights, Pa. 19020, of control of SONELL, INC., through the acquisition by Joseph B. Atkinson. Applicants' attorney Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Operating rights sought to be controlled: Under MC 140201 (Pending) authority to transport paper, scrap paper, and materials and supplies used in the manufacture of paper, as a *common carrier* over irregular routes between the facilities of Weyerhaeuser Company, Inc., located at or near Plymouth and Askin, N.C., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia, restricted (a) against the transportation of commodities in bulk, and (b) to the transportation of shipments orig-

inating at or destined to the named origins. Joseph B. Atkinson, Jr., holds no authority from this Commission. However, he controls ATKINSON FREIGHT LINES, INC., who under MC 43706 and subs thereunder is authorized to operate as a common carrier in Connecticut, Delaware, the District of Columbia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13086. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of service. Applicants: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, Wyoming, (MC 59856) and James W. Parkinson and Donna L. Parkinson, d.b.a. GLENROCK-CASPER TRUCK LINES, Glenrock, Wyoming, (MG 97445), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce into, and out of, Glenrock, Wyoming, and the Dave Johnson Power Plant, six miles East of Glenrock, Wyoming, Attorney: John R. Davidson, Room 805 Midland Bank Building, Billings, Montana, 59101.

NOTE.—SALT LAKE FREIGHTWAYS, holds authority from this Commission to operate in California, Colorado, Idaho, Montana, South Dakota, and Wyoming.

No. MC–F–13088. Authority sought for purchase by UINTAH FREIGHTWAYS, 1030 South Redwood Road, Salt Lake, Utah 84104, of a portion of the operating rights and properties of MOTOR CARGO, 845 West Center, North Salt Lake, Utah, 84054, and for acquisition by MAGNA-GARFIELD TRUCK LINE, a Utah Corporation, and W. Claude Smith, both of 1030 South Redwood Road, Salt Lake City, Utah 84104, of control of such rights through the purchase. Applicants' attorney: William S. Richards, P.O. Box 2465, Salt Lake City, Utah 84110. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes, between Salt Lake City, Utah, and the Utah-Idaho State line, serving all intermediate points and serving the Ogden, Utah, arsenal and points in Utah within 10 miles of U.S. Highway 89–91 and U.S. Highway 91 as off-route points, between Brigham City, Utah, and the Utah-Idaho State line, serving all intermediate points and serving points in Utah within 10 miles of U.S. Highway 191 as off-route points, between junction U.S. Highway 191 and 30S, located near Tremonton, Utah, and the Utah-Idaho State line, serving all intermediate points and serving points in Utah within 10 miles of U.S. Highway 30S, the plant site of the Thiokol Chemical Corporation, and all United States Government installations located 20 miles west of Corinne, Utah, on Utah, Highway 83, as off-route points; salt, between Saltair and Doulomite, Utah, serving the intermediate points of Grantsville, Utah, and the Royal Crystal Co. and Morton Salt Company plant sites and serving Lake Point, Erda, and Flux, Utah, as off-route points with restrictions; general commodities, with exceptions, serving points in Davis, Weber, and Box Elder Counties, Utah, as off-route points in connection with carrier's authorized regular route operations, with restrictions.

Intrastate authorities: (a) to operate as a common motor carrier of commodities generally, except livestock, including airplane parts, supplies and equipment in intrastate commerce excluding the transportation of household goods, commodities in bulk and commodities in connection with the transportation of which because of size or weight require the use of special equipment or special service in preparing said commodities for shipment, or setting up after delivery, over regular routes between Ogden and Salt Lake City, and to and from all intermediate points and places including off-route points such as Hill Field, Ogden Arsenal and Clearfield Naval Supply Depot. (b) Operate as a common carrier by motor vehicle in the transportation of general commodities, including explosives, but excluding household goods as defined in practices of motor carrier of household goods in 17 MCC 467, commodities in bulk and commodities in connection with the transportation of which because of size or weight require the use of special equipment or special service in preparing said commodities for shipment or setting up after delivery: between Ogden on the one hand and the Utah-Idaho State line at the junctures of U.S. Highways 30S, 191, and 91, on the other, over U.S. Highways Nos. 30S 89, 91 and 191, and all necessary State Highways, serving Salt Lake City and all intermediate and off-route points north of Salt Lake City within a ten-mile radius of U.S. Highways 30S, 89, 91, and 191, and the Thiokol Chemical Corporation plant, and government installations in the same area located on Utah Highway 83 approximately 20 miles west of Corinne, Utah except no service is authorized between a point ten miles east of Logan and the Utah-Idaho State Line on U.S. Highway 89. Also, the transportation of explosives between Salt Lake City, Utah and Ogden, Utah and intermediate points such as Hill Air Force Base, Utah.

The authority described in (a) above and in this paragraph shall be operated as a coordinated authority but to the extent that they duplicate shall not be construed as conferring more than one operating right. (c) to operate as a common motor carrier in intrastate commerce over regular routes in the transportation of commodities generally, excluding commodities in bulk, from junction of U.S. Highway 30 and Utah Highway 70 to the Utah-Nevada State line, serving all intermediate and off-route points and return. (d) Salt from Saltair, (Royal Crystal Co. plant and Morton Salt Company Plant) and Morton Salt Company Plant to Lake Point, Erda, Grantsville, Flux and Dolomite, via U.S. Highway 40 and engage in the same operation on return. Vendee is authorized to operate as a common carrier in Utah. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13094. Authority sought for purchase by MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Boulevard, LaSalle, Quebec, H8N 1X4 Canada, of the operating rights of T & T TRANSPORT, INC., 228 Main Street, Blackstone, MA., 01504, and for acquistion by MAISLIN INDUSTRIES, LTD., 7401 Newman Boulevard, LaSalle, Quebec, Canada, of control of such rights through the purchase. Applicants' attorneys: Frank J. Weiner, 15 Court Square, Boston, MA. 02108, and James E. Mahoney, 84 State Street, Boston, MA. 02109. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 58627 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a common carrier in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 60580 (Sub-No. 33) is a directly related matter.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 9268 (Sub-No. 16), filed December 30, 1976. Applicant: PACE MOTOR LINES, INC., 132 West Dudleytown Road, Bloomfield, Conn. 06002. Applicant's representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Meats and packing house products, from New Haven, Conn., to Providence and Westerly, R.I.

NOTE.—The purpose of this filing is to eliminate the gateway of New Haven, Conn. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–13048 published in the FEDERAL REGISTER issue of January 13, 1977. If a hearing is deemed necessary, the applicant requests it be held at either Hartford or New Haven, Conn.

No. MC 14314 (Sub-No. 24), filed December 13, 1976. Applicant: DUFF TRUCK LINE, INC., Broadway and Vine Streets, Lima, Ohio 45802. Applicant's representative: John P. Tynan, 167 Fairfield Road, P.O. Box 1409, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) Between Detroit, Mich., and Tolerdo, Ohio, serving all intermediate points, and serving the off-route points in Wayne County, Mich.: From Detroit over U.S. Highway 25 to Toledo, Ohio, and return over the same route; (2) Between Toledo, Ohio and junction U.S. Highways 24 and 25, north of Monroe, Mich., serving no intermediate points: From Toledo over U.S. Highway 24 to junction U.S. Highway 25, north of Monroe, Mich., and return over the same route. The purpose of this application is to ascertain that a part of the authority is being transferred without the following restrictions: The operations authorized hereinabove are restricted against the transportation of traffic (1) originating at Detroit, Mich., or any point in the Detroit Commercial Zone, destined to Dayton or Springfield, Ohio, or any point in the Commercial zone of Dayton or Springfield, Ohio, and (2) originating at Dayton or Springfield, Ohio, or any point in the commercial zone of Dayton or Springfield, Ohio, destined to Detroit, Mich., or any point in the Detroit Commercial Zone.

(a) Serving the site of the Kaiser-Frazer Corporation Plant, located at or near Ypsilanti, Mich., as an off-route point in connection with carrier's regular route operations authorized above; (b) Serving the plant sites of the Packard Motor Car Company and Chrysler Corporation located at or near Detroit, Mich., as off-route points in connection with carrier's regular route operations between Detroit, Mich., and Toledo, Ohio, authorized above; (c) Serving the sites of the Ford Motor Company plant, located at the northeast intersection of Mound Road and 17-Mile Road in Sterling Township, and Macomb County, Mich., and located at the intersection of Michigan Highway 218 (Wixom Road) and unnumbered highway (West Lake Drive) north of the Interstate Highway 96 (formerly U.S. Highway 16), in Novi Township; and Oakland County, Mich., as off-route points in connection with carrier's regular route operations to and from Detroit, Mich., and the commercial zone thereof authorized above; and (d) Serving the site of the Ford Motor Company plant located near the unincorporated village of Rawsonville, Mich., at the southwest intersection of Textile and McKean Road, located in Washtenaw County, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich., authorized above.

NOTE.—Applicant has concurrently filed a Motion to Dismiss on the grounds that it presently holds the sought authority in MC 14314 (Sub-Nos. 18 and 19). This is a matter Directly Related to a section 5(a) finance proceeding in MC–F–12909 published in the Federal Register of August 12, 1976. Duff presently is authorized to serve unrestricted Dayton and Springfield, Ohio, on the one hand, and, on the other, points in Pontiac and Wayne Counties, Mich., in MC 14314 (Sub-Nos. 14, 18, and 19). Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 105457 (Sub-No. 89), filed December 9, 1976. Applicant; THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, N.C. 28206. Applicant's representative: Roland Rice, 501 Perpetual Building, 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (1) between Morganton, Brookford, Rhodhiss, Newton, Boone, Conover, Charlotte, N.C., and points in that part of North Carolina (a) beginning at Boone along U.S. Highway 221 to Blowing Rock, thence over U.S. Highway 321 to Hickory, and thence over U.S. Highway 70 to Conover; and (b) beginning at the junction of North Carolina Highway 16 and North Carolina Highway 150, thence along North Carolina Highway 16 to Charlotte, on the one hand, and, on the other, points in Bradford, Cameron, Elk, McKean, Potter, Tioga, Warren and Lycoming Counties, Pa.; (2) between those points described in the base territory in (1) above, on the one hand, and, on the other, Easton and Philadelphia, Pa., and points in New Jersey; (3) between those points described in the base territory in (1) above, on the one hand, and, on the other, points in New York; and (4) between Easton and Philadelphia, Pa., and points in New Jersey, on the one hand, and, on the other, points in New York.

NOTE.—The purpose of this filing is to eliminate the gateways of Athens and Sayre, Pa. and those at points in Bradford, Cameron, Elk, McKean, Potter, Tioga, Warren and Lycoming Counties, Pa. This matter is directly related to a Section 5(2) finance proceeding in MC–F–13041, published in the Federal Register issue of December 23, 1976. Common control may be envolved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141364 (Sub-No. 1), filed December 8, 1976. Applicant: AFFILIATED VAN LINES, INC., 2124 Washington Street, Lawton, Okla. 73501. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods* as defined by the Commission, (a) between points in Texas on the one hand, and, on the other, points in Oklahoma and Kansas, the purpose of this filing is to eliminate the gateway of points in Oklahoma on and east of U.S. Highway 77 located in Carter County, Okla.; (b) between points in Texas, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Missouri, Nebraska, New Mexico, and Texas, the purpose of this filing is to eliminate the gateway at points in Carter County, Okla.; and (c) between points in Carter County, Okla, on the one hand, and, on the other, points in Kansas, the purpose of this filing is to eliminate the gateway of points in Texas, on, east, and south of a line beginning at the Oklahoma-Texas state line, thence along interstate Highway 35 to Denton, thence along Interstate Highway 35W to Fort Worth, Tex., thence along U.S. Highway 81 to Laredo and the International Boundary between the United States and the Republic of Mexico; and (2) *Used household goods*, between points in Comanche, Kiowa, Caddo, McLain, Carter, Grady, Garvin, Murray and Stephens Counties, Okla., on the one hand, and, on the other, poits in Oklahoma and Kansas. The authority described in (2) above are subject to the following restrictions: (a) restricted to the transportation of shipments having a prior or subsequent movement in containers, beyond the points authorized; (b) restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of unpacking, uncrating, and decontainerization of such traffic; and (c) restricted against tacking or joining of the authority granted herein with any other authority now held by carrier for the purpose of performing at through service to points in Texas, the purpose of this filing is to eliminate the gateway of points in Comanche, Kiowa, Caddo, McLain, Carter, Grady, Garvin, Murray and Stephens Counties, Okla.

NOTE.—Common control may be involved. This matter is related to a Section 212(b) transfer proceeding in MS–FC–76732, published in the Federal Register issue of November 15, 1976. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 142586 (Correction) filed October 29, 1976, published in the FEDERAL REGISTER issue of December 9, 1976, and republished as corrected this issue. Applicant: JIMCO, INC., 500 Court Square Bldg., Nashville, Tenn. 37201. Applicant's representative: Don R. Brinkley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods and commodities which because of size or weight require special equipment), between points in Blount, Calhoun, Cherokee, Clebourne, Colbert, Cullman, De-

Kalb, Etowah, Fauette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, St. Clair, Talladega, Walker and Winston Counties, Ala.; Clay, Craighead, Crittenden, Cross, Greene, Lee, Mississippi, Phillips, Poinsett and St. Francis Counties, Ark.; Bartow, Catoosa, Chattanooga, Dade, Floyd, Gordon, Murray, Polk, Walker and Whitfield Counties, Ga.; Alexander, Massac and Pulaski Counties, Ill.; Clark, Floyd, Gibson, Harrison, Posey, Vanderburg, Warrick and Washington Counties, Ind.; Adair, Allen, Anderson, Ballard, Barren, Bell, Bourbon, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Edmondson, Fayette, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Knox, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, McCracken, McCreary, McLean, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pulaski, Rock Castle, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley and Woodford Counties, Ky.; Alcorn, Benton, Chickasaw, Coahoma, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Tate, Tippah, Tishomingo, Tunica and Union Counties, Miss.; Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot and Scott Counties, Mo.; Smyth and Washington Counties, Va. and Tennessee, restricted to traffic having a prior or subsequent movement by rail. (1) The purpose of this republication is to indicate that the application does not seek conversion by this filing as inadvertently stated in error in the previous publication. (2) The purpose is to certificate the authority which applicant seeks to hold under common control in the related control proceeding in MC-F-13011, published in the FEDERAL REGISTER issue of November 18, 1976. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-1 (Sub-No. 19)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN STEWARTVILLE, OLMSTEAD COUNTY, MINNESOTA, AND MCINTIRE, MITCHELL COUNTY, IOWA, ALL IN OLMSTEAD, MOVER, AND FILLMORE COUNTIES, MINNESOTA, AND HOWARD AND MITCHELL COUNTIES, IOWA

NOTICE OF FINDING

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on November 24, 1976, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of its line of railroad beginning at milepost 158.6 near Stewartville, Olmstead County, Minnesota, and extending in a southerly direction to milepost 192.3 near McIntire, Mitchell County, Iowa, a distance of 33.7 miles, all in Olmstead, Mover, and Fillmore Counties, Minnesota, and Howard and Mitchell Counties, Iowa. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

Docket No. AB-1 (Sub-No. 51)

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN BURT AND HALFA IN KOSSUTH, PALO ALTO, AND EMMET COUNTIES, IOWA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on November 17, 1976, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of its branch line of railroad, and operation thereof, between milepost 142.4 at Burt, Iowa, and milepost 163.8 at the end of the branch in Halfa, Iowa, in Kossuth, Palo Alto, and Emmet Counties, Iowa. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance

of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-7 Sub-No. 7]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN HEATH AND GRASS RANGE, IN FERGUS COUNTY, MONTANA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 15, 1976, and the decision and order of the Commission, Division 3, served November 8, 1976, except as modified, affirmed and adopted the initial decision of the Administrative Law Judge entered on April 15, 1976, a finding, which is administratively final, was made stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of that portion of its line between milepost 10.5 near Heath and milepost 36.5 at Grass Range in Fergus County, Montana, totaling about 27.11 miles of track. A certificate of abandonment will be issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-7 (Sub-No. 17)]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN MENOMONEE FALLS AND MERTON, ALL IN WAUKESHA COUNTY, WISCONSIN

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on November 29, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission, in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of its line between Menomonee Falls and Merton, a total distance of about 14.53 miles, all within Waukesha County, Wisconsin. A certificate of abandonment will be issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

Docket No. AB-12 (Sub-No. 15)

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN COLUSA AND ORDBEND IN COLUSA AND GLENN COUNTIES, CALIFORNIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on December 8, 1976, a finding, which is administratively final, was made by the Commission, Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of its branch line of railroad extending from milepost 133.5 near Colusa, California, in a northerly direction to milepost 161.7 near Ordbend, California, a distance of 28.2 miles in Colusa and Glenn Counties, California. A certificate of abandonment will be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–12 (Sub-No. 28)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN OROVILLE AND VILLA VERONA, IN BUTTE COUNTY, CALIFORNIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on December 6, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of its line of railroad extending from railroad milepost 146.59 south of Oroville in a southerly direction to the end of the branch at railroad milepost 143.78 near Villa Verona, a distance of 2.81 miles in Butte County, California. A certificate of abandonment will be issued to the Southern Pacific Transporation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable costs of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquistion of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–18 (Sub-No. 12W]

CHESAPEAKE AND OHIO RAILWAY COMPANY ABANDONMENT PORTION DINGESS RUN BRANCH BETWEEN FORT BRANCH AND WANDA, IN LOGAN COUNTY, WEST VIRGINIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on December 2, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 267 ICC 700, the present and future public convenience and necessity permit the abandonment by the Chesapeake and Ohio Railway Company of a portion of the Dingess Run Branch between Valuation Station 86+30 at or near Fort Branch, West Virginia, and Valuation Station 184+00 at or near Wanda, West Virginia, a distance of approximately 1.85 miles, all in Logan County, West Virginia. A certificate of abandonment will be issued to the Chesapeake and Ohio Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–26 (Sub-No. 4]

SOUTHERN RAILWAY COMPANY—ABANDONMENT BETWEEN WILLIAMSON AND ROBERTA, IN PIKE, LAMAR, UPSON, MONROE, AND CRAWFORD COUNTIES, GEORGIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on March 31, 1976, and the decision and order of the Commission, Division 3, served December 17, 1976, except as modified, affirmed and adopted the initial decision of the Administrative Law Judge entered on March 31, 1976, a finding, which is administratively final, was made stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the Southern Railway Company of its branch line between Williamson, Georgia (milepost 45.8 FV) and Roberta, Georgia (milepost 86.0 FV), a distance of about 40.2 miles, together with approximately 1.7 miles of yard tracks and sidings, in Pike, Lamar, Upson, Monroe and Crawford Counties, Georgia. A certificate of abandonment will be issued to the Southern Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–55 (Sub-No. 6)]

SEABOARD COAST LINE RAILROAD COMPANY ABANDONMENT BETWEEN DUPONT AND STONO IN CHARLESTON COUNTY, SOUTH CAROLINA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on December 3, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 ICC 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of a line of railroad extending from railroad milepost SH–426.33 near Dupont to railroad milepost SH–431.63 near Stono, a distance of 5.3 miles, and the track known as Blitches Spur, a distance of 0.70 mile, extending eastwardly from its point of switch located at milepost SH–429.60, all located in Charleston County, South Carolina. A certificate of abandonment will be issued to the Seaboard Coast Line Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–69 (Sub-No. 4)]

WESTERN MARYLAND RAILWAY COMPANY ABANDONMENT OF ITS FAIRMONT-BINGAMON BRANCH NEAR HENSHAW IN HARRISON COUNTY, WEST VIRGINIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on November 18, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. &. Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Western Maryland Railway Company of a portion of its Fairmont-Bingamon Branch extending from Valuation Station 183+00 (M.P. 3.88) to end of line at Valuation Station 280+00 (M.P. 5.72), a distance of approximately 1.84 miles, at or near Henshaw, in Harrison County, West Virginia. A certificate of abandonment will be issued to the Western Maryland Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time, as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality

of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 109324 (Deviation No. 5), GARRISON MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, Ark. 72601, filed January 24, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 540 and U.S. Highway 71, over Interstate Highway 540 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 71, thence over U.S. Highway 71 to Rogers, Ark., thence over U.S. Highway 62 to Gateway, Ark., thence over Arkansas Highway 47 to the Arkansas-Missouri State Line, thence over Missouri Highway 37 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 65, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Interstate Highway 540 and U.S. Highway 71 over U.S. Highway 71 to junction Arkansas Highway 10S, thence over Arkansas Highway 10S to Greenwood, Ark., thence over Arkansas Highway 10 to Perryville, Ark., thence over Arkansas Highway 60 to Conway, Ark., thence over U.S. Highway 65 to junction U.S. Highway 60, and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 106187 (Deviation No. 1), THE FREE ENTERPRISE SYSTEM, INC., 819 Cedar Bough, New Albany, Ind. 47150, filed December 21, 1976. Carrier's representative: Allison J. Maggiolo, 2650 First National Tower, Louisville, Ky. 40202. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From the New Albany terminal in New Albany, Ind., over Vincennes Street to junction Main Street, thence over Main Street to junction West 4th Street, thence over West 4th Street to the Sherman Minton Bridge, thence over the Sherman Minton Bridge to junction Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky., by the 9th Street exit, thence over Liberty Street to junction 2nd Street, thence over 2nd Street to the Louisville terminal and return from the Louisville terminal over Walnut Street to junction 9th Street, thence over 9th Street to junction Interstate Highway 64, thence over Interstate Highway 64 to the Sherman Minton Bridge, thence over the Sherman Minton Bridge to the Elm Street exit, thence over the Elm Street exit to junction State Street, thence over State Street to junction Market Street, thence over Market Street to junction Vincennes Street, thence over Vincennes Street to the New Albany terminal at New Albany, Ind., for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From New Albany terminal, at Market Street and Vincennes Street in New Albany, over Vincennes Street to the Kentucky and Indiana Terminal Railroad Company bridge, thence over the Kentucky and Indiana Terminal Railroad Company bridge to Louisville, thence over 31st Street to the junction of Montgomery Street, thence over Montgomery Street to the junction of 29th Street, thence over 29th Street to the junction of Northwestern Parkway, thence over Northwestern Parkway to the junction of 22nd Street, thence over 22nd Street to the junction of Jefferson Street, and thence over Jefferson Street to the Louisville terminal, located on Jefferson Street between 3rd and 4th Streets, and return from the above-specified Louisville terminal over Liberty Street to the junction of 6th Street, thence over 6th Street to the junction of Jefferson Street, and thence over the above-specified route to the New Albany terminal.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier atuhorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A57005, filed January 13, 1977. Applicant: KAL AUTO TRANSPORT, INC., Pier 70, 22nd Street & Illinois Ave., San Francisco, Calif. 94107. Applicant's representative: R. D. Garcia (Same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Passenger motor vehicles, and motor vehicles used for transporting freight*, including driving tractors for freight carrying vehicles, motorcycles and motorcycle sidecars, hearses, buses, vehicles other than motor vehicles designed for the transportation of freight for use with motor vehicles cabs and bodies of the above described vehicles, motor vehicle chassis, mobile searchlights, mobile generators, and parts, spare parts or extra parts for the above-described vehicles when accompanying the shipment of the vehicles to which it belongs and for which it is intended, between all points and places within Alameda, Contra Costa, Marin, San Francisco and Solano Counties, Calif. Applicant also seeks a coextensive certificate of registration from the Interstate Commerce Commission. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

California Docket No. A55624 (Amended), filed January 10, 1977. Applicant: TEMPCO TRANSPORTATION, INC., P.O. Box 879, San Jose, Calif. 95106. Applicant's representative: Norman D. Sullivan (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Foodstuffs and related items* as described in Appendix A, *soap products and cleaning and scouring compounds and related items* as described in Appendix B, in shipments of 20,000 pounds or more. Additionally, *foodstuffs* and other *products requiring temperature control*, as described in Appendix C, hauled in vans with mechanical refrigeration (A) Between all points and places in or within 25 miles of the Los Angeles Basin Territory as described herein, (B) Between all points on or within 25 miles laterally of the following routes: (1) Interstate Highway 5 and California State Highway 99 between Redding and the Los Angeles Basin Territory, as described herein, (2) United States Highway 101 between the San Francisco Territory and the Los Angeles Basin Territory as described herein, (3) Interstate 80 between the San Francisco Territory and the Sacramento Valley Territory as described herein, (4) Interstate 580, 205 and 5 between Oakland and Stockton, thence via California State Highway 99 to the Sacramento Valley Territory as described herein; and (5) California State Highway 17 between San Jose and Santa Cruz inclusive. In performing the service herein authorized, carrier may make use of any and all streets, roads, highways, and bridges

necessary or convenient for the performance of said service. Restrictions: Does not include the right to provide local service from points or within 25 statute miles of the Los Angeles Basin Territory as described herein, on the one hand, and, on the other.

(A) Bakersfield and points intermediate thereto on California State Highway 99, (B) Point on United States Highway 101 between the Los Angeles Basin Territory and Paso Robles, inclusive, and (C) Except that this restriction will not apply to split delivery shipments with final destination of which is north of Bakersfield or Paso Robles. Sacramento Valley Territory: As described in Item 270–2½ MRT No. 2 Sacramento Valley Territory includes that area consisting of the Counties of Butte, Colusa, Glenn, Sacramento, Sutter, Tehama, Yolo, Yuba and that portion of the County of Placer lying west of State Highway No. 49. Candy Group: As listed under that heading in Items 39900–40100 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Cereal Group: As listed under that heading in Items 4230–42435 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Dairy Products Group: As listed under that heading in Items 55360–55740 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Feed Group: As listed under that heading in Items 66700–67882 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Food Stuff Group: As listed under that heading in Items 7200–75490 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Fruits or Vegetables Dried Group: As listed under that heading in Items 77000–77420 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Liquors Beverage: As listed under that heading in Items 111400–111600 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof.

Meats or Shortening Group: As listed under that heading in Items 134400–134890 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Nuts Edible: As listed under that heading in Items 141620–141920 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Oils O/T Petroleum: As listed under that heading in Items 144600–145510 of National Motor Freight classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Roots or Spices: As listed under that heading in Items 170700–171200 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof; and Seeds: As listed under that heading in Items 172510–17400 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Acids: As listed under that heading in Items 2080–4580 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Advertising Group: As listed under that heading in Items 4640–5082 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Bags: As listed under that heading in Items 20500–21230 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Chemicals Group: As listed under that heading in Items 42600–47430 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Conduits O/T Earthen Group: As listed under that heading in Items 50750–52620 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Containers Sheet Steel Group: As listed under that heading in Items 52750–52853 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Drugs, Medicines or Toilet Preps: As listed under that heading in Items 58500–60006 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof.

Games or Toys Group: As listed under that heading in Items 83900–85002 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Glassware Group: As listed under that heading in Items 87500–88680 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Hardware Group: As listed under that heading in Items 92900–97720 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof, Iron or Steel: As listed under that heading in Items 104000–107520 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Paper: As listed under that heading in Items 150600–151822 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Paper Articles Group: As listed under that heading in Items 152000–154560 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Plastic Materials O/T Expanded Group: As listed under that heading in Items 156100–156312 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Plastic or Rubber Articles O/T Expanded Group: As listed under that heading in Items 156500–157238 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Plastic or Rubber Articles Expanded Group: As listed under that heading in Items 161500–161930 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof.

Printed Matter Group: As listed under that heading in Items 157300–157400 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof, and Trunks, Travelling Bags or Related Articles: As listed under that heading in Items 187600–187740 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Candy Group: As listed under that heading in Items 39900–40100 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Dairy Products Group: As listed under that heading Items 55360–55740 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Feed Group: As listed under that heading in Items 66700–67882 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Food Stuff Group: As listed under that heading in Items 7200–75490 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date there. Fruit or Vegetables Dried Group: As listed under that heading in Items 77000–77420 of National Motor Freight Classification N.M.F. 100C James C. Harkins, Issuing Officer on date thereof. Fruit or Vegetable Fresh: Other items not listed requiring temperature control service hauled in vans with mechanical refrigeration. LOS ANGELES BASIN TERRITORY: (As described in Item 270 MRT No. 2) Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects California Highway 118, approximately 2 miles west of Chatsworth; easterly along California Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along the said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99, northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue;

Westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; southwesterly along U.S. Highways 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road viz. Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly, and westerly along San Jacinto Avenue to California High-

way 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary, to the right-of-way of the Atchison, Topeka & Santa Fe Railway Company, south-westerly along said right-of-way to Washington Avenue; southerly along Washington Avenue through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly alongside boundary line to said Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to the Point of beginning. Intrastate, interstate and foreign commerce authority sought. *HEARING:* Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

South Carolina Docket No. 76–408–T, filed July 22, 1976. Applicant: W. L. OGLETREE, III, doing business as AIR FREIGHT DELIVERY, P.O. Box 558, W. Columbia, S.C. 29169. Certificate of Public Convenience and Necessity sought to operate a freight service over irregular routes as follows: Transportation of *Baggage, express, mail and newspapers* acceptable for transport by either Greyhound or Trailways, (A) between Greyhound's and Trailways' bus terminals located in Columbia, S.C., and (B) from Greyhound's and Trailways' bus terminals located in Columbia, S.C., to points and places in Aiken, Calhoun, Clarendon, Fairfield, Kershaw, Lee, Lexington, Orangeburg, Richland, Saluda, and Sumter Counties, S.C.; and (C) from points and places in Aiken, Calhoun, Clarendon, Fairfield, Kershaw, Lee, Lexington, Orangeburg, Richland, Saluda, and Sumter Counties, S.C., to Greyhound's and Trailways' bus terminals located in Columbia, S.C., restricted to a twenty-five mile radius of the city limits of Columbia, S.C., and further restricted to four ton trucks.

NOTE.—Applicant is presently serving in interstate commerce only, pursuant to Class E Certificate of Public Convenience and Necessity No. 1363 A issued by the South Carolina Public Service Commission, transporting: Over irregular routes, shipments acceptable for transportation by the air lines, to and from points within a twenty-five mile radius of the city of Columbia, S.C. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the South Carolina Public Service Commission, P.O. Box 11649, Columbia, S.C. 29211 and should not be directed to the Interstate Commerce Commission.

South Carolina Docket No. 76–439–T, filed August 10, 1976. Applicant: ROY K. BERRY, doing business as BERRY'S EXPEDITING SERVICE, Route 6, Box 127, Lexington, S.C. 29072. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Irregular routes: Transportation of *Baggage, express, mail and newspapers* acceptable for transport by either Greyhound or Trailways, (A) between Greyhound's and Trailways' bus terminals located in Columbia, S.C., and (B) from Greyhound's bus terminals located in Columbia, S.C., to points and places in Aiken, Calhoun, Clarendon, Fairfield, Kershaw, Lee, Lexington, Orangeburg, Richland, Saluda and Sumter Counties, S.C., and (C) from points and places in Aiken, Calhoun, Clarendon, Fairfield, Kershaw, Lee, Lexington, Orangeburg, Richland, Saluda and Sumter Counties, S.C., to Greyhound's and Trailways' bus terminals, located in Columbia, S.C., restricted to a twenty-five mile radius of the city of Columbia, S.C., and further restricted to four ton trucks.

NOTE.—Applicant is presently serving in intrastate commerce only, pursuant to Class E. Certificate of Public Convenience and Necessity No. 1364 issued by the South Carolina Public Service Commission, transporting over irregular routes, Air Freight, to and from all points within a twenty-five mile radius of the city limits of Columbia, S.C., pick-up and delivery, restricted to a twenty-five mile radius of the city limits of Columbia, S.C. and further restricted to four ton trucks. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the South Carolina Public Service Commission, P.O. Box 11649, Columbia, S.C. 29211 and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.3273 Filed 2–2–77;8:45 am]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

Correction

No. W–101 Authority sought for cancellation of the above-noted exemption in the name of RAYMOND INTERNATIONAL, INC., P.O. Box 22718, Houston, Tex. 77027, and reissuance of same to HOFFMAN INTERNATIONAL, INC. (formerly Hoffman Rigging & Crane Service, Inc.), a motor carrier, 560 Cortland St., Belleville, N.J. 07109.

Applicant's attorney:

Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048.

Part (3) (a) of the note in this matter which appeared in the FEDERAL REGISTER issue of January 27, 1977 (42 FR 5205) inadvertantly stated the statement due dates in error. The correct dates are as follows: Applicant's initial verified statements are due on or before February 28, 1977; Protestant's statements in opposition are due on or before March 18, 1977; and Applicant's statements in reply are due on or before April 1, 1977. The rest of the notice remains as previously published.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–3429 Filed 2–2–77;8:45 am]

[Notice No. 17]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

The following is notice of filing of application for temporary authority under section 311(a) of the Interstate Commerce Act. One copy of a petition, if any, must be served on the applicant, or its authorized representative, if any, and the petitioner must certify that such service has been made. The petition must identify the operating authority upon which it is predicated, specifying the "W" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the petitioner shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a petition shall be governed by the completeness and pertinence of the petitioner's information.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office.

No. W–1315. By order entered January 31, 1977, the Motor Carrier Board granted Brent Towing Company, Inc., Greenville, Miss., 180-day temporary authority to engage in the business of transportation by water vessel, in interstate commerce, in the transportation of plastic material and products, in containers, in shipper furnished non-self-propelled barges, by towing, for the account of Union Carbide Corporation between Texas City and North Seadrift, Tex., on the one hand, and, on the other, Leetsdale, Pa., via the Intracoastal Canal to New Orleans, La., or Morgan City, La.; thence via Atchafalaya to the Mississippi River; thence via the Mississippi River to its confluence with the Ohio River; thence via the Ohio River to destination. David A. Sutherland, Attorney-at-Law, 1150 Connecticut Ave., N.W., Washington, D.C. 20036 and Clayton J. Swank, III, Swank, Lane & Associates, P.O. Box 1016, Greenville, Miss. 48701, representatives for applicant. Any interested person may file a petition for reconsideration on or before February 23, 1977. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–3718 Filed 2–2–77;9:26 am]