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federal register

WEDNESDAY, MARCH 10, 1976

highlights

PART I:

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

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
	CSC			CSC
	LABOR			LABOR

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

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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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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National Farm Safety Week, 1976

By the President of the United States of America

A Proclamation

As we celebrate our Bicentennial Year, we reflect upon those factors which have propelled us from a virtual wilderness to our present position of world leadership. Beyond question, the achievements of our agricultural community are among the most important of these factors.

Dedicated farmers and ranchers, in partnership with the scientific, technical, and business communities, have pushed agricultural efficiency and productivity to unparalleled heights. As a result, little more than four percent of our labor force is able to produce enough to make us the best-fed nation and to provide sustenance to countless millions around the world.

But it is not enough to honor our past. To meet the challenges of the future with confidence, we must be assured of an unfailing flow of agricultural products. The ability of agriculture to fulfill these needs depends not only on sophisticated technology, but also upon the removal of impediments to production. We must not relax our concern about the fact that accidents are a major drain upon the human and economic resources of our agricultural community. Although the death rate from accidents in agriculture is declining, we must continue to press for the elimination of every preventable mishap that diminishes the strength and productivity of our farmers and ranchers.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week of July 25, 1976 through July 31, 1976, as National Farm Safety Week. I urge all who live and work on the Nation's farms and ranches to make safety an integral part of all daily activities on the job and at play, at home and on the highway. I also urge those who work with and serve agricultural producers to make a special commitment during our two-hundredth birthday year to the task of helping to make rural America a truly safe place in which to live and work. I call upon all Americans to remember that we are blessed with a strong and viable agriculture, and that we must also keep it safe for ourselves and future generations.

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

Gerald R. Ford

[FR Doc.76–7067 Filed 3–8–76;5:52 pm]

rules and regulations

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies, Procedures, and Authorizations

REVISIONS

Section 1832.22 (a), (d) (2) and (3) of Subpart A of Part 1832, Title 7, Code of Federal Regulations (40 FR 42320 at 42330) are revised. The revision to § 1832.22(a) changes the security requirement for annual Emergency loans. The present regulation provides that for a loan of more than $25,000, it must be secured by more than a crop lien. The revision provides that when an applicant for a loan can provide no security other than a first lien on crop or livestock production, that the amount of the loan will be limited to the greater of $50,000, or half the estimated gross income for the crop year for which the loan is made.

The revisions to § 1832.22(d) (2) and (3) will clarify the conditions that must be met before exceptions can be made to the security requirements. These revisions are not published for proposed rulemaking because such notice would be contrary to public interest inasmuch as any delay in providing the assistance afforded by the revision to eligible disaster victims would cause possible financial hardships to many such victims. In addition, such delay may cause an adverse effect on the local economy of areas affected by disasters. Interested persons, however, may submit written comments, suggestions or objections to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before April 12, 1976. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Section 1832.22 (a), (d) (2) and (3) of Subpart A of Part 1832 as revised, however, will remain effective until it is further revised or amended. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m.–4:45 p.m.). As revised, § 1832.22 (a), (d) (2) and (3) read as follows:

§ 1832.22 Security requirements.

* * * * *

(a) Annual loans will be secured by a first lien on the crop and/or livestock production which is being financed with EM loan funds plus sufficient other security, including personal property, and real estate, to assure that the Government's financial interests will be protected. When the applicant can provide no collateral other than a first lien on crop and/or livestock production, the amount of the loan will be limited to the greater of $50,000, or one-half the estimated gross income planned from such production as shown on Form FmHA 431–2, which will be based on normal production and prices authorized by the State Director for developing annual farm plans within the State.

* * * * *

(d) * * *

(2) The applicant had some security which depreciated in value due to the disaster.

(3) The applicant must offer all available security property, some or all of which may have depreciated in value due to the disaster.

* * * * *

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date. This document shall be effective on March 10, 1976.

Dated: March 4, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6726 Filed 3-9-76;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 7—INTERPRETIVE RULINGS

Definition of Unimpaired Surplus

On December 18, 1975, the Comptroller of the Currency announced revisions in the Report of Condition and the Report of Income forms filed by national banks pursuant to Section 161 of Title 12 of the United States Code. The amendments are effective for reports filed after the reports for December 31, 1975. They include, among other matters, changes in the content, title and location of several items in the reporting forms.

The Comptroller now finds it desirable to revise the language used to define unimpaired surplus in Interpretive Ruling 7.1100(b) (12 CFR 7.1100(b)) to make it consistent with the language used in the reporting forms.

The Comptroller also is making conforming changes in Interpretive Ruling 7.7545 (12 CFR 7.7545) which indicates the other statutory provisions to which the definition of unimpaired surplus applies.

The Administrative Procedures Act does not require public procedures and delayed effectiveness in connection with interpretive rules. In addition, these amendments do not alter the substance of either of the rulings. The amendments will therefore become effective upon March 10, 1976.

12 CFR Part 7 is amended by revising §§ 7.1100(b) and 7.7545 to read as follows:

§ 7.1100 Lending limits.

* * * * *

(b) *Unimpaired surplus.* The term "unimpaired surplus fund" as used in 12 U.S.C. 84 shall consist of the amounts reportable in the following items as defined in the instructions for preparation of the Report of Condition form:

(1) Fifty percent of Reserve for possible loan losses;

(2) Subordinated notes and debentures;

(3) Surplus;

(4) Undivided profits; and

(5) Reserve for contingencies and other capital reserves (excluding accrued dividends on preferred stock).

NOTE.—The above definition of "unimpaired surplus fund" also is used in computing other statutory limitations. See § 7.7545.

* * * * *

§ 7.7545 Unimpaired surplus fund.

The definition of the term "unimpaired surplus fund" as contained in § 7.1100(b) is also applicable in determining the capital requirements by which a national bank's investment securities are limited (12 U.S.C. 24); the minimum capital requirements for the establishment of branches (12 U.S.C. 36(c)); the limitations on the aggregate amount of real estate loans (12 U.S.C. 371); the limitation on the aggregate amount of loans to affiliates (12 U.S.C. 371c); and the limitation on the aggregate amount a national bank may keep on deposit with a nonmember state bank (12 U.S.C. 463). For the purpose of determining a bank's borrowing limit under 12 U.S.C. 82, the definition of "unimpaired surplus fund" contained in § 7.1100(b) is applicable

with the exception of § 7.1100(b)(2), "Subordinated notes and debentures."

Dated: March 4, 1976.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-6731 Filed 3-9-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-77]

PART 1—GENERAL PROVISIONS

Dayton, Ohio; Ports of Entry

On October 14, 1975, a notice of a proposal to extend the port limits of Dayton, Ohio, in the Cleveland, Ohio, Customs district (Region IX) was published in the FEDERAL REGISTER (40 FR 48139). No comments were received regarding this proposal.

Accordingly, 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 Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), the port limits of Dayton, Ohio, in the Cleveland, Ohio, Customs district (Region IX), are extended to include the territory within the township limits of the adjacent townships of Butler, Harrison, Wayne, and Mad River, Ohio, as well as the territory within the city limits of Dayton, Ohio, all in Montgomery County, Ohio.

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by adding "(including the territory described in T.D. 76-77)." after "Dayton, Ohio" in the column headed "Ports of entry" in the Cleveland Ohio, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

Effective date. This amendment shall become effective on April 9, 1976.

Dated: March 3, 1976.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6706 Filed 3-9-76;8:45 am]

CHAPTER II—UNITED STATES INTERNATIONAL TRADE COMMISSION

PART 206—INVESTIGATIONS OF IMPORT INJURY TO INDUSTRIES, FIRMS, OR WORKERS DUE TO TRADE AGREEMENT CONCESSIONS

PART 207—REVIEW OF ACTIONS PROVIDING ADDITIONAL TARIFF PROTECTION TO INDUSTRIES TO PREVENT OR REMEDY SERIOUS INJURY FROM IMPORTS

Trade Act of 1974

Notice is hereby given, pursuant to the authority set forth in section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) and section 603 of the Trade Act of 1974 (19 U.S.C. 2482), of new rules of the United States International Trade Commission amending Part 206 and deleting Part 207 of title 19 of the Code of Federal Regulations. The purpose of these changes in the Commission's rules of practice and procedure is to conform them with the applicable provisions of title II and sections 406 and 602 of the Trade Act of 1974 (Public Law 93-618), and to carry out the functions provided the Commission therein.

Notice of proposed rulemaking setting forth proposed rules and requesting comment thereon was published in the FEDERAL REGISTER on August 13, 1975 (40 FR 34005).

1. Part 206, 19 CFR, is revised as follows:

Sec.
206.1 Applicability of Part.

Subpart A—General

206.2 Identification of type of petition.
206.3 Institution of investigations.
206.4 Notification of other agencies.
206.5 Public hearings.
206.6 Report to the President.

Subpart B—Investigations Upon Petition for Relief From Import Injury to Industries

206.7 Applicability of Subpart.
206.8 Who may file petition.
206.9 Contents of petition.
206.10 Time for reporting.
206.11 Public report.

Subpart C—Investigations Upon Petition for Relief From Market Disruption

206.12 Applicability of Subpart.
206.13 Who may file petition.
206.14 Contents of petition.
206.15 Time for reporting.
206.16 Public report.

Subpart D—Review of, and Advice on the Probable Economic Effect of the Extension, Reduction, or Termination of Import Relief to Industries to Prevent or Remedy Import Injury

206.17 Applicability of Subpart.
206.18 Continuing review maintained.
206.19 Investigations to determine the probable economic effect on an industry receiving import relief of the automatic termination of such relief by reason of the expiration of the initial period therefor.
206.20 Investigations at the request of the of the concerned industry to determine the probable economic effect on such industry receiving import relief of the automatic termination of such relief by reason of the expiration of the initial period therefor.

AUTHORITY: Sec. 335 Tariff Act 1930 (72 Stat. 680; 19 U.S.C. 1335) and section 603 of the Trade Act of 1974 (88 Stat. 2073; 19 U.S.C. 2482).

§ 206.1 Applicability of part.

This Part 206 applies specifically to functions and duties of the Commission under sections 201, 203(i), and 406 of the Trade Act of 1974 (88 Stat. 2011, 2018, and 2062, 19 U.S.C. 2251, 2253, and 2436) (hereinafter Trade Act), and under section 351(d) of the Trade Expansion Act of 1962 (76 Stat. 900; 19 U.S.C. 1981) (hereinafter Trade Expansion Act). For other applicable rules see Part 201 of this chapter. Subpart A of this part sets forth rules generally applicable to petitions filed under this Part 206 and investigations based upon such petitions. Each of Subparts B and C of this part sets forth rules specifically applicable to petitions and investigations under sections 201 and 406, respectively, of the Trade Act. Subpart D of this part sets forth rules specifically applicable to functions and duties under section 203(i) of the Trade Act and section 351(d) of the Trade Expansion Act.

Subpart A—General

§ 206.2 Identification of type of petition.

Each petition under this Part 206 shall state clearly on the first page thereof "This is a petition under section [201, 406, or 203(i) of the Trade Act of 1974, or under section 351(d) of the Trade Expansion Act of 1962, as the case may be] and Subpart [B, C, or D, as the case may be] of Part 206 of the rules of practice and procedure of the United States International Trade Commission."

§ 206.3 Institution of investigations.

Promptly after the receipt of a petition under this Part 206, properly filed, an appropriate investigation will be instituted and notice thereof caused to be published in the FEDERAL REGISTER.

§ 206.4 Notification of other agencies.

The Special Representative for Trade Negotiations, the Secretary of Commerce, the Secretary of Labor, and other agencies directly concerned will be promptly notified of the institution of an investigation instituted under this part and will be provided with copies of petitions filed.

§ 206.5 Public hearings.

A public hearing will be held in connection with each investigation instituted on the basis of a petition filed under this part after reasonable notice thereof has been caused to be published in the FEDERAL REGISTER. All interested parties will be afforded an opportunity to be present, to present evidence, and to be heard at such hearings.

§ 206.6 Report to the President.

(a) The Commission will report to the President its findings with respect to whether the criteria for relief provided in section 201(b) or section 406(a)(1) of the Trade Act, as the case may be, have been satisfied, and the basis therefor, as a result of each investigation it conducts under this part (including in each report any dissenting or separate views), together with a transcript of the hearing and copies of any briefs which may have been submitted in connection with the investigation. Such report shall also include, in the case of a finding that such criteria are satisfied, the Commission's finding, or recommendation, if one is made under section 201(d)(1), with respect to the remedy for any injury it finds.

(b) After completion of an investigation to which Subpart D of this part relates, the Commission will report to the President its judgment based upon such investigation as to the probable economic effect on the industry concerned of the extension, reduction, or termination of

the import relief in question, as the case may be.

Subpart B—Investigations Upon Petition for Relief From Import Injury to Industries

§ 206.7 Applicability of Subpart.

This Subpart B applies specifically to investigations under section 201(b) of the Trade Act.[1] For other applicable rules, see Subpart A of this Part and Part 201 of this chapter.

§ 206.8 Who may file petition.

(a) A petition under this Subpart B may be filed by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of a domestic industry producing an article like or directly competitive with a foreign article which it is claimed is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to such domestic industry.

(b) Except for good cause determined by the Commission to exist, no investigation for the purposes of this section shall be made with respect to the same subject matter as a previous investigation under this section, unless 1 year has elapsed since the Commission made its report to the President of the results of such previous investigation.[2]

§ 206.9 Contents of petition.

A petition under this Subpart B shall include specific information in support of the claim that an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. Such petition shall, to the extent practicable, include the following information:

(a) *Product description.* The name and description of the imported article concerned, specifying the United States tariff provision under which such article is classified and the current tariff treatment thereof, and the name and description of the like or directly competitive domestic article concerned;

(b) *Names of represented producers.* The names and locations of the firms represented in the petition and/or the firms employing or previously employing the workers represented in the petition and of their establishments in which the domestic article concerned is produced;

(c) *Names of unrepresented producers.* The names and locations of all other producers of the domestic article concerned known to the petitioner;

(d) *Import data.* Import data for at least each of the most recent 5 full years which form the basis of the claim that the article concerned is being imported in increased quantities, either actual or relative to domestic production;

(e) *Domestic production data.* Data on total U.S. production of the domestic article concerned for each full year for which data are provided pursuant to subsection (d) of this section;

(f) *Data showing injury.* Quantitative data indicating the nature and extent of the serious injury to the domestic industry concerned, with particular reference to the extent of significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment in the industry; and/or quantitative data indicating the nature and extent of the threat of serious injury to the domestic industry concerned, including a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned;

(g) *Cause of injury.* An enumeration and description of the causes believed to be resulting in the injury, or threat thereof, described under (f), and a statement regarding the extent to which increased imports, either actual or relative to domestic production, of the imported article concerned are believed to be such a cause, supported by pertinent data;

(h) *Relief sought and purpose therefor.* A statement describing the import relief sought[3] and the specific purposes therefor, which may include such objectives as facilitating the orderly transfer of resources to alternative uses and other means of adjustment to new conditions of competition; and

(i) *Efforts to compete.* A statement on the efforts made by firms and workers in the domestic industry concerned to compete more effectively with imports of the imported article concerned.

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[1] Section 201 of the Trade Act provides in pertinent part as follows:

"(a)(1) A petition for eligibility for import relief for the purpose of facilitating orderly adjustment to import competition may be filed with the International Trade Commission (hereinafter in this chapter referred to as the "Commission") by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of an industry. The petition shall include a statement describing the specific purposes for which import relief is being sought, which may include such objectives as facilitating the orderly transfer of resources to alternative uses and other means of adjustment to new conditions of competition.

"(b)(1) Upon the request of the President or the Special Representative for Trade Negotiations, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, upon its own motion, or upon the filing of a petition under subsection (a)(1), the Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

"(2) In making its determinations under paragraph (1), the Commission shall take into account all economic factors which it considers relevant, including (but not limited to)—

(A) with respect to serious injury, the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment within the industry;

(B) with respect to threat of serious injury, a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned; and

(C) with respect to substantial cause, an increase in imports (either actual or relative to domestic production) and a decline in the proportion of the domestic market supplied by domestic producers.

"(3) For purposes of paragraph (1), in determining the domestic industry producing an article like or directly competitive with an imported article, the Commission—

(A) may, in the case of a domestic producer which also imports, treat as part of such domestic industry only its domestic production,

(B) may, in the case of a domestic producer which produces more than one article, treat as part of such domestic industry only that portion or subdivision of the producer which produces the like or directly competitive article, and

(C) may, in the case of one or more domestic producers, who produce a like or directly competitive article in a major geographic area of the United States and whose production facilities in such area for such article constitute a substantial portion of the domestic industry in the United States and primarily serve the market in such area, and where the imports are concentrated in such area, treat as such domestic industry only that segment of the production located in such area.

"(4) For purposes of this section, the term 'substantial cause' means a cause which is important and not less than any other cause.

"(5) In the course of any proceeding under this subsection, the Commission shall, for the purpose of assisting the President in making his determinations under sections 202 and 203, investigate and report on efforts made by firms and workers in the industry to compete more effectively with imports."

[2] Section 201(e) of the Trade Act provides as follows:

"(e) Except for good cause determined by the Commission to exist, no investigation for the purposes of this section shall be made with respect to the same subject matter as a previous investigation under this section, unless 1 year has elapsed since the Commission made its report to the President of the results of such previous investigation."

[3] Section 201(d)(1) of the Trade Act provides as follows:

"The Commission shall report to the President its findings under subsection (b), and the basis therefor and shall include in each report any dissenting or separate views. If the Commission finds with respect to any article, as a result of its investigation, the serious injury or threat thereof described in subsection (b), it shall—

(A) find the amount of the increase in, or imposition of, any duty or import restriction on such article which is necessary to prevent or remedy such injury, or

(B) if it determines that adjustment assistance under chapters 2, 3, and 4 can effectively remedy such injury, recommend the provision of such assistance,

shall include such findings or recommendation in its report to the President. The Commission shall furnish to the President a transcript of the hearings and any briefs which were submitted in connection with each investigation."

§ 206.10 Time for reporting.

The Commission will make its report to the President at the earliest practicable time, but not later than 6 months after the date on which a properly filed petition is received.

§ 206.11 Public report.

Upon making a report to the President of the results of an investigation to which this Subpart B relates, the Commission will make such report public (with the exception of information which the Commission determines to be confidential) and cause a summary thereof to be published in the FEDERAL REGISTER.

Subpart C—Investigations Upon Petition for Relief from Market Disruption

§ 206.12 Applicability of Subpart.

This Subpart C applies specifically to investigations under section 406(a) of the Trade Act.[4] For other applicable rules, see Subpart A of this part and Part 201 of this chapter.

§ 206.13 Who may file petition.

A petition under this Subpart C may be filed by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of a domestic industry producing an article with respect to which there are imports of a like or directly competitive article which is the product of a Communist country, which imports, it is claimed, are increasing rapidly, either absolutely or relative to domestic production, so as to be a significant cause of material injury, or the threat thereof, to such domestic industry.

§ 206.14 Contents of petition.

A petition under this Subpart C shall include specific information in support of the claim that imports of an article the product of a Communist country which are like or directly competitive with an article produced by a domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry. Such petition shall, to the extent practicable, include the following information:

(a) *Product description.* The name and description of the like or directly competitive article concerned which is the product of a Communist country, specifying the United States tariff provision under which such article is classified and the current tariff treatment thereof, and the name and description of the domestic article concerned;

(b) *Names of represented producers.* The names and locations of the firms represented in the petition and/or the firms employing or previously employing the workers represented in the petition, and of their establishments in which the domestic article concerned is produced;

(c) *Names of unrepresented producers.* The names and locations of all other producers of the domestic article concerned known to the petitioner;

(d) *Import data.* Import data for at least each of the most recent 5 full years which form the basis of the claim that imports from a Communist country of an article like or directly competitive with the article produced by the domestic industry concerned are increasing rapidly, either absolutely or relative to domestic production;

(e) *Domestic production data.* Data on total U.S. production of the domestic article concerned for each full year for which data are provided pursuant to subsection (d) of this section;

(f) *Data showing injury.* Quantitative data indicating the nature and extent of the material injury to the domestic industry concerned, with particular reference to the extent of idling of productive facilities in the industry, the inability of a number of firms to operate at a reasonable level of profit, and unemployment or underemployment in the industry; and/or quantitative data indicating the nature and extent of the threat of material injury to the domestic industry concerned, including a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned;

(g) *Cause of injury.* An enumeration and description of the causes believed to be resulting in the injury, or threat thereof, described under (f), and a statement regarding the extent to which increased imports, either absolutely or relative to domestic production, of the Communist article concerned are believed to be such a cause, supported by pertinent data; and

(h) *Relief sought.* A statement describing the import relief sought.

§ 206.15 Time for reporting.

The Commission will make its report to the President at the earliest practicable time but not later than 3 months after the date on which a properly filed petition is received.

§ 206.16 Public report.

Upon making a report to the President of the results of an investigation to which this Subpart C relates, the Commission will make such report public (with the exception of information which the Commission determines to be confidential) and cause a summary thereof to be published in the FEDERAL REGISTER.

Subpart D—Review of, and Advice on the Probable Economic Effect of the Extension, Reduction, or Termination of Import Relief to Industries to Prevent or Remedy Import Injury

§ 206.17 Applicability of Subpart.

This Subpart D applies specifically to the functions and duties of the Commission under the provisions of section 203(i) of the Trade Act of 1974[5] that deal with Commission review of import relief imposed by the President to prevent or remedy serious injury or market disruption to domestic industries, and with the provision of advice to the President by the Commission, under section 203(i) of the Trade Act of 1974 and section 351(d) of the Trade Expansion Act of 1962,[6] in regard to the probable economic effect on such industries of the extension, reduction, or termination of such relief. For other applicable rules

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[4] Section 406 of the Trade Act provides in pertinent part as follows:

"(a)(1) Upon the filing of a petition by an entity described in section 201(a)(1), upon request of the President or the Special Representative for Trade Negotiations, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, or on its own motion, the International Trade Commission (hereinafter in this section referred to as the "Commission") shall promptly make an investigation to determine, with respect to imports of an article which is the product of a Communist country, whether market disruption exists with respect to an article produced by a domestic industry.

"(a)(2) The provisions of subsections (a)(2), (b)(3), and (c) of section 201 shall apply with respect to investigations by the Commission under paragraph (1)."

"(e) For purposes of this section—

(1) The term "Communist country" means any country dominated or controlled by communism.

(2) Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry."

[5] Section 203(1) of the Trade Act provides as follows:

"(1) So long as any import relief provided pursuant to this section or section 351 or 352 of the Trade Expansion Act of 1962 remains in effect, the Commission shall keep under review developments with respect to the industry concerned (including the progress and specific efforts made by the firms in the industry concerned to adjust to import competition) and upon request of the President shall make reports to the President concerning such developments.

"(2) Upon request of the President or upon its own motion, the Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the extension, reduction, or termination of the import relief provided pursuant to this section.

"(3) Upon petition on behalf of the industry concerned, filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any import relief provided pursuant to this section or section 351 or 352 of the Trade Expansion Act of 1962 is to terminate by reason of the expiration of the initial period therefor, the Commission shall advise the President of its judgment as to the probable economic effect on such industry of such termination.

"(4) In advising the President under paragraph (2) or (3) as to the probable economic effect on the industry concerned, the Commission shall take into account all economic factors which it considers relevant, including the considerations set forth in section 202(c) and the progress and specific efforts made by the industry concerned to adjust to import competition.

"(5) Advice by the Commission under paragraph (2) or (3) shall be given on the basis of an investigation during the course of which the Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard."

see Subpart A of this Part and Part 201 of this chapter.

§ 206.18 Continuing review maintained.

As long as any import relief imposed by the President pursuant to section 351 or 352 of the Trade Expansion Act of 1962 or section 203 of the Trade Act of 1974 remains in effect, the Commission will keep under review developments with respect to the industry receiving such import relief (including the progress and specific efforts made by the firms in the industry to adjust to import competition), and upon request of the President shall make reports to the President concerning such developments. Unless otherwise ordered, no hearings or other formal proceedings will be had in connection with such continuing review, and information necessary to keep developments under review will be sought by questionnaires and other means.

§ 206.19 Investigations to determine the probable economic effect on an industry receiving import relief of the extension, reduction, or termination of such relief.

Investigations for the purpose of providing the basis for the advice of the Commission to the President, under section 203(i)(2) of the Trade Act of 1974 or section 351(d)(2) of the Trade Expansion Act of 1962, as to the Commission's judgment of the probable economic effect on an industry receiving import relief, under section 203 of the Trade Act of 1974 or section 351 or 352 of the Trade Expansion Act of 1962, of the reduction or termination of such import relief (or, with respect to import relief imposed under section 203, of the extension of such import relief), will be instituted by publication of notice thereof in the FEDERAL REGISTER only upon request of the President or upon the Commission's own motion. An investigation upon the Commission's own motion will be instituted whenever, in the course of its continuing review of developments in the industry concerned under § 206.18 of this Part, the Commission has reason to believe that the import relief imposed by the President may no longer be necessary, either in whole or in part, to prevent or remedy serious injury to such industry, or when the Commission determines such investigation is appropriate to provide the President with the advice which he is required to consider before such relief may be extended.

§ 206.20 Investigations at the request of the concerned industry to determine the probable economic effect on such industry receiving import relief of the automatic termination of such relief by reason of the expiration of the initial period therefor.

(a) *Institution of investigations.* Investigations for the purpose of providing the basis for the advice of the Commission to the President under section 203(i)(3) of the Trade Act of 1974 as to the Commission's judgment of the probable economic effect on an industry receiving import relief of the termination of such relief by reason of the expiration of the initial period therefor will be instituted by publication of notice thereof in the FEDERAL REGISTER upon petition filed on behalf of the industry concerned.

(b) *Who may file petition.* A petition under this section 206.20 may be filed by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of the industry producing the domestic article concerned in the investigation of the Commission which resulted in the imposition by the President of the import relief.

(c) *Time for filing.* A petition under this section 206.20 may not be filed earlier than the date which is 9 months, or later than the date which is 6 months, before the date the import relief is to terminate by reason of the expiration of the initial period therefor.

(d) *Contents of petitions.* Petitions filed under this section 206.20 shall include, to the extent practicable, the following information:

(1) *Names of represented producers.* The names and locations of the firms represented in the petition and/or of the firms employing or previously employing the workers represented in the petition and of their establishments in which the domestic article concerned is produced;

(2) *Names of unrepresented producers.* The names and locations of all other producers of the domestic article concerned known to the petitioner;

(3) *Import data.* Import data on the foreign article concerned for each full year since import relief was provided, starting with the year in which relief was provided;

(4) *Domestic production data.* Data on total U.S. production of the domestic article concerned for each year for which data are provided pursuant to paragraph (3);

(5) *Progress and efforts to compete.* A statement on the progress and specific efforts made by the industry concerned to adjust to and compete more effectively with the competition from imports of the foreign article concerned;

(6) *Benefit of import relief.* A statement of how the import relief provided has promoted adjustment to, and the ability of the industry concerned to compete more effectively with, the competition from imports of the foreign article concerned; and

(7) *Reasons for not terminating.* A statement of the reasons why petitioner believes that the import relief provided should not terminate.

2. Part 207, 19 CFR, is removed.

By order of the Commission:

Issued: March 4, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-6802 Filed 3-9-76;8:45 am]

[6] Section 351(d) of the Trade Expansion Act provides, in pertinent part, as follows:

"(2) Upon request of the President or upon its own motion, the United States International Trade Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the reduction or termination of the increase in, or imposition of, any duty or other import restriction pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951.

(4) In advising the President under this subsection as to the probable economic effect on the industry concerned, the United States International Trade Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(5) Advice by the United States International Trade Commission under this subsection shall be given on the basis of an investigation during the course of which the United States International Trade Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard." (19 U.S.C. 1981).

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

PART 602—COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Change of Employment Service Symbol

On January 5, 1976, the Employment and Training Administration published at 41 FR 776 a proposed regulation for 20 CFR 602.12(a) *Organization.* The proposed rulemaking proposed the substitution for the present public employment service symbol a more modern symbol. Interested persons were invited to submit comments, data, and arguments on the proposed regulation until February 4, 1976. Only one comment was received. The comment favored the change but requested that States be allowed to use up current printed material which is marked with the old symbol. This suggestion has been accepted.

Since many States have already adopted the new symbol, and since use of the old symbol is encouraged until printed materials are exhausted, the Employment and Training Administration has determined that it is in the public interest to make this regulation change effective March 10, 1976, except that States are encouraged to use up current printed material which is marked with the old symbol. Accordingly, paragraph (a) of 20 CFR 602.12 *Organization* is hereby amended to read as follows:

§ 602.12 Organization.

(a) *Official identification.* The official name of the statewide system of public employment offices and the name on all official signs, stationary and documents used in connection therewith shall be "---------- State Employment Service". Whenever the State Employment Service name is officially used, it shall be accompanied by the following symbol:

* * * * *

(Sec. 12 of the Wagner-Peyser Act of 1933 (29 U.S.C. 49c–3, 557))

Signed at Washington, D.C. this 3rd day of March 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–6821 Filed 3–11–76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N–0171]

PART 121—FOOD ADDITIVES

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Antibiotic, Nitrofuran, and Sulfonamide Drugs in the Feed of Animals

Correction

In FR Doc. 76–5221 appearing at page 8282 in the issue for Wednesday, February 25, 1976, make the following changes:

1. On page 8293, under the "Grams per ton" for "3.3 Amprolium", "h.3.1", the figure which presently reads "36.3–133.5" should read "36.3–113.5".

2. On page 8308, in the first line beginning "Pfizer, Inc.", under "Indications for use", the designation "Do." should appear.

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

NOTICES RELATING TO DRUG EFFICACY

The Food and Drug Administration is amending § 2.121 *Redelegations of authority from the Commissioner to other officers of the Administration* (21 CFR 2.121) to provide for a new delegation of authority to issue FEDERAL REGISTER notices announcing or upgrading efficacy findings for drugs as a part of the Drug Efficacy Study implementing the Drug Amendments of 1962 (Pub. L. 87–781, 76 Stat. 780–796); effective March 10, 1976.

Further redelegation of the authority redelegated by this amendment is not authorized. Authority redelegated by this amendment to a specified position may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless it is not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended in § 2.121 by adding paragraph (ii) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(ii) *Delegation regarding issuance of notice implementing the provisions of the Drug Amendments of 1962.* The Director and Deputy Director of the Bureau of Drugs are authorized to issue notices and amendments thereto implementing section 107(c)(3) of the Drug Amendments of 1962 (Pub. L. 87–781) by announcing new or revised efficacy findings on human drugs that are or were subject to the provisions of section 505 and 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 and 357).

Effective date. This regulation is effective March 10, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: March 4, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76–6741 Filed 3–9–76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI–327]

Letter of Map Amendment for the City of Cedar Rapids, Iowa

On August 12, 1974, in 39 FR 28888, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Cedar Rapids, Iowa. Map No. H 190187 06 indicates that Lots 6 and 8, Block 2, McGrew's First Addition, Cedar Rapids, Iowa, as recorded in Volume 143, Pages 6 through 8 in the office of the Recorder of Linn County, Iowa, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the apartment buildings on the above property are not within the Special Flood Hazard Area. Accordingly, Map No. H 190187 06 is hereby corrected to reflect that buildings on the above property are not within the Special Hazard Area identified on August 2, 1974.

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

Issued: February 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–6776 Filed 3–9–76;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI–440]

Letter of Map Amendment for the City of Wichita, Kansas

On January 10, 1975, in 40 FR 2183, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Wichita, Kansas. Map Nos. H 200328 07 and 08 indicate that Country Lake Addition, Wichita, Kansas, recorded as Document No. 253492 in File No. MI–24 in the office of the Register of Deeds of Sedgwick County, Kansas; and Comotara First Addition, Wichita, Kansas, recorded as Document No. 191119 in the office of the Register of Deeds of Sedgwick County, Kansas, are within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lot 1, Country Lake Subdivision; and Blocks A through K, Lots B through F, and Reserves A through G, Comotara First Addition, are not within the Special Flood Hazard Area. Lot 2, Country Lake Subdivision, and Lot A, Comotara First Addition, with the exception of the areas shown as floodways on the recorded plat maps cited above, are not within the Special Flood Hazard Area. Accordingly, Map Nos. H 200328 07 and 08 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on December 27, 1974.

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

Issued: February 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–6777 Filed 3–9–76;8:45 am]

[Docket No. FI–446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Shreveport, Louisiana

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with

Special Flood Hazard Areas which included the City of Shreveport, Louisiana. Map No. H 220036 28 indicates that Lots 1, 2, 3, 34, 35, 44, 45, 63, and 96, The Meadow Subdivision Unit No. 1, Shreveport, Louisiana, as recorded in Book 1500, Page 19, of the records of Caddo Parish, Louisiana, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 220036 28 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 3, 1975.

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

Issued: February 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6778 Filed 3-9-76;8:45 am]

[Docket No. FI-904]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1976, in 41 FR 1477, the Federal Insurance Administrator published a list of communities with special hazard areas which included Fairfax County, Virginia. Map No. H 515525 19 indicates that Lot 568, Rolling Valley Subdivision, Section 6, being 8414 Danford Court, Fairfax County, Virginia, as recorded in Deed Book 3084, Page 708 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 515525 19 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 7, 1972.

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

Issued: February 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6779 Filed 3-9-76;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI 905]

Letter of Map Amendment for the City of Fairfax, Virginia

On January 8, 1976, in 41 FR 1477, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Fairfax, Virginia. Map No. H 515524A 01 indicates that Lot 15, Briarcliff Subdivision, being 10602 Springmann Drive, Fairfax, Virginia, as recorded in Deed Book 1535, Page 429 in the office of the Clerk of the Court of Fairfax County, Virginia, is within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is within Zone B, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 515524A 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on May 5, 1970.

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

Issued: February 17, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-6780 Filed 3-9-76;8:45 am]

[Docket No. FI-688]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Phoenix, Arizona

On September 15, 1975, in 40 FR 42554, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Phoenix, Arizona. Map No. H 040051A 37 indicates that Moon Valley Gardens VII, Phoenix Arizona, as recorded in Book 144, Page 35 in the office of the Recorder of Maricopa County, Arizona, is partially within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 4 through 49 of the above property are not within the Special Flood Hazard Area. Accordingly, Map No. H 040051A 37 is hereby corrected to reflect that Lots 4 through 49 of the above property are not within the Special Flood Hazard Area identified on June 28, 1974.

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

Issued: February 18, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6781 Filed 3-9-76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

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

[T.D. ATF-25; Reference Notice No. 281]

PART 5—DISTILLED SPIRITS LABELING AND ADVERTISING

Metric Standards of Fill

The issue of metric standards of fill for alcoholic beverages has been under consideration by the Bureau since the latter part of 1973. As public interest in metrication increased, the Bureau received many letters commenting on and making recommendations for metric standards of fill for distilled spirits. The Distilled Spirits Council of the United States submitted their comments in the form of a petition. The petition called for replacing present standards of fill with specific metric standards and requested a hearing on the matter.

The Bureau published a Notice of Proposed Rulemaking and Public Hearing in the FEDERAL REGISTER on July 16 (as later corrected in the July 24, 1975 issue). The Notice contained proposals made by both DISCUS and ATF and set September 10 and 11, 1975 as the dates of the public hearing. Prior to the hearing, many comments were received from a variety of interested parties. At the hearing, a 60 day comment period was established for the filing of additional views. This comment period was subsequently extended by the Director an additional 30 days (to December 10, 1975).

THE METRIC PROPOSALS

The Notice of Proposed Rulemaking and Public Hearing concerning metric standards of fill for distilled spirits contained proposed regulatory changes in seven specific areas. The proposals were as follows:

Proposal 1. Metric Standards of Fill. The DISCUS petition recommended amending 27 CFR Part 5 by replacing the current U.S. standards of fill with the following six metric standards: 50 ml, 187.5 ml, 375 ml, 750 ml, 1 liter, and 1.75 liters. The Bureau had reservations about two of the six sizes and proposed a 250 ml in place of the 187.5 and a 500 ml in place of the 375 proposed by DISCUS.

Proposal 2. Bottles per shipping case. Both DISCUS and ATF proposed that the number of bottles per shipping case or container be standardized. It was proposed that the following bottles per shipping case be adopted on a mandatory basis:

Fill standard	Bottles/Case
50 ml	120
187.5 ml (250 ml)	48
375 ml (500 ml)	24
750 ml	12
1 liter	12
1.75 liters	6

Proposal 3. Metric Phase-In. Both DISCUS and ATF proposed a phase-in period ending on December 31, 1978. During this time, spirits could be bottled in either U.S. or metric standards. On and after January 1, 1979, all spirits would have to be bottled in accordance with the metric standards of fill.

Proposal 4. Complete Conversion. DISCUS proposed that once a producer or bottler converted to a metric size, that producer or bottler would be prohibited from continuing to bottle a comparable size of that product in U.S. ounces. ATF expanded somewhat on the DISCUS proposal by proposing that conversion to a given metric standard of fill be complete with respect to any given product.

Proposal 5. Exemption for previously bottled spirits. DISCUS and ATF proposed that spirits bottled in existing sizes prior to any mandatory date for metrication should be allowed to be marketed *after* the mandatory date. In addition, ATF provided that no spirits would be imported into this country in bottles not conforming to the new metric standards of fill after the mandatory date unless they were accompanied by a certificate or statement that they were bottled prior to such mandatory date.

Proposal 6. Standards of fill for cordials, liqueurs, etc. The Bureau proposed to revoke the exception to authorized standards of fill presently allowed for cordials, liqueurs, cocktails, highballs, bitters and certain specialties.

Proposal 7. Labeling in both metric and U.S. measure. ATF proposed that, if during the transition period bottles conforming to metric standards of fill are used, the bottler must state net contents in both metric and U.S. measure.

Summary of Comments Received

Prior to the hearing, at the hearing and during the post hearing comment period, serious questions or arguments were received concerning only three of the seven specific areas where regulatory changes were proposed. These areas were: metric standards of fill, bottles per shipping case and the metric phase-in period. Arguments presented in these areas will be detailed in the section of this Treasury Decision dealing with our final decisions. None of the persons testifying at the hearing, nor any of the persons submitting written comments prior to or after the hearing, were opposed to the idea of converting to metric standards of fill.

Comments on distilled spirits metrication were received from six basic groups:

(1) Industry associations and industry members.

(2) Foreign governments and foreign bottlers.

(3) State agencies.

(4) Members of the glass industry.

(5) Consumers.

(6) Metric Associations.

Industry associations and industry members were solidly in favor of the proposals as laid out in the DISCUS petition. Exceptions to this were in the area of bottles per case where there were requests for more "flexibility" and in the area of the proposed 1.75 liter standard where proposals were received for a 1.5 liter bottle.

State agencies and members of the glass industry, in general, favored the sizes proposed by DISCUS. Members of the glass industry, however, also indicated their desire for a longer phase-in period.

A variety of responses were received from foreign governments, bottlers and associations. Some favored the sizes proposed by DISCUS, others favored the sizes proposed by ATF, while still others favored sizes that were dominant in their own countries or were sizes accepted by the European Economic Community. Three of the more frequently mentioned sizes were 700 ml, 720 ml and 200 ml.

The comments received from consumers can be broken into two general categories—those favoring the sizes proposed by ATF, and those favoring a scheme of sizes that would reflect the simplicity of a "true" metric system.

Interesting and informative comments were also received from the Canadian Metric Association and the U.S. Metric Association. In general, these comments were aimed at explaining the metric system itself and attempted to give us suggestions as to what general metric guidelines our conversion should take.

All comments received on the subject of metrication were given careful consideration by the Bureau prior to making the final determinations. As mentioned earlier, major comments, questions or arguments were received concerning only three of the seven proposals—metric standards of fill, bottles per shipping case and the metric phase-in period. Proposals 4 through 7 (complete conversion, exemption for previously bottled spirits, standards of fill for cordials, liqueurs, etc. and labeling in both metric and U.S. measure) have, therefore, been adopted essentially as set forth in our Notice. Specific comments received, and the Bureau's reasons for the final adoptions in the three main areas of concern follow.

Metric Standards of Fill

The Bureau agreed with DISCUS that the standards of fill for distilled spirits should be in metric units. Nearly all of the rest of the world has "gone metric". Distilled spirits are an important product in international trade, and putting the United States on the same basis as the rest of the world cannot help but promote this trade. Taking all comments into consideration, and in light of the spirit of Public Law 94-168, recently signed into law by President Ford as the "Metric Conversion Act of 1975" (which encouraged "rationalization or simplification" and a "reduction of size variations"), the Bureau has adopted the following scheme of six metric standards of fill, with sufficient separation to preclude possible consumer deception:

1. *50 ml:* Both ATF and DISCUS proposed the adoption of a 50 ml standard of fill. As the DISCUS petition was amended to eliminate the initial restriction on sales of the 50 ml, there were no major differences of opinion regarding this size. The 50 ml appears to be the logical replacement for the current miniature (less than 1/20 of an ounce difference) while at the same time it is a round number easy to work with in a metric scheme of sizes. This size has also been approved by the European Economic Community (EEC).

2. *1 liter:* Again, both ATF and DISCUS proposed the 1 liter standard of fill. As with the 50 ml, there were no adverse comments received regarding this size. Both the U.S. and Canadian Metric Associations, along with some comments received from consumers, pointed out that the liter is in the basic unit for liquid measure in the metric system.

3. *750 ml:* Although four foreign countries, France (an industry association), Ireland, Belgium and Austria submitted requests for a 700 ml or 720 ml bottle, eight other countries submitting comments did not oppose the 750 ml size. These countries were: France (French Embassy), Italy, Sweden, Portugal, Finland, Luxembourg, Canada and Greece. Because of this foreign support, and because of the overwhelming domestic support for the 750 ml, the Bureau has adopted the 750 ml as a standard of fill. A 750 ml bottle contains only 3 tenths of an ounce less than the current "fifth"—a very popular size among American consumers.

4. *500 ml:* In light of the fact that the Bureau proposed a 500 ml size as opposed to DISCUS's 375 ml, all of the varying arguments presented at the public hearing and in the written comments periods were carefully considered before adopting the 500 ml.

Although, as pointed out by DISCUS in their petition and by many comments received from other distilled spirits associations and individual companies, a 375 ml bottle would be close in size to the current 4/5 pint and the same equipment could be used to make the bottle, a 500 ml bottle approximates the current pint. There are many more pints bottled than 4/5 pints (based on Fiscal Year 1975 strip stamp usage statistics,

about 11% of the total number of strip stamps used by domestic bottlers or importers were for pints, as opposed to 3% for 4/5 pints).

Supporters of the 375 stated that a 500 ml size would necessitate a price increase over the current pint. The Bureau sees nothing wrong with this in light of the fact that a 500 ml bottle will contain more than the pint. If the price per unit volume stayed the same, there would be no price increase in real terms.

Although arguments were received concerning the fact that a 375 ml bottle was adopted for wine, we must remember that a 375 ml wine bottle is the "half bottle" of wine commonly sold in restaurants. This situation does not hold true for distilled spirits.

The DISCUS proposal further stated that the 375 would be exactly ½ of the 750 ml—for easy price comparison. A 500 ml bottle, however, would be exactly ½ of the liter—and the liter is the basic unit of measure in the metric system. It was also pointed out, by consumers and metric associations alike, that a 500 ml would give us a round number (easier to work with) and is a true metric size, compatible in the use of the metric system's 1–2–5 series of price and size comparisons. The 1–2–5 series will be briefly explained later in this document.

5. *200 ml:* The two sizes mentioned in the Notice of Proposed Rulemaking were 250 ml (proposed by ATF) and 187.5 ml (proposed by DISCUS).

One of the main problems we, in the Bureau, expressed regarding a proposed 187.5 ml standard was not resolved by the substantive comments received at the public hearing or during the written comment periods. One of the principal advantages of the metric system is the ease of manipulating figures. A good share of that advantage would be sacrificed by adopting a standard of fill stated in both whole numbers and decimals. It would seem that this would create unnecessary hardships for the consumer who has to try to visualize what .5 ml amounts to and hardships for retailers, wholesalers, bottlers and various Government agencies who would have to manipulate figures of 187.5 in various records and accounts. For these reasons the Bureau initially proposed a 250 ml standard, thus eliminating the decimal point problem.

After closely examining all comments received, the Bureau has decided to adopt a 200 ml bottle as the standard of fill.

We heard many arguments from industry members that a 250 ml size would require a price increase over the current ½ pint bottle. As with the 500 ml size, this "price increase" would be the result of the fact that the 250 would hold more than the current ½ pint. This situation would be eliminated, however, by the adoption of a 200 ml standard of fill. Neither the 200 nor the 187.5 closely approximates a current standard of fill.

Industry also stated (in support of the 187.5) that, because of its size, it could be run faster and cheaper than a 250 ml bottle. This being the case, a 200 ml bottle should also be able to be run faster and cheaper than a 250 and because there is only 12.5 ml difference, there should not be much difference in production time and cost between the 200 and the 187.5.

Another very important point to consider in the adoption of a 200 ml standard is the fact that the European Economic Community has accepted and adopted this size. A 187.5 ml size was not adopted by the EEC and they are phasing out the 250 ml by 1980. The EEC itself, along with many foreign countries, submitted proposals for the adoption of the 200 ml.

As mentioned earlier, one of the benefits of metrication is simplicity and we do not feel the scheme of standards should be complicated with a decimal as is the case with the 187.5 proposed standard. Although the 250 would eliminate the decimal, the 200 accomplishes the same thing using a number that is even easier to work with.

A 200 ml bottle is a true metric size and fits into the 1–2–5 series mentioned previously. The 1–2–5 series of size and price comparison is as old as metrication itself. In order to make price comparisons and to relate to the basic unit of one liter, any "halved" range may require calculations with factors of 2, 4, 8 or 16. With the 1–2–5 series, the only calculation *ever* required is multiplication or division by 2 (in some cases combined with a moving of the decimal point). The adoption of a 200 ml bottle allows us to have all sizes of 1 liter and below in a 1–2–5 series (other than the 750 ml).

6. *1.75 liter:* Both ATF and DISCUS proposed the adoption of a 1.75 liter standard. At the hearing, many comments were made by members of the distilled spirits and glass manufacturing industries concerning "double-gobbing" in arguments for the 1.75 over a 2 liter bottle. "Double-gobbing" is a process used in the manufacture of glass containers which allows greater production efficiencies. Several industry members indicated that a 2 liter bottle could not be "double-gobbed" using present glass producing equipment while some equipment in use today could "double-gob" a 1.75 liter bottle. Thus, they contended that cost savings realized from a 1.75 liter bottle could be passed on to the consumer.

On the other hand, some comments were received concerning the adoption of a 1.5 liter standard. Comments received from brandy associations and some of the large brandy producers pointed out that a 1.5 liter standard would allow them to use the same molds they are currently using for wine bottles and, therefore, would be more economical for them. However, DISCUS and members of the distilled spirits industry argued that there would be too great a volume difference between the 1.5 and the current ½ gallon (almost 14 ounces) and because of this, the 1.5 liter would not replace the ½ gallon in the eyes of the consumer.

After taking all comments into consideration, the Bureau has decided to adopt the 1.75 liter as a standard of fill.

METRIC PHASE-IN

In our Notice of Proposed Rulemaking and Public Hearing, the Bureau agreed with the DISCUS proposal for a transition period of at least three years. This proposed phase-in period would have been from January 1, 1976 to December 31, 1978. It was felt that this phase-in period would promote an orderly transition by (1) allowing current bottle molds to be replaced as they wear out, without having to discard serviceable molds; (2) allowing costs of conversion to be spread over a period of time; and (3) allowing a period for consumers to become acquainted with the new metric sizes.

As we have gotten deeper and deeper into the field of distilled spirits metrication, an essential need has arisen for a delay between the time the final regulations are printed in the FEDERAL REGISTER and their effective date. A post hearing comment received from DISCUS indicated that this need is prevalent within the industry itself. DISCUS requested a 90 day delay between the publication of the regulations and their effective date "in fairness to all bottlers who must order new mold sets." In addition to mold sets, there may well be needed changes to other equipment being used at distilled spirits plants that would benefit by such a delay.

Reasons for a delay are also present within ATF. Our strip stamps are currently printed in a "standard" size and a "less than ½ pt." size. The designation "less than ½ pt." will have to be removed from the small stamps. Including paperwork and the manufacture of new molds and plates, it will take approximately 3 months just to prepare for printing. Time will then have to be allowed for printing a supply of stamps and getting them distributed to the industry. A similar problem may exist for certain state government agencies that require state tax stamps placed on bottles—some of these are also "denominational".

Also, many sections of related regulations (particularly Part 201) must be revised to accommodate metrication. The Bureau desires to have the necessary changes in such areas as records and reports and conversion factors to be used (and when to use them) published prior to the bottling of any metric sizes.

For these reasons, the adopted regulations (27 CFR Part 5) have been changed subsequent to the Notice to allow for a delay between the date of their publication in the Federal Register and their effective date. The effective date has been established as October 1, 1976 to allow for enough time for both industry and ATF to prepare for the conversion and to coincide with the beginning of a new "quarter" for reporting purposes.

Since we have experienced a 30 day extension of the post hearing comment period and adopted a delay between the publication of the regulations and their effective date, and based on comments at the public hearing and during the written comment periods, we have extended the phase-in period to make com-

plete metrication mandatory on January 1, 1980.

Members of the glass container manufacturing industry expressed concern over the conversion period; first, in a request for a four year period, and later in a request for a size by size approach to the phase-in. ATF saw many possible problems in a size by size approach to the phase-in, and the few comments received from distilled spirits industry members were also against this approach. We feel that the extension of the mandatory date should ease any problems that may arise in this area.

It is also the Bureau's opinion that metric conversion in distilled spirits will be more difficult than for wine (and our phase-in period for wine is four years). Also, our arguments or reasons for a three year period for distilled spirits (spreading costs over a period of time and allowing a period for consumers to become familiar with the new metric sizes) will be even more meaningful with a longer transition period.

For these reasons the Bureau has adopted January 1, 1980 as the mandatory date for distilled spirit metrication.

BOTTLES PER SHIPPING CASE

The Bureau agreed with DISCUS's initial proposal that the number of bottles packed in a shipping case or shipping container should be standardized:

Standardization of case packing will simplify marketing and pricing of distilled spirits since each case containing the same size bottle will contain the same quantity in liters. Therefore, a case of distilled spirits of a given size will automatically represent a precise quantity of spirits in both numbers of bottles and liters to the consumer, retailers, wholesalers and bottlers. Standard case size in liters should increase efficiency in warehouse stocking, in inventorying cases, determining State and Federal taxes and import duties, and maintaining records.

During the hearing and the posthearing comment period, the Bureau received five comments against this proposal. These comments were received from DISCUS, Schenley Industries, Inc., The National Liquor Stores Association, Premium Products, Inc. and the Independent American Whiskey Association. The main points brought out in opposing this standardization were the facts that certain states have their own case requirements (that would conflict with those proposed) and that bottles of unusual design could not fit in a standardized case. In looking into this problem, the Bureau has learned that only four states require certain standard case quantities.

ATF agrees that it would not be feasible to impose case packing requirements for bottles of unusual design or for cases destined for states having opposing requirements. However, the number of times these types of situations would arise would amount to a minute percentage of all cases packed.

The advantages mentioned above for standardizing the number of bottles per case are too great to eliminate the proposal based on such a small percentage of problem situations. Because of this, the Bureau has adopted the proposal for a standard number of bottles per case, while at the same time leaving an opening to enable us to allow for these problems. An additional section has been added to this area of the regulations giving the Director the authority to waive the bottles per case requirements provided good cause is shown.

OTHER CHANGE SUBSEQUENT TO NOTICE

Definition of a "liter". In our Notice of Proposed Rulemaking, ATF defined the liter as "A metric unit of capacity equal to 1,000 cubic centimeters at 4° C. . .". We have since learned that the definition of a liter using 4° C as the reference temperature is the definition of a liter of water and it may not necessarily be appropriate for distilled spirits. Although the Bureau realizes that most foreign countries use 20° C as the reference temperature for distilled spirits, we have adopted, at this time, 15.56° C (60° F) as the reference temperature for distilled spirits. Due to the fact that the law establishes 60° F as the reference temperature for a proof gallon for tax determination purposes, and different reference temperatures for tax determination and bottling would cause a number of complications, ATF feels this is not the appropriate time to change the bottling reference temperature. In addition to other complications this would necessitate the use of yet another conversion factor during a period of time that will be confusing enough in just the conversion to metric standards of fill. The question of reference temperature may be re-opened at a later date.

The following regulations are issued under the authority contained in 27 U.S.C. 205 (49 Stat. 961, as amended).

REGULATORY CHANGES

In consideration of the foregoing, 27 CFR Part 5 is amended as follows:

Paragraph 1. Amend § 5.11 by (1) amending the definitions of "Assistant regional commissioner" and "Director" to reflect current Bureau organizational structure; (2) amending the definition of "Gallon" and adding, in alphabetical order, a definition for "Liter or litre" to make it clear that units of liquid measure need not be of the U.S. system of measure; (3) amending the definition of "In bulk" to show the metric equivalent of one wine gallon; and (4) adding, in alphabetical order, a definition for "Regional director". As amended, § 5.11 reads as follows:

§ 5.11 Meaning of terms.

* * * * *

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

* * * * *

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

* * * * *

Gallon. U.S. gallon of 231 cubic inches of alcoholic beverage at 60° F.

* * * * *

In bulk. In containers having a capacity in excess of 1 wine gallon (3.785 liters).

* * * * *

Liter or litre. A metric unit of capacity equal to 1,000 cubic centimeters of distilled spirits at 15.56° C (60° F.), and equivalent to 33.814 U.S. fluid ounces. A liter is subdivided into 1,000 milliliters. Milliliter or milliliters may be abbreviated as "ml".

* * * * *

Regional director. A regional director who is responsible to, and functions under the direction and supervision of, the Director, Bureau of Alcohol, Tobacco and Firearms.

* * * * *

Par. 2. Section 5.32 is amended by (1) adding a reference, in paragraph (a)(4), to net contents stated in both metric and U.S. fluid measures; and (2) adding references, in paragraph (b)(3), to metric standards of fill and to net contents stated either in metric measure only or in both metric and U.S. fluid measures.

As amended, § 5.32 reads as follows:

§ 5.32 Mandatory label information.

* * * * *

(a) * * *

(4) In the case of distilled spirits packaged in containers for which no standard of fill is prescribed in § 5.47, net contents in accordance with § 5.38(b) or § 5.38(b)(2).

(b) * * *

(3) In the case of distilled spirits packaged in containers conforming to the standards of fill prescribed in § 5.47 or § 5.47a, net contents in accordance with § 5.38(a), § 5.38a(a) or § 5.38a(b)(1).

* * * * *

Par. 3. Paragraph (b) of § 5.33 is revised to include metric exceptions to size of type requirements. As revised, paragraph (b) of § 5.33 reads as follows:

§ 5.33 Additional requirements.

* * * * *

(b) *Location of statements and size of type.* (1) Statements required by §§ 5.31–5.42 (except brand names) shall appear generally parallel to the base on which the container rests as it is designed to be displayed or shall be otherwise equally conspicuous.

(2) Statements required by §§ 5.31–5.32 (except brand names) shall be separate and apart from any other descriptive or explanatory matter.

(3) Statements of the type of distilled spirits shall be as conspicuous as the statement of the class to which it refers, and in direct conjunction therewith.

(4) When net contents are stated in U.S. fluid measure only, statements required by §§ 5.31–5.42 (except brand names) shall be in script, type or printing not smaller than 8-point Gothic caps, except that, in the case of labels on bottles of less than one-half pint capacity, such script, type or printing may be smaller than 8-point Gothic caps if readily legible under ordinary conditions.

(5) When net contents are stated either in metric measure or in both metric and U.S. fluid measures, statements required by §§ 5.31–5.42 (except brand names) shall be in script, type or printing not smaller than 8-point Gothic caps, except that, in the case of labels on bottles of less than 200 ml capacity, such script, type or printing may be smaller than 8-point Gothic caps if readily legible under ordinary conditions.

* * * * *

Par. 4. Section 5.38 is amended by (1) inserting the phrase "Until December 31, 1979" at the beginning of the first sentence of paragraph (a); (2) by adding the phrase "Except as otherwise provided in § 5.38a(b)(3), until December 31, 1979" at the beginning of the first sentence of paragraph (b); and (3) adding a new paragraph, (d). As amended, § 5.38 reads as follows:

§ 5.88 Net contents.

(a) *Bottles conforming to standards of fill.* Until December 31, 1979, the net contents of distilled spirits for which a standard of fill is prescribed in § 5.47 shall be stated in the same manner and form in which such standard of fill is set forth. * * *

(b) *Bottles not conforming to standards of fill.* Except as otherwise provided in § 5.38a(b)(3), until December 31, 1979, the net contents of distilled spirits for which no standard to fill is prescribed in § 5.47 shall be stated as follows:

* * * * *

(d) *Limitation.* This section shall not apply on or after January 1, 1980.

Par. 5. A new section, 5.38a, concerning metric net contents, is added immediately following § 5.38 to read as follows:

§ 5.38a Metric net contents.

(a) *Bottles conforming to metric standards of fill.*

On or after January 1, 1980, the net contents of distilled spirits shall be stated in the same manner and form in which metric standards of fill are set forth in § 5.47a. Such net contents need not be stated on the label if they are legibly blown, etched, sandblasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, on the side, front, or back of the container in an unobscured location. Containers of 200 milliliters or greater capacity must bear letters and figures of not less than one-quarter inch height.

(b) *Net contents stated in both metric and U.S. fluid measures.* (1) A bottler may use a metric standard of fill prescribed in § 5.47a(a) after September 30, 1976, but must do so after December 31, 1979. Until December 31, 1979, whenever metric standards of fill are used, net contents shall be stated in both metric measure and the equivalent volume in U.S. fluid measure as follows:

1.75 liters (59.2 fl. oz.)
1.00 liter (33.8 fl. oz.)
750 milliliters (25.4 fl. oz.)
500 milliliters (16.9 fl. oz.)
200 milliliters (6.8 fl. oz.)
50 milliliters (1.7 fl. oz.)

(2) Until December 31, 1979, a bottler shall state in both metric and U.S. fluid measures the net contents of distilled spirits for which no standard of fill is prescribed in § 5.47(a), for example, 700 ml. (23.7 fl. oz.). However, this requirement shall apply to spirits exempted from the standards of fill under the provisions of § 5.48(b) only if the bottle (or label thereon) of such spirits contains a reference to net contents expressed in metric units. When required, the metric measure shall be accurate to the nearest one-hundredth of a liter for sizes in excess of one liter and shall be stated in milliliters (ml) for sizes less than one liter. When required, the U.S. measure shall be accurate to the nearest one-tenth of a fluid ounce.

(3) In lieu of the net content statement prescribed in paragraph (b)(2) of this section for distilled spirits for which no standard of fill is prescribed in § 5.47(a), a bottler may utilize his existing stocks of labels or bottles bearing content statements set forth in the fashion prescribed by § 5.38(b). When existing stocks of such labels or bottles are exhausted, the U.S. net content statement or the U.S. equivalent volume shall be stated in terms of fluid ounces only as prescribed in paragraph (b)(2) of this section.

(c) *Qualifying statements.* Words or phrases qualifying statements of net contents are prohibited.

Par. 6. Section 5.45 is amended by adding the requirement that distilled spirits in bottles must be packed in conformity with § 5.49. As amended, § 5.45 reads as follows:

§ 5.45 Application.

No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler, directly or indirectly, or through an affiliate, shall sell or ship or deliver for sale or shipment, or othewise introduce in interstate or foreign commerce, or receive therein or remove from customs custody any distilled spirits in bottles unless such distilled spirits are bottled and packed in conformity with §§ 5.46–5.49.

Par. 7. Section 5.46 is amended by (1) renumbering paragraph (b) as paragraph (b)(1) and revising it to limit its applicability to U.S. fluid measure only; and (2) adding a new paragraph (b)(2) to specify headspace requirements when net contents are stated in either metric measure only or in both metric and U.S. fluid measures. As amended, § 5.46 reads as follows:

§ 5.46 Standard liquor bottles.

* * * * *

(b) *Headspace.* (1) If the net contents are stated only in U.S. fluid measure, a liquor bottle of a capacity of 200 milliliters or more shall be held to be so filled as to mislead the purchaser if it has a headspace in excess of 8 percent of the total capacity of the bottle after closure.

(2) If the net contents are stated either in metric measure only or stated in both metric and U.S. fluid measures, a liquor bottle of a capacity of 200 milliliters or more shall be held to be so filled as to mislead the purchaser if it has a headspace in excess of 8 percent of the total capacity of the bottle after closure.

* * * * *

Par. 8. Section 5.47 is amended by (1) deleting the term "domestically manufactured" in paragraph (a); and (2) by adding a new paragraph, (d), to prescribe limitations for the applicability of standards of fill. As amended, § 5.47 reads as follows:

§ 5.47 Standards of fill.

(a) *Authorized standards of fill.* The standards of fill for all distilled spirits, whether domestically bottled or imported, subject to the tolerances allowed in this section, shall be as follows:

* * * * *

(d) *Limitations.* This section shall not apply on or after January 1, 1980. The metric standards of fill prescribed in § 5.47a may be substituted for the standards of fill in this section on or after October 1, 1976, but must be applied on or after January 1, 1980.

Par. 9. A new section, § 5.47a, which prescribes metric standards of fill, is added immediately following § 5.47 to read as follows:

§ 5.47a Metric standards of fill.

(a) *Authorized standards of fill.* On or after January 1, 1980, the standards of fill for all distilled spirits, whether domestically bottled or imported, shall be as follows:

1.75 liters
1.00 liter
750 milliliters
500 milliliters
200 milliliters
50 milliliters

(b) *Tolerances.* The following tolerances shall be allowed:

(1) Discrepancies due to errors in measuring which occur in filling conducted in compliance with good commercial practice.

(2) Discrepancies due to differences in the capacity of bottles, resulting solely from unavoidable difficulties in manufacturing such bottles to a uniform capacity: *Provided*, That no greater tolerance shall be allowed in case of bottles which, because of their design, cannot be made of approximately uniform capacity than is allowed in case of bottles which can be manufactured so as to be of approximately uniform capacity.

(3) Discrepancies in measure due to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of alcoholic beverages in bottles to evaporation. The reasonableness of discrepancies under this paragraph shall be determined on the facts in each case.

(c) *Unreasonable shortages.* Unreasonable shortages in certain of the bottles in any shipment shall not be compensated by overages in other bottles in the same shipment.

(d) *Completeness of conversion.* Whenever a permittee or foreign bottler commences bottling a given product in a standard liquor bottle corresponding to a metric standard of fill prescribed by

paragraph (a) of this section, he may not thereafter bottle that product in any standard liquor bottle corresponding to a standard of fill prescribed by § 5.47. He may, however, continue to use a corresponding standard of fill prescribed by § 5.47 for that product in a bottle of unusual design which has been approved under the provisions of § 5.48. For the purposes of this paragraph, (1) product shall mean a given class and type of distilled spirits bearing a given brand name (e.g., ABC bourbon, ABC gin, XYZ bourbon, and XYZ gin would be four distinct products), and (2) the standards of fill in U.S. measure which correspond to the metric standards are:

Metric standard (prescribed by sec. 5.47a(a)):	*Corresponding standard (prescribed by sec. 5.47(a))*	
1.75 l	gallon	½
1 l	quart	1
750 ml	do	⅘
500 ml	pint	1
200 ml	do	½
50 ml	do	⅛, 1/10, 1/16

(e) *Packaging requirements.* Whenever bottle are filled according to metric standards of fill, such bottles shall be packed with the number of bottles per shipping case or shipping container as prescribed in § 5.49.

(f) *Distilled spirits bottled before January 1, 1980.* Distilled spirits bottled domestically before January 1, 1980, may be marketed after January 1, 1980, if such distilled spirits were bottled in accordance with § 5.47. (See § 5.53 for similar provisions relating to distilled spirits imported in original containers.)

Par. 10. Paragraph (b) of § 5.48 is revised to show that cordials, liqueurs, cocktails, highballs, bitters, and certain specialties will not be exempt from metric standard of fill requirements on or after January 1, 1980. As revised, § 5.48 reads as follows:

§ 5.48 Exceptions.

* * * * *

(b) Until December 31, 1979, sections 5.47(a) and 5.47a(a) shall not apply to cordials and liqueurs, and cocktails, highballs, bitters, and such other specialties as are specified by the Director. On or after October 1, 1976, the metric standards of fill may optionally be applied to cordials and liqueurs, and cocktails, highballs, bitters, and specialties; however, such standards shall mandatorily apply on or after January 1, 1980.

Par. 11. A new section, 5.49, is added immediately following § 5.48 to (1) standardize the number of bottles packed per shipping case when bottles are filled according to the metric standards of fill and (2) provide for a waiver from the bottles per case requirements when good cause can be shown. As added, § 5.49 reads as follows:

§ 5.49 Bottles per shipping case.

(a) *General.* Distilled spirits, whether domestically bottled or imported subject to the metric standards of fill prescribed in § 5.47a, shall be packed with the following number of bottles per shipping case or container:

Bottle sizes:	*Bottles per case*
1.75 l	6
1 l	12
750 ml	12
500 ml	24
200 ml	60
50 ml	120

(b) *Exceptions.* (1) Where distilled spirits were being filled according to the metric standards of fill prior to October 1, 1976, the case packaging requirements may optionally be used on or after October 1, 1976, but shall become mandatory on or after January 1, 1980.

(2) Upon application in duplicate, approved by the Director, the bottles per case requirements set forth in paragraph (a) of this section may be waived provided good cause can be shown by the bottler or importer.

Par. 12. A new section, 5.53, providing for a certificate of nonstandard of fill for spirits imported in original containers, is added immediately following § 5.52 to read as follows:

§ 5.53 Certificate of nonstandard fill.

(a) Distilled spirits imported in original containers not conforming to the metric standards of fill prescribed in § 5.47a shall not be released from Customs custody after December 31, 1979:

(1) Unless the distilled spirits are accompanied by a statement signed by a duly authorized official of the appropriate foreign country, stating that the distilled spirits were bottled or packed prior to January 1, 1980; or

(2) Unless the distilled spirits are being withdrawn from a Customs bonded warehouse or foreign trade zone into which entered on or before December 31, 1979.

This Treasury decision shall become effective on October 1, 1976.

Signed: March 1, 1976.

REX D. DAVIS,
Director.

Approved: March 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6644 Filed 3-9-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 643-76]

PART 50—STATEMENTS OF POLICY

Freedom of Information Committee

This order revises the Department of Justice policy with regard to the Freedom of Information Committee.

The previous regulations of the Department of Justice concerning advicegiving with respect to the Freedom of Information Act contemplated regular consultation with the Department's Freedom of Information Committee prior to the issuance of a final denial by an agency. The stringent time limits established by the 1974 Amendments to the Freedom of Information Act and the increased volume of Freedom of Information business sometimes render such prior consultation impracticable. The present revision of the Department's regulations is intended to preserve the system of consultation with the Freedom of Information Committee to the maximum extent feasible, while eliminating the now impracticable bar against defense of litigation where prior consultation has not occurred. Since the Freedom of Information Committee, consisting of representatives from both the Office of Legal Counsel and the Civil Division, will work in close cooperation with the Civil Division with respect to denials which have become the subject of litigation, it will continue to be both important and advantageous for agencies contemplating denials to seek the Committee's prior advice wherever possible.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, § 50.9 of part 50 of Chapter I of Title 28, Code of Federal Regulations, is revised to read as follows:

§ 50.9 The Freedom of Information Committee.

(a) A Freedom of Information Committee is established within the Department of Justice to encourage compliance with the Freedom of Information Act, 5 U.S.C. 552, throughout the Executive Branch. The Committee consists of attorneys designated by the Assistant Attorney General, Office of Legal Counsel, one of whom shall be designated chairman, and attorneys designated by the Assistant Attorney General, Civil Division. The Committee shall coordinate the annual report of the Attorney General required by 5 U.S.C. 552(d) and shall provide assistance and encouragement to Federal agencies in complying with the letter and spirit of the Freedom of Information Act through training of Federal personnel and consultation with agencies on particular matters arising under the Freedom of Information Act. In consulting with agencies proposing to issue final denials under the Act, the Committee shall, in addition to advising the agency with respect to legal issues, invite the attention of the agency to the range of public policies reflected in the Act, including the central policy of fullest responsible disclosure. The Committee may also undertake studies and make recommendations to carry out the intent of this subsection.

(b) All Federal agencies which intend to deny requests for records under the Freedom of Information Act should consult with the Freedom of Information Committee, to the fullest extent practicable, before litigation ensues. After litigation begins, all contacts regarding the matter should be with the Civil Division or other component of the Department of Justice responsible for defense of the suit.

Dated: March 2, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.76-6615 Filed 3-9-76;8:45 am]

Title 30—Mineral Resources

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

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 71—SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Exposure to Asbestos

Pursuant to the authority vested in the Secretary of the Interior under section 101 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811), to promulgate mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare, there was published in the FEDERAL REGISTER for November 7, 1972 (37 FR 23645) a proposed standard for occupational exposure to asbestos in surface coal mines and surface work areas of underground coal mines.

Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, or objections to the proposed standard and a number of comments were received by the Bureau of Mines (now the Mining Enforcement and Safety Administration) and transmitted to the Department of Health, Education, and Welfare for consideration. On April 10, 1974, the Acting Deputy Assistant Secretary of the Interior, in accordance with section 101 (f) of the Act, published a notice (39 FR 13003) that objections to the proposed asbestos standard had been filed stating the grounds for such objections with sufficient particularity and that a public hearing had been requested. The Department of Health, Education, and Welfare notice of hearing (39 FR 16913) afforded interested persons an opportunity to be heard at the hearing which was conducted by the National Institute for Occupational Safety and Health at that Department on June 5, 1974.

On the basis of the evidence presented at the hearing and on other information available to the Department of Health, Education, and Welfare concerning the asbestos standard, findings of fact were made public in accordance with section 101(g) of the Act on August 5, 1974 (39 FR 28176) with the result that the only change in the standard as proposed has been the addition of a definition for "asbestos" to clarify that nonfibrous or nonasbestiform minerals are not intended to be within the scope of the standard.

In accordance with section 101(h) of the Act, the amendments to Part 71 as set forth below are effective on March 10, 1976.

Dated: March 4, 1976.

WILLIAM L. FISHER,
Deputy Assistant Secretary of the Interior.

Part 71 is amended as set forth below:

1. In Subpart C, the first sentence of § 71.200(a) is amended to read as follows:

§ 71.200 Inhalation hazards; threshold limit values for gases, dusts, fumes, mists, and vapors.

(a) No operator of an underground coal mine and no operator of a surface coal mine may permit any person working at a surface installation or surface worksite to be exposed to airborne contaminants (other than respirable coal mine dust, respirable dust containing quartz, and asbestos dust) in excess of, on the basis of a time-weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists in "Threshold Limit Values of Airborne Contaminants" (1972) which is hereby incorporated by reference and made a part hereof. * * *

* * * * *

2. In Subpart C, a new § 71.202 is added to read as follows:

§ 71.202 Asbestos dust standard; measurement.

(a) The 8-hour average airborne concentration of asbestos dust to which miners are exposed shall not exceed two fibers per cubic centimeter of air. Exposure to a concentration greater than two fibers per cubic centimeter of air, but not to exceed 10 fibers per cubic centimeter of air, may be permitted for a total of 1 hour each 8-hour day. As used in this Subpart, the term asbestos means chrysotile, amosite, crocidolite, anthophylite asbestos, tremolite asbestos, and actinolite asbestos but does not include nonfibrous or nonasbestiform minerals.

(b) The determination of fiber concentration shall be made by counting all fibers longer than 5 micrometers in length and with a length-to-width ratio of at least 3 to 1 in at least 20 randomly selected fields using phase contrast microscopy at 400–450 magnification.

[FR Doc.76-6813 Filed 3-9-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 499-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Announcement of Removal of Court Suspension of Transportation Control Plan Regulations and Postponement of Final Compliance Date for Stage I Vapor Recovery—Boston, Massachusetts

The Environmental Protection Agency is hereby publishing notice that on February 23, 1976, the United States Court of Appeals for the First Circuit ordered the removal of its earlier suspension of certain transportation control plan regulations for the Metropolitan Boston Intrastate Air Quality Control Region (the "Boston Intrastate Region"). Accordingly, the following regulations are in effect as of the date of publication of this FEDERAL REGISTER notice:

1. 40 CFR 52.1135. Regulation for Parking Freeze;

2. 40 CFR 52.1144. Regulation on Evaporative Emissions from Retail Gasoline Outlets (except for paragraph 52.1144 (d), as discussed below); and

3. 40 CFR 52.1161. Incentives for Reduction in Single-Passenger Commuter Vehicle Use.

Paragraph 52.1144(d), containing the so-called "Stage II Vapor Recovery Regulations" remains suspended by the Court pending the promulgation of final Agency regulations and further order of the court.

The above regulations were originally promulgated by the Agency on November 8, 1973 (38 FR 30960) and the suspension was ordered by the Court on September 27, 1974, in the case of *South Terminal Corporation* v. *EPA* (6 ERC 2025, 504 F. 2d 646) and eight related cases arising out of nine separate petitions for review of the original regulations. The Agency promulgated revised regulations on June 12, 1975 (40 FR 25151) but postponed the effectiveness of the above-mentioned regulations pending removal of the court's suspension.

The result of the February 23, 1976, court order is that all of the Agency's transportation control plan regulations for the Boston Intrastate Region are now in effect with the sole exception of the Stage II vapor recovery regulations.

POSTPONEMENT OF MARCH 1, 1976, DEADLINE FOR INSTALLATION OF STAGE I VAPOR RECOVERY EQUIPMENT

Due to the court suspension there has been substantial uncertainty in the public mind about the status of the Agency's Stage I vapor recovery regulations in the Boston Intrastate Region. Due to this uncertainty a number of sources subject to the Stage I requirements have not yet installed the equipment which was originally required by § 52.1147(a)(5) to be in place by March 1, 1976. In order to allow these sources an opportunity to install the equipment now that the suspension is removed, the Agency has decided to extend the March 1 deadline to June 1, 1976. The Agency anticipates that this additional period of time will lead to substantial compliance by the affected sources and will therefore minimize the need for Agency enforcement action.

The Administrator does not consider today's schedule revision to be a significant change in the June 12, 1975, promulgation. The Stage I requirements were previously subject to public hearing and comments, and the change in the compliance deadline will not prejudice those subject to the requirements. For these reasons and those discussed previously, the Administrator finds that notice and public procedure on the change are unnecessary and would be contrary to the public interest, and that there is good cause for the time extension to be effective immediately. Therefore, this change will become effective immediately upon publication in the FEDERAL REGISTER. This action is being taken pursuant to sections 110(c) and 301 of the Clean Air Act (42 U.S.C. 1857c-5(c) and § 1857(g)).

Dated: March 4, 1976.

RUSSELL E. TRAIN,
Administrator.

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

Subpart W—Massachusetts

§ 52.1147 Federal compliance schedules.

In § 52.1147(a)(5) of the date "March 1, 1976" is revised to read "June 1, 1976."

[FR Doc.76-6859 Filed 3-9-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19528]

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Application for Equipment Registration

In the Matter of Proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS).

The Memorandum Opinion and Order in the above-entitled proceeding (FCC 76-134), released February 13, 1976 at 41 F.R. 8044, is corrected to include inadvertently dropped language from the First Report and Order, 40 F.R. 53013, in revised § 68.200 of the Commission's rules and regulations. Section 68.200(d) is hereby revised as follows:

§ 68.200 Application for Equipment Registration.

* * * * *

(d) A statement that the terminal equipment or protective circuitry complies with and will continue to comply with the rules and regulations in Subpart D of this Part, accompanied by such test results, description of test procedures, analyses, evaluations, quality control standards and quality assurance standards as are necessary to demonstrate that such terminal equipment or protective circuitry complies with and will continue to comply with all the rules and regulations in Subpart D of this Part. The Office of Chief Engineer may issue an OCE Bulletin describing acceptable test methods; other test methods may be employed provided they are fully described in the application and are found acceptable by the Commission.

* * * * *

Released: March 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6792 Filed 3-9-76;8:45 am]

[Docket No. 20385, RM-2455]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Canton-Waynesville, North Carolina.)

By the Chief, Broadcast Bureau: 1. The Commission has under consideration the proposal to assign FM Channel 285A to Waynesville, North Carolina, for a first FM assignment upon which comments were invited in the *Notice of Proposed Rule Making* released herein on March 17, 1975 (40 Fed. Reg. 13004). The *Notice* was issued in consideration of a petition (RM-2455) of Jefferson Lowe Watts, Statesville, North Carolina, requesting rule making to assign Channel 285A to Waynesville and Canton, North Carolina, on a hyphenated basis, as a first FM assignment for these two communities for which he could apply. Since Waynesville is the larger of the two communities, the Commission instead proposed the assignment of Channel 285A to Waynesville, noting that Channel 285A would then also be available for application and use at Canton under the provisions of the so-called "10-mile" rule (Section 73.203(b)).[1]

2. In response to the *Notice*, the petitioner (Watts) filed brief comments expressing continued interest in this proceeding and reaffirming his intent to apply promptly for authority to construct and operate on Channel 285A if the requested assignment is made. He did not comment, however, on the specific Channel 285A Commission proposal for Waynesville. Informal letter comments were also received from A. W. Askins, Jr., President of Waynesville Broadcasting Company, licensee of Station WHCC(AM), Waynesville, which express support for the Watts proposal and inform that Waynesville Broadcasting Company also intends to apply for authority to construct and operate a station on the proposed Channel 285A assignment for Waynesville, if made. No opposing or other comments on the proposal were filed in the proceeding.

3. Both Waynesville (population, 6,488) and Canton (population, 5,158) [2] are located in the high mountainous western part of North Carolina in the central part of Haywood County (population, 41,710), with Canton approximately 9 miles northeast of Waynesville, the county seat, and 18 miles west-southwest of Asheville, North Carolina. These communities are the largest population centers in Haywood County and are in the area of the county where the largest part of the county population and its urban population is concentrated. Information furnished in the Watts petition indicates that, in addition to its permanent population, Haywood County has a large number of summer and winter visitors because of local tourist attractions, several resort areas, and its location as a gateway to the Cherokee Indian Reservation, the Great Smoky Mountains National Park, and the Cataloochee ski area which are estimated to have over 2,500,000 visitors annually.

4. There are no FM channels presently assigned in Haywood County, and the only AM stations in the county are the two daytime-only stations at Canton (WWIT and WPTL) and Waynesville Broadcasting Company's unlimited-time Class IV station (WHCC) at Waynesville, the nighttime service of which is limited.

5. The petitioner persuasively argues in his petition that the assignment of a first FM channel in Haywood County would meet needs of its permanent and transient population for a first FM service and additional full-time aural service from a county-based outlet. His showing also indicates that there is diversified and sufficient industry and economic activity in the county and in the Waynesville-Canton area to provide necessary support for an FM station, and that this area has potential for population and economic growth. In addition, his technical showing demonstrates that Channel 285A may be assigned to either Waynesville or Canton, or to both in hyphenation, in conformance with spacing requirements and without affecting existing assignments or having a significant preclusionary effect upon new assignments elsewhere. As stated in the *Notice*, while he proposed Channel 285A assignment would cause co-channel preclusion, if assigned to Waynesville, the only community without local aural service and with a population in excess of 1,000 persons in the precluded area is Hazelwood (population 2,057), located approximately one mile southwest of Waynesville, and a Channel 285A assignment to Waynesville or Waynesville-Canton would be available for application and use also at Hazelwood pursuant to the above-mentioned ten-mile rule.

6. In view thereof, and since this record also evidences that it is likely that Channel 285A would be promptly applied for if assigned to provide a needed first local outlet and service in the Waynesville-Canton area and in Haywood County, we believe that the public interest is served by assigning it for use in this area. We adhere to the view, however, that the channel should be assigned to Waynesville, as proposed in the *Notice*, rather than to Waynesville-Canton in hyphenation, as the petitioner proposed

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[1] A petition for rule making on a conflicting proposal to assign Channel 285A to Asheville, North Carolina, for a second FM assignment (RM-2374) was not consolidated for consideration with this Waynesville Channel 285A proposal because, aside from the fact that the 65-mile separation requirement would not permit Channel 285A assignments at both Asheville and Waynesville (or Canton) since these communities are not more than 25 miles apart, Channel 285A could not, in any event, meet spacing requirements for assignment to Asheville because of the short spacing existent with respect to the Channel 287 station (WAGI-FM) at Gaffney, South Carolina. The rule making request on the Asheville Channel 285A proposal (RM-2374) was separately disposed of on March 18, 1975, by *Memorandum Opinion and Order* (52 F.C.C. 2d 1147) denying it because of the technical defectiveness of the proposal. A petition for reconsideration thereof was also denied by *Memorandum Opinion and Order*, adopted February 24, 1976, in RM-2374 (---- F.C.C. 2d ----). Since these decisions adequately detail our reasons for denying rule making on the Asheville Channel 285A proposal, it will not be further discussed herein.

[2] Population data are from the 1970 U.S. Census.

originally, since it is the larger community and the county seat. Hyphenation is an administrative tool which we have sparingly used in a few instances in making assignments to better insure opportunity for their fair, efficient and equitable use among communities in a given area. We do not believe that hyphenation need be employed for that purpose or would be warranted in this case since under the 10-mile rule a Waynesville Channel 285A assignment will be available for application and use at Canton for a local outlet as well as at Waynesville.

§ 73.202 [Amended]

7. Accordingly, IT IS ORDERED, That, effective April 12, 1976, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) IS AMENDED with respect to the following enumerated community to read:

City:	Channel No.
Waynesville, N.C.	285A

8. Authority for the action taken herein is found in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and in Section 0.281(b)(6) of the Commission's Rules and Regulations.

9. It Is Further Ordered, That this proceeding Is Terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted: February 27, 1976.

Released: March 5, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-6795 Filed 3-9-76;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. MC-62; Notice No. 76-9]

PART 325—COMPLIANCE WITH INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

Regulations on Compliance With Standards; Corrections and Amendments

● Purpose. The Interstate Motor Carrier Noise Emission Compliance Regulations are being amended: (1) in response to two petitions for reconsideration submitted by State motor vehicle noise enforcement agencies, (2) to correct typographical errors noted in the published final rule, and (3) to establish a violation reporting procedure. ●

On September 12, 1975, final regulations were published by the Federal Highway Administration's Bureau of Motor Carrier Safety (BMCS) (40 FR 42432–42441), which detailed the procedures to ensure compliance with Interstate Motor Carrier Noise Emission Standards published by the Environmental Protection Agency (EPA) at 40 CFR 202.

In response to the issuance of the final rules, the New Jersey Turnpike Authority (NJTPA) and the Department of California Highway Patrol (CHP) have both filed petitions requesting that several requirements of the compliance procedures be reconsidered. They have done so because the sections in question appear to differ from the procedures they now utilize during their on-going noise measurement programs. A discussion of the points raised and the resolution of same follows:

(1) The NJTPA stated that the calibration requirements of § 325.25(a)(1) caused serious difficulty in that the term "has not drifted" in relation to observed meter drift upon calibration of the instrument was not sufficiently well defined. They suggested that the requirement be rephrased to read "* * * has not drifted by more than 0.5 dB from its calibrated level."

The problem to which the NJTPA refers arises out of their use of a sound level measurement system that meets the requirements of ANSI S1.4–1971 for Type 1 instruments and that employs a digital display with a 0.1 dB resolution. The NJTPA claims that calibration drifts of 0.1 to 0.2 dB are readily noted with these instruments, but that such apparent drifts are within the stated accuracy of the calibrator. The NJTPA further reasons that an undue burden may be placed on enforcement groups which use instruments with such digital readouts if they are required to adjust the instrument every time a 0.1 or 0.2 dB drift is noted.

While we agree with NJTPA that drifts of 0.1 to 0.2 dB are not sufficiently large to warrant recalibration of the instrument, we can in no way endorse 0.5 dB drifts prior to adjustment, as was suggested. Accordingly, § 325.25(a)(1) has been amplified by specifying that sound level measurement systems be adjusted if the indicated drift is 0.3 dB or more. The operator must make the determination when this maximum allowable drift has been exceeded.

(2) The NJTPA felt that the reference in § 325.25(b) to ANSI S1.13–1971 as a source of accuracy requirements for calibrators was misleading and incorrect. They noted that a ±2 dB calibration tolerance was identified by ANSI for the type of measurements contemplated since they were being done with A-weighting and ANSI S1.13–1971 refers to A-weighted measurements as "survey type."

While the NJPTA is correct that ANSI S1.13–1971 does not specify accuracy requirements for calibrators per se, it does so implicitly by specifying an overall accuracy requirement for the calibration process. The only instruments involved in the calibration process are the calibrator itself and the instrument being calibrated. Therefore, only the accuracy of the calibrator can come into question if the overall accuracy of the calibration must yield a stated tolerance. Nevertheless, to avoid further confusion over the literal interpretation of ANSI S1.13–1971, specifically Section 5.4.1 of that Standard, Section 325.25(b) has been amended to make it clear that it is the overall calibration that must be accurate to within the tolerances specified in ANSI S1.13–1971.

The NJTPA's reference to A-weighted sound levels being "survey type" and "field type" being octave band is technically incorrect. "Laboratory," "Field," and "Survey," as used in ANSI S1.13–1971 are carry-over terms which used to be consistent with the three levels of precision for sound level meters called out in ANSI S1.4–1961. The 1971 revision, of ANSI S1.4 which supplants the 1961 standard, refers to types 1, 2, and 3 respectively in lieu of laboratory (or precision), field, and survey types respectively. In view of these facts, no further revision to Section 325.25(b) is necessary.

(3) The NJTPA objected to the language of § 325.33(c) when used in conjunction with § 325.33(c)(2), claiming that the two paragraphs combined to probihit flat terrain within the measurement area. They correctly concluded that the section was not intended to prohibit this and requested that the language of the section be modified.

We fail to see the necessity for a modification to Section 325.33(c)(2) since the section allows slopes that are " * * * less than 45 degrees above the horizontal." The section describes slopes that are permitted outside the measurement area, and was not intended to define terrain requirements within the measurement area. The specifications for the measurement area are clearly stipulated in § 325.33(d) as "relatively flat." In addition, the microphone height requirements of § 325.37(a) also act to define the terrain requirements of the test site. Accordingly, the section in question remains unchanged.

(4) The NJTPA took issue with definitions of "soft," "hard," and "relatively flat," as defined in § 325.5. It was suggested that more objective definitions of these terms was required.

The NJTPA argument on this subject merely states known or stated situations. The variation of sound level from completely "hard" to completely "soft" sites is more or less a continuum. The EPA standard refers only to open sites, but in its preamble shows the 2 dB difference between "hard" and "soft" (or grassy) sites only in a tabulor format. Extensive field measurements have not provided a better way to distinguish between "hard" and "soft," other than the approach taken.

As to the suggestion the presently used language is "vague," it should be noted that the words were carefully chosen to avoid the need for detailed site surveys. We see no reason to define terrain within an inch or two or to be any more specific than the present regulation. Studies of the problem indicate that "slightly inclined" surfaces do enhance sound levels by several dB but these enhancements vary as a function of noise source height.

The Bureau welcomes any information NJTPA may be able to provide which would objectively handle this problem, but it is doubtful that more clutter within the regulation would be a wise

substitute for common sense and good judgment in the field.

(5) The NJTPA objected to the requirements that ambient noise be measured in the absence of motor vehicle noise, (see § 325.35(a)(1) and § 325.55(a)(1)). They stated that it would be impractical to do so on the turnpike.

The Bureau concedes the fact that stopping traffic along a turnpike to measure ambient noise is impractical. It should be noted that this was not the intention of the regulation, rather, the language "* * * the absence of motor vehicle noise * * *" was intended to exclude only motor vehicle noise emanating from within the clear zone. Notwithstanding, if the ambient noise is measured while including highway traffic noise, emanating from both within and without the clear zone, and that measured level is "10 dB down," as required, clearly the requirements are met.

In view of the NJTPA's concern and in an effort to avoid further confusion and misinterpretation of the requirements of these sections, § 325.35(a)(1) and § 325.55(a)(1) have been amended to make it clear that ambient sound level measurements may include any noise sources at the site, other than the noise of the vehicle within the clear zone being measured.

(6) The NJPTA objected to the wind velocity measurement procedure specified in § 325.35(b) and § 325.55(b). They stated that an enforcement team must be alert to wind changes and remeasure if a change is noted.

If it is not established that wind velocity is essentially constant, the procedure of checking the wind velocity every 5–15 minutes applies. We see no conflict with the realities of weather changes in these requirements, rather, we view the requirements as realistically dealing with the need to handle variable, as well as constant or calm conditions, appropriately. If a particular enforcement team determines that more frequent wind velocity measurements are called for, they are, of course, free to do so without being in conflict with the regulations. Since no conflict exists between the NJTPA position on this subject and the presently worded language of § 325.35(b) and § 325.55(b), no change has been made to the two sections.

(7) The NJTPA and the CHP have objected to the requirement contained in § 325.37(a) and § 325.57(a) that the microphone of the sound level measurement system be located no more than 4½ feet (1.4 m) above the ground surface on which the microphone stands. Data were submitted by the CHP which clearly indicate that equitable measurements can be made at sites having microphone location points at depressed ground elevations relative to the roadway, if the microphone is mounted on an extension tripod such that a relative elevation of 2 to 6 feet above the roadway is maintained, as prescribed in § 325.37(a) and § 325.57(a). The NJTPA claims, in addition, that survey data provided to both them and the EPA by another acoustic consultant was not collected with a 4½ foot microphone height limitation. Since these data were used by the U.S. EPA in the formulation of the standard, NJTPA suggests that no such limitation should now be imposed on its enforcement program.

As a result of comments to that Notice, the Bureau recognized that quite a bit of confusion existed as to the meaning and intent of the language of the proposed microphone height requirements. Possibly because of this fact, none of the comments received to the NPRM docket on this subject objected to the 4½ foot maximum microphone height requirement.

Notwithstanding these facts, it should be noted that the requirement, as proposed and finalized, was established in response to comments which were concerned about dilution of the stringency of the EPA standard. (Test data in addition to that provided by the CHP indicate that measurements made at dropoffs are consistently lower than comparable measurements made at flat sites, regardless of the microphone height relative to the roadway surface.) We agree with the NJTPA's and the CHP's desire to increase the latitude of the site selection process and now believe the source of the original comments agrees also. Accordingly, § 325.37(a) and § 525.-57(a) have been amended to remove the "4½ foot" maximum height requirement for microphone location.

(8) The NJTPA stated that § 325.39(b) taken in conjunction with Table 1 of § 325.7 applies the correction factor for "hard/soft" sites twice, and as such, is unreasonable and not in the public interest.

If this were the case we would agree, however, this subpart states that the corrections are to be made in accordance with Subpart F and parenthetically says that Table 1 lists the full set of conditions and range of maximum permissible levels. We see no double corrections possible and, therefore, have not amended the section.

(9) The NJTPA has raised the point that the language contained in § 325.-53(a)(1) as it relates to the relative position of the microphone target point with respect to the vehicle's exhaust outlets is technically incorrect.

§ 325.53 has been amended to clarify the issue raised by the NJTPA.

Several typographical errors have been noted in the final rule and are being changed as follows:

(a) Sections 325.35(a)(2), 325.39(b), 325.55(a), 325.59(g), and "Note 2," which is referenced in 325.73 and 325.75, incorrectly refer to Table 1 as being in Section 325.9. These sections are being changed to reflect the fact that Table 1 is found in Section 325.7.

(b) The citation heading given at the beginning of the preamble indicates that the regulations are in Chapter II of Title 49 of the Code of Federal Regulations. This citation should have read Chapter III of 49 CFR, and is, therefore being changed accordingly.

Finally, notice is hereby given that the BMCS intends to use the MCS 63, Driver-Equipment Compliance Check report form as the method by which violations of the requirements of Part 325 will be noted. The report form, in one format or another, has been in use by the BMCS and its predecessor agency for many years nad its use and meaning are well known in the motor carrier industry. For this reason its use is deemed appropriate for these regulations as well.

Accordingly, § 325.13 has been amended to add two new paragraphs which detail the procedure that motor carriers and drivers must follow when they receive an MCS–63 form from an authorized agent of the Federal Highway Administration. The content of the section is essentially the same as that of § 396.5 of the Federal Motor Carrier Safety Regulations and, therefore, does not constitute a new or additional reporting burden on the motor carrier industry.

Environmental and Economic Impact. The changes contained in this amendment are minor refinements of an already established measurement procedure and, therefore, do not constitute a major regulatory change. Accordingly, the discussion contained in the preamble to the final rule on this subject (40 FR 8658 2/28/75) is still applicable.

In consideration of the foregoing, Part 325 Subchapter A of Chapter III in Title 49, CFR, is corrected and amended as set forth below:

1. In FR Doc 75–24086 published at page 8658 in the FEDERAL REGISTER of September 12, 1975, §§ 325.35(a)(2), 325.39(b), 325.55(a), 325.59(g) and footnote 2, which is referenced in §§ 325.73, and 325.75 are corrected to indicate that Table 1 is in § 325.7, not in § 325.9.

The Chapter heading in that same document is corrected to read "Chapter III—Federal Highway Administration, Department of Transportation." It was formerly incorrectly noted as being "Chapter II—Federal Highway Administration, Department of Transportation."

2. § 325.13 is amended to add two new paragraphs as follows:

§ 325.13 Inspection and examination of motor vehicles.

• • • • •

(c) *Prescribed Inspection Report.* Form MCS–63, Driver-Equipment Compliance Check shall be used to record findings from motor vehicles selected for noise emission inspection by authorized employees.

(d) *Motor Carrier's Disposition of Form MCS 63.* (1) The driver of any motor vehicle receiving a Form MCS 63 shall deliver such MCS 63 to the motor carrier operating the vehicle upon his arrival at the next terminal or facility of the motor carrier, if such arrival occurs within twenty-four (24) hours. If the driver does not arrive at a terminal or facility of the motor carrier operating the vehicle within twenty-four (24) hours he shall immediately mail the Form MCS 63 to the motor carrier. For operating convenience, motor carriers may designate any shop, terminal, facility, or person to which it may instruct its drivers to deliver or forward Form MCS 63. It shall be the sole responsibility of the motor carrier that Form MCS 63

is returned to the Federal Highway Administration, in accordance with the terms prescribed thereon and in subparagraphs (2) and (3) of this paragraph. A driver, if himself a motor carrier, shall return Form MCS 63 to the Federal Highway Administration, in accordance with the terms prescribed thereon and in subparagraphs (2) and (3) of this paragraph.

(2) Motor carriers shall carefully examine Forms MCS 63. Appropriate corrective action shall be taken on vehicles found to be not in compliance with the requirements of this Part.

(3) Motor carriers shall complete the "Motor Carrier Certification of Action Taken" on Form MCS–63 in accordance with the terms prescribed thereon. Motor carriers shall return Forms MCS–63 to the Director, Regional Motor Carrier Safety Office of the Bureau of Motor Carrier Safety, Federal Highway Administration, at the address indicated upon Form MCS–63 within fifteen (15) days following the date of the vehicle inspection.

3. Section 325.25 is amended by revising (a) (1) to read as follows:

§ 325.25 Calibration of measurement systems.

(a) (1) The sound level measurement system must be calibrated and appropriately adjusted at one or more frequencies in the range from 250 to 1,000 Hz at the beginning of each series of measurements and at intervals of 5–15 minutes thereafter, until it has been determined that the sound level measurement system has not significantly drifted from its calibrated level. Once this fact has been established, calibrations may be made at intervals once every hour. A significant drift shall be considered to have occurred if a 0.3 dB or more excursion is noted from the system's predetermined reference calibration level. In the case of systems using displays with whole decibel increments, the operator may visually judge when the 0.3 dB drift has been met or exceeded.

* * * * *

(b) An acoustical calibrator of the microphone coupler type designed for the sound level measurement system in use shall be used to calibrate the sound level measurement system in accordance with paragraph (a) of this section. The calibration must meet or exceed the accuracy requirements specified in § 5.4.1 of the American National Standard Institute Standard *Methods for Measurements of Sound Pressure Levels*, (ANSI S1.13–1971) for field method measurements.

4. Section 325.35 is amended by revising paragraph (a) (1) as follows:

§ 325.35 Ambient conditions; highway operations.

(a) (1) *Sound.* The ambient A-weighted sound level at the microphone location point shall be measured, in the absence of motor vehicle noise emanating from within the clear zone, with fast meter response using a sound level measurement system that conforms to the rules of § 325.23 of this Part.

* * * * *

4a. Section 325.55 is amended by revising paragraph (a) (1) as follows:

§ 325.55 Ambient conditions; stationary test.

(a) (1) *Sound.* The ambient A-weighted sound level at the microphone location point shall be measured, in the absence of motor vehicle noise emanating from within the clear zone, with fast meter response using a sound level measurement system that conforms to the rules of § 325.23 of this Part.

5. Section 325.37 is amended by revising paragraph (a) (1) as follows:

§ 325.37 Location and operation of sound level measurement system, highway operations.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 of this Part shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 M) above the plane of the roadway surface and not less than 3½ feet (1.1 m) above the surface on which the microphone stands. The preferred microphone height on flat terrain is 4 feet (1.2 m).

5a. Section 325.57 is amended by revising paragraph (a) (1) as follows:

§ 325.57 Location and operation of sound level measurement system; stationary test.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 of this Part shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 m) above the plane of the roadway surface and not less than 3½ feet (1.1 m) above the surface on which the microphone stands. The preferred microphone height on flat terrain is 4 feet (1.2 m).

6. Paragraph (a) (1) of § 325.53 is revised to read as follows:

§ 325.53 Site characteristics: stationary test.

(a) (1) The motor vehicle to be tested shall be parked on the test site. A microphone target point shall be established on the ground surface of the site on the centerline of the lane in which the motor vehicle is parked at a point that is within 3 feet (.9 m) of the longitudinal position of the vehicle's exhaust system outlet(s). A microphone location point shall be established on the ground surface not less than 35 feet (10.7 m) and not more than 83 feet (25.3 m) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m) radius of both the microphone target point and the microphone location point, is shown in Figure 2.

* * * * *

None of the changes detailed herein constitute a major technical change to the content of the regulations as published on September 12, 1975. Rather, they serve to clarify some technical aspects of the requirements, and in one case, act to expand the number of test sites available to enforcement agencies. Such an expansion does not however, result in additional stringency of the application of the EPA Standard.

Accordingly, since this amendment is non-substantive in character and does not impose additional burden on any person, notice and public procedures thereon are unnecessary and the changes noted herein are effective on the date of issuance as set forth below.

This regulation is issued under the authority of section 18 of the Noise Control Act of 1972, 47 U.S.C. 4917, the delegation of authority by the Secretary of the DOT at 49 CFR 1.48(p), and the delegation of authority of the Federal Highway Administrator at paragraph 7, Chapter 7, Part I of FHWA order 1–1.

Issued on March 4, 1976.

ROBERT A. KAYE,
Director.

[FR Doc.76–6775 Filed 3–9–76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1234]

PART 1033—CAR SERVICE

Distribution of Grain Cars

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 4th day of March, 1976.

It appearing, That there is an acute shortage of cars on the Union Pacific Railroad Company for transporting shipments of grain, grain products, and soybeans; that certain tariff provisions require minimum shipments of 2500 cu. ft. and of 180,000 lbs. or more; that the Union Pacific Railroad Company is unable to furnish sufficient cars to transport shipments of such weights; that cars of lesser capacity are available; that such cars cannot be used because of certain tariff provisions; that there is immediate need to use every available car for transportation of grain; that the inability of the carriers to furnish sufficient grain cars results in great economic loss; and that present regulations and practices with respect to the use, supply, control, movement, and distribution of grain cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1234 Distribution of grain cars.

(a) The Union Pacific Railroad Company may furnish not more than two cars

of less than 2500 cu. ft. and 180,000 lbs. capacity for each car of 2500 cu. ft. and of 180,000 lbs. or greater capacity ordered by any shipper for loading with grain, grain products, soybeans or soybean products subject to the conditions and exceptions provided in Sections (e) of this order.

(b) *Rates and Minimum Weights Applicable.* The rates to be applied and the minimum weights applicable to shipments of two smaller cars furnished and loaded as authorized by Section (a) of this order shall be the rate and minimum weight applicable to the larger single car ordered.

(c) *Billing to be Endorsed.* The carrier substituting two smaller cars for one larger car as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the way bills authorizing movement of the car:

"Car of 2500 cu. ft. and of 180,000 lbs or greater capacity ordered. Two smaller cars furnished authority ICC Service Order No. 1234."

(d) *Concurrence of Shipper Required.* Two smaller cars shall not be furnished in lieu of a single car of 2500 cu. ft. or of 180,000 lbs. or greater capacity without the consent of the shipper.

(e) *Exceptions.* Exceptions to this order, including extension of its application to elevators located in other states, may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such extension must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(f) *Rules and Regulations Suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

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

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 5, 1976.

(i) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(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 order and direction 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 order 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 Lewis R. Teeple, Thomas J. Byrne, and William J. Love, affirming.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6840 Filed 3-9-76;8:45 am]

PART 1057—LEASE AND INTERCHANGE OF VEHICLES

[Ex Parte No. MC-43; (Sub-No. 4)]

Lease and Interchange of Vehicles—Trip Leasing

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 16th day of September 1975.

It appearing, That the Commission issued a notice of proposed rulemaking and order, which was published in the Federal Register on February 18, 1975 (40 F.R. 6981), in which notice was given of its intention to consider, *inter alia,* (1) whether operators of trip-leased vehicles should be guaranteed copies of, or the right to inspect, extended freight bills which disclose carrier revenues upon which such operators' compensation is based, (2) whether such operators should be assured payment of their compensation within 15 days of delivery or tender of delivery, and (3) whether there should be one or more clearinghouses at which motor carriers would be able to register the availability of freight to be trip leased for their account;

And it further appearing, That investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part hereof:

It is ordered, That the request for oral hearing by Machinery Haulers Association, Inc., et al., be, and it is hereby, denied for the reasons set forth in the said report.

It is further ordered, That the tendered late-filed representation of American Movers Conference be, and it is hereby, accepted.

It is further order, That paragraph 1057.4(a)(5) of Part 1057 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified by adding at the end thereof the two new sentences set forth in appendix D to the said report.

It is further ordered, That the modifications herein prescribed be, and they are hereby, prescribed to become effective on November 17, 1975, and will apply to all equipment leases entered into on and after said effective date.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy of the attached notice with the Director, Office of the Federal Register.

And it is further ordered, That this proceeding be, and it is hereby, discontinued. (Authority: 49 Stat. 543 and 546, as amended, and 70 Stat. 983.)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

Accordingly, pursuant to this action, paragraph (a)(5) of § 1057.4 of Title 49 of the Code of Federal Regulations, is modified by the addition of two new sentences at the end thereof which read as follows:

§ 1057.4 Augmenting equipment.

(a) • • •

(5) • • •

Subject to the right of the lessee to delete confidential business information shown thereon which may be used to the detriment or prejudice of the shipper or consignee, the contract shall provide that the lessee, on demand of a lessor whose compensation under such lease is based upon a percentage or division of revenue, will, at the lessee's option, either provide the lessor a copy of each extended freight bill covering the transportation involved, or make reasonable arrangments for the lessor to inspect the same. The contract also shall specify, regardless of the method or manner in which compensation of the lessor is determined, the terms and conditions as to when payment of compensation is due and payable to the lessor and the circumstances, if any, when such compensation, in whole or in part, will be withheld.

[FR Doc.76-6839 Filed 3-9-76;8:45 am]

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1221—RETIRED SENIOR VOLUNTEER PROGRAM COST-SHARING

Interim Amendment

Notice is hereby given that § 1221.2(a), Part 1221, Chapter XII, Title 45, Code of Federal Regulations will be amended on an interim basis. Section 201(b) of the Domestic Volunteer Service Act of 1973 (Pub. L. 93-351, 88 Stat. 357) prescribes the maximum local share contribution required for grants under the retired Senior Volunteer Program (RSVP). The required local share contribution may not exceed annual percentages of approved project budgets: 10 percent in the first year; 20 percent in the second year; 30 percent the third; 40 percent the fourth; and 50 percent in any subsequent years.

Section 201(b) of the Act also provides that the Director of ACTION may make exceptions (in accordance with regulations) to the required local cost-sharing in cases of demonstrated need. Part 1221 sets forth these regulations.

The interim amendment makes the following change to § 1221.2(a), RSVP cost-sharing schedule:

The required annual percentages for the third and subsequent budget periods will have a maximum of 30 percent for

local cost-share and 70 percent for the Federal contribution. This reduces the existing maximum local cost-share requirement from 50 percent to 30 percent. The interim amendment is responsive to the growing difficulties of communities to match local share requirements for RSVP grants.

Interested parties are encouraged to submit written comments and views concerning this interim regulation to ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525, Attention: Director, Older Americans Volunteer Programs. All such submissions received on or before April 10, 1976, will be considered prior to the publication of the final amendment. The amended Section 1221.2 (a) becomes effective on April 10, 1976.

Section 1221.2(a) is therefore amended as follows:

§ 122.2 RSVP Cost-Sharing Schedule.

(a) The following RSVP cost-sharing schedule identifies for each budget period, normally one year, the required percentage of the local cost-sharing to approved project budgets of RSVP project sponsors, as well as the Federal contribution:

Budget period	Federal	Local (non-federal)
	(Percent)	
1	90	10
2	80	20
3 and beyond	70	30

Local contributions may voluntarily exceed the annual required local contribution in any year. However, such voluntary contributions shall not be a consideration for receiving, or determining the size of, any RSVP initial or continuation grant.

• • • • •

Issued in Washington, D.C. on March 5, 1976.

JOHN L. GANLEY,
Deputy Director.

[FR Doc.76-6857 Filed 3-9-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF STATE

Bureau of Security and Consular Affairs

[22 CFR Part 42]

[Docket No. SD-116]

DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Aliens Ineligible to Receive Visas

Notice is hereby given of the proposed amendment of paragraph (a) (14) (ii) (d) of § 42.91 of Title 22 of the Code of Federal Regulations which provides an exemption to the labor certification requirement for an alien coming to the United States to engage in a commercial or agricultural enterprise in which he has invested or is actively in the process of investing capital in excess of $10,000. This exemption was created to facilitate the issuance of immigrant visas to aliens coming to the United States primarily as self-employed investors rather than for the principal purpose of entering the labor market as skilled or unskilled workers. An alien found to be qualified for this exemption is eligible for immigration without any review being made of the relationship that his work activities in the United States may have on the availability of persons in the United States similarly engaged and without any consideration of the possible adverse affect that those activities may have on the wages, income and working conditions of persons similarly employed or self-employed in the United States.

To justify such a special exemption to the labor certification requirement of section 212(a) (14) of the Immigration and Nationality Act of 1952, as amended, the Department intends that an alien's investment is not solely a method by which he will become a skilled or unskilled worker providing a livelihood for himself and members of his family. The Department did not intend to facilitate the immigration of an alien making an investment in an established enterprise and coming to the United States as an employee of the enterprise in a position having no managerial prerogatives and competing with available workers similarly employed in this country.

The $10,000 minimum investment presetntly requisite for establishing the exemption has served as the method by which many aliens not certifiable under the labor certification procedures have been able to qualify for immigration and entry into the skilled and unskilled labor market. The existing exemption has thus been the vehicle by which the law has been circumvented through the avenue it has afforded aliens for the "purchase" of labor certifications. Further, experience with the regulation has shown that a capital investment of $10,000 is unrealistic and has not ensured the objectives for which the exemption was created. High rates of inflation during the last three years have indicated that a minimum investment of $50,000 would better serve the objectives of the exemption.

It is the position of the Department that a skilled alien, who wants to immigrate as an investor with less than $50,000 would depend largely on his skill to succeed and thus should qualify by obtaining employment and a labor certification. This is the best if not the only valid way given present mechanisms, or the lack thereof, that his skill can be evaluated in the light of current local labor market and business conditions and his potential for success in a competitive business measured. It is also felt that given present domestic labor market conditions, it is not unreasonable to require that an intending immigrant investor create employment opportunities for others than himself and his family.

Interested persons are invited to submit written comments, recommendations or objections to the Administrator, Bureau of Security and Consular Affairs, Room 6811, Department of State, Washington, D.C. 20520, on or before April 23, 1976. Oral comments will not be considered but all written material relevant to the proposed amendment which is timely received will be evaluated and considered.

Paragraph (a) (14) (*d*) of § 42.91 is amended to read:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

(14) * * *

(ii) * * *

(*d*) An alien who establishes by documentary evidence that he has invested, or is actively in the process of investing, capital totaling at least $50,000 in an enterprise in the United States of which he will be the principal manager and that the enterprise will employ persons in the United States other than the alien, his spouse and children;

* * * * *

Dated: March 4, 1976.

For the Secretary of State.

LEONARD F. WALENTYNOWICZ,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.76-6708 Filed 3-9-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region I

A review of the operations of the Customs ports of entry of Morristown and Waddington, New York, presently designated as ports of entry in the Ogdensburg, New York, Customs district (Region I), indicates that the light volume of traffic experienced by those ports does not warrant their maintenance as Customs ports of entry. The volume of traffic is such that no Customs transactions have been reported at either port during the past three years and no increase in the present low volume of traffic is anticipated. Therefore, it is considered administratively desirable to revoke the designation of Morristown and Waddington, New York, as Customs ports of entry and to instead designate each as Customs stations under the supervision of the port of Ogdensburg, New York.

Accordingly, 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 Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is hereby proposed to revoke the designation of Morristown, New York, and Waddington, New York, as Customs ports of entry in the Ogdensburg, New York, Customs district (Region I) and to designate Morristown, New York, and Waddington, New York, as Customs stations under the supervision of the port of Ogdensburg, New York.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received April 9, 1976.

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: March 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6707 Filed 3-9-76;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 212]

ALIENS

Exemption from Labor Certification Requirement

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 212.8(b)(4) pertaining to the exemption of certain aliens from the labor certification requirement of section 212(a)(14) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(14)).

Existing 8 CFR 212.8(b)(4) provides an exemption from the labor certification requirement of section 212(a)(14) of the Act, as amended, for an alien who establishes that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, capital totaling at least $10,000. The labor certification provisions of section 212(a)(14) were incorporated in the Act as a measure designed to protect the livelihood of workers lawfully present within the United States. They were intended to protect the American economy from job competition and from adverse working standards as a consequence of immigrant workers entering the labor market by preventing an influx of aliens entering the United States for the purpose of performing skilled or unskilled labor where the economy of individual localities is not capable of absorbing them at the time they desire to enter this country.

The investor exemption from the labor certification requirement provided by 8 CFR 212.8(b)(4) was not designed as, and it must not be allowed to become, a means of circumventing the normal labor certification procedure for skilled or unskilled labor. This exemption was never intended to apply to an alien anticipating an investment in an enterprise which would provide only a livelihood for himself and his family in competition with citizens and permanent resident aliens having similar investments in like enterprises. Neither was it ever intended to facilitate the entry of an alien making an investment in an established enterprise and coming to the United States as an employee in the enterprise in a position having no managerial prerogatives in competition with available workers or workers similarly employed in this country. The minimum capital investment of $10,000 was designed to insure that the alien's primary function with respect to the investment and with respect to the economy would not be as a skilled or unskilled laborer. Experience has shown that a minimum capital investment of $10,000 is totally unrealistic and does not insure the fulfillment of the objectives for which it was created. In addition, the spiraling inflation experienced in the United States during the last three years has served to accentuate the inefficacy of the minimum $10,000 capital as a qualifying investment for purposes of the exemption. Accordingly, it is proposed to amend 8 CFR 212.8(b)(4) to provide for an investment of capital totaling at least $50,000 in an enterprise of which the alien will be the principal manager.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received on or before April 23, 1976, will be considered.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

It is proposed to amend § 212.8(b)(4) to read as follows:

§ 212.8 Certification requirement of section 212(a)(14).

* * * * *

(b) *Aliens not required to obtain labor certifications.* * * * (4) an alien who establishes on Form I–526 that he has invested, or is actively in the process of investing, capital totaling at least $50,000 in an enterprise in the United States of which he will be the principal manager and that the enterprise will employ persons in the United States other than the alien, his spouse and children. A copy of a document submitted in support of Form I–526 may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: February 12, 1976.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.76-6744 Filed 3-9-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

[Docket No. AO 90–A6]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

Correction

In FR Doc. 76–5085, appearing at page 7950 in the issue for Monday, February 23, 1976, make the following changes:

1. On page 7951, the third column, the second line, the word "handaling" should read "handling".

2. On page 7953, the first column, the second complete paragraph, the eighteenth line, the word "member" should read "members"; and the twenty-fifth line should be deleted.

3. On page 7954, the third column, the last line should be deleted and replaced by the phrase "mittee is revised by:".

4. On page 7955, the middle column, the heading for § 917.20 should read "Designation of members of commodity committees."

5. On page 7955, the third column:

a. Under § 917.34, the first line, the designation "914.34" should read "917.-34".

b. Under paragraph designated "14", the first line, the designation "915.35" should read "917.35".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20693, RM–2616]

VERTICAL BLANKING INTERVAL

Captioning for the Deaf

In the Matter of Amendment of Subpart E, Part 73, of the Commission's Rules and Regulations, to Reserve Line 21 of the Vertical Blanking Interval of the Television Broadcast Signal for Captioning for the Deaf.

By the Chief, Broadcast Bureau. 1. On January 28, 1976, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding (41 Fed. Reg. 5834). The dates for filing comments and reply comments are presently March 10, and March 24, 1976, respectively.

2. On February 25, 1976, CBS, Inc. ("CBS") requested that the time for filing comments be extended to and including May 10, 1976.[1] CBS states the additional time is needed for careful study, analysis and evaluation of the numerous questions (some of which involve highly technical production and engineering considerations) presented for comment in this proceeding.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, IT IS ORDERED, That the dates for filing comments and reply comments ARE EXTENDED to and including May 10 and May 25, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act

[1] On February 27, 1976, the Electronics Industries Association also filed a request to extend the comment date to May 10, 1976.

of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: March 2, 1976.

Released: March 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-6790 Filed 3-9-76;8:45 am]

[47 CFR Part 87]

[Docket No. 20687; 41 FR 4833]

ASSIGNMENTS OF FREQUENCIES

Extending Time for Filing Comments

In the Matter of Amendment of Part 87 of the Commission's rules to provide for the assignment of frequencies in the band 129.3 to 130.7 MHz to serve other than air carrier operations.

1. Alaska Aviation Radio, Inc. (AARI) has requested that the time for filing comments in the above captioned proceedings be extended to April 5, 1976.

2. In support of its request AARI states that proposed rule making has serious ramifications for it and that additional time is needed to review the proposal and to prepare comprehensive and useful comments. Moreover, the extension will not materially delay the proposed rule making.

3. It appears that the public interest would be served by granting the additional one month period to afford the petitioner a full opportunity for the preparation and presentation of its views to aid the Commission in this proceeding.

4. Accordingly, IT IS ORDERED, pursuant to Section 0.331 of the Commission's rules that the time for filing comments in the above captioned proceeding is EXTENDED from March 4, 1976 to April 5, 1976, and the time for filing reply comments is extended until April 19, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.76-6793 Filed 3-9-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 454]

ADVERTISING AND LABELING OF PROTEIN SUPPLEMENTS

Final Notice of Proposed Trade Regulation Rule

On September 5, 1975, the Commission published in the FEDERAL REGISTER (40 F.R. 41144) an Initial Notice of a proposed trade regulation rule concerning the advertising and labeling of protein supplements pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, et seq., and 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure).

Now, pursuant to the same authority and more specifically to the authority of § 1.12 of the Commission's procedures and rules of practice (hereinafter "Rules of Practice") the undersigned duly appointed Presiding Officer for this proceeding hereby gives Final Notice of proposed rulemaking, incorporating by reference the contents of the Initial Notice described above, including the proposed rule contained therein.

WRITTEN COMMENTS

All interested persons are hereby notified that they may continue to submit written data, views or arguments on any issue of fact, law, policy or discretion which may have some bearing upon the proposed rule. Such comments should be submitted to C. W. Keller, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, no later than April 9, 1976. To assure prompt consideration comments should be identified as "Protein Supplement Comment" and submitted, when feasible and not burdensome, in five copies. Comments previously submitted in response to the Initial Notice have been placed in the public record and need not be resubmitted.

PUBLIC HEARINGS: DATES AND PLACES

Notice is also given that public hearings on the proposed rule will be held at the locations set forth below, commencing on the dates and times specified at each location:

1. Public hearings will begin on May 10, 1976, at 9:30 a.m. in Los Angeles, California:

Room 13209, Federal Building, 11000 Wilshire Boulevard, Los Angeles, California.

Persons desiring to present their views orally in Los Angeles should so inform the Commission's representative listed below not later than April 30, 1976:

Kenneth H. Donney, [(213) 824-7575], Federal Trade Commission, 13209 Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024.

2. Public hearings will begin on July 12, 1976, at 9:30 a.m. in Boston, Massachusetts:

Executive Dining Room (Room E-226), John Fitzgerald Kennedy Federal Building, Government Center, Boston, Massachusetts.

Persons desiring to present their views orally in Boston should so inform the Commission's representative listed below not later than June 21, 1976:

David Keniry [(617) 223-6621], Room 1301, Federal Trade Commission, 150 Causeway Street, Boston, Massachusetts 02114.

3. Public hearings will begin on September 13, 1976 at 9:30 a.m. in Washington, D.C.:

Room 332, Federal Trade Commission Building, Pennsylvania Avenue at 6th Street, NW., Washington, D.C.

Persons desiring to present their views orally in Washington should so inform the Commission's representative listed below not later than August 23, 1976:

Jacqueline R. Schmitt, [(202) 254-7663], Federal Trade Commission, 2120 L Street, NW., Washington, D.C. 20037.

4. Public hearings will begin on October 18, 1976, at 9:30 a.m. in San Francisco, California:

Room 15018, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Persons desiring to present their views orally in San Francisco should so inform the Commission's representative listed below not later than September 27, 1976:

George Gregores ((415) 556-1270), Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102.

Additional hearing dates or sites may be designated and notice published in the FEDERAL REGISTER at a later date by the Presiding Officer if additional hearings are needed in order to permit oral presentations by interested parties.

INSTRUCTIONS FOR WITNESSES

All prospective witnesses are advised that reasonable limitations upon the length of time allotted to any person may be imposed and that these time periods may vary from witness to witness, depending upon all the circumstances, including the needs of each witness, the complexity of the expected testimony, the number of parties represented by each witness and the cumulative nature of expected testimony. Witnesses will be expected to stay within the time allotted for their remarks, and the Presiding Officer may allocate additional time for questioning. Individual members of interested groups are encouraged to make their views known through group representatives, to the extent that individual views are not thereby limited. As a general rule, witnesses are expected to confine their remarks to twenty minutes or less, unless an exception has been made, and to develop their testimony at greater length through their written submissions. Each witness is entitled to testify at only one hearing location.

Persons wishing to deliver prepared statements are required to file such statements with the designated Commission representative listed above no later than April 30, 1976, for those witnesses appearing in Los Angeles; no later than June 21, 1976, for those witnesses appearing in Boston; no later than August 23, 1976, for those witnesses appearing in Washington; and not later than September 27, 1976, for those witnesses appearing in San Francisco.

If at all possible, witnesses should furnish five copies of their statements. Any witness not intending to deliver a statement fully prepared in advance is required to file with the designated Commission representative (by the same date set forth above for the filing of written statements at the location where he expects to appear) a written comprehensive outline explaining the nature of his expected testimony including, but not limited to, a statement of each important fact, observation, conclusion, or opinion he anticipates presenting.

Advance submittal of statements and exhibits is required to apprise other interested parties of expected testimony so they may determine the need for examination, including cross-examination, or rebuttal submissions. Such submittals will be made available for viewing by the Commission representatives designated above at the location where the witness intends to appear and will also be placed on the public record in Washington, D.C.

The Presiding Officer retains the discretion to require that the full text of any oral presentation be submitted in writing in advance of presentation and to deny the right to present oral testimony to any person who fails to file an appropriate statement or comply with the advance notification requirements of this Notice.

A prospective witness who plans to introduce documents or other written evidence as exhibits to his statement must furnish such documents or written evidence, properly identified with the witness' name and sequential number (i.e., Johnson Exhibit 1), by the same dates set out above for the filing of expected testimony, depending on the location at which the witness intends to appear, unless for good cause shown he can demonstrate why the exhibit could not be timely submitted. The use of exhibits in connection with oral testimony is encouraged, especially when such exhibits serve to clarify technical or complex presentations. Use of exhibits should not, however, be considered as a substitute for timely submission of written data and arguments during the general written comment period, which closes April 9, 1976. The Presiding Officer reserves the right to exclude exhibits presented in the course of oral testimony if, in his judgment, such exhibits were available prior to the close of the general comment period and were susceptible of submission during that period.

All prospective witnesses may direct their statements toward any question of fact, law, policy or discretion relevant to the proposed rule and, in this regard, the usual rules of evidence applicable to litigated proceedings will not apply. However, all prospective witnesses are advised that to the extent their statements may bear upon any of the designated issues set forth below, or which may be later designated, they may be subject to limited cross-examination as to those issues by representatives of other interested parties, as designated by the Presiding Officer or to cross-examination by the Presiding Officer on behalf of such parties, or to direct rebuttal submissions. All witnesses will be subject to direct examination by the Presiding Officer and, subject to his control, to examination by such interested parties as he may within his discretion permit. Oral presentations will not be under oath unless the Presiding Officer expressly so provides.

Designated Issues

Set forth below are the issues which the Presiding Officer has determined to designate under § 1.13(d) (1) of the rules of practice as issues to be considered in accordance with § 1.13(d) (5) and (6) of the rules of practice. Pursuant to statute and the rules of practice, testimony with respect to these issues may entitle designated representatives or other interested parties to conduct or have conducted such cross-examination as the Presiding Officer may determine to be appropriate and required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any issue may be achieved through rebuttal submissions or the presentation of additional oral or written statements.

The Presiding Officer may at any time on his own motion or pursuant to a written petition by an interested party, add to or modify any issues listed. No such petition shall be considered unless good cause is shown why such issue was not proposed during the time specified in the Initial Notice and subsequent extension of time.

Interested persons who desire to avail themselves of the procedures described above with respect to designated issues must notify the Presiding Officer by April 9, 1976, in writing, of their particular interest with respect to each issue designated, including a general statement of their position with respect to each such issue. In the event new issues are added interested persons must promptly notify the Presiding Officer of their particular interest with respect to each such issue, in the same manner. Requests to examine, including cross-examine, or to present rebuttal submissions, shall be accompanied by a specific justification therefor.

Before the hearings begin, the Presiding Officer will identify groups of persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination, including cross-examination and, if unable to agree, the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after a good faith effort to do so, and who seeks to present substantial and relevant issues which will not be adequaely presented by the group representative, may be allowed to conduct or have conducted any examination, including cross-examination, or rebuttal submissions, to which he is entitled on issues designated for consideration in accordance with this Notice.

Designated Issues Under § 1.13(d) (1)

1. The circumstances under which the use of concentrated protein supplements without medical supervision poses substantial risks to the health of (a) infants, (b) young children, (c) persons with liver or kidney disorders and (d) other users.

2. The level of protein concentration, if any, at which substantial health risks arise from the use of protein supplements by the classes of persons named above, without medical supervision.

3. The protein requirement of most Americans.

4. Whether the average American diet meets the protein requirements of most Americans.

5. The significant nutritional benefits, if any, for most Americans from the use of protein supplements.

6. (a) The depletion of protein caused by strenuous activity compared to ordinary physical activity and (b) the increased need for protein, if any, for physical activity of any kind, particularly by athletes, children or active individuals.

7. The improvement or increase, if any, from consumption of protein beyond the Recommended Dietary Allowance, in the level of performance of persons engaged in athletics or strenuous physical labor.

8. The benefits, if any, from the consumption of protein for weight reduction purposes.

9. (a) The degree to which the "food energy" value of protein is derived from its caloric content. (b) The degree to which the protein contribution to a person's vigor, energy, alertness, strength or endurance is dependent upon the caloric content of protein.

The Commission also specifically invites comment and discussion of the following questions. These are *not* designated issues.

1. The need, if any, for alternate language for the disclosure statements mandated by §§ 454.8, 454.9, 454.10(a)(2), 454.13(b) and 454.14(c) of the proposed rule.

2. What constitutes "clear and conspicuous" disclosure in the context of this proposal? Consideration should include, but not be limited to, type, size, style and color (contrast to background) and the location and placement of the disclosure (e.g., front or reverse of label).

Summary of Closing Dates

1. Notification of interest; April 9, 1976.

2. All written comments; April 9, 1976.

3. Witnesses' prepared statements (or comprehensive summaries) and exhibits for:

(a) Los Angeles hearing—April 30, 1976;
(b) Boston hearing—June 21, 1976;
(c) Washington, D.C. hearing—August 23, 1976;
(d) San Francisco hearing—September 27, 1976.

Summary of Hearing Dates

1. Los Angeles, Calif.—May 10, 1976.
2. Boston, Mass.—July 12, 1976.
3. Washington, D.C.—September 13, 1976.
4. San Francisco, Calif.—October 18, 1976.

Issued March 5, 1976.

CHRISTOPHER W. KELLER,
Presiding Officer.

[FR Doc.76-6818 Filed 3-9-76;8:45 am]

[16 CFR Part 455]

DISCLOSURE AND OTHER REGULATIONS CONCERNING THE SALE OF USED MOTOR VEHICLES

Extension of Time To Propose Disputed Issues of Fact Regarding Proposed Trade Regulation Rules

Notice of a proposed rulemaking proceeding including the text of and a state-

ment of reason for the proposed rules concerning sale of used motor vehicles was published in the FEDERAL REGISTER on January 6, 1976 (41 FR 1089). The Notice also included an invitation to interested parties to propose disputed issues of fact regarding the proposed rules.

The Presiding Officer, in response to petitions on behalf of two associations, has determined, pursuant to the authority of § 1.13(c)(1) of the Commission's Procedures and Rules of Practice, to extend the time for proposing disputed issues of fact for a period of ninety days beyond the original closing date of March 8, 1976. Accordingly, the record in this matter will remain open until no later than June 7, 1976, for the receipt of such proposed disputed issues which should be submitted to James P. Greenan, Presiding Officer, Office of the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Written comments concerning this rulemaking proceeding other than proposals identifying disputed issues of fact will as previously announced be accepted until forty-five days before commencement of public hearings which are to be scheduled and published in the FEDERAL REGISTER at a later date.

Issued: March 5, 1976.

JAMES P. GREENAN,
Presiding Officer.

[FR Doc.76-6789 Filed 3-9-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 113]

FINANCIAL ASSISTANCE PROGRAMS

Nondiscrimination Requirements

Notice is hereby given that the Small Business Administration proposes to amend its nondiscrimination requirements in 13 CFR Part 113. Interested parties are hereby given until [30 days from publication date] in which to submit written comments, suggestions or objections regarding the proposed amendment. Please send comments to the Compliance Division, Room 326, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

Lenders eligible to participate in loans with SBA pursuant to paragraph (a) of § 120.4 (13 CFR Part 120) are subject to the nondiscrimination requirements of other Federal authorities. Lenders eligible to participate with SBA pursuant to paragraph (b) of § 120.4 are not subject to supervision by other Federal authorities, but they agree to operate in accordance with regulations promulgated by SBA. This proposed amendment will subject such paragraph (b) lenders to SBA's nondiscrimination regulation.

Accordingly, Part 113 of Chapter I of Title 13 CFR is hereby amended by:

Amending § 113.2(b) to add the following sentence at the end of that paragraph:

§ 113.2 Definitions.

* * * * * *

(b) * * * For the purposes of this part, a Subsection (b) lender (13 CFR 120.4(b)) shall be deemed a recipient of financial assistance.

* * * * * *

Dated: February 6, 1976.

LOUIS F. LAUN,
(Acting) Administrator.

[FR Doc.76-6729 Filed 3-9-76;8:45 am]

[13 CFR Part 120]

BUSINESS LOAN POLICY

Nondiscrimination Requirements

The Small Business Administration (SBA) proposes to amend its Business Loan Policy Regulations to provide notice to lending institutions eligible to participate in loans with SBA pursuant to paragraph (b) of § 120.4 (13 CFR Part 120) that they and their borrowers are subject to SBA's nondiscrimination regulations. This proposed amendment is advisory and is intended especially to call attention to the new provisions of § 113.2 (b) (13 CFR Part 120), which state that a Subsection (b) Lender shall be deemed a recipient of financial assistance from SBA for purposes of the nondiscrimination regulations.

Prior to the adoption of this amendment, consideration will be given to any comments that are submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, on or before April 9, 1976.

Pursuant to the authority of 72 Stat. 387, as amended, 15 U.S.C. 636, sec. 5, 72 Stat. 385, 15 U.S.C. 634, it is proposed to amend Part 120 of Chapter I of Title 13 of the Code of Federal Regulations by adding the following new paragraph (b)(10) to § 120.5:

§ 120.5 Operations of eligible participants.

* * * * * *

(b) *Special requirements applicable to Subsection (b) Lenders.* * * *

(10) *Nondiscrimination.* In accordance with the provisions of Subsection 113.2(b) of Parts 113 of this chapter, Subsection (b) Lenders and their borrowers are subject to SBA's nondiscrimination regulations, as set forth in said Part 113.

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: March 3, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-6730 Filed 3-9-76;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76-71]

ASSESSMENT OF COUNTERVAILING DUTIES ON CERTAIN CONSUMER ELECTRONIC PRODUCTS FROM JAPAN

Petition Filed by American Manufacturer, Producer or Wholesaler

On January 7, 1976, a "Final Countervailing Duty Determination" in the case of Certain Consumer Electronic Products from Japan was published in the FEDERAL REGISTER, 41 FR 1298. The determination stated that "a final determination is hereby made, * * * no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacturer [sic], production, or exportation of certain consumer electronic products from Japan." The complaint which led to this determination was filed with the Customs Service on April 3, 1970.

On January 28, 1976, notification was received by the Department that Zenith Radio Corporation, an American manufacturer of certain consumer electronic products, desires to contest the above-noted negative determination.

In accordance with the provisions of section 516(d), Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(d)), publication is hereby made of the fact that the necessary notice has been received that an American manufacturer desires to contest the determination that a bounty or grant is not being bestowed, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on certain consumer electronic products from Japan.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: February 27, 1976

JAMES J. FEATHERSTONE,
Acting Assistant Secretary of the Treasury.

[FR Doc.76-6701 Filed 3-9-76;8:45 am]

[T.D. 76-75]

ASSESSMENT OF COUNTERVAILING DUTIES ON FERROCHROME FROM SOUTH AFRICA

Petition Filed by American Manufacturer, Producer or Wholesaler

On January 7, 1976, a "Final Countervailing Duty Determination" in the case of Ferrochrome from South Africa was published in the FEDERAL REGISTER, 41 FR 1298. The determination stated that "it is hereby determined that no bounties or grants are being paid or bestowed, directly or indirectly, within the meaning of section 303 of the Act, upon the manufacture, production or exportation of ferrochrome from South Africa." The complaint which led to this determination was filed with the Customs Service on April 19, 1974.

On January 30, 1976, notification was received by the Department that Airco, Inc., an American manufacturer of ferrochrome, desires to contest the above-noted negative determination before the United States Customs Court.

In accordance with the provisions of section 516(d), Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(d)), publication is hereby made of the fact that the necessary notice has been received that an American manufacturer desires to contest the determination that a bounty or grant is not being bestowed, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on ferrochrome from South Africa.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved:

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6705 Filed 3-9-76;8:45 am]

[T.D. 76-72]

ASSESSMENT OF COUNTERVAILING DUTIES ON FLOAT GLASS FROM BELGIUM

Petition Filed by American Manufacturer, Producer or Wholesaler

On January 7, 1976, a "Final Countervailing Duty Determination" in the case of Float Glass from Belgium was published in the FEDERAL REGISTER, 41 FR 1299–1300. The determination stated that "it is hereby determined that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, of the Act, upon the manufacture, production or exportation of float glass from Belgium." The complaint which led to this determination was filed with the Customs Service on May 31, 1974.

On January 28, 1976, notification was received by the Department that ASG Industries, Inc., PPG Industries, Inc., Libbey-Owens-Ford Company, and C E Glass, all American manufacturers of float glass, desire to contest the above-noted negative determination before the United States Customs Court.

In accordance with the provisions of section 516(d), Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(d)), publication is hereby made of the fact that the necessary notice has been received that an American manufacturer desires to contest the determination that a bounty or grant is not being bestowed, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on float glass from Belgium.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: March 1, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6702 Filed 3-9-76;8:45 am]

[T. D. 76-73]

ASSESSMENT OF COUNTERVAILING DUTIES ON FLOAT GLASS FROM THE UNITED KINGDOM

Petition Filed by American Manufacturer, Producer or Wholesaler

On December 22, 1975, a "Final Countervailing Duty Determination" in the case of Float Glass from the United Kingdom was published in the FEDERAL REGISTER, 40 FR 59227. The determination stated that "a final determination is hereby made, that * * * no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production or exportation of float glass from the United Kingdom." The complaint which led to this determination was filed with the Customs Service on May 31, 1974.

On January 21, 1976, notification was received by the Department that ASG Industries, Inc., PPG Industries, Inc., Libbey-Owens-Ford Company, and C E Glass, all American manufacturers of float glass, desire to contest the above-noted negative determination before the United States Customs Court.

In accordance with the provisions of section 516(d), Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(d)), publication is hereby made of the fact that the necessary notice has been received that an American manufacturer desires to contest the determination that a bounty or grant is not being bestowed, within the meaning of section 303, Tariff Act of 1930, as

amended (19 U.S.C. 1303), on float glass from the United Kingdom.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: March 1, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

MARCH 1, 1976.

[FR Doc.76-6703 Filed 3-9-76;8:45 am]

[T.D. 76-74]

ASSESSMENT OF COUNTERVAILING DUTIES ON FLOAT GLASS FROM WEST GERMANY

Petition Filed by American Manufacturer, Producer or Wholesaler

On January 7, 1976, a "Final Countervailing Duty Determination" in the case of Float Glass from West Germany was published in the FEDERAL REGISTER, 41 FR 1300. The determination stated that "it is hereby determined that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production or exportation of float glass from West Germany." The complaint which led to this determination was filed with the Customs Service on May 31, 1974.

On January 28, 1976, notification was received by the Department that ASG Industries, Inc., PPG Industries, Inc., Libbey-Owens-Ford Company, and C E Glass, all American manufacturers of float glass, desire to contest the above-noted negative determination before the United States Customs Court.

In accordance with the provisions of section 516(d), Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(d)), publication is hereby made of the fact that the necessary notice has been received that an American manufacturer desires to contest the determination that a bounty or grant is not being bestowed, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on float glass from West Germany.

LEONARD LEHMAN,
Commissioner of Customs.

Approved: March 1, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6704 Filed 3-9-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Meeting

MARCH 2, 1976.

The USAF Scientific Advisory Board Electro-Optics Panel will hold meetings on March 29, 1976 from 8:30 a.m. to 5:00 p.m. and on March 30, 1976 from 8:30 a.m. to 5:00 p.m. The meetings will be held both days at the Armament Development and Test Center, Eglin AF Base, FL.

The Panel will receive classified informational briefings on the Air Force's programs for terminal guidance technology.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76-6810 Filed 3-9-76;8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76F-0040]

ABBOTT LABORATORIES

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3140), has been filed by Abbott Laboratories, North Chicago, IL 60064, proposing that § 121.2520. *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of diiodomethyl p-tolyl sulfone as a component of food-packaging adhesives.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6739 Filed 3-9-76;8:45 am]

[Docket No. 76F-0065]

DOW CHEMICAL U.S.A.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3183) has been filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for safe use of poly[styrene-disodium maleate-(α-(p-nonylphenyl)-co-(vinylbenzyl) polyoxyethylene]ether-polymer as an ingredient of adhesives which may be used as components of articles intended for food contact applications.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6740 Filed 3-9-76;8:45 am]

Office of Education

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Closing Dates for Small Grant and General Grant Applications

Pursuant to the authority contained in Section 408 of the Education Amendments of 1974 (20 U.S.C. 1866), notice was published in the FEDERAL REGISTER February 12, 1976 (41 FR 6308) establishing a closing date for the submission of preapplications for general grant awards to promote educational equity for women under 45 CFR 160f.12.

The purpose of this notice is to establish (A) a closing date for the submission of applications for small grants, not to exceed $15,000 each, under 45 CFR 160f.13 and (B) a closing date for the submission of full applications for the general grant awards under 45 CFR 160f.12 following the preapplication process.

A. *Small grant applications.* Applications for small grant awards must be received by the U.S. Office of Education on or before April 16, 1976. Preapplications are not requested for the small grants.

B. *General grant applications.* Applications for general grant awards must be received by the U.S. Office of Education on or before May 26, 1976.

C. *Applications sent by mail.* An application (for either a small grant or a general grant) sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.565. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than April 11, 1976, with respect to an application for a small grant award, or May 21, 1976, with respect to an application for a general grant award, as evidenced by the U.S. Postal Service postmark on

the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the applicable closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

D. *Hand delivered applications.* An application (for either a small grant or a general grant) to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the applicable closing dates.

E. *State comment.* Concurrently with the submission of its application to the Commissioner, a local educational agency (LEA) must provide a copy of its application to the State educational agency of the State in which the LEA is located. For verification of submission to the SEA, the LEA applicant must enclose in its application to the Commissioner a copy of the dated cover letter used to forward a copy of its application to the SEA. A SEA wishing to submit advice and comment on any LEA application originating within its State may do so by forwarding such advice and comment to the Women's Program Staff, U.S. Office of Education, Room 3121, 400 Maryland Avenue, SW., Washington, D.C. 20202. Advice and comments received from SEA's no later than April 30, 1976 respecting LEA applications for small grants or no later than June 9, 1976 respecting LEA applications for general grants, will be considered in reviewing such applications.

F. *Program information and forms.* Information and application forms may be obtained from the Women's Program Staff, U.S. Office of Education (see address under paragraph E above).

G. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Women's Educational Equity Act regulations published in the FEDERAL REGISTER on February 12, 1976 (41 FR 6436).

(20 U.S.C. 1866)

Dated: March 3, 1976.

(Catalog of Federal Domestic Assistance Number 13.565; Women's Educational Equity Act Program)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.76-6700 Filed 3-9-76;8:45 am]

Social and Rehabilitation Service

GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

Revocation of Recommended Standards for Judicial Review of Reconsideration of Disallowances

Notice is hereby given that the Recommended Standards for Judicial Review enunciated by the Acting Administrator, Social and Rehabilitation Service on Wednesday, February 11, 1976 (41 FR 6115) are revoked. Since publication of the Notice, the Service has become aware that the position the Government is taking in the course of current litigation with respect to jurisdiction is inconsistent with the standards enunciated in the Notice.

Accordingly, the Service hereby revokes that Notice.

Dated: March 4, 1976.

DON I. WORTMAN,
Acting Administrator,
Social and Rehabilitation Service.

[FR Doc.76-6805 Filed 3-9-76; 8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Mrs. Erma J. Fisk, 17101 SW 284 Street, Homestead, Florida 33030.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Banding Brown Pelican, and occasional other species - see attached sheets.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Erma J. Fisk 247-3701 (305)
17101 S W 284 St, Homestead Fla. 33030
South Orleans, Mass. 02662
617-255-2719

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☑ MRS. ☐ MISS ☐ MS.
HEIGHT 5'7" WEIGHT 140
DATE OF BIRTH Aug. 4, 1905
COLOR HAIR Gray COLOR EYES Gray
PHONE NUMBER WHERE EMPLOYED
SOCIAL SECURITY NUMBER 578-60-8411
OCCUPATION Amateur ornithology Widow

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
US F&W, National Audubon Research Dept. Cape Cod Nat'l Seashore, Everglades NPark

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Homestead, Florida, Cape Cod Mass, coastal route between these

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☑ YES ☐ NO
(*If yes, list license or permit number*)
Banding: 7081
Migratory bird 4-sp-141

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$?

10. DESIRED EFFECTIVE DATE immediate

11. DURATION NEEDED 3/31/77

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
2

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) Erma J. Fisk
DATE January 28, 1976

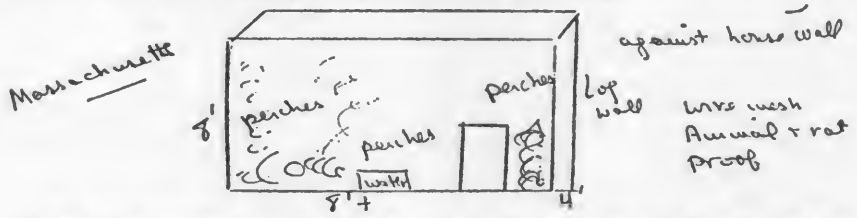
3-200
10/74

Attachment for Application PRT 2-46-07, 13 Erma J. Fisk, 17101 SW 284 St. Homestead Florida, 33030.

17.21 (a) (i) To aid a sick, injured or orphaned specimen. (ii) Dispose of a dead specimen. (iii) Salvage a dead specimen which may be useful for scientific study.

17.22 (1 and 2) A permit to band Brown Pelican, *Pelecanus occidentalis* Number, age, sex unknown. In the wild, immediately to be returned to the wild. (3) Brown pelican are taken at marinas where they are daily panhandlers of fishermen cleaning their catch. They are taken by offering fish and catching them by the bill. They are looked over for fish hooks, fishlines, injuries and deformities, banded and immediately released. They will not be used, maintained or displayed except as interested persons may be watching the above, with an accompanying explanation of the purposes of banding. (6) (ii) I do not have any technical expertise except that of experience. I have raised a barn owl, robins, mockingbirds, catbirds, blue jays, orioles—and lost more orphans than I succeeded with. I have temporarily cared for an osprey, owls, hawks, tern, coot and passerines. (iii) I doubt I am qualified but I would be willing to participate in a cooperative breeding program and to maintain and contribute date to a studbook. (iv) Birds are transported in grocery cartons. In the case of pelican the body is loosely wound with cloth but the head left free. They are fed mullett or smelt before transport, or on arrival, and have access to water. (v) My only mortality with an Endangered Species has been a pelican (Brown) brought to me by rangers of Everglades National Park Jan. 29, 1976 for transport to the veterinary department at Crandon Park Zoo, Miami. It was brought in the evening, with a deep wound in the breast, and was found dead early the next morning. The body was given to the University of Miami for the collection of the Department of Ornithology, with which I occasionally work. Two injured pelican, one in late December 1975, one in January 1976 were taken by me from a marina at Homestead Bay Front Park to the above zoo for treatment, where they still are. The zoo has asked me to arrange with the willing personnel of the marina to have the birds returned (by me) to that area, where they can be given supplementary feeding as necessary, as the zoo has more pelican than they feel they have room for. One bird had a torn pouch, since healed, and a broken jaw. The other had a foot nearly torn off, which was to be amputated.

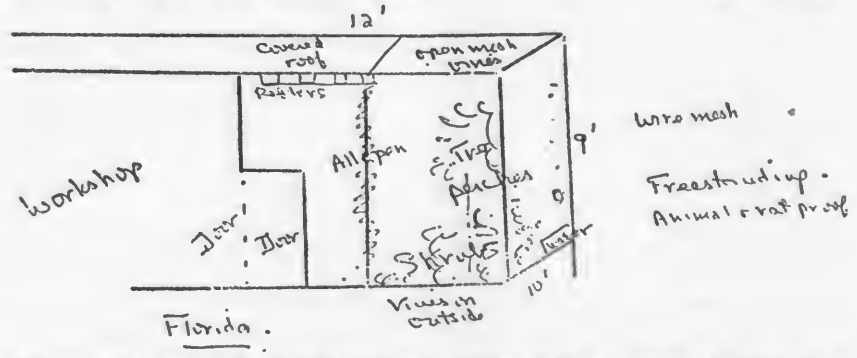
6(i) and (iv) Wildlife necessarily held due to being injured, orphaned or in transport is kept in Homestead, Florida in a wire mesh aviary 10x12x9'. A half of this has a cement floor and is roofed, the rest is open with a dirt floor, a mesh roof, and shrubs, grass, etc. growing in it. A 2x2' water facility is in one corner, perches go across the corners. In Massachusetts a wire mesh aviary is approximately 8x4x8' with shrubs, vines over the roof and water supplied in basins depending on the species of bird being kept. I have no photographs, and I'm not much on drawing, but I'll try.



17.22 (8) The primary purpose of my application to to handle legally birds that are brought to me for lack of any one else with *any* expertise. (In Massachusetts the Humane Society also brings them to me) My secondary purpose is to band Brown pelican, to which I have access at marinas in southeast Florida. I have friends engaged in the study of pelican who feel this is desirable. I am prepared to keep records of any details or behavior they request, for their use. I hope the above statements cover my situation. It is difficult to be explicit.

Sincerely,

ERMA J. FISK.



Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Of-

fice Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: March 3, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-6695 Filed 3-9-76;8:45 am]

MARINE MAMMAL PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant. Sea World, Inc., 1720 So. Shores Road, San Diego, California 92109; Lanny H. Cornell, B.S., D.V.M., Vice President—Research/Veterinary Husbandry Corporate Curator of Mammals.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To collect three (3) female California sea otters (Enhydra lutris) at area specified in item 6; transport to and hold at Sea World, San Diego, Ca. for scientific research and public display.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Sea World, Inc.
1720 So. Shores Road
San Diego, Ca. 92109
(714) 222-6363

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Oceanarium engaged in public display, education and scientific research.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Lanny H. Cornell, BS, DVM Vice President-Research/Veterinary Husb
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
California

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Pacific coast off Monterey and Santa Cruz counties, Ca. and Sea World in San Diego, Ca.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Permit No. PRT 9-24-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ 0

10. DESIRED EFFECTIVE DATE: 3/1/76
11. DURATION NEEDED: Until 9/1/78

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. Purpose - To replace three (3) California sea otters (Enhydra lutris lutris) taken under Federal Fish & Wildlife Permit No. 9-24-C. Please see attachments.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) — DATE
Jan 22 1976

Under date of September 12, 1975, a Notice was published in the FEDERAL REGISTER (40 FR 42384) of the issuance of a permit to Sea World, Inc., to capture five California sea otters for scientific studies and public display. The permit was effective September 4, 1975; expiration date September 1, 1978.

JANUARY 22, 1976.

THE DIRECTOR (FWS/LE)
U.S. FISH & WILDLIFE SERVICE
P.O. Box 19183
Washington, D.C. 20036

DEAR SIR: The following constitutes a report of Sea World's activities conducted under the authority of Federal Fish & Wildlife Permit Number PRT 9-24-C.

On September 30, 1975, officials from the California Department of Fish & Game, with assistance from Sea World staff members Howard Long and Brian Golden, D.V.M. collected three (3) female California Sea Otters (*Enhydra lutris lutris*) from the Monterey Bay area. The animals were transported from Monterey to San Diego via chartered aircraft. Upon reaching the Sea World park the three new animals were immediately placed in our main sea otter pool with our resident animals. Both the collection and transportation of these animals were carried out smoothly and without complication. The animals were assigned the numbers SO-501, SO-502, and SO-503 in order to facilitate identification and record-keeping.

On October 8, 1975, female number SO-501 gave birth to a stillborn pup. She subsequently became depressed and was isolated for veterinary examination and treatment. She failed to improve with treatment and expired on October 17, 1976.

On December 6, 1975 otter number SO-502 suffered a rectal prolapse, exposing the last 6 inches of colon. The animal was removed and the veterinarian manually reinserted the exposed colon. The animal's condition deteriorated and supportive fluid chemotherapy was initiated. The animal failed to respond to the treatment and died on December 8, 1975.

The third otter, number SO-503, was seen by an observer on January 3, 1976 to be behaving normally at 6:00 a.m. The same observer discovered the animal an hour later dead in the main pool, apparently drowned.

Please see attached necropsy reports for further details regarding all of the above-mentioned animals. If further information is desired, please contact me at any time.

Respectfully submitted,

LANNY H. CORNELL,
B.S., D.V.M., Vice President—Research/Veterinary Husbandry, Corporate Curtor of Mammals.

SEA WORLD, INC.

SAN DIEGO, CALIFORNIA

NECROPSY REPORT

Animal name: California Sea Otter, Path. No.: SW75090, I.D. No.: SO-501, Genus species: Enhydra lutris, Sex: Female. Date/time of death: 10/17/75, approx. 6:00 p.m., date/time of necropsy: 10/18/75, approx. 10:00 a.m.

Clinical history prior to death: On Thursday, October 16, the animal was not observed eating. Grooming activities were normal but total activities such as swimming were reduced. Pelage good. A blood sample was taken Thursday, October 16, and antibiotics and steriods administered IM.

The animal was removed from the main tank Friday morning, October 17, still not eating. Greater depression was observed in general activity. Animal was moved to quarantine area and fluids and antibiotics administered intraperitoneally. Animal kept warm and dry, body temperature between 97° and 98°. The animal expired Friday, October 17, 1975 at approximately 6:00 p.m.

Gross necropsy findings: weight 45 lb., length: 125 cm, Girth: 75 cm. (max.). Teeth: Rounded and/or worn off; tartar covered molars. Trachea: No blockage; clear. Lungs: Dark red; some congestion. No parasites seen. Heart: Hemorrhagic areas from injections. Liver: Pale yellow-green. Friable, fatty degeneration. No parasites seen. Kidneys: Pale, soft. Spleen: Nodular ecchymotic blotches throughout. Intestine: Possible parasites (tapeworm). Some fecal matter. Uterus: Placed separately in formalin. Adrenals: Possibly slightly enlarged and hemorrhagic.

Parasites:

Organ/tissue	Stage	Species	Description
Intestine	_____	_____	Tapeworm
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Cultures taken:

Organ/tissue	I.D.	Histo taken
Kidney	_____	Kidney
Liver	_____	Liver
Lung	_____	Lung
Spleen	_____	Intestine
_____	_____	Stomach
_____	_____	Heart

Liver and kidney samples taken for heavy metals and pesticides.

Diagnosis: Chronic renal failure. Chronic hepatic degeneration. Failure and inability to adapt normally due to pre-existing handicaps in renal and hepatic function.

By: Lanny H. Cornell, D.V.M.

INTERMOUNTAIN LABORATORIES INC.

Veterinarian Lanny H. Cornell DVM.
Hospital Sea World.
Street or P.O. Box 1720 S. Shores Road.
City and State San Diego, CA 92102.
Telephone ----------.

No. of Tissues Necropsyreport and uterus section.

File No. 17748 SO–501. Date 11–7–75. Species Enhydra lutris. Sex Female. Breed Sea Otter CA. Sea Otteh. Age -------. Owners Name (Sea World) SW75090, SO501. Diagnostic Summary ----------.

History: **Letter Received**. Duplicate slide.

Gross Description: ----------.

Microscopic Description: Uterus: There is marked vascular congestion occurring in the uterine wall and in some areas red cells appear to have escaped the vascular lumen. There is some congestion occurring in the lamina propria of the epithelium but the epithelial surface appears to be normal. However the epithelium and the underlying lamia propria appears to be thrown into excessive folds. No significant infiltrates are present in any portion of the organ. Amorphous pink staining material with some cellular debris is noted within the deep crypts of the epithelium.

Comments: Except for moderate congestion with some focal hemorrhage, there appears to be no significant lesions present within the uterus. There is some evidence of inspissation of material deep within the crypts of the epithelium but no other remarkable changes are noted.

Diagnosis: Mild uterine congestion with occasional hemorrhage and excessive epithelial ruggation.

JACK L. TAYLOR, DVM Ph. D.

C.A. DELLI QUADRI DVM

ANIMAL PATHOLOGY SERVICES

Species California Sea Otter, Fe. SW75090 SO–501. Case Record No. 10–75:2380. Specimen Necropsy tissues. Report Date 11–7–75. By Dr. L. V. Cornell. Address Sea Word, San Diego. Owner Sea World, Inc. Address ----.

PATHOLOGY REPORT

Diagnosis: Toxic Tubular Nephrosis, and Toxic Hepatitis.

Comment: Kidney, Congestion and lipidosis of tubular epithelium. There is also some fibrous thickening of glomerular capsules. Liver, Diffuse fatty degeneration. Lungs, Marked congestion and edema. Alternating areas of emphysema and atelectasis are seen. Uterous, The endometrium is edematous and congestel, with developing glands present, suggesting pro-estrous. G.I. Tract and Myocardium, No significant findings. Comment, The source of the toxicity is not evident in the tissue sections.

JOHN G. SIMPSON, DVM.

SEA WORLD, INC.

SAN DIEGO, CALIFORNIA

NECROPSY REPORT

Animal name: ----------
Path No.: SW75098; I.D. No.: SO–502, Genus/Species: *Enhydra lutris lutris*, Sex: Female. Date/Time of Death: 12/8/75; approximately 9:30 a.m. Date/Time of Necropsy: 12/9/75; 3:00 p.m.

Clinical History Prior to Death: At approximately 9:00 a.m. Saturday morning, December 6, the animal was seen in the pool with the other sea otters with approximately 6 to 8 inches of rectal prolapse evident. A few minutes later the animal crawled out on the raft and maintained itself out of the water. It was seen eating during the period of prolapse. The pool was immediately drained and the animal removed from the area. Surgical correction of the rectal prolapse through manual manipulation and reduction was carried out and the animal was then placed in isolation for recovery. Supportive therapy and fluids were given during the next 24 hours; however, the animal's condition continued to deteriorate. She became dehydrated and depressed and probably somewhat chilled as a result of the soiling of the fur as a direct result of her lack of grooming. She was found dead approximately 24 hours after the conclusion of surgical replacement of the prolapse.

Gross Necropsy Findings: Weight: 30 lb, Length: ---------- Girth: ----------
Thoracic Cavity: Both lungs are consolidated and collapsed, exhibiting bilateral consolidation and atelectasis throughout.

Generally the animal appears somewhat thin, but the only other lesion seen is in the descending colon and rectum. The approximate final 8–10 inches of colon is dilated and somewhat swollen, although not badly discolored. It would appear as though the replacement of the rectal prolapse (that occurred in this animal) was successful, and while contributing to the animal's death, there was no evidence of necrosis or toxemia as a result of this prolapse. The pneumonia apparently came about as a result of the prolapse and the stress placed upon the animal directly related to the prolapse.

All major organs and tissues were sampled for histopathology and for culturing to determine the presence of any pathogenic organisms.

Parasites:

Organ tissue	Stage	Species	Description
None found internally.			

Cultures taken:

Organ tissue	I.D.	Histo taken

Diagnosis:

By: Lanny H. Cornell, D.V.M.

Species Sea Otter, SW5098, SO–502. Case Record No. 12–75:2451. Specimen Necropsy tissues. Report Date 1–3–76. By Dr. L. H. Cornell. Address Sea World, San Diego. Owner Sea World, Inc. Address ----------

PATHOLOGY REPORT

Diagnosis: See below.

Comment: Kidney congested. Liver congested. Colon, The section seen here indicates a chronic inflammatory process, as manifested by irregular thickenings and fibrosis of the lamina propria. Lungs, Sever congestion and hemorrhage. There is no evidence of infectious pneumonia. Spleen, Stomach, Ovary, Thyroid, Lymph Node, Adrenal, Panacreas, Small Intestine—No significant findings.

The congestion of viscera, lack of infectious elements, and the history indicates that death was likely a result of post-surgical shock.

JOHN G. SIMPSON, DVM.

SEA WORLD, INC.

SAN DIEGO, CALIFORNIA

NECROPSY REPORT

Animal Name:----------

Path. No.: SW76002, I.D. No.: SO–503, Genus/Species: Enhydra lutris, Sex: Female, Date/Time of Death: 1/3/76; between 6:00 & 7:00 a.m., Date/Time of Necropsy: 1/3/76.

Clinical History Prior to Death: Animal found dead in pool at 7:00 a.m. 1/3/76; was seen at 6:00 a.m. by observer alive and swimming normally. Feeding habits had been normal. No previous unusual history. Animal was collected 9/30/75.

Gross Necropsy Findings: Weight: 33 lb., Length: ----------, Girth: ----------.

General Appearance: Hair slightly matted across sides and back. White frothy exudate from nose and mouth. Copious amounts of fluid draining from mouth; refractometer showed approximately 3% salt content. Weight 33 lb. (up about 2 lb. from capture weight).

Thorax: Left lung weight 210 gm.; full of clear free running fluid. Compressed areas of lung stay completely empty. Lungs are very soft. Cut surface: Bronchioles contain large amounts of clear fluid; refractometer check indicates approximately 3% salt concentration. Right lung weight 277 gm. Appearance same as left.

Heart: 108 gm.; no visible lesions. Pleural cavity exhibits no visible lesions. Abdominal cavity shows no abnormal lesions. Liver weighs 757 gm. Spleen is pale and contracted and weighs 36 gm. Kidneys: Left 106 gm.; 104 gm. No visible lesions. Adrenal Glands: No visible lesions.

Reproductive System: Ovaries small and inactive. Uterus immature. Uterus and ovaries together weight 7.6 gm. including cervix. Entire reproductive system sent to Dr. R. J. Harrison, Cambridge, England, for analysis. Vulva and posterior vagina slightly discolored and bruised. Small subcutaneous ecchymotic hemorrhages present.

GI System: 213 acanthocephalid parasites throughout small and large intestine (*Corynosoma enhydris*).

Parasites:

Organ tissue	Stage	Species	Description
Small and large intestine		Corynosoma enhydris	

Cultures taken:

Organ tissue	I.D.	Histo taken
Right lung		Lung
		Liver
		Kidney

Diagnosis: Death by drowning in salt water; predisposing cause possible excessive sexual involvement with male sea otter.

Species Sea. Otter, Fe., SO–503. Case Record No. 1–76:2477. Specimen Lung, Liver, Kidney, Report Date 1–17–76, By Dr. L. H. Cornell, Address Sea World, San Diego, Owner Sea World, Inc., Address.....

PATHOLOGY REPORT

Diagnosis: See Below.

Comment: The liver, kidney, and lung are congested but show no evidence of any disease process. The alveoli of the lung are widely dilated (alveolar emphysema) and some edema is present. The histologically significant finding here consists solely of congestion and this is not specifically diagnostic. Death by drowning would be compatible with the limited pathology seen.

JOHN G. SIMPSON, DVM.

Under date of June 27, 1975, a notice was published in the FEDERAL REGISTER (40 FR 27280–81) that an application had been filed with the Fish and Wildlife Service by Sea World, Inc., San Diego, California, for a Marine Mammal Permit. *Copy attached hereto.*

SEA WORLD

APPLICATION FOR PUBLIC DISPLAY PERMIT UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972 FOR CALIFORNIA SEA OTTERS (ENHYDRA LUTRIS LUTRIS)

Date of Application. May 15, 1975.

Section 13.12. (1) Applicant's name, mailing address, and phone number.

Sea World, Inc., 1720 South Shores Road, San Diego, California 92109, (714) 222–6363.

Section 13.12. (2) Where the applicant is an individual, his date of birth, height, weight, color of hair, color of eyes, and sex; and business or institutional affiliation, if any, having to do with the wildlife to be covered by the permit.

Not applicable.

Section 13.2. (3) Where the applicant is a corporation, firm, partnership, institution, or agency, either private or public, the name and address of the president or principal officer.

Davil M. De Motte, President, Sea World, Inc., 1720 South Shores Road, San Diego, California 92109.

Section 13.12. (4) Location where the permitted activity is to be conducted.

Sea World, Inc., in conjunction with the California Department of Fish and Game, would like to collect Sea Otters in an area specified by the California Department of Fish and Game, likely the southern extremity of the present sea otter range. Such collection shall be done by members of the California Department of Fish and Game experienced in the humane collection of sea otters, and named by the Director of California Fish and Game; likely, this will be Paul Wild and his associates.

Section 18.31. (1) A statement of the purpose, date, location and manner of the taking or importation.

By: Lanny H. Cornell, D. V. M.

Sea World would like to collect four female and one male (optional) California Sea Otter for public display at Sea World, San Diego, California, and for continuing their California Sea Otter research program established with the California Department of Fish and Game in December of 1972 at Sea World, in San Diego, California.

We would like the permit to be effective for the period between September 1, 1975 through September 1, 1978, for collection of animals in numbers that suit our needs and at our convenience, relative to the safety of the animals.

The intended area for the collection of these animals would include the Pacific Grove, Monterey, and Seaside areas of Monterey Bay, Monterey, California.

The manner of taking these animals would be a diver-held device devised by the California Department of Fish and Game, and proven to be successful in the live capture of 28 sea otters. This device reduces the amount of stress to which an animal is subjected, as handling is kept to a minimum.

Section 18.31. (2) A description of the marine mammal or the marine mammal products to be taken or imported, including the species or subspecies involved; the population stock, when known, the number of specimens or products (or the weight thereof, where appropriate); and the anticipated age, size, sex and condition (i.e. whether pregnant or nursing) of the animals involved.

Sea World would like to collect five (5) California Seat Otters, *Enhydra lutris lutris:* One adult or subaduit male, 2 years old or older, 30 pounds or heavier, and four adult or subaduit females, approximately 1½ years old or older, 25 pounds or heavier. The females will neither be pregnant nor nursing at the time of collection.

The latest available census information on the population dynamics of the sea otter indicates that the population has not stabilized, but continues to increase both in numbers and range. Conservative estimates would place the population at 1500 animals in the California population, but more realistically this figure is in excess of 2400 animals.

Section 18.31. (3) If the marine mammal is to be taken and transported alive, a complete description of the manner of transportation, care, and maintenance, incuiding the type, size, and construction of the container or artificial environment; arrangements for feeding and sanitation; a statement of the applicant's qualifications and previous experience in caring for and handling captive marine mammals and a like statement as to the qualifications of any common carrier or agent to be employed to transport the animal; and a written certification of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animals and that in his opinion they are adequate to provide for the well-being of the animal.

Once the animals have been collected with the diver-held device described in paragraph (1), they will be immediately placed in specially designed transport units, transported by boat and truck to the Monterey Airport, where a chartered aircraft will fly them to San Diego. They will then be released into the Sea World otter facility.

The Sea World sea otter facility is a concrete pool measuring 48 feet in diameter, with an average depth of 1½ meters, and a capacity of 70,000 U.S. gallons. Adjacent to it is a holding tank which is 22 feet in diameter and has a capacity of 11,600 gallons. The main tank has a water flow sufficient to turn over the water in the entire pool in a period slightly less than 2 hours. It is on a recirculation system and employed with sand filters to remove particulate matter and bacteria from the water. It is also lightly treated with dissolved chlorine gas and the chlorine levels in the seawater of the pool are maintained at approximately 0.2–0.5 ppm.

The new animals will be fed the same diet that has proven to be very successful in the maintenance and husbandry of the four sea otters that have been housed at Sea World for over two years, since December of 1972. This diet includes squid, clams, and crabs, all of which have been frozen and graded as fit for human consumption.

These sea otters would be under the direct care of Dr. Lanny H. Cornell, Vice President—Research/Veterinary Husbandry, Corporate Curator of Mammals, and Mr. Jim Antrim, Assistant Curatory of Mammals, who has had two years of personal experience with Sea Otters in a controlled environment at Sea World of San Diego.

Section 18.31. (4) If the application is for a scientific research permit, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used, including a copy of the research proposal relating to such program or project and the names and addresses of the sponsor or cooperating institution and the scientists involved.

See enclosed copies of research proposals by George A. Antonelis, Jr. of San Diego State University, San Diego, California, Daniel Costa of the University of California, Santa Cruz, California, and Larry Fausett of Long Beach State University, Long Beach, California.

Section 18.31. (5) If the application is for a scientific research permit, and if the marine mammal proposed to be taken or imported is listed as an endangered or threatened species or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant.

Not applicable.

Section 18.31. (6) If the application is for a public display permit, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit for such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking the display permit and its educational and scientific qualifications, if any .

In addition to the research, these animals will be on public display in the Sea Otter facility described in Section 18.31 paragraph (3), on a daily basis during Sea World's normal operating hours. Public viewing into this enclosure is through oneway glass panels in

a sound-proof tunnel which allows the public no direct contact with the animals.

Sea World, Inc. is a publicly owned company with an obligation to stockholders to provide a return on their investment (and therefore we try to make a profit every year). By doing so, we are able to expand and upgrade our facilities at a rate which is compatible with the tremendous increase in numbers of visitors to our parks.

Sea World is a leader in the field of innovation and displays. We have the privilege of being a leader and being able to supply educational and informative displays of all types of marine animals because of the profit motive.

Sea World has consistently demonstrated the unique ability to combine education with entertainment. This acute awareness of Sea World's responsibility to not only entertain its visitors, but equally as important to motivate these visitors by providing sound ecologically-oriented educational exhibits in a stimulating environment, thereby contributing to Sea World's success in attracting more than a million visitors each year. In this coming year, it is estimated that more than five million Americans and other visitors will be exposed to this combined educational entertainment at all three of Sea World's beautiful parks in San Diego, Ohio, and Florida. A definite goal of Sea World is to present sound educationally oriented exhibits providing visitors with an understanding of the ocean surrounding us and displaying a commitment of environmental concern involving the public in the ecology of oceans and man's interdependency with the aquatic environment. These exhibits continually stimulate the intellectual curiosity of visitors of all ages and interests. It is our hope that through the exhibits at Sea World, future generations of Americans and others in the world population will be stimulated and exposed to the wonders of the animals that live in the seas.

Section 13.12. (6) Where the permitted activity involves an importation from any foreign country which restricts the taking, possession, transportation, exportation or sale of wildlife, the appropriate documentation, as indicated in Section 14.42 of this subchapter.

Not applicable.

Section 13.12. (7) Certification. See attached letter from Lanny H. Cornell, B.S., D.V.M.

Section 13.12. (8) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued.

Desired effective date of permit shall be September 1, 1975 through September 1, 1978.

THE DIRECTOR
U.S. DEPARTMENT OF THE INTERIOR
Mammals and Nonmigratory Birds
Washington, D.C. 20240

May 15, 1975.

DEAR SIR: I hereby certify that I have read and am familiar with the regulations contained in Title 50, part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 19 U.S.C. 1001.

Respectfully submitted,

LANNY H. CORNELL, B.S., D.V.M.
Vice President-Research/Veterinary Husbandry Corporate Curator of Mammals.

THE DIRECTOR
U.S. DEPARTMENT OF THE INTERIOR
Mammals and Nonmigratory Birds
Weshington, D.C. 20240

May 15, 1975.

DEAR SIR: I hereby certify that I have personally reviewed the arrangements for transporting and maintaining the five sea otters requested in this application. In my opinion they are adequate to provide for the well-being of the animals.

Respectfully submitted,

LANNY H. CORNELL,
B.S., D.V.M., Vice President-Research/Veterinary Husbandry, Corporate Curator of Mammals.

May 13, 1975.

LANNY H. CORNELL, D.V.M., Vice President—Research/Veterinary Husbandry, Corporate Curator of Mammals, Sea World, 1720 South Shore Road, Mission Bay, San Diego, California 92109

DEAR DR. CORNELL: This is in regard to your Application for Public Display Permit under the Marine Mammal Protection of 1972 for California Sea Otters (*Enhydra lutris lutris*).

The Department of Fish and Game will capture for Sea World any animals authorized by the Secretary of Interior pursuant to your application. We can do this for you in reliance on your promise to reimburse the State for its actual and necessary costs. Our costs are determined in accordance with the accounting procedure stated in Section 8760, State Administrative Manual. A copy is enclosed for your information. We estimate our costs will be around $175 or $200 per otter. The animals would be collected south of the California Sea Otter Game Refuge.

We recommend that you obtain approval to use the airstrip at San Simeon from Mr. A. J. Cook of the Hearst Company who owns the airstrip. Mr. Cook's address is 200 Hearst Building, San Francisco, California 94103. Permission to use this airstrip should be obtained as a backup if we have difficulty in obtaining female otters further south nearer the San Luis Obispo airport.

Sincerely,

E. C. FULLERTON,
Director.

In keeping with the spirit of the Marine Mammal Protection Act of 1972, this Notice is being published to allow public comment on this application.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: March 3, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement U.S. Fish and Wildlife Service.

[FR Doc.76-6696 Filed 3-9-76;8:45 am]

Bureau of Reclamation

[INT DES 76-10]

ATMOSPHERIC WATER RESOURCES MANAGEMENT PROGRAM

Availability of Draft Programmatic Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft programmatic environmental statement on the Atmospheric Water Resources Management Program, a program of research and development for the purpose of making available an effective and acceptable technology for precipitation management. Written comments may be submitted to reach the Chief, Division of Atmospheric Water Resources Management, Bureau of Reclamation (address below), on or before May 3, 1976.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner-Ecology, U.S. Department of the Interior, Bureau of Reclamation, Room 7626, Interior Building, Washington D.C. 20240.

Division of Engineering Supporting, Technical Services and Publications Branch, Engineering and Research Center, Denver Federal Center, Denver Colorado 80225.

Chief, Division of Atmospheric Water Resources Management, Bureau of Reclamation, Engineering and Research Center, Denver Federal Center, Denver Colorado 80225.

Regional Director, Bureau of Reclamation, Pacific Northwest Region, 550 West Fort Street, Boise, Idaho 83724.

Regional Director, Bureau of Reclamation, Mid-Pacific Region, 2800 Cottage Way, Sacramento, California 95825.

Regional Director, Bureau of Reclamation, Lower Colorado Region, Nevada Highway and Park Street, Boulder City, Nevada 89005.

Regional Director, Bureau of Reclamation, Upper Colorado Region, 125 South State Street, Salt Lake City, Utah 84111.

Regional Director, Bureau of Reclamation, Southwest Region, 317 East Third Street, Amarillo, Texas 79101.

Regional Director, Bureau of Reclamation, Upper Missouri Region, Federal Office Building, 316 North 26th Street, Billings, Montana 59103.

Arizona Projects Office, Bureau of Reclamation, Suite 2200, Valley Center, 201 North Central Avenue, Phoenix, Arizona 85073.

Kansas River Projects Office, Bureau of Reclamation, 1706 West Third Street, McCook, Nebraska 69001.

Kansas Reclamation Office, Bureau of Reclamation, Landmark Plaza Building, 103 East Tenth Street, Topeka, Kansas 66612.

Albuquerque Planning Office, Bureau of Reclamation, National Building, 505 Marquette Avenue, NW., Albuquerque, New Mexico 87103.

Miles City Public Library, One South Tenth Street, Miles City, Montana 59301.

Goodland Public Library, Eighth and Broadway, Goodland, Kansas 67735.

Howard County Public Library, 310 Scurry Street, Big Spring, Texas 79720.

California State University Library, San Diego Campus, San Diego, California 92115.
Colorado State University Library, Fort Collins, Colorado 80521.
Fort Lewis College Library, Durango, Colorado 81301.
University of North Dakota Library, Grand Forks, North Dakota 58201.
Oregon State College Library, Corvallis, Oregon 97331.
University of Oklahoma Library, Norman, Oklahoma 73069.
South Dakota State University Library, Brookings, South Dakota 57006.
University of Washington Library, Seattle, Washington 98105.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Division of Engineering Support.

Dated: March 5, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-6853 Filed 3-9-76;8:45 am]

[INT DES 76-9]

Office of the Secretary

COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement of a comprehensive basinwide salinity control program for the Colorado River Basin. The statement provides a regional analysis as well as individual impacts of authorized salinity control units under Title II of Public Law 93-320, the Colorado River Basin Salinity Control Act. Written comments may be submitted to the Chief, Division of Planning Coordination, Engineering and Research Center, Denver Federal Center, P.O. Box 25007, Denver, Colorado 80225, within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-9247.
Office of Assistant to the Commissioner-Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4991.
Chief, Division of Planning Coordination, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-4059.
Office of the Regional Director, Bureau of Reclamation, Department of the Interior, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524-5592.
Office of the Regional Director, Bureau of Reclamation, Department of the Interior, P.O. Box 427, Boulder City, Nevada 89005, telephone (702) 293-8560.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Directors listed above.

Dated: March 5, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-6854 Filed 3-9-76;8:45 am]

[INT FES 76-14]

SURFACE MANAGEMENT OF FEDERALLY OWNED COAL RESOURCES AND COAL MINING OPERATING REGULATIONS

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on proposed new Bureau of Land Management coal leasing, permitting and licensing regulations (43 Part 3041) and revised Geological Survey coal exploration, mining operating, and reclamation regulations (30 CFR 211) and they apply to all aspects of leasing or mining of Federal coal. The Geological Survey regulations also apply to Indian coal administered by the Department of the Interior. These will apply to all existing as well as future Federal coal leases and operations, including those where surface is privately owned.

The final environmental statement is available for public review in the U.S. Geological Survey Public Inquiries Office, Room 1021, Federal Building, Denver, Colorado 80202; the U.S. Geological Survey Library, Building 25, Denver Federal Center, Denver, Colorado 80225; the U.S. Geological Survey Library, Room 4A100, USGS National Center, Reston, Virginia 22092; the U.S. Geological Survey Library, Building 5, Menlo Park, California 94025.

Individual copies are available at the following Bureau of Land Management Offices:

Alaska State Office: 555 Cordova Street, Anchorage, Alaska 99501.
Arizona State Office: Federal Building, Room 3022, Phoenix, Arizona 85025.
California State Office: 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.
Colorado State Office: 1600 Broadway, Room 700, Denver, Colorado 80202.
Idaho State Office: Federal Building, Room 398, 550 West Fort Street, Boise, Idaho 83702.
Montana State Office: (N. Dak., S. Dak.) Federal Building, 316 North 26th Street, Billings, Montana 59101.
Nevada State Office: Federal Building, 300 Booth Street, Reno, Nevada 89502.
New Mexico State Office: Federal Building, Santa Fe, New Mexico 87501.
Oregon State Office: (Washington) 729 Northeast Oregon Street, Portland, Oregon 97208.
Utah State Office: Federal Building, 125 South State Street, Salt Lake City, Utah 84111.
Wyoming State Office: (Neb., Kansas) 2120 Capitol Avenue, Cheyenne, Wyoming 82001.
Washington, D.C.: Office of Public Affairs, Room 5643, Interior Building, Washington, D.C. 20240.
Eastern State Office: Robin Building, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

Individual copies are also available at the following United States Geological Survey Offices:

Office of Eastern Region, Conservation Manager, 1825 K Street, Suite 316, Washington, D.C.
Office of the Central Region, Conservation Manager, Villa Italia, Shopping Center, 7200 Alameda, Lakewood, Colorado 80226.
Office of the Western Region, Conservation Manager, 345 Middlefield Road, Menlo Park, California 94025.
USGS Environmental Impact Analysis Program, Preparation Branch, National Center, Mailstop 760, Reston, Virginia 22092.

The draft environmental impact statement, DES 75-53 was filed with the Council on Environmental Quality on October 1, 1975. More than three thousand copies were distributed to Federal and State agencies, U.S. Senators and Representatives, industry, conservation and environmental groups, libraries and others. Comments were requested by November 21, 1975.

At the direction of the Secretary of the Interior, public meetings were held on the proposed regulations in Cheyenne, Wyoming; Denver, Colorado; and Billings, Montana on December 18, 19, and 20, 1975. The transcript of such meetings and the written comments in connection with these meetings were evaluated along with the specific responses on the draft statement and were considered in preparation of the final EIS.

The comments by the U.S. Environmental Protection Agency to the Department of the Interior on the draft EIS are among those printed in the final EIS. The full text of the detailed comments of the EPA to the Department upon the proposed regulations themselves, as they were published for public comment on September 5, 1975 (40 FR 41122), is available at the Department of the Interior, Office of Public Affairs, Room 5643, Washington, D.C. 20240, or from the EPA at the Office of Planning and Evaluation, Division of Policy Planning, Mailstop 410PM221, 401 M Street, Southwest, Washington, D.C. 20460.

Dated: March 5, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-6856 Filed 3-9-76;8:45 am]

WATER RESEARCH AND EDUCATION ADVISORY COMMITTEE

Meeting

A meeting of the Water Research and Education Advisory Committee will be

held on March 31, 1976, at 9 a.m., Room 5160 (Secretary's Conference Room), U.S. Department of the Interior, Washington, D.C. 20240.

The meeting is open to the public.

The Advisory Committee will consider planning and budgeting requirements for F.Y.–1978, and the results of the recent U.S. Department of the Interior Water Research Goals and Objectives Conference sponsored by the Office of Water Research and Technology; establishing communication channels between the University community U.S. Department of the Interior Offices, and the Water Resources Council; legislative action affecting water resources research programs; and the Office of Water Research and Technology's role in planning and coordinating water resources reseach in the U.S. Department of the Interior.

Further information concerning this meeting may be obtained from Jack C. Jorgensen, Assistant Director—Technology Transfer, Office of Water Research and Technology, U.S. Department of the Interior, Washington, D.C. 20240, telephone (202) 343–8445.

DENNIS N. SACHS,
Deputy Assistant Secretary of the Interior.

MARCH 5,1976.

[FR Doc.76–6742 Filed 3–9–76;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority 99.1.33]

REGIONAL DEVELOPMENT OFFICER, ARGENTINA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836) dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby revoke Redelegation of Authority No. 99.1.33 to the Regional Development Officer, Argentina (38 FR o28852).

This revocation is effective immediately.

Dated: February 27, 1976.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc.76–6814 Filed 3–9–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A312]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of the natural disasters shown:

Dawson County—Severe hail June 10 and cold rain September 10 and 11, 1975.

Garza County—Very hot September 12, sudden change to very wet and cold night of September 12, continued cold September 13, 14 and 15, and very hot and humid September 16, 1975.

Lynn County—Cold and wet September 11 through 14 and September 19 through 21, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 20, 1976, for physical losses and November 22, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3d day of March 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76–6727 Filed 3–9–76;8:45 am]

Forest Service

OCHOCO NATIONAL FOREST AND TIERRA AMARILLA DIVISION GRAZING ADVISORY BOARDS

Notice of Intent To Establish

The Department of Agriculture proposes to establish the Ochoco National Forest Grazing Advisory Board in Oregon and the Tierra Amarilla Division Grazing Advisory Board on the Carson National Forest in New Mexico for the period ending January 5, 1977, under Forest Service regulation 36 CFR 231.10.

These will be local advisory boards of the Forest Service to provide National Forest range users a means for the collective expression of their views and recommendations concerning the management and administration of the respective grazing lands and to develop local interest and responsibility in better range management.

The Assistant Secretary for Conservation, Research and Education determined that establishment of these boards is necessary and in the public interest in connection with duties imposed on the Department by law.

Comments of interested persons concerning the establishment of these boards may be submitted to the Range Management Staff, Forest Service, U.S. Department of Agriculture, Washington, DC 20250, on or before March 25, 1976.

All writen submissions made pursuant to this notice will be available for public inspection in the Range Management Staff office, Room 610, Rosslyn Plaza E Building, Arlington, VA 22209, during regular business hours (7 CFR 1.27(b)).

J. W. DEINEMA,
Deputy Chief.

[FR Doc.76–6838 Filed 3–9–76;8:45 am]

MARYS PEAK PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Marys Peak Planning Unit Land Use Plan, USDA–FS–R6–DES(Adm)–76–9.

The environmental statement concerns long-range resource allocation of lands that involve two separate municipal supply watersheds. One provides a source of water for Corvallis, and Philomath, Oregon; the other watershed provides the source of water for Dallas, Oregon.

This draft environmental statement was transmitted to CEQ on March 3, 1976.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 SW Pine St., Portland, Oregon 97204.

Siuslaw National Forest, Supervisor's Office, 545 SW 2nd St., Corvallis, Oregon 97330.

USDA, Forest Service, Alsea Ranger District, Alsea, Oregon 97324.

A limited number of single copies are available upon request to:

Forest Supervisor, Siuslaw National Forest, P.O. Box 1148, Corvallis, Oregon 97330.

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

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

Comments concerning the proposed action and requests for additional information should be addressed to:

Forest Supervisor, Siuslaw National Forest, P.O. Box 1148, Covallis, Oregon 97330.

Comments must be received by May 8, 1976, in order to be considered in the preparation of the final environmental statement.

ROBERT R. TYRREL;
Director, Planning, Programing, and Budgeting.

MARCH 3, 1976.

[FR Doc.76–6809 Filed 3–9–76;8:45 am]

Soil Conservation Service

POHICK CREEK WATERSHED, VIRGINIA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of Pohick Creek Watershed, Fairfax County, Virginia.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environmental and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. David N. Grimwood, State Conservationist, Soil Conservation Service, USDA, 400 North 8th Street, Room 9201, Richmond, Virginia 23240, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by one single-purpose floodwater retarding structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 400 North 8th Street, Room 9201, Richmond, Virginia 23240.

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before March 25, 1976.

Dated: March 3, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

JOSEPH W. HASS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-6808 Filed 3-9-76;8:45 am]

PONY CREEK WATERSHED PROJECT, IOWA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pony Creek Watershed Project, Mills and Pottawattamie Counties, Iowa.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. William J. Brune, State Conservationist, Soil Conservation Service, USDA, 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement, as described in the Negative Declaration, include one grade stabilization structure and 4.5 miles of enlargement of an existing constructed channel having intermittent flow.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

Requests for single copies of the Negative Declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before March 25, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 3, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-6807 Filed 3-9-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HARVARD UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1975.

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00222. Applicant: Harvard University, Museum of Comparative Zoology, 26 Oxford Street, Cambridge, Mass. 02138. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigations of comparative morphology and embryology of both vertebrates and marine invetebrates. The materials that will be studied range from small but complex larvae of bivalve mollusks and bryozoans to specific tissues involved in respiratory and osmotic membranes of synbranchiform fishes.

Primary use of the article will be in the following projects: (1) Comparative cytology and embryology of deuterostome invertebrates, (2) comparative life-histories of bivalve mollusks, and (3) comparative functional morphology of fish. The article will also be used for instructing inexperienced investigators in the use of electron microscope.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 2, 1975). Reasons: The foreign article provides low distortion magnifications from 140-60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The domestic instrument available at the time the article was ordered was Adam David Company's (AD) Model EMU-4C which provides low distortion magnifications at 500X and higher. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 13, 1976 that the best low magnification capabilities available specifically in the optical range at 140X is pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that (1) the EMU-4C did not have equivalent low magnification and is too complex and (2) AD's Model PA-1 was in a development stage at the time the article was ordered.

In this regard, it is noted that a prototype of the PA-1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA-1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA-1 within a normal delivery time at the time the foreign article was ordered.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article was intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-6747 Filed 3-9-76;8:45 am]

SCRIPPS CLINIC

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 84 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00209–33–90000. Applicant: Scripps Clinic & Research Foundation, 476 Prospect Street, La Jolla, California 92037. Article: EMI Scanner with Magnetic Tape System. Manufacturer: Emitronics Ltd., United Kingdom. Intended use of article: The article is intended to be used in the diagnosis and the response of trigenimal neurologia, demyelinating disease, specifically amyotrophic lateral sclerosis (ALS), multiple sclerosis (MS), and associated sclerosis in various new approaches of treatment currently being researched. It is hoped this will aid in more effective medical management of patients suffering from these associated diseases. The article will also be used to expose residents and students to the computerized axial tomography system and the interpretation of the results. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 5, 1975).

Reasons: This application is a resubmission of Docket Number 75–00506–33–90000 which was denied without prejudice to resubmission on September 3, 1975 for informational deficiencies. The foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. Although competitive systems are now being manufactured domestically, none of these systems were available at the time the article was ordered. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 13, 1976 that the sensitivity and the non-invasive methodology of the article is pertinent to the purposes for which the foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the article for such purposes as the article is intended to be used which was being manufactured in the United States at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–6748 Filed 3–9–76;8:45 am]

UNIVERSITY OF UTAH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73–00530–01–77040. Applicant: University of Utah, Purchasing Department, Building 40, Salt Lake City, Utah 84112. Article: Mass Spectrometer, Model MS–30. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article is intended to be used for the analysis and characterization of gaseous, liquid, and solid materials both alone and in conjunction with gas chromatographic and liquid chromatographic analysis of the respective substances. It will provide two ionization modes simultaneously for the same sample and will provide the most advanced analytical mass spectrometry techniques presently available for characterizing compounds.

The article will also be used for education purposes to train personnel in analytical mass spectrometry in the following areas: (1) Structural studies which include reaction products and intermediates, (2) correlation studies, and (3) natural products.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 15, 1971). Reasons: This application is a resubmission of Docket Number 72–00347–01–77040 which was denied without prejudice to resubmission on February 15, 1973 for informational deficiencies. The foreign article provides the capability of double beam high resolution (i.e., a resolution on the order of 10,000 (10 percent valley definition) operation. The National Bureau of Standards (NBS) advises in its memorandum dated February 19, 1976 that the capability of the article described above is pertinent to the applicant's intended studies of amino acids in antibody molecules. NBS also advises that it knows of no domestic high resolution dual-beam mass spectrometer which was available domestically at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–6749 Filed 3–9–76;8:45 am]

Nation Oceanic and Atmospheric Administration

COASTAL MARINE LABORATORY

Notice of Modification of Permit

Notice is hereby given that, pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to the Coastal Marine Laboratory, University of California, Santa Cruz, California 95064, on September 30, 1975, is modified, by means of Modification No. 1, in the following manner:

Up to 50 of the authorized 5,000 northern elephant seals may be taken for the purpose of conducting water balance and metabolism studies.

This modification is effective March 10, 1976.

The Permit, as modified, is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 5, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76–6784 Filed 3–9–76;8:45 am]

EL PASO ZOOLOGICAL PARK

Notice of Modification of Permit

Notice is hereby given, that, pursuant to the provisions of Section 216.33 (d) and (c) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Public Display Permit issued to El Paso Zoological Park, Evergreen and Paisano, El Paso, Texas 79905, on January 23, 1976, is modified in the following manner:

The period of validity of the Permit, during which the authorized taking may occur, is extended from June 1, 1976, to June 1, 1978.

This modification is effective March 10, 1976.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235; the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Gandy Boulevard North, Duval Bldg., St. Petersburg, Florida 33702.

Dated: February 10, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-6785 Filed 3-9-76;8:45 am]

FISHERMEN'S MARKETING ASSOCIATION OF WASHINGTON

General Permit Issued

A General Permit was issued on February 27, 1976, to the Fishermen's Marketing Association of Washington, Seattle, Washington to take marine mammals incidental to commercial fishing operations under category (1) Towed or Dragged Gear, pursuant to 50 CFR 216.24 (39 FR 32117–32124), as amended.

The Permit is available for public inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: February 27, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-6786 Filed 3-9-76;8:45 am]

NORTHWEST FISHERIES CENTER

Issuance of Endangered Species Permit—E5

On August 19, 1975, notice was published in the FEDERAL REGISTER (40 FR 36161) that an application had been filed with the National Marine Fisheries Service by the Northwest Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington 98112, for a Scientific Purposes Permit to take an unspecified number of endangered species of cetaceans throughout their respective ranges.

Notice is hereby given that, on March 3, 1976, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), to the Northwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein.

The Permit authorizes the Northwest Fisheries Center to conduct a long-term study (until December 31, 1980) of population stocks of seven endangered species of cetaceans (blue whale (*Balaenoptera musculus*), fin whale (*Balaenoptera physalus*), gray whale (*Eschrichtius robustus*), humpback whale (*Megaptera novaengliae*), right whale (*Balaena glacialis*), sei whale (*Balaenoptera borealis*), and sperm whale (*Physeter catodon*)), by means of aerial and shipboard censuses, underwater observations, photography, and sound recordings. This research may necessarily involve harassment, and the Permit authorizes this form of taking. No cetaceans are to be killed, captured, marked or handled during the course of this work.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This permit was also issued in accordance with and is subject to Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367, November 27, 1974). A similar permit (40 FR 38179, August 27, 1975) involving all cetacean species has been issued to the Northwest Fisheries Center under the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

The Scientific Purposes Permit is available for review by interested persons in the Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, 3300 Whitehaven Street N.W., Washington, D.C. 20235, and in the Offices of: the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: March 3, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-6783 Filed 3-9-76;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. Sub-R-50]

PAN-ALASKA FISHERIES, INC.

Hearing

MARCH 5, 1976.

Pan-Alaska Fisheries, Inc., has applied for permission to transfer the operation of the 267.4' registered length fishing vessel ROYAL SEA (ex-SEA-FREEZE PACIFIC), which was constructed with the aid of a fishing vessel construction-differential subsidy. The vessel is presently authorized to operate in the fishery for the catching of the following species: bottomfish, hake and herring in the North Pacific Ocean; the freezing and transportation of salmon in the North Pacific Ocean; the catching, processing and transporting of tanner crab (snow crab) in the Bering Sea; and the transporting, catching and processing of trouts, shads, flounders, halibuts, soles, cods, hakes, haddocks, redfishes, basses, congers, jacks, mullets, sauries, herrings, sardines, anchovies, tunas, bonitos, billfishes, mackerels, cutlassfishes, sharks, crabs, spiny lobsters, shrimps, prawns, and squid and other mollusks in the Atlantic Ocean, excluding, for catching and processing, a 200 mile zone off the east coast of the United States (but specifically including the transportation and processing, but not catching, of the enumerated species or groups within 200 miles of the coast of the United States in the Gulf of Mexico, and including the catching, transportation and processing of the enumerated species or groups in all the other waters of the Gulf of Mexico), the Western Indian Ocean (that portion of the Indian Ocean lying west of the 90th degree of longitude), and the Southeastern Pacific Ocean (that portion of the Pacific Ocean lying east of the 150th degree of longitude and south of the Equator) but excluding the catching of yellowfin tuna in the Eastern Pacific Yellowfin Tuna Regulatory Area as defined by the Inter-American Tropical Tuna Commission.

The application seeks additional authority to operate in the fishery for processing and/or transporting of any and all species of crustaceans and mollusks found in the North Pacific Ocean, including the Bering Sea.

Notice is hereby given pursuant to the provisions of 46 U.S.C. 1401–1413 and 50 CFR Part 257 that a hearing in the above-entitled proceedings will be held on April 13, 1976, at 9:30 a.m., e.s.t., in the Penthouse of Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, NOAA, Washington, D.C. 20235, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petitions of intervention are granted, the place of the hearing may be

changed to a field location. Telegraphic notice will be given to the parties in the event of such a change.

Notice was given on February 9, 1976, at 41 FR 5646 that applicant is also seeking permission to extend operation that have been approved for the vessel in the Southeastern Pacific Ocean and the Western Indian Ocean to include all areas of the Pacific Ocean south of the Equator and all of the Indian Ocean.

JOSEPH W. SLAVIN,
Associate Director for Resource Utilization.

[FR Doc.76-6819 Filed 3-9-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Interstate Land Sales Registration Office

[Doc. No. N-76-488; Case No. ED-76-3]

DAYTON LAKES ESTATES

Rescheduling Hearing

In the matter of Dayton Lake Estates, Trinity River Properties Corporation and Ms. Marion M. Hazard, sole owner; OILSR No. 0-3060-49-332.

You are hereby notified that the hearing in the above matter which had originally been scheduled for February 22, 1976 has been Rescheduled at the request of: mutual agreement.

The Rescheduled hearing will be held at 451 7th Street, S.W., Washington, D.C. 20410, Room 7146 on March 4, 1976, at 2:00 p.m.

Issued at Washington, D.C. on February 24, 1976.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76-6788 Filed 3-9-76;8:45 am]

[Case No. 75-247-IS]

WOLF RIVER RANCH SUBDIVISION

Rescheduling Hearing

In the matter of Wolf River Ranch Subdivision; OILSR No. 0-2985-28-56/A/B.

You are hereby notified that the hearing in the above matter which had originally been scheduled for February 25, 1976 has been rescheduled at the request of: Administrative Law Judge.

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The rescheduled hearing will be held at 451 7th Street, S.W., Washington, D.C. 20410, Room 7146, on March 5, 1976, at 10:00 a.m.

Issued at Washington, D.C. on February 24, 1976.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76-6787 Filed 3-9-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

HEARINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force #10's investigation of terminated and non-federally recognized Indians. An informal hearing to cover the states of Louisiana, Texas, Arkansas, Florida, Georgia and Alabama will be held on March 27, 1976 from 9:00 a.m. until 5:00 p.m. in the Mineral Board Room of the Louisiana State Natural Resources Building, 625 North 4th St., Baton Rouge, Louisiana.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force #10's investigation of Terminated and non-Federally Recognized Indians. The Task Force on Indian Education (Task Force #5) will join Task Force #10 in hearing testimony.

Persons interested in submitting testimony for any of the hearings should call Ms. Jo Jo Hunt or George Tomer at 202-225-1284, 3446 or 3526 or write to them at the American Indian Policy Review Commission, HOB Annex #2, Second and D Streets SW, Washington DC 20515.

Dated: March 5, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-6806 Filed 3-9-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27813; Agreements C.A.B. 25705 and 25709; R-1 and R-2; Order 76-3-28]

Agreements Adopted by the Joint Conferences of the International Air Transport Association; Order

PASSENGER FARE AND CURRENCY MATTERS

Issued under delegated authority March 3, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements, which were adopted by mail vote, have been assigned the above designated C.A.B. agreement numbers.

Agreement C.A.B. 25705 proposes surcharges of 15 percent and 24 percent on passenger sales from Greece to points in Europe/Africa and Asia and over the South Atlantic, respectively.

Agreement C.A.B. 25709 amends addons for French Provincial points used to construct through fares over the South Atlantic.

We are approving the agreements in as much as they affect fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA resolutions*
25705:	
R-1	JT23 (Mail 3) 022f, JT123 (Mail 3) 022f.
R-2	JT12 (Mail 3) 022h, JT123 (Mail 3) 022h.
25709:	
R-1	JT12 (Mail 885) 054c.
R-2	JT12 (Mail 885) 064c.

Accordingly, It Is Ordered That:

Agreements C.A.B. 25705, R-1 and R-2, and C.A.B. 25709, R-1 and R-2, be and hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6850 Filed 3-9-76;8:45 am]

[Docket 27573 Agreement C.A.B. 25712 R-1 through R-3; Order 76-3-27]

SPECIFIC AGREEMENT ADOPTED BY THE JOINT TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Issued under delegated authority March 4, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conference of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated February 24, 1976.

Agreement CAB	Specific commodity item No.	Description and rate
25712:		
R-1	4109	Aircraft engines and parts of aircraft,[1] 234¢/kg, minimum weight 250 kg, 191¢/kg, minimum weight 500 kg. From New York to Dakar.
R-2	6109	Human blood,[1] 143¢/kg, minimum weight 100 kg. From Zurich to New York.
R-3	2199	Yarn, thread, fibres, textiles, textile manufactures, wearing apparel,[1] 303¢/kg, minimum weight 100kg, 249¢/kg, minimum weight 500 kg, 217¢/kg, minimum weight 1,000 kg. From Bombay/Delhi to Los Angeles. 309¢/kg, minimum weight 100 kg, 256¢/kg, minimum weight 500 kg, 225¢/kg, minimum weight 1,000 kg. From Calcutta/Madras to Los Angeles.

[1] See applicable tariffs for complete commodity description.
[2] New description.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered that:

Agreement C.A.B. 25712, R-1 through R-3, is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR, *Secretary.*

[FR Doc.76-6849 Filed 3-9-76;8:45 am]

[Docket Nos. 28625 and 22859; 76-3-31]

DELTA AIR LINES, INC., EASTERN AIR LINES, INC.

Domestic Air Freight Rate Investigation; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of March, 1976.

By tariff revisions [1] posted January 20, and marked for effectiveness March 5, 1976, Delta Air Lines, Inc. (Delta) proposes to establish a rule providing for general commodity discount rates for high-density traffic. The proposed rates offer a 40 percent reduction from the otherwise applicable general commodity rates, are subject to a minimum density of 25 pounds per cubic foot and a minimum shipment weight of 250 pounds, and will not be loaded aboard aircraft until all other revenue traffic has been accommodated. The rates would not be subject to Rule Nos. 50 (Charges for Weight), 54 (Charges on Mixed Shipments), or 73 (Assembly and Distribution Service) of Official Air Freight Rules Tariff No. 1-B, C.A.B. No. 96, issued by Airline Tariff Publishing Company, Agent. The proposal is marked to expire with September 5, 1976.

A complaint requesting suspension and investigation of the proposal has been submitted by Eastern Air Lines, Inc. (Eastern). The complaint contends, *inter alia*, that, contrary to Delta's assertion that the rates recover noncapacity costs plus 50 percent of capacity costs, many rates, including those between Atlanta, on the one hand, and Chicago, Houston, and New York, on the other, do not even recover noncapacity costs; and that Delta has submitted no evidence supporting its diversion estimates. Eastern further states that it is not opposed to discount rates based on density, but that they must be grounded upon the costs of air transportation, as determined in the *Domestic Air Freight Rate Investigation (DAFRI), Docket* 22859, and not upon Delta's already "woefully low air freight rates." Eastern proposes a defensive filing, joining Delta's rule with the same effective date.

In support of the proposal, and in answer to the complaint, Delta asserts, *inter alia*, that density rates have traditionally been offered by surface carriers; that the optimum density of belly freight for Delta [2] is between 20 and 25 pounds per cubic foot; that industry-average freight density is 8.61 pounds per cubic foot; and that the proposal will attract high-density traffic currently moving by surface and would thus increase the average freight density to a more nearly optimum level. The carrier further claims that the proposal would only subject 2.2 percent of its current freight shipments to dilution, and would generate $900,000 to $1 million of additional revenue monthly; that to base the discounts on *DAFRI* rate levels, which the Board has not yet approved, is incongruous, in that it would result in numerous "discount" rates that exceed the general commodity rate; and that the effectiveness of density rates has been demonstrated by the LTL-AIR service offered by WTC Air Freight, an air freight forwarder. Finally, Delta argues that the most opportune time for the Board to investigate the proposal is upon its expiry, when its "viability in the marketplace" can be tested.

The proposed rates come within the scope of the *Domestic Air Freight Rate Investigation (DAFRI)*, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend them, or to permit them to become effective pending decision.

Delta in its justification asserts that its rates cover industry-average noncapacity costs plus 50 percent of capacity costs. Our examination of Delta's justification, however, reveals that not only do the rates fail to cover the level claimed by the carrier but fall far short, in many instances, of even covering noncapacity costs. Accordingly, Delta has failed to cost-justify the rates as proposed. The Board, however, would be prepared to consider a new filing of rates which would meet the standards enunciated in Order 76-1-80 [3] or any other standard which Delta may demonstrate is more appropriate. The Board believes there may be significant merit in an experimental density-related discount which might well result in traffic generation and improved utilization of the belly compartment on combination service aircraft. Inasmuch as the proposal is intended to increase belly loads, we believe any experiment should be limited to daylight tenders, *e.g.*, from 4 a.m. to 4 p.m.

Since the proposed rates are published by rule, and not on a point-to-point basis, it is impracticable to suspend only those rates which do not cover 10 percent of capacity cost,[4] and the Board will con-

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[2] Delta operates no all-cargo aircraft.

[3] See Order 76-1-80, dated January 22, 1976, wherein the Board enunciated its position that specific commodity rates should recover at least 10 percent of capacity costs. In numerous markets, as a matter of fact, the proposed rates would not cover even noncapacity costs.

[4] For present purposes, the costs utilized are the same as those presented in the Bureau of Economics' brief to the Board, which are essentially consistent in methodology with the Initial Decision in the *Domestic Air Freight Rate Investigation*, Docket 22859. Further, these calendar year 1974 costs have been updated, on an interim basis, to reflect the levels prevailing during the nine-month period ended September 30, 1975.

sequently suspend Delta's entire proposal, as well as Eastern's defensive filing, pending *DAFRI*.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. Pending hearing and decision by the Board, the rates, charges, and provisions in Rule No. 83 on 2nd and 3rd Revised Pages 42–M of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169, are suspended and their use deferred to and including June 2, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint of Eastern Air Lines, Inc. in Docket 28825 is dismissed; and

3. Copies of this order will be filed with the tariff and served upon Delta Air Lines, Inc. and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–6851 Filed 3–9–76;8:45 am]

[Docket 28795; Order 76–3–36]

AMERICAN SOCIETY OF TRAVEL AGENTS, INC.

Order Authorizing Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of March, 1976.

In the matter of application of The American Society of Travel Agents, Inc., for Board authorization of discussions among ASTA and two or more air carriers concerning the establishment of a joint travel agent/air carrier computerized reservations system.

The American Society of Travel Agents, Inc. (ASTA) has requested Board authorization to solicit the cooperation and assistance of two or more individual air carrier members of the Air Traffic Conference of America and to conduct joint discussions for a period of six months with such air carriers for the purpose of (1) studying the feasibility and cost of developing and implementing a joint travel agent/air carrier computerized reservations system and, if feasible, (2) developing an agreement for the establishment and implementation of such a system.

In support of its request, ASTA states that it has both undertaken its own study and participated in others concerning a computerized reservations system which would bring computer capabilities to the nation's travel agents for the purpose of increased efficiency and convenience in connection with airline reservations functions.

ASTA participated in recent discussions authorized by the Board among all U.S. scheduled air carriers and jointly with suppliers of computer equipment and programs, as well as travel agents and commercial accounts for the purpose of studying the feasibility and cost of developing an industrywide computerized reservations system and, if feasible, developing an agreement establishing such a system.[1] The discussion group produced a study which concluded that development of a Joint Industry Computerized Reservations System (JICRS) would be technically feasible and economically attractive. However, the assumptions used by the study teams to arrive at their conclusions were not accepted by all of the carriers. After continued debate among the carriers on the assumptions and conclusions of the JICRS report, ASTA submitted its own proposal to the carriers of an industrywide reservations system which would be jointly owned by travel agents, carriers, and a third party vendor. At a meeting of the carriers held January 8, 1976, called to consider the ASTA proposal and the future of the JICRS' discussions, the carriers found themselves split over support for any system and, in turn, over support for the system proposed by ASTA. At the conclusion of this meeting the carriers issued a statement saying that they found among themselves a lack of agreement that any industry system would be economically viable and therefore decided against the ASTA proposal, but indicated that a number of carriers were willing to entertain, on an individual basis, any specific ASTA proposal for an industry system. Thereafter, the Board's discussion authority terminated on February 1, 1976.

ASTA now seeks, in effect, to renew the discussions that had terminated. The system to be discussed would be identical to the one it previously proposed with one exception. ASTA, with informal support from several carriers envisions a system that would not be industrywide, at least initially, but, instead, one that could offer benefits similar to those anticipated in the JICRS study even if only two, three, or four carriers elected to participate.

ASTA points out that there is a need for a system such as it proposes and that there is a significant amount of support for it in the air carrier industry. ASTA submits that disagreement among the carriers, which has presently rendered unlikely an industrywide system, should not halt efforts to bring computer capabilities to the nation's 10,000 travel agency locations. Board authorization of joint travel agent/air carrier discussions is therefore requested for the purpose of developing a workable multicarrier automated reservations system.

Answers in support of the application were filed by several carriers,[2] and by the American Automobile Association (AAA).[3] The carriers and AAA generally indicate that they are prepared to participate actively in the proposed discussions and urge approval of ASTA's request. No answers in opposition to the application were filed.

The Board has previously stated that it views the establishment of a common automated reservations system as one which would inure to the benefit of the airlines, travel agents, and the public through the provision of a more efficient reservation system than presently available.[4] As noted above, the Board recently authorized intercarrier discussions of such a system, after observing that a properly planned, common reservations system could provide important public benefits through time and cost savings.[5] Braniff in its answer has pointed out that a common system would avoid the preference for large carriers and the prejudice against small carirers that would result if the agents have only equipment that tends to make them place bookings with the installing carrier.[6]

In light of the above considerations and our recent authorization in this area,[7] we continue to believe that the subject discussions may serve a serious transportation need and offer a potential for securing important public benefits.

The application by ASTA for discussion authorization is unique in that it seeks Board relief to allow it (ASTA) to conduct discussions with two or more air carriers. The parties would, of course, be engaged in discussions that will, if successful, lead to an agreement between, among others, various air carriers. The agreement would then be filed with the Board as one between air carriers and affecting air transportation as required by section 412 of the Federal Aviation Act. Since, however, the discussions herein leading to an agreement may have antitrust implications, ASTA has sought approval in order to be protected from the ambit of the antitrust laws. In these circumstances, the Board has warned that it is not prepared to approve agreements involving sensitive antitrust areas where the agreements were reached in discussions not approved and monitored by the Board.[8] Consequently, in view of the aforementioned public benefits that could inure from a common automated

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[5] Concurring statement of Minetti and West filed as part of the original.

[1] Order 74–11–37, as amended by order 75–4–62.

[2] Pan American World Airways, American Airlines, Delta Air Lines, Trans World Airlines, Eastern Air Lines, Allegheny Airlines, National Airlines, Braniff Airways, Northwest Airlines, and Western Air Lines. The motions of Braniff, Northwest, and Western for leave to file late answers will be granted.

[3] The motion of AAA for leave to file a late answer will be granted.

[4] Order No. E–25635, dated Sept. 6, 1967.

[5] Order 74–11–37, at 4.

[6] It shoud also be noted that when the recent discussions ended without any agreement on a common system, they were quickly followed by United Air Lines then American Airlines and Trans World Airlines, making individual offers to travel agents to provide them with automated reservations and ticketing equipment. Reports described the moves as likely to produce a costly intra-industry battle to be the first to install the units in a travel agent's office to obtain a disproportionate share of the agent's business. *The Wall Street Jounral*, January 29, 1976, at 6, col. 3 and February 2, 1976, at 2, col. 2.

[7] Order 74–11–37.

[8] Order 70–11–35, at 2.

reservation systems, the Board will approve the intercarrier discussions and thereby immunize them from any antitrust liability which might otherwise result therefrom as necessary to carry out the provisions of section 412 of the Act.[9] Appropriate conditions are attached to the discussion authority to ensure that any agreement that might be reached is one that has properly considered the views of all interested persons.

Accordingly, It Is Ordered That:

1. The application herein for authorization of intercarrier discussions concerning the creation of a multicarrier computerized reservation system be and it hereby is granted, subject to the following conditions:

(a) All U.S. certificated air carriers and all interested travel agents and/or their trade associations shall be given an opportunity to participate in all discussions and activities held pursuant to this order;

(b) The discussion meetings, and other study activities authorized by this order may take place at dates, times, and locations determined by the parties;

(c) Representatives of the Board, the Department of Transportation, and the Department of Justice shall be permitted to attend each of these discussion meetings as observers;

(d) Notices, agenda, ground rules for the oral presentation by interested persons of their views, suggestions, and requests to the discussants, as well as an address to which written comments for consideration by the discussants can be sent, pertaining to each noncontinuous meeting[10] authorized herein, shall be sent to (1) all persons participating in these discussions, (2) the Board's Docket Section, and (3) all other persons who so request; such items are to be filed with the Board and sent to the other persons enumerated not later than 5 business days before each meeting; further the parties shall provide for the consideration of oral and written presentations by interested persons before the start of, or during each noncontinuous meeting authorized herein, and then after an oral presentation by discussants of the tentative conclusions reached in their executive sessions;

(e) Complete and detailed minutes of these discussions shall be maintained by the participants, including a summary of each item discussed and the opinions expressed by the discussants on each point (but without identification of the airline or airline representative making each point); such minutes shall be filed with the Board's Docket Section, and sent to all other persons who so request,[11] within 5 business days after the date of each meeting;

(f) Any agreement or agreements reached as a result of the discussions authorized herein shall be filed with the Board, pursuant to the requirements of section 412(a) of the Act (49 U.S.C. 1382) and Part 261 of the Board's Economic Regulations (14 C.F.R. 261) and Subpart P of the Board's Rules of Practice (14 C.F.R. 302.1608) and shall not become effective unless and until approved by the Board pursuant to section 412(b) of the Act; the air carriers filing the agreement shall accompany their application with a detailed justification for each aspect of it;

(g) The authorization granted herein shall expire after September 1, 1976; and

(h) The authorization granted herein may be extended, modified, clarified, or revoked at any time by the Board or by the Director of its Bureau of Operating Rights (action by the Director of the Bureau of Operating Rights to be subject to the procedures for review of staff action contained in Subpart C of 14 C.F.R. 385);

2. The motions of AAA, Braniff, Northwest, and Western for leave to file late answers, be and they hereby are granted; and

3. Except to the extent granted herein, all other outstanding requests in this docket be and they hereby are denied.

This order shall be served on all certificated air carriers, on all other persons who responded to the application herein, and on the United States Departments of Transportation and Justice.

This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6852 Filed 3-9-76;8:45 am]

[9] Id.; 41 Op.A.G. 41 (1957).

[10] By noncontinuous meeting, we mean a meeting beginning 5 or more business days after conclusion of the previous meeting.

[11] The discussants are not precluded from setting a nominal charge to be paid for those requesting copies of the minutes; such charge should not exceed the cost of duplicating and sending such copies. ASTA will serve as the party to contact to make such requests. Communications should be addressed to Paul S. Quinn, Counsel for ASTA, Wilkinson, Cragun and Barker, 1735 New York Ave., N.W., Washington, D.C. 20006.

COMMISSION ON CIVIL RIGHTS

NEW YORK ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) to this Commission will convene at 4:00 p.m. and end at 6:00 p.m. on April 13, 1976, at the Phelps Stoke Fund, 10 East 87th Street.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, NY 10007.

The purpose of this meeting is to discuss status report of existing projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 4, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-6699 Filed 3-9-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON REGULATION OF COMMODITY FUTURES TRADING PROFESSIONALS

Meetings

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, 10(a), that the Commodity Futures Trading Commission Advisory Committee on Regulation of Commodity Futures Trading Professionals ("Advisory Committee on Commodity Futures Trading Professionals") will conduct the following meetings: March 25, 1976 at the Los Angeles Hilton Hotel, 930 Wilshire Boulevard, Los Angeles, California, in the Garden East Room, beginning at 10:00 a.m.; and March 26, 1976 at the Hyatt Hotel on Union Square, 345 Stockton Street, San Francisco, California in the San Francisco A Room, beginning at 10:00 a.m. The objectives and scope of activities of the Advisory Committee on Commodity Futures Trading Professionals will be to consider and submit reports and recommendations to the Commission on the following subjects:

Standard for regulation under the Commodity Exchange Act, as amended, of domestic and foreign commodity futures trading professionals, including commodity trading advisors, commodity pool operators, futures commission merchants, floor brokers, and associated persons.

The summarized agendas for the meetings are as follows:

(1) Churning.
(2) Suitability/know your customer.
(3) Discretionary accounts.
(4) Supervision of customer accounts.
(5) Advertising practices.
(6) Records of customer orders.

The meetings are open to the public. The Chairman of the Committee is empowered to conduct the meetings in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to Mrs. Harrison, The Advisory Committee on Commodity Futures Trading Professionals, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform David Gary, telephone 202-254-6354, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of this committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Con-

necticut Avenue, NW., Washington, D.C. 20036.

Dated: March 4, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-6743 Filed 3-9-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50061A; FRL 501-2]

CIBA-GEIGY CORP.

Issuance of Experimental Use; Correction

In FR Doc. 76-3036 appearing at page 4853 in the issue of February 2, 1976, the following correction should be made:

The second line of the second paragraph now reading ". . . 100-EUP-41) allows the use of 4,960 . . ." should read ". . . 100-EUP-41) allows the use of 2,480 . . .".

The seventh line of the second paragraph now reading ". . . 5,660 acres is involved; the program is . . ." should read ". . . 2,830 acres is involved; the program is . . .".

Dated: March 3, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-6862 Filed 3-9-76;8:45 am]

[OPP-240007; FRL 500-8]

MICHIGAN AND WISCONSIN

Approval of Requests for Interim Certification To Register Pesticides to Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A state may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed section 162.158(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Request(s)) from the States of Michigan and Wisconsin. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER announcement, and that they demonstrate that each of the States is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved Requests for Interim Certification from the States of Michigan and Wisconsin as described below, subject to the terms set forth in the FEDERAL REGISTER document of September 3, 1975.

MICHIGAN AND WISCONSIN

Requests for Interim Certification sought authority to register "new products", as that term is defined in section 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as that term is defined in section 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Requests. Procedures for product hazard review and efficacy determination are part of the States' registration programs; these procedures are adequate to assure that special local needs registrations issued by these States will be in accord with the purposes of FIFRA.

The State agencies which have been designated responsible for issuance of such registrations are, respectively, the Michigan Department of Agriculture, and the Wisconsin Department of Agriculture. These Agencies were notified on February 12, 1976, that their requests had been approved.

Copies of the Michigan and Wisconsin Requests for Interim Certification, along with letters reflecting the Agency's decision to approve the Requests, are available at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., S.W., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, Federal Office Building, 230 South Dearborn Street, Chicago, Illinois 60604.

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

[FR Doc.76-6861 Filed 3-9-76;8:45 am]

[OPP-50073; FRL 501-7]

MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE

Receipt of Application for Experimental Use Permit to Use Mirex and Solicitation of Comments

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) has received an application from the Mississippi Department of Agriculture and Commerce (hereafter referred to as "Mississippi") to use Mirex for imported fire and control. This application is 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.

According to the section 5 regulations, the Administrator shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the permit may be of regional or national significance; the determination has been made that this application falls within that category. Accordingly, all interested parties are invited to submit written comments pertinent to the application to the Federal Register Section, Room E-401, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the submissions. The comments must be received on or before March 25, 1976; based on the time constraints within the experimental program, the usual comment period has been shortened. The

comments should bear the identifying notation OPP–50073. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

This document contains a summary of information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application itself on file with the Registration Division (WH–567), Office of Pesticide Programs, EPA, Room E–315, located at the Headquarters address mentioned above. A copy of the application will also be available for review at the EPA Region IV Office, Pesticide Branch, 1421 Peachtree Street, N.E., Room 112, Atlanta, Georgia 30309.

The objective of the program is to determine if a microencapsulated Mirex formulation applied during the winter months is effective towards the control of the imported fire ant. Concurrently with an efficacy study, a monitoring program will be conducted to determine if non-target organisms are exposed to Mirex at this time. It is believed that there will be less exposure as few if any insects will be active. Soil and water also will be monitored.

The program will require the use of approximately 800 pounds active ingredient of Mirex microencapsulated material (Dedecachloro - octahydro - 1,3,4 - metheno-2H-cyclobuta(cd) pentalene) and certain inert ingredients in a formulation; the rate of application for all treatments will be 100 grams of the Mirex material per acre. Three 1,000 acre blocks located in Mississippi will be treated at thirty-day intervals by helicopter. Only one application will be made to an experimental block in any twelve (12) month period. No application shall be made over heavily forested areas, or on or near aquatic habitats, including farm ponds use primarily for food production or human consumption, but excluding intermittent streams and other farm ponds. No material is to be applied to water drainage areas where runoff or flooding will contaminate aquatic areas.

Two half-acre circles per 100 acres will be established and post- and pre-treatment ant population counts will be made in accordance with USDA research guidelines. Treatment will take place within approximately a three-month period; monitoring will proceed in accordance with guidelines furnished by EPA.

Dated: March 5, 1976.

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

[FR Doc.76–6860 Filed 3–9–76;8:45 am]

[OPP–50070; FRL 50–3]

UNIROYAL CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Uniroyal Chemical, Bethany, Connecticut 06525. 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.

This experimental use permit (No. 400–EUP–52) allows the use of 337.50 pounds A.I. of the miticide 2-(p-tert-butylphenoxy) cyclohexyl-2-propynyl sulfite on sugar beets to evaluate control of the two-spotted spider mite. A total of 80 acres is involved; the program is authorized only in the States of California, Idaho, and Washington. The experimental use permit is effective from February 5, 1976, to February 5, 1977. A temporary tolerance has been established for residues of the active ingredient in or on sugar beet roots. A food additive tolerance for residues of the active ingredient in dried sugar beet pulp has also been established.

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 202/775–4851 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: March 3, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–6863 Filed 3–9–76;8:45 am]

[OPP–50071; FRL 501–4]

PENNWALT CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Pennwalt Corporation, Monrovia, California 91016. 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.

This experimental use permit (No. 4581–EUP–20) allows the use of no more than 9,900 gallons of an insecticide mixture composed of (5-benzyl-3-furyl)-methyl 2,2-dimethyl-3-(2-methyl-propenyl)-cyclopropanecarboxylate and related compounds and aromatic petroleum hydrocarbons. This insecticide mixture will be used in residential, industrial, and business sites, including food processing plants and flour mills, but in non-food contact areas only. The program is authorized in the 48 contiguous States. The experimental use permit is effective from February 20, 1976, to February 20, 1977.

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: March 3, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.78–6864 Filed 3–9–76;8:45 am]

[OPP–50072; FRL 501–5]

3M COMPANY

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the 3M Company, St. Paul, Minnesota 55101. 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.

This experimental use permit (No. 7182–EUP–16) allows the use of 1,000 pounds A.I. of the plant growth regulator diethanolamine salt of N-[2,4-dimethyl-5 - [[(trifluoromethyl) - sulfonyl]amino] phenyl]-acetamide on various species of broadleaves and turf grasses. A total of 1,000 acres is involved; the program is authorized in the States of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from February 13, 1976, to February 13, 1977.

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: March 3, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–6865 Filed 3–9–76;8:45 am]

[OPP-42013; FRL 501-1]

COMMONWEALTH OF PUERTO RICO

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171[39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Rafael Hernandez-Colon Governor of the Commonwealth of Puerto Rico has submitted a Commonwealth of Puerto Rico Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being requested pending enactment of an amendment to the Puerto Rico Pesticides Act (the Act) to provide for enforcement tools regarding misuse of any pesticide, and pending approval of implementing regulations, which proposed regulations are set forth in the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA Region II, to approve this plan on a contingency basis.

A summary of the plan follows. The entire plan together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

Road #693, K M 4.0, Barlo Atiguillar, Dorado, Puerto Rico (Analysis and Registration of Agricultural Materials Laboratory, Puerto Rico Department of Agriculture, tel. (809) 796-1710).

Room 907, 26 Federal Plaza, New York, New York 10007 (Pesticides Branch, Environmental Programs Division, EPA Region II, tel. (212) 264-8358).

Room 401, East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 [Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, tel. (202) 755-4854].

Summary of State Plan

The Puerto Rico Department of Agriculture (PRDA) has been designated as the Commonwealth lead agency for the administration of the pesticide applicator certification program, with the Analysis and Registration of Agricultural Materials Laboratory in the Area of Special Services responsible for the program's implementation. The Puerto Rico Agricultural Extension Service (PRAES) is a cooperating agency having responsibility for the pesticide applicator certification training and testing program including preparing training materials, distributing training manuals and other materials, preparing and conducting the training courses and examinations.

Legal authority for the program is contained in the Puerto Rico Pesticides Act, Act #49 of June 10, 1953 as amended and the Proposed Pesticide Applicator Regulations.

The plan indicates that the Commonwealth lead agency and the cooperating agency have or will have sufficient qualified personnel and funds necessary to carry out the proposed program. Funding in support of this program for fiscal year 1976 is $207,037. Additional funding is anticipated for fiscal year 1976.

The Commonwealth lead agency will submit an annual report to EPA on September 1 of each year and special reports to meet specific needs.

Puerto Rico estimates that 1,000 commercial applicator and 25,000 private applicators will need to be certified. Identification cards containing all necessary information will be furnished to all certified applicators, to be presented to dealers at the time of restricted use pesticide purchase.

The commercial applicator categories proposed are those listed in 40 CFR 171.3 with the Agricultural Pest Control category being redesignated, for purposes of clarity, in terms of its component parts, the Plant Pest Control category and the Animal Pest Control category.

As the Commonwealth intends to subdivide the Plant Pest Control category into further increments, this redesignation will allow these further subdivisions to be described, in translation, as subcategories rather than as sub-subcategories. In the Agency's view, this proposed change in nomenclature is reasonable and does not alter the basic categorization system of 40 CFR 171.3 and 171.4. The new subcategories proposed are as follows:

1. Plant Pest Control
   a. Pest Control in Sugarcane
   b. Pest Control in Coffee
   c. Pest Control in Fruits and Vegetables
   d. Pest Control in Tobacco
   e. Pest Control in Pastures, Forage Crops and Noncrop Agricultural Lands.

The Commonwealth of Puerto Rico plans to conduct training programs for commercial applicators covering the Federal standards contained in 40 CFR 171. These standards will be set forth in detail in *Aplique Plaguicidas Correctamente*, for commercial core training, and in specific category/subcategory training materials to be developed by EPA and modified to reflect conditions in Puerto Rico. Training will be offered by the PRAES county agents, regional coordinators, specialists and pesticide coordinator. Two written examinations are required: one covering the general or core material and the other covering the specific requirements of the category or subcategory. Information about the courses and examination times may be obtained from the PRAES or the PRDA's Analysis and Registration of Agricultural Materials Laboratory.

The Commonwealth of Puerto Rico plans to conduct training programs for private applicators covering the Federal standards contained in 40 CFR 171. These standards are set forth in detail in *Aplique Plaguicidas Correctamente*, a manual for training private applicators. Training will be offered on a county basis conducted by PRAES county agents. An examination is required; it can be written, oral or a combination of both. The type of examination given will depend on place of residence; type of farming enterprise; age; educational, social and economic level; and experience of the applicator. Examinations will be given within the training module as well as separately at regularly scheduled intervals.

Those persons who wish to be certified as a private pesticide applicator who cannot read or write or do not know the English language will be offered specialized training by a county agent or other public employee authorized by the Secretary of Agriculture. Certification will be limited to the pesticide products on particular sites for which the individual has demonstrated competency.

A sample examination is attached to the plan, as provided for by 40 CFR 171.7(e)(1)(i)(D) and (ii)(C). However, in view of the need to preserve the confidentiality of the examination format, the Commonwealth of Puerto Rico has requested that the examination not be made available for public inspection. EPA agrees with this position, and has removed the sample examination from the public inspection copy of the plan.

Certification for commercial and private applicators shall expire four (4) years after the date of issuance and may be renewed for an additional four (4) years. For renewal all applicators must attend one (1) approved training course within one (1) year prior to the expiration date of the certificate or take a recertification examination.

The Commonwealth of Puerto Rico Plan also indicates that within sixty (60) days of the final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be forwarded for inclusion in the Commonwealth plan.

The Commonwealth of Puerto Rico Plan indicates that there are no plans at present to establish reciprocal agreements for acceptance of certified applicators from other States.

Other regulatory activities shown in the plan are Commonwealth registration of pesticide products and inspection and sampling of pesticide products. Additionally, pesticide wholesalers of local agricultural pesticide products are required to be registered by the Commonwealth.

Enforcement will be carried out by inspectors who will spot check commercial and private applicators to ensure that they comply with Commonwealth and Federal laws and regulations. They will perform regular inspections and follow-up reports of suspected violations.

Public Comment

Interested persons are invited to submit written comments on the proposed Commonwealth of Puerto Rico Plan to the Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007. The comments must be received on or before April 9, 1976, and bear the identifying notation [OPP-42013]. All written comments filed pursuant to this notice will be available for public inspec-

tion at the above mentioned locations from 8:30 a.m.–3:30 p.m. Monday through Friday.

Dated: January 15, 1976.

GERALD M. HANSLER, P.E.,
Regional Administrator, U.S. Environmental Protection Agency, Region II.

[FR Doc.76-6866 Filed 3-9-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

PBX TECHNICAL STANDARDS SUBCOMMITTEE

Meeting

In accordance with Pub. L. 92–463, announcement is made of a public meeting of the PBX Technical Standards Subcommittee to be held on April 8, 1976 in Washington, D.C. The meeting will be held in Room 847, 1919 M Street NW., commencing at 10 a.m.

1. *Purpose:* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched telephone network without the need for carrier-supplied connecting arrangements.

2. *Activities:* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered in respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda:*

(a) To receive the reports of the Interface Criteria, Equipment Test Standards and Glossary Task Groups for transmittal to the Federal Communications Commission.

(b) As this will be the last meeting of the Subcommittee, members are requested to send or present to the Chairman any pertinent comments on these documents which he should consider in preparing the letter of transmittal.

4. *Public Participation:* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Subcommittee may do so before or after the meeting.

For more information, contact the Common Carrier Bureau on 202–632–6917.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6791 Filed 3-9-76;8:45 am]

[FCC 76R-73; Docket No. 20629, File No. BR-2724; Docket No. 20630, File No. BRH-1413; Docket No. 20631, File No. BPH-9253]

GEORGE E. CAMERON JR. COMMUNICATIONS ET AL.

Renewal of License and Construction Permit

By the Review Board: 1. By Memorandum Opinion and Order, FCC 75–1259, released November 21, 1975, 40 FR 54862, published on November 26, 1975, the Commission designated the above-captioned applications for hearing on issues to determine, among other matters, whether George E. Cameron Jr. Communications (GECC) is technically qualified to continue operating Station KROQ, Burbank, California. In specifying this particular issue, the Commission cited allegations to the effect that Station KROQ had neither a studio or transmitting equipment and assertions to the effect that the transmitting towers and tuning equipment of the KROQ directional antenna array had been critically damaged by vandals at some time between July 29, 1974 and January 13, 1975.[1] Now before the Review Board is a petition to enlarge issues, filed December 9, 1975, by Hubbard Broadcasting, Inc. (Hubbard), licensee of standard broadcast Station KSTP, St. Paul, Minnesota,[2] contending that the alleged damage to Station's KROQ's directional antenna array warrants an enlargement of the issues in this proceeding.[3]

2. In support of its request, Hubbard submits the affidavit of Marvin Blumberg, its consulting engineer, who states: (1) that the original application for use of Station KROQ's transmitter site was conditioned on the applicant's ability to provide Station KSTP with adequate protection; (2) that great difficulty was encountered in meeting this condition; and (3) that, given the fact that Station KROQ's transmitting equipment may need extensive repairs, a showing that Station KSTP will continue to be protected when and if such repairs are made should be required of the licensee. The Broadcast Bureau, in opposition, does not dispute Hubbard's right to protection but argues that a condition to the grant, if any, of GECC's renewal application, rather than an enlargement of the hearing issues, is the appropriate mechanism for achieving the desired result. The Board is satisfied that the Bureau's recommendation represents the most expeditious procedures for protecting petitioner's admittedly legitimate concerns,[4] and will therefore adopt its suggested procedure.

3. Accordingly, it is ordered, That the motion for leave to file late pleading, filed February 24, 1976, by Hubbard Broadcasting, Inc., is denied; and

4. It is further ordered, That the petition to enlarge issues, filed December 9, 1975, by Hubbard Broadcasting, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

5. It is further ordered, That the following condition shall be attached to any grant of the application of George E. Cameron Jr. Communications for renewal of license of Station KROQ, Burbank, California:

Any grant of the application of George E. Cameron, Jr. Communications for renewal of license of Station KROQ, Burbank, California, shall not become final until a Partial Proof of Performance made made in accordance with Section 73.93 (Note 2) of the Commission's Rules is submitted to the Commission and demonstrates that KROQ is adjusted so that protection is afforded KSTP, St. Paul, Minnesota, as provided by the applicant's existing license.

Adopted: March 2, 1976.

Released: March 5, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6794 Filed 3-9-76;8:45 am]

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[1] Station KROQ has been silent since July 29, 1974, pursuant to authority granted by the Commission.

[2] Also before the Board is an opposition, filed February 2, 1976, by the Broadcast Bureau and a motion for leave to file late pleading and a reply, both filed February 24, 1976, by Hubbard. In its motion, Hubbard maintains that it was unable to reply to the Bureau's opposition in a timely fashion because of its need to refer this pleading to its consulting engineers for review. Hubbard does not, however, offer any explanation for its failure to insure that the review was completed in a prompt manner or its failure to request an appropriate extension of time from the Board so that all parties concerned would be informed of its delay. In the absence of such explanations, we must deny its motion and reject the accompanying reply pleading.

[3] By Memorandum Opinion and Order, FCC 76M–86, released January 19, 1976, the Chief Administrative Law Judge granted Hubbard leave to intervene for the limited purpose of filing the instant petition.

[4] We would note in this regard that should GECC choose to repair its transmitting facilities and commence operating Station KROQ, it will have to do so in a manner which is consistent with the conditions attached to its original grant. Hubbard does not contend that these conditions are insufficient to protect its interests and has provided no specific evidence indicating that GECC either cannot or will not meet them should the need arise. Under these circumstances, we do not believe that an evidentiary inquiry into the nature of the damage to Station KROQ's transmitting equipment and the licensee's plans for repairing it would be of any assistance in preserving Hubbard's right to protection. Compare *Columbia Broadcasting System (WCAU)*, 6 FCC 2d 821, 9 RR 2d 541 (1967).

FEDERAL ENERGY ADMINISTRATION

OIL SHALE CORP.

Action Taken on Consent Order

Pursuant to 10 CFR 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order.

On December 18, 1975, FEA published notice of a Consent Order which, on October 31, 1975, was executed between The Oil Shale Corporation (TOSCO) and FEA. 40 FR 58686 (December 18, 1975). With that notice, and in accordance with 10 CFR 205.197(c), FEA invited interested persons to comment on the Consent Order.

During the period for comment, FEA received several requests for attach-

ing FEA's audit and overcharge calculations. These calculations consisted almost exclusively of proprietary information that could not be disclosed. Since the deletion of the proprietary information, as required by 5 U.S.C. 552(b) and 18 U.S.C. 1905, would have rendered several of the attachments meaningless, FEA provided written summaries of these FEA calculations to those parties that requested these attachments and extended the time for the submission of comments by these parties until February 5, 1976.

FEA received only two comments regarding this Consent Order. One of these was submitted concerning a "jobber" of TOSCO that had previously been a "distributor." Apparently, a number of sellers of TOSCO's products had been "distributors" and were converted to "jobber" status. Because of this conversion, these sellers were not previously identified as "distributors" for which TOSCO would implement the price reductions described in the Consent Order, although these sellers did make purchases of products during the time covered by this action.

TOSCO has formally advised FEA, after being notified of this comment, that it believes the specific terms of the Consent Order are intended to include these distributors (who were overlooked only because of the change in their status), and that TOSCO will include these distributors in implementing the actions called for in the Consent Order. FEA has considered this matter, and agrees that the Consent Order is designed to include these distributors as parties affected by this action and that their initial oversight was caused by the change in their marketing role. FEA also agrees that the terms of the Consent Order are properly construed in this case to apply to these parties and that, therefore, TOSCO's formal commitment to include these distributors is required by the existing language of the Consent Order. Accordingly, these distributors will be beneficiaries of the actions taken under the Consent Order by TOSCO, and no change in the language of that Order is required to accomplish this result.

The second comment submitted to FEA suggested that the total refund amount should be calculated by comparing the prices charged by each TOSCO subsidiary in a month to the prices that could have been charged by TOSCO if its calculations had been consolidated for that month. FEA recognizes that this calculation would be appropriate in most cases and intends to so apply it in future cases. In this case, however, a number of unusual factors mitigated against its use, the most significant of which was that TOSCO's separate pricing practice was undertaken with the good faith belief that the FEA was aware of and tacitly approved of the practice. In these circumstances, the FEA determined that it was in the public interest to take the remedial action set forth in the Consent Order.

The same party observed that certain volumes of gasoline for which refunds were computed in the Consent Order appeared to be inconsistent with actual volumes purchased by TOSCO's customers since December 1973. This apparent inconsistency is, however, the result of purposeful exclusion of certain sales volumes during May, June and July 1974 for which FEA has previously directed TOSCO to make adjustments. This previous adjustment accounts for the apparent discrepancy referred to in this comment, and no further change in the Consent Order appears necessary.

Accordingly, FEA has concluded that the Consent Order as executed between FEA and TOSCO on October 31, 1975 is an appropriate resolution of the compliance proceedings initiated by the August 25, 1975 Notice of Probable Violation and that the Consent Order is to be issued as proposed. Therefore, pursuant to 10 CFR 205.197(c), FEA hereby gives Notice of this action taken, making this Consent Order final without modification.

Issued in Washington, D.C., March 4, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-6725 Filed 3-5-76;10:15 am]

FEDERAL MARITIME COMMISSION

[Docket No. 76-14; Agreement No. 10116-1]

EASTBOUND AND WESTBOUND TRADES BETWEEN JAPANESE PORTS AND PORTS IN CALIFORNIA, OREGON AND WASHINGTON

Extension of Pooling Agreement; Order of Investigation

Agreement No. 10116, among Japan Lines, Ltd., Kawaski Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Ltd., Showa Shipping Co., Ltd. and Yamashita Shinnihon Steamship Co., Ltd. (hereinafter the "carriers"), is an arrangement for the pooling and division of revenue earned by the carriers' operations pursuant to Commission approved space charter agreements (Agreements Nos. 9718, 9731 and 9835). These agreements apply to cargo movements in the Eastbound and Westbound trades between ports in Japan and ports in California, Oregon and Washington, and include movements originating or terminating in OCP territory as authorized by applicable conference agreements to which the carriers are signatory parties. Agreement No. 10116 defines "Pool Cargo" as cargo loaded or discharged to or from the carriers' containership vessels operating in the subject trades, exclusive of mini-landbridge cargo, transshipment cargo moving outside the trades, mail cargo and bulk liquid cargo moving in deep tanks. In the event the carriers decide to include other cargo as pool cargo, the Commission and Japanese Ministry of Transport shall be promptly advised.

Agreement No. 10116 was made the subject of a formal investigation and hearing pursuant to section 22 of the Shipping Act, 1916, Docket No. 74-47—*Agreement No. 10116—Pooling Agreement in the Eastbound and Westbound Trades Between Japanese Ports and Ports in California, Oregon and Washington, Order of Investigation and Hearing*, (October 22, 1974), to determine whether it was unjustly discriminatory or unfair as between carriers, shippers, exporters, or ports or operated to the detiment of the commerce of the United States, or was contrary to the public interest or otherwise in violation of the Shipping Act, and whether it should be approved, modified, or disapproved pursuant to section 15 of the Shipping Act, 1916. On November 10, 1974 the carriers petitioned the Commission to reconsider the issuance of its Order of Investigation and Hearing. The Commission granted the petition to reconsider and invited interested persons to comment on the issues raised by the carrier's petition. No comments or replies were received.

The Commission considered the carriers' petition and determined that Agreement No. 10116 should be approved for a term of one year only (to and including March 6, 1976) so that its effects could be monitored, and thereupon vacated the Order and discontinued the proceeding. Docket No. 74-47—*Order Vacating the Investigation and Hearing and Discontinuing the Proceeding* (March 19, 1975).

On January 20, 1976, the carriers filed Agreement No. 10116-1, amending Agreement No. 10116, to provide that the Agreement shall continue in effect for a period to and including December 31, 1978.

Notice of the filing of Agreement No. 10116-1 appeared in the FEDERAL REGISTER on January 29, 1976, 41 Fed. Reg. 4355. On February 18, 1976, a protest and comment to Agreement No. 10116-1 was filed by the Marine Cooks and Stewards Union (Hereinafter the "Union"), urging disapproval of the Agreement on the grounds that it is unjustly discriminatory and unfair as between carriers and contrary to the public interest. According to the union, approval of Agreement No. 10116-1 will "continue" a serious anticompetitive "measure" because the revenue sharing feature of the Agreement permits the strongest Japanese line to sustain the weakest thereby eliminating all competition among the parties to Agreements 9835, 9718 and 9731. According to the union, the Japanese lines are therefore free to concentrate their competition on U.S. and third-flag lines with the concerted objectives of enlarging the pool of revenues which they will share. In addition, the union argues the Agreement is unfair as between carriers because U.S. and other lines are not included in the Agreement.[1]

The carriers replied to the union's protest on February 25, 1976, by asserting that the undocumented allegations of the union are unascertainable. The carriers also state that there is no basis in fact to conclude that approval of the Agreement would increase the carriers'

[1] Although the Union has protested approval of Agreement 10116-1, it states in its protest that ". . . it cannot itself sustain the burden of litigation at this time."

ability to concentrate their competition on U.S. and third-flag carriers in the trade; that there is no doctrine of *per se* illegality simply because an arrangement of this kind *could conceivably* operate to sustain the weakest carriers, and, arrangements of this kind do not involve rate-fixing and, hence, do not require open membership. The carriers add that no U.S. or third-flag carrier, which the union alleges are directly affected by these Agreements, has seen fit to protest continued approval.

The revenue pool continues to be a unique arrangement in these trades, therefore, the Commission is concerned with possible anticompetitive implications. However, this Agreement was apparently directed by the Japanese Government in order to discourage malpractices which have been reported to be prevalent in these trades. For this reason, the Commission is of the opinion that approval should be continued for a limited period. In addition, we find that the protest of the union is general in nature and devoid of any factual or evidentiary support. In particular, the union's allegation that the weakest line in the pool is supported by the strongest, and of a destructive impact on U.S. and third-flag lines as a result of operations under the pool are refuted by evidence attached to the carriers' reply to the protest and pool reports filed in accordance with our approval of March 7, 1975. We also note with particular interest, no line has protested continued approval.

For these reasons, the Commission is of the opinion that Agreement 10116 should be granted continued approval for a limited period.

The Commission is of the opinion that approval of Agreement No. 10116–1 should be extended for a term of one year to and including March 6, 1977, and that the issue of approval for the full term, to and including December 31, 1978, be made the subject of a formal investigation. The Commission directs the proponents of Agreement No. 10116–1 to submit on or before April 26, 1976, such memoranda of law, affidavits of fact and such other material as would demonstrate that Agreement No. 10116–1 is justified by a serious transportation need, secures important public benefits or is in the furtherance of a valid regulatory purpose. Said submission shall set forth complete data demonstrating, among other things:

1. Tonnage figures for each member line of the Trans-Pacific Freight Conference of Japan and the Pacific Westbound Conference for each calendar year 1971–1975;

2. Revenue figures, shown individually, for each party to Agreement No. 10116 for the same period, and

3. The information contained in Items 1 and 2, broken down by month, for the period March 7, 1975–March 7, 1976.

On or before June 10, 1976, the parties herein, including Hearing Counsel, shall reply to proponents' submission. Such replies shall include any factual or statistical information which is pertinent to the continued approval or disapproval of this Agreement.

Now therefore it is ordered, That Agreement No. 10116–1 be approved for a term of one year, to and including March 6, 1977;

It is further ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether the continuation of Agreement No. 10116–1, for a period to and including December 31, 1978, is justified under the standards of section 15, Shipping Act, 1916. Should any additions or modifications be made to this Agreement, such additions or modifications are hereby ordered to be made subject to this proceeding;

It is further ordered, That Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Line, Ltd., Nippon Yusen Kaisha, Ltd., Showa Line, Ltd., and Yamashita Shinnihon Steamship Co., Ltd. be named as respondents herein and that Marine Cooks and Stewards Union be named petitioner herein;

It is further ordered, That respondents submit on or before April 26, 1976, such memoranda of law, affidavits of fact and such other material as would demonstrate the need for approval of Agreement No. 10116–1 under the standards of section 15, Shipping Act, 1916. Said submission shall set forth complete data demonstrating, among other things:

1. Tonnage figures for each member line of the Trans-Pacific Freight Conference of Japan and the Pacific Westbound Conference for each calendar year 1971–1975;

2. Revenue figures, shown individually, for each party to Agreement No. 10116 for the same period, and

3. The information contained in Items 1 and 2, broken down by month, for the period March 7, 1975–March 7, 1976.

It is further ordered, That the proceeding shall be limited to the submission of affidavits of fact, memoranda of law and replies thereto. Should any party feel that an evidentiary hearing is required, it must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for evidentiary hearing shall be filed at the time of the submission of affidavits of fact and memoranda of law. Affidavits of fact and memoranda of law shall be filed by Hearing Counsel, petitioner and intervenors on or before June 10, 1976. An original and 15 copies of affidavits of fact, memoranda of law and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of all documents and pleadings filed with the Secretary should also be served upon all parties hereto;

It is further ordered, That this Order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents and petitioner;

It Is Further Ordered, That all future notices issued by or on behalf of the Commission in this proceeding, shall be mailed directly to all parties of record.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 C.F.R. 502.72) with a copy to all parties to the proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–6817 Filed 3–9–76;8:45 am]

ATLANTICA LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1976. 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 particularly 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:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P. C., Suite 300, 1126 Sixteenth Street, N.W., Washington, D.C., 20036.

Agreement No. 9958–2 among the members of the above-named company, amends the basic agreement by providing that the agreement shall also extend to arrangements or agreements of the company (1) with other modes of transportation concerning inland movements, (2) concerning intermodal shipments, inland rates, rules, charges, joint water-land movements and other practices and conditions as enumerated therein con-

cerning inland movements and (3) such other matters as may be ancillary to the transportation of intermodal shipments from and/or to inland points of origin or destination, whether moving on a through bill of lading or otherwise.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: March 5, 1976.

[FR Doc.76-6832 Filed 3-9-76;8:45 am]

MEDITERRANEAN NORTH PACIFIC COAST FREIGHT CONFERENCE

Notice of 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 March 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

David C. Jordan, Esquire, Billig, Sher & Jones, P. C., Suite 300, 1126 Sixteenth Street, N.W., Washington, D.C. 20036.

Agreement No. 8090-13, among the member lines of the above-named conference, is a petition for reconsideration of the Commission's Order of October 22, 1974, which approved Agreement No. 8090-11 for a period of eighteen (18) months, through April 22, 1976, to extend the approval period for an additional period of sixty (60) days, through June 21, 1976.

By Order of the Federal Maritime Commission.

Dated: March 5, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6833 Filed 3-9-76;8:45 am]

EUROPE PACIFIC COAST RATE AGREEMENT MODIFICATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 30, 1976. 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.

H. G. Brandt, Secretary, Europe Pacific Coast Rate Agreement, West Plein 14, P.O. Box 341, Rotterdam, Netherlands.

Agreement No. 10023-5, among the members of the above-named rate agreement; (1) adds interior points in the Republic of Ireland to the scope of the agreement; (2) specifies the ancillary activities connected with intermodal traffic which may be performed under the agreement; (3) provides that the parties may agree and cooperate with other ratemaking groups in trades between the U.S. and Europe concerning the establishment, policing and enforcement of rules, practices and charges relating to the use, employment and transport of containers outside the terminal areas at European ports within the scope of the agreement; and (4) provides, subject to certain limitations, that any member may independently establish an intermodal service within the scope of the agreement where no such conference service exists.

By Order of the Federal Maritime Commission.

Dated: March 5, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6834 Filed 3-9-76;8:45 am]

MEDITERRANEAN NORTH PACIFIC COAST FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, on or before March 22, 1976. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system 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 petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement Filed by:

David C. Jordan, Esquire, Billing, Sher & Jones, P. C., Suite 300, 1126 Sixteenth Street, NW., Washington, D.C. 20036.

Agreement No. 8090 D.R.-3, among the members of the above-named conference, is a petition for reconsideration of the Commission's Order of October 22, 1974, which approved Agreement No. 8090 D.R.-2 for a period of eighteen (18) months through April 22, 1976, to extend the approval period for an additional period of sixty (60) days, through June 21, 1976.

By Order of the Federal Maritime Commission.

Dated: March 5, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6835 Filed 3-9-76;8:45 am]

[Agreements Nos. 8210-29 and 7770-13]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Intention To Approve Conditionally; Extension of Comment Period

The Commission published notice of intent to conditionally approve Agreements Nos. 8210-29 and 7770-13 in the FEDERAL REGISTER of February 5, 1976

(41 FR 5307). Statements regarding such notice were to be submitted to the Commission on or before March 8, 1976.

American Importers Association (AIA) has requested further extension of time within which to file comments. Good cause appearing, statements may be filed on or before March 23, 1976.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.76-6836 Filed 3-9-76;8:45 am]

[No. 76-12]

MARYLAND PORT ADMINISTRATION V. INTER-AMERICAN FREIGHT CONFERENCE—SECTION A, ET AL.

Notice of Filing of Complaint

MARCH 4, 1976.

Notice is hereby given that a complaint filed by Maryland Port Administration against Inter-American Freight Conference—Section A, and its member lines was served March 3, 1976. The complaint alleges that respondents have violated sections 16 and 17 of the Shipping Act, 1916, and section 205 of the Merchant Marine Act, 1936, by virtue of making certain wharfage, tolling, and handling charges at the Port of Baltimore chargeable against cargo whereas historically they were for the account of the vessel.

Hearing in this matter shall commence on or before September 3, 1976.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.76-6837 Filed 3-9-76;8:45 am]

FEDERAL POWER COMMISSION

[Rate Schedule Nos. 97, etc.]

AMERICAN PETROFINA COMPANY OF TEXAS, ET AL.

Rate Change Filings

MARCH 3, 1976.

Take notice that the producers listed in the Appendix attached below have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before March 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Feb. 12, 1976...	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	97	United Gas Pipe Line Co...	Texas Gulf Coast.
Feb. 20, 1976...	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	26	Tennessee Gas Pipeline Co..	Do.
Feb. 23, 1976...	Hilda B. Weinert et al., P.O. Box 231, Seguin, Tex. 78155.	2	Transcontinental Gas Pipe Line Corp.	Do.

[FR Doc.76-6753 Filed 3-9-76;8:45 am]

[Docket No. RP76-18]

ARKANSAS LOUISIANA GAS CO.

Extension of Procedural Dates

MARCH 2, 1976.

On February 13, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 31, 1975, in the above-designated proceeding. Staff's motion states that no party objects to the extension requested.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, April 28, 1976.
Service of Intervenor Testimony, May 12, 1976.
Service of Company Rebuttal, June 9, 1976.
Hearing, June 3, 1976 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6767 Filed 3-9-76;8:45 am]

[Docket No. CI76-396]

BRIERCREST OIL CO.

Petition for Declaratory Order and Protective Order

MARCH 3, 1976.

Take notice that on February 23, 1976, Briercrest Oil Company (Briercrest), P.O. Box 1110, Dalhart, Texas 79022, filed in Docket No. CI76-396 a petition for an order declaring that no abandonment authorization pursuant to section 7(b) of the Natural Gas Act is required on behalf of Briercrest or any other party before Briercrest may make sales of gas to intrastate customers which will be produced from certain properties upon expiration of 50-year fixed-term leases and, in the event the Commission should not act before the expiration of the leases or should the Commission determine that Briercrest may not make a sale in intrastate commerce without obtaining prior abandonment authorization, a protective order, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Briercrest's petition relates to production from two separate properties in Moore County, Texas. The first property is said to involve all of section 356 and the East half and the Southwest Quarter of section 317, both Block 44, H & TC Ry. Co. Survey, Moore County, Texas, which was leased for a fixed period of 50 years by instrument dated March 18, 1926, from W. W. Burnett and Stella Burnett to Gulf Production Company (Gulf). Subsequently, Briercraft states, the lease was assigned by Gulf to Phillips Petroleum Company (Phillips). Phillips is said to sell gas produced under the lease at the outlet of its gas processing plant to El Paso Natural Gas Company (El Paso) pursuant to its FPC Gas Rate Schedule No. 32.

The second property is said to involve section 315 of Block 44, H & TC Ry. Co. Survey, Moore County, Texas, which was leased to Gulf for a fixed period of 50 years by instrument dated March 24, 1926, from Mrs. Charlotte Strunk and others. Briercrest states that Briercrest subsequently acquired a 5/8th mineral fee interest in the property from the fee owners. Gulf is said to have assigned its leasehold interest to Kerr McGee from which gas is sold to El Paso pursuant to Phillip's FPC Gas Rate Schedule No. 32.

Briercrest states that it has never dedicated its interests in the properties to interstate commerce and will not have any interest in gas to dedicate until termination of the 50-year fixed-term leases. Further, Briercrest submits that there have been no sales by Briercrest in interstate commerce of gas produced from these properties and that no abandonment authority is needed before Briercrest disposes of its production at the expiration of the fixed-term leases. The Commission's opinion in "El Paso Natural Gas Company v. Perry R. Bass" (48 FPC 1269) is said to support this position. In Opinion No. 737, the Commission reached a contrary decision which is under review in the United States Court of Appeals for the Fifth Circuit, "Southland Royalty Co., et al. v. FPC," No. 75-3373, et al.

Briercrest requests that the Commission issue an order, prior to termination of the two leases, removing uncertainty and declaring that Briercrest has no obligation to obtain abandondment authorization before committing its production to an intrastate market.

Briercrest requests that if the Commission is unable to take final action in this proceeding by March 18, 1976, for the first property and by March 24, 1976, for the second property, the Commission issue the protective order indicated below, to be effective upon the termination of the fixed-term leases. Likewise, if the Commission should issue an order requiring that Briercrest obtain abandonment authorization, Briercrest requests that a protective order be included to afford protection to all parties pending final resolution of the matter upon review. In either case, Briercrest requests that the provisions of the protective order be effective pending completion of judicial

review of the instant proceeding, or in the event that court review of this proceeding is not sought, pending completion of judicial review in "Southland Royalty Co., et al. v. FPC." Consistent with the protective order in the Southland case, Briercrest suggests that the protective order in the instant proceeding provide as follows:

(A) If the Commission determines that abandonment authorization is not required, the following language should be included in the order:

If Briercrest should determine not to make sales of its production to El Paso and any party in this proceeding seeks court review of this order, and if the Commission's determination herein should be reversed upon review and the gas be held to have been dedicated to El Paso, then Briercrest shall be required to repay to El Paso volumes of gas, in an equitable manner over a reasonable period of time, equal to those which would have been delivered to El Paso from the subject properties from the dates of termination of the leases, March 18, 1976, and March 24, 1976, until the date deliveries to El Paso are required to commence pursuant to final order no longer subject to review.

(B) If the Commission determines that abandonment authorization is required and Briercrest is forced to sell its production to El Paso, then the following language should be included in the Commission order:

If Briercrest should seek review of this order and, upon review in such proceeding or in "Southland Royalty Co. v. FPC," 5th Cir. Nos. 57-3373, et al., it is ultimately determined that the gas may be sold to others than El Paso without abandonment authority, then any deliveries by Briercrest pending such judicial review shall not have constituted a dedication of its gas to the interstate market and acceptance of monies paid for gas delivered pending judicial review shall not prejudice the rights of Briercrest in the premises; further, El Paso shall be required to repay Briercrest in gas for the deliveries made to it pending judicial review. Such repayment is to be made by El Paso subject to the following conditions: (a) the pay-back volumes are to be delivered in an equitable manner over a reasonable period of time sub- and Briercrest cannot agree as to such scheduling but not as to entitlement if El Paso and Briercrest acnnot agree as to such scheduling, (b) Briercrest shall return to El Paso the monies paid for deliveries made pending judicial review, such repayment to be made within thirty (30) days following the end of each calendar month during which payback volumes are delivered by El Paso, and (c) the payback volumes shall not be considered to be jurisdictional gas and acceptance thereof by Briercrest or any of their customers, shall not subject any of them to Commission jurisdiction.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6750 Filed 3-9-76;8:45 am]

[Docket No. CP76-260]

CONSOLIDATED GAS SUPPLY CORP.

Application

MARCH 3, 1976.

Take notice that on February 12, 1976, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP76-260 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 on a firm basis for Pittsburgh Tube Company (Pittsburgh Tube), a new customer, and the construction and operation of facilities therefor, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states it has agreed pursuant to a transportation agreement dated August 15, 1975, with Pittsburgh Tube to render for fifteen years a firm transportation service for Pittsburgh Tube. Applicant is said to have agreed to accept up to 460 Mcf of natural gas per day for Pittsburgh Tube and itself in Doddridge County, West Virginia, and to deliver such gas to Pittsburgh Tube's plant near Jane Lew, Lewis County, West Virginia. Pittsburgh Tube would pay Applicant a commodity charge of 3.0 cents per Mcf transported, and Applicant would purchase one quarter of the gas that Pittsburgh Tube delivers to Applicant at the price of $1.00 per Mcf, which is said to be the prevailing interstate small producer price.

Applicant also proposes to construct and operate gas regulation and measurement facilities at the Jane Lew delivery point and at the points of receipt of natural gas from Pittsburgh Tube. Applicant estimates that the facilities at the points of receipt in Doddridge County would cost approximately $13,050 and states that Pittsburgh Tube would reimburse Applicant for three-quarters of the actual cost. The cost of the proposed delivery point to Pittsburgh Tube is estimated by Applicant to be approximately $5,572. Applicant estimates that total cost of the facilities would be approximately $18,708 and that the costs that it would be required to bear would be approximately $8,883, which would be financed with funds on hand.

Applicant states that it has been informed by Pittsburgh Tube that the end-use of the natural gas, proposed to be transported would be in priorities 2 and 3[1] for the manufacture of steel tubing. 60,000 Mcf per year would be used for annealing, which is stated to be a priority 2 use, and 40,000 Mcf per year would be used for steam generation, which is stated to be a priority 3 use.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6755 Filed 3-9-76;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Further Extension of Procedural Dates

MARCH 2, 1976.

On February 18 and February 20, 1976, Chattanooga Gas Company and East Tennessee Group respectively filed motions to extend the procedural dates fixed by order issued April 14, 1975, as most recently modified by notice issued January 22, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, March 22, 1976.
Service of Company Rebuttal, April 5, 1976.
Hearing, April 19, 1976 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6768 Filed 3-9-76;8:45 am]

[1] Applicant states that the priorities of use are as defined in § 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78).

[Docket Nos. E-8008, ER76-211]

FLORIDA POWER AND LIGHT CO.

Filing of Settlement Agreement and Motion To Approve Said Agreement

MARCH 3, 1976.

Take notice that on February 23, 1976, Florida Power and Light Company (FP&L) and the Utilities Commission of the City of New Smyrna Beach, Florida (New Smyrna Beach) filed a Joint Motion for Approval of Settlement Agreement in the above-captioned dockets.

Copies of this Settlement Agreement and Motion are on file with the Commission and are available for public inspection. Any person desiring to comment on matters contained therein should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 16, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6758 Filed 3-9-76;8:45 am]

[Docket No. CP76-270]

GAS GATHERING CORP.

Application

MARCH 4, 1976.

Take notice that on February 17, 1976, Gas Gathering Corporation (Applicant), Post Office Box 519, Hammond, Louisiana 70401, filed in Docket No. CP76-270 an application in accordance with the provisions of section 7 of the Natural Gas Act, as amended, and the Commission's rules and regulations thereunder for a certificate of public convenience and necessity authorizing Applicant to transport up to an aggregate of 8,000 Mcf per day of natural gas for the account of Nabisco, Inc. (Nabisco) and Cone Mills Corporation (Cone Mills), industrial customers served by customers of Transcontinental Gas Pipe Line Corporation (Transco), and Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it will receive natural gas for the account of Nabisco, Cone Mills and Southern at its interconnection with Southern's system in Happytown Field, St. Martin Parish, Louisiana, and will redeliver such transportation volumes to Transco's Sherburne Meter Station in Pointe Coupee Parish, Louisiana. Applicant proposes a transportation charge of 3.0 cents per Mcf on the aforesaid volumes delivered to Transco.

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 March 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6751 Filed 3-9-76;8:45 am]

[Docket No. CI64-26]

GULF OIL CORP.

Petition for Declaratory Order

MARCH 2, 1976.

Take notice that on February 23, 1976, Gulf Oil Corporation (Gulf), P.O. Box 2100, Houston, Texas 77001, filed in Docket No. CI64-26 a petition for a declaratory order pursuant to § 1.7(c) of the Commission's rules of practice and procedure, the Administrative Procedure Act, 5 U.S.C. 554(e) and Sections 4, 5, 7 and 19(a) of the Natural Gas Act. Gulf requests that the Commission issue a declaratory order stating that any issues as to alleged "damages" to Texas Eastern Transmission Corporation, its customers, or any other person or entity, or as to monetary "penalties" or payments by Gulf, resulting from or related to allegations that Gulf has not performed, or is not performing, its obligations under Gulf's contract with Texas Eastern, Gulf's Rate Schedule No. 278, and the certificate issued to Gulf in Docket No. CI64-26, are not within the jurisdiction of the Commission under the Natural Gas Act, are not to be considered or decided in this proceeding, and are matters for presentation to and resolution by other forums as provided by the Natural Gas Act or any other statute or law providing a forum in which such issues are properly cognizable.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6771 Filed 3-9-76;8:45 am]

[Docket No. ES76-39]

KENTUCKY UTILITIES CO.

Application

MARCH 3, 1976.

Take notice that on February 23, 1976, Kentucky Utilities Company (Applicant) filed an Application pursuant to Section 203 of the Federal Power Act, seeking authorization to acquire from Old Dominion Power Company (Old Dominion), from time to time during the year 1976, unsecured promissory notes of Old Dominion in amounts not to exceed $1,500,000 in the aggregate at any time unpaid. Old Dominion is a wholly-owned subsidiary of the Applicant.

Applicant is incorporated under the laws of the State of Kentucky, with its principal business office at Lexington, Kentucky, and is engaged in the electric utility business in Central, Southeastern and Western Kentucky.

Old Dominion is incorporated under the law of the State of Virginia, with its principal business office at Norton, Virginia, and is engaged in purchasing, transmitting, distributing and selling electric energy in southwestern Virginia. The electric facilities of the Applicant and of Old Dominion are interconnected with those of certain other electric utilities under interconnection agreements on file with the Commission.

The rate of interest to be borne by the notes has been determined on the basis of the estimated cost of money which would be incurred by Old Dominion were it to seek to obtain such funds on substantially the same terms as the notes through the issuance of its securities in a public offering or a private placement.

The proceeds from the issuance of the notes will be used by Old Dominion to finance the construction, completion, extension and improvement of its electric utility facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the

requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petition to intervene in accordance with the Commission's rules. The Application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6754 Filed 3-9-76;8:45 am]

NORTHERN ILLINOIS GAS

Application

MARCH 2, 1976.

Take notice that on November 10, 1975, Northern Illinois Gas Company (Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. G-10632 an application pursuant to section 1(c) of the Natural Gas Act for a declaration of continuing exemption from the provisions of the natural Gas Act notwithstanding Applicant's participation in a scheme for the rescheduling of deliveries of natural gas from Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

By application of February 9, 1975, in Docket No. CP76-252 Natural filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Natural to reschedule deliveries to Applicant and other customers for the purpose of assisting Natural in ameliorating the impact of unforeseen curtailment on its system this winter. Natural would reduce deliveries to Applicant from February 2, 1976, through March 31, 1976, by up to 200,000 Mcf of gas per day or up to 6,381,000 Mcf of gas per season. To the extent deliveries would be reduced in 1976, Natural would deliver thermally equivalent volumes of gas from April 1, 1977, though September 30, 1977, at times and in quantities agreeable to Applicant; and these deliveries would not be subject to curtailment. Natural would pay Applicant $1.17 per Mcf of reduced deliveries. Applicant requests that its exemption from the provisions of the Natural Gas Act, pursuant to section 1(c) thereof, continue notwithstanding its participation in the rescheduling with Natural.

Any person desiring to be heard or to make any protest with reference to said application for continuing exemption should on or before March 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6769 Filed 3-9-76;8:45 am]

[Project Nos. 2243, 2273]

PACIFIC NORTHWEST POWER CO. AND WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Extension of Time

MARCH 2, 1976.

On February 9, 1976, Pacific Northwest Power Company requested an extension of the time for filing answers to the Motion to Dismiss, filed on January 8, 1976 by the Sierra Club in the above-indicated matter.

Upon consideration, notice is hereby given that the time for filing answers to the above motion of the Sierra Club is extended to and including March 12, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-6763 Filed 3-9-76;8:45 am]

[Docket No. CI74-244]

PENNZOIL PRODUCING CO.

Extension of Time

MARCH 2, 1976.

On February 26, 1976, Pennzoil Producing Company (Pennzoil) filed a motion to extend the time by which it must accept or reject the certificate of Public Convenience and Necessity issued by Opinion No. 752, pursuant to order issued February 2, 1976.

Notice is hereby given that the time by which Pennzoil must accept or reject the above-indicated certificate is extended to and including April 26, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6764 Filed 3-9-76;8:45 am]

[Docket No. ER76-527]

PUBLIC SERVICE COMPANY OF INDIANA

Tariff Change

MARCH 3, 1976.

Take notice that on February 26, 1976, Public Service Company of Indiana (PSI) tendered for filing a change in the demand charge for Unit Power included in Service B of the Kentucky-Indiana Pool Planning and Operating Agreement, designated as PSI's Rate Schedule FPC No. 225. The Agreement is between PSI, East Kentucky Cooperative, Inc., Indianapolis Power & Light Company, and Kentucky Utilities Company.

The Unit Power Demand Charges are determined by use plant cost per kilowatt, fixed charge rate and annual plant O&M expense. The change in the demand charge results from recalculations of these three figures.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6759 Filed 3-9-76;8:45 am]

[Docket Nos. E-8586, E-8587, ER76-149]

PUBLIC SERVICE COMPANY OF INDIANA

Informal Conference

MARCH 3, 1976.

Take notice that on March 23 and 24, 1976 an informal conference will be convened in these proceedings at 10:00 a.m. in the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The purpose of the conference is to permit the parties and the Staff to consider the means by which the hearing in this proceeding may be facilitated and to discuss any other procedural matters in this docket.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6760 Filed 3-9-76;8:45 am]

[Docket No. RI76-72]

ROYAL INTERNATIONAL PETROLEUM CORP.

Amendment to Petition for Special Relief

MARCH 4, 1976.

Take notice that on February 13, 1976, Royal International Petroleum Corporation (RIPCO), 700 Oil and Gas Building, New Orleans, Louisiana 70112, filed an amendment to its petition for special relief filed in this proceeding December 1, 1975 (noticed December 9, 1975, 40 FR 58505, Decmeber 17, 1975).

In its petition, RIPCO requested that it be granted special relief pursuant to 18 CFR 2.76 with respect to its State Lease 5605 No. A-1, Block 69, Chandeleur Sound, St. Bernard Parish, Louisiana, containing one well. It stated that due to extensive deterioration in its flowline to such well and the resultant leakage of gas, the well had been shut in.

Gas from said acreage is sold to Southern Natural Gas Company pursuant to a small producer certificate issued to RIPCO in Docket No. CS72-617 at a price of 42.0¢ per Mcf. In its petition, RIPCO

stated that it could not be economically justified in installing a new flowline unless it could be granted relief at a rate of 75.0¢ per Mcf upon completion of the new flowline. In its amendment to its petition RIPCO stated that based on discussions with the Commission Staff after submission of additional economic and geological data requested by the Staff, it was requesting permission to collect a price of 60.0¢ per Mcf at 15.025 psia in lieu of the 75.0¢ originally requested.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordanced with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6752 Filed 3-9-76;8:45 am]

[Docket No. ER76-87]

SIERRA PACIFIC POWER CO.

Further Extension of Procedural Dates

MARCH 2, 1976.

On February 25, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 25, 1975, as most recently modified by notice issued January 26, 1976, in the above-designated proceeding.

Staff's motion states that no party in the proceeding has any objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, May 11, 1976.
Service of Intervenor Testimony, May 25, 1976.
Service of Company Rebuttal, June 8, 1976.
Hearing, June 22, 1976 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6765 Filed 3-9-76;8:45 am]

[Docket No. CI76-9]

TEXACO INC.

Withdrawal; Correction

MARCH 3, 1976.

In FR Doc. 76-4168 appearing on page 6331 in the issue of Thursday, February 12, 1976, the headings should read as set forth above and in Paragraph 1, line 1, "Texas, Inc." should read "Texaco, Inc."

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6762 Filed 3-9-76;8:45 am]

[Docket No. CP76-261]

TEXAS EASTERN TRANSMISSION CORP.

Application

MARCH 3, 1976.

Take notice that on February 13, 1976, Texas Eastern Transmission Corporation (Applicant), Post Office Box 2521, Houston, Texas 77001, filed in Docket No. CP76-261 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the exchange of natural gas and the exchange of natural gas with Arkansas Louisiana Gas Company (Arkla) in Shelby, Marion and Waskom Counties, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas exchange agreement between itself and Arkla dated November 10, 1975, Arkla would deliver up to 5,000 Mcf per day of natural gas to Applicant at a proposed point of exchange in Shelby County, Texas. Applicant would deliver exchange gas to Arkla at a proposed point of exchange on Applicant's 24-inch pipeline system in Marion County, Texas. Volumes of natural gas would be balanced on a monthly basis at Applicant's existing connection at the outlet of Arkla's Waskom Products Extraction Plant in Harrison County, Texas. The exchange would be on an Mcf for Mcf, best efforts basis, it is indicated.

Applicant proposes to construct and operate dual two-inch taps and valves on Applicant's 24-inch pipeline in Shelby County, Texas, for the receipt of natural gas from Arkla, and to construct and operate a three-inch tap and valve on Applicant's 24-inch pipeline in Marion County, Texas, for the delivery of natural gas to Arkla. Applicant estimates that the cost of the proposed facilities would be approximately $6,614.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6757 Filed 3-9-76;8:45 am]

[Docket No. RP75-56]

TEXAS GAS PIPE LINE CORP.

Deferring Hearing Date

MARCH 2, 1976.

On February 25, 1975, Staff Counsel filed a motion to defer the hearing set by order issued March 7, 1975, as most recently modified by notice issued December 10, 1975 in Docket No. RP75-56.

Notice is hereby given that the hearing set for March 8, 1976 is deferred pending action by the Commission on the proposed settlement agreement filed in the above-indicated docket on December 17, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6766 Filed 3-9-76;8:45 am]

[Docket No. CP76-275]

TEXAS GAS TRANSMISSION CORP.

Application

MARCH 2, 1976.

Take notice that on February 25, 1976, Texas Gas Transmission Corporation (Texas Gas), Post Office Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76-275, an application pursuant to Section 7 of the Natural Gas Act, as amended, the Rules and Regulations of the Federal Power Commission issued thereunder, and Section 2.79 of the Commission's General Policy and Interpretations, for a certificate of public convenience and necessity authorizing Texas Gas to transport a quantity of natural gas up to 91 Mcf per day at 14.73 psia on an interruptible basis for Terre Haute Malleable and Manufacturing Co., Division of United Industrial Syndicate, Inc., a New York corporation (Terre Haute Malleable), an existing industrial customer of Terre Haute Gas Corporation (Terre Haute), one of Texas Gas's resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas states that the gas will be purchased by Terre Haute Malleable from production in Claiborne Parish, Louisiana, and delivered to Texas Gas at a meter station to be constructed and

installed near the site of Block Valve No. 1 on Texas Gas's Sharon-Carthage 20-inch pipeline in Section 35, Township 20 North, Range 6 West, in Claiborne Parish, Louisiana. Texas Gas will redeliver the transportation volumes to Terre Haute at an existing point or points of delivery for the account of Terre Haute Malleable. Terre Haute Malleable will pay Texas Gas an initial charge of 19.03 cents per Mcf for volumes delivered to Terre Haute for Terre Haute Malleable's account, and Texas Gas will retain 9.0 percent of the transportation volumes for compressor fuel and line loss makeup.

The application states that the gas is intended for high-priority process use in Terre Haute Malleable's Terre Haute, Indiana, facility.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (157.10) on or before March 22, 1976.

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 protest or petition to intervene is filed within the time required herein, or 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 protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6770 Filed 3-9-76;8:45 am]

[Docket No. RP75-75 (AP76-5), (AP76-6) etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Stay of Orders Pending Commission Action on Application for Rehearing

MARCH 3, 1976.

On January 30, 1976, the Commission issued an order in Docket No. RP75-75 (AP76-5) requiring Transcontinental Gas Pipe Line Corporation (Transco) to eliminate certain advance payments from an advance payment tracking filing which was filed on December 16, 1975, and was proposed to become effective as of February 1, 1976. On February 13, 1976, Transco filed an application for rehearing of the January 30, 1976, order and requested, *inter alia.*, a stay of the Jauary 30, 1976, order pending Commission action on Transco's application for rehearing.

Upon consideration, Transco's request for a temporary stay of the January 30, 1976, order is granted to the extent that Transco may collect, subject to refund, all claimed advance payments costs in its December 16, 1975, advance payment tracking filing in Docket No. RP75-75 (AP76-5) which was proposed to become effective as of February 1, 1976. This stay is granted pending Commission action on Transco's application for rehearing filed February 13, 1976, in Docket No. RP75-75 (AP76-5).

Consistent with this action, the Commission orders issued February 27, 1976, in Docket Nos. RP72-99, RP75-75 (EPGA 76-2) and in Docket No. RP75-75 (AP 76-6) are also temporarily stayed pending Commission action on Transco's application for rehearing, to the extent these two orders reflect the action taken in the January 30, 1976, order in Docket No. RP75-75 (AP76-5) regarding the disputed advance payments.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6756 Filed 3-9-76;8:45 am]

[Docket No. ER76-415]

VIRGINIA ELECTRIC AND POWER CO.

Order Accepting for Filing and Suspending Proposed Fuel Adjustment Clause, Establishing Procedure and Granting Interventions

MARCH 3, 1976.

On December 31, 1975 Virginia Electric and Power Company (VEPCO) tendered for filing proposed changes in its resale rate schedules filed with the Commission.[1] The changes are intended to conform VEPCO's fuel adjustment clause to § 35.14 of the Commission's regulations, as promulgated in Order No. 517; to change the base cost of fuel; and, to provide for a temporary surcharge to recover alleged uncollected fuel expenses.

The fuel clause proposed by VEPCO is based on a fuel cost of $0.01269 per kwH for the 12-month period ending December 31, 1975. The energy charge included in the basic rate is increased from 0.44¢ per kwH to 1.323¢ per kwH. The change was made to show the roll-in of the amount by which the base cost of fuel under the new fuel clause exceeds the base cost under the presently effective fuel clause. The proposed changes include a temporary surcharge[2] which will result in collections of $4,977,543 for the cooperatives and $3,388,076 for municipalities based on the December 31, 1975 fuel expense deferrals in the test year data filed as part of VEPCO's case in Docket No. E-9147. VEPCO proposes to collect the surcharge for twenty-four monthly billing periods following its effective date.

VEPCO requests as an effective date the first day of the month following the month in which the Commission approves, if it does, the Settlement Agreement filed in Docket No. E-9147.

Notice of VEPCO's proposal was issued on January 14, 1976 with comments, protests or petitions to intervene due on or before January 26, 1976. A Protest and Petition to Intervene was filed by the ElectriCities of North Carolina (ElectriCities) on January 12, 1976. A Protest, Petition to Intervene and Motion to Reject in Part was filed by the North Carolina Electric Membership Corporation, Roanoke Electric Membership Corporation, Old Dominion Electric Cooperative and Northern Neck Electric Cooperative (Cooperatives).

ElectriCities raise two objections to VEPCO's filing. ElectriCities believe it would be proper and appropriate for the Commission to approve VEPCO's requested effective date. However, ElectriCities oppose the use of estimated fuel costs and the elimination of the two-month lag in the collection of fuel costs. ElectriCities claim the elimination of the lag removes a built in incentive for utilities to bargain for lower prices with their fuel suppliers. ElectriCities also claim that the use of estimated fuel costs are not permitted by § 35.14(a)(2) of the Commission's regulations. ElectriCities object to the surcharge on the basis that it consists of retroactive rulemaking and on the basis that it is an attempt to convert of paper profit to a real profit.

The Cooperatives also concur in VEPCO's request for an effective date of the first day of the month following the month in which the Commission approves the settlement in Docket No. E-9147. The Cooperatives object to the fuel clause on the basis that it eliminates the lag which they state will remove the incentive to bargain for lower prices and that it is not allowed by the regulations. The Cooperatives object to item (3) of VEPCO's fuel adjustment clause which they claim gives VEPCO "the right to recover costs associated with interchange power which are not truly fuel related." The Cooperatives urge us to reject VEPCO's filing insofar as it would impose a surcharge for the purpose of recovering deferred fuel cost amounts. The Cooperatives argue, much like ElectriCities, that the surcharge is an attempt to convert a paper profit to a real profit by retroactive ratemaking and therefore it should not be allowed.

On February 5, 1976 VEPCO filed a Motion for Leave to File Late Answer and Answer to Protests and Petitions to Intervene. VEPCO stated that it does not oppose the interventions of ElectriCities or the Cooperatives. VEPCO claims that the use of the word "estimated" in the fuel adjustment clause was "unfortunate."

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[1] The sheet showing the proposed changes for cooperatives served by VEPCO is designated as "Supplement A—Schedule RC." The comparable sheet for municipals is designated as "Supplement A—Schedule RS."

[2] VEPCO states that due to different gross tax receipts in North Carolina and Virginia, the surcharge will be for: Cooperatives—.098¢/kwh in Virginia and .100¢/kwh in North Carolina; Municipals—.110¢/kwh in Virginia and .113¢/kwh in North Carolina.

VEPCO states that "the estimate is the actual fuel costs experienced during the second month preceding the current billing month. Adjustment is made of that proxy as soon as actual costs of the current billing month are known." With regard to the objections to its proposed surcharge, VEPCO states that these are issues which are best resolved at hearing and that rejection at this time would be improper.

The surcharge provision proposed by VEPCO in this filing may be unjust and unreasonable. We note that similar provisions in Maine Public Service Company, Docket No. E-8624, and in Public Service Company of New Hampshire, Docket No. ER76-285, were set for hearing. Accordingly, we believe it proper to set this matter for hearing along with the other issues raised by VEPCO's filing.

VEPCO's proposed fuel adjustment clause and surcharge have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We will accept VEPCO's fuel adjustment clause and surcharge for filing and suspend their effectiveness for one day. With regard to this, VEPCO and the intervenors agreed that the effective date of the proposed fuel clause should be the first day of the month following the month in which the Commission approves the Settlement Agreement in Docket No. E-9147. We believe that it is proper to allow the effective date to be as the parties requested. Accordingly, we shall permit waiver of the prior notice requirements, § 35.3 of our regulations, in order to permit the fuel clause to become effective, subject to refund, on the second day of the month following the month in which the Commission approves the Settlement Agreement in Docket No. E-9147.

The Commission finds. (1) Good cause exists to accept for filing VEPCO's proposed fuel adjustment clause and to suspend its operation for one day when it shall be permitted to become effective, subject to refund.

(2) It is proper and necessary in the public interest and to aid in the enforcement of the Federal Power Act that a hearing concerning the lawfulness of VEPCO's proposed fuel adjustment clause be commenced.

(3) Good cause exists to grant the interventions of ElectriCities and the Cooperatives in this proceeding.,

(4) Good cause exists to grant waiver of the prior notice requirement of the regulations so as to permit the proposed fuel clause to become effective on the second day of the month folowing the month in which the Commission approves, if it does, the Settlement Agreement in Docket No. E-9147. Good cause also exists to grant waiver of the requirement for revenue comparisons for an additional 12 month period.

The Commission orders. (A) Pending a hearing and decision thereon, VEPCO's proposed fuel adjustment clause is hereby accepted for filing and suspended from operation for one day, or until the second day of the month following the month in which Commission approves, if it does, the Settlement Agreement in Docket No. E-9147. Waiver of the requirement for an additional 12 month period revenue comparison is hereby granted.

(B) Waiver of the prior notice requirement, as allowed by Section 35.11 of the Commission's Regulations, is hereby granted.

(C) The ElectriCities and Cooperatives are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their respective petitions to intervene: *And Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) A Presiding Administrative Law Judge to be designted by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the initial conference in this proceeding on April 15, 1976 at 9:30 a.m., e.s.t., in a hearing 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) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6761 Filed 3-9-76;8:45 am]

[Docket No. RP73-23 (PGA76-1A)]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Tariff Sheets

MARCH 2, 1976.

Take notice that on February 23, 1976, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing Interim First Revised Sheet No. 4 and Interim First Revised Sheet No. 18 to its FPC Gas Tariff, First Revised Volume No. 1.

Lawrenceburg states that these sheets are being filed to reflect a change in its costs of gas purchased from Texas Gas Transmission Corporation pursuant to Lawrenceburg's Purchased Gas Adjustment (PGA) Clause in its FPC Gas Tariff, First Revised Volume No. 1. Lawrenceburg requests an effective date of February 1, 1976 for this filing and requests waiver of the Commission's Regulations to enable this filing to become effective on that date.

The proposed change would increase revenues from jurisdictional sales and service by $212,515 based on the 12-month period ending November 30, 1975.

Lawrenceburg has also included with its filing two additional tariff sheets identified as Substitute First Revised Sheet Nos. 4 and 18, which it says contain tariff rates identical to those approved by Commission order dated February 11, 1976, effective February 2, 1976 on First Revised Sheet Nos. 4 and 18. Lawrenceburg states that it has redesignated these tariff sheets and is resubmitting them in order to maintain the proper sequence in its tariff sheet designation and to correct the indicated "Current Rate Adjustment" column, both required because of the February 1, 1976 purchased gas adjustment submitted in this filing.

Lawrenceburg states that copies of this filing have been mailed to its two wholesale customers and to the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 March 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6796 Filed 3-9-76;8:45 am]

[Docket No. ER76-529]

MISSOURI PUBLIC SERVICE CO.

Tender of Service Contract and Rate Schedules

MARCH 4, 1976.

Take notice that on February 26, 1976, Missouri Public Service Company (MPS) tendered for filing an Interconnection and Transmission Service Contract between MPS and Associated Electric Cooperative, Inc., rate schedules for Long Term Firm Transmission Service, Short Term Firm Transmission Service, Emergency Transmission Service, and Interconnection Schedule No. 1.

MPS requests an effective date of June 1, 1976, for the rate schedules.

MPS states that the rates for the service are the same as those filed for the same kinds of service in Docket No. E-8969.

MPS states that a copy of the tender was sent to the Secretary of the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 March 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6797 Filed 3-9-76;8:45 am]

[Docket No. RP72-121 (PGA-76-3)]

SOUTHWEST GAS CORP.

Filing of Tariff Sheet

MARCH 4, 1976.

Take notice that on February 29, 1976, Southwest Gas Corporation (southwest) tendered for filing Fourteenth Revised Sheet No. 3A, constituting Original PGA-1 in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to decrease the rates of Southwest under its Purchased Gas Adjustment Clause in Section 9 of its General Terms and Conditions contained in its FPC Volume No. 1.

Southwest states the instant notice of change in rates is occasioned solely by decreases in the cost of purchased gas which will become effective on or before April 1, 1976, applied to the volumes purchased for the twelve-month period ended December 31, 1975.

Southwest has requested an effective date of April 1, 1976, and states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Utilities Commission, Sierra Pacific Power Company and the California-Pacific Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6798 Filed 3-9-76;8:45 am]

[Docket No. CP76-279]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MARCH 4, 1976.

Take notice that on February 25, 1976, Transcontinental Gas Pipe Line Corporation (Transco); Post Office Box 1396; Houston, Texas 77001, filed in Docket No. CP76-279 an application pursuant to Section 7 of the Natural Gas Act, as amended, the Rules and Regulations of the Federal Power Commission issued thereunder and Section 2.79 of the Commission's General Policy and Interpretations, for a certificate of public convenience and necessity authorizing Transco to transport up to 1,500 Mcf per day of natural gas on an interruptible basis for Burlington Industries, Inc. (Burlington), an existing industrial customer of Piedmont Natural Gas Company, Inc. (Piedmont) and Public Service Company of North Carolina, Inc. (Public Service), Transco CD customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that the gas will be purchased by Burlington from production in the Tremont Field, Lincoln Parish, Louisiana and delivered to Transco at a mutually agreeable existing authorized exchange point between United Gas Pipe Line Company (United) and Transco. Transco will redeliver the transportation volumes to Piedmont and Public Service at existing delivery points for the account of Burlington. Burlington will pay Transco on initial charge of 22 cents per Mcf delivered to Piedmont and Public Service for Burlington's account, and Transco will retain 3.8 percent of the volumes received for transportation to those customers, for compressor fuel and line loss makeup.

The application states that the gas is intended for high-priority process use in Burlington's Greensboro Finishing (including Greensboro, North Carolina Meadowview); Formed Fabrics, Greensboro, North Carolina; Burlington House Fabrics Finishing, Burlington, North Carolina; Wake Plant, Wake Forest, North Carolina and Durham Plant, Durham, North Carolina facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1976, file with the Federal Power Commission; Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power 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 hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6799 Filed 3-9-76;8:45 am]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Order Approving Acquisition of Bank

BancOhio Corporation, Columbus, Ohio, a bank holding company within the meeting of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares, less directors' qualifying shares, of the successor by merger to The Geauga County National Bank of Chardon, Chardon, Ohio ("Bank"). The bank into which Bank is to be merked has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Ohio, controls 40 banks with aggregate deposits of approximately $2.5 billion, representing approximately 8.5 per cent of total deposits held by commercial banks in the State of Ohio.[1] Acquisition of Bank, which holds deposits of $14.9 million, would increase Applicant's share of deposits in commercial banks in the State by less than one-tenth of one per cent and would not result in any significant increase in the concentration of banking resources in Ohio.

[1] Banking data are as of June 30, 1975, and reflect holding company formations and acquisitions approved by the Board through December 31, 1975.

Bank ranks 29th among the 38 banking organizations located in the Cleveland banking market[6] and controls approximately .16 of one per cent of total market deposits. Three banking subsidiaries of Applicant operate a total of 17 offices in the Cleveland market and Applicant's subsidiaries thereby hold approximately 1.3 per cent of the total market deposits; Applicant thus ranks as the eighth largest banking organization in the market. Consummation of the proposed transaction would not increase its rank in the market. Applicant's closest banking subsidiary to Bank is located approximately 17 miles from Bank. Bank does not derive a significant amount of deposits or loans from the service areas of Applicant's banking subsidiaries with offices in the Cleveland market; nor do those subsidiaries derive a significant amount of loans and deposits from Bank's service area. Accordingly, there is no significant existing competition between any of Applicant's subsidiaries and Bank, and it appears unlikely that any significant competition would develop in the future, particularly in view of Ohio's restrictive branching laws and Bank's small size. Therefore, on the basis of the record, the Board concludes that consummation of the proposal would not have significant adverse effects on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are generally satisfactory. Accordingly, the banking factors are consistent with approval of the application. While it does not appear that the convenience and needs of the community to be served are not being adequately met, Applicant does propose to make equipment leasing and trust services available to Bank's customers. Accordingly, considerations relating to the convenience and needs of the community to be served are regarded as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

[6] The Cleveland banking market is approximated by Cuyahoga, Lake, Geauga Counties, the northwestern quarter of Portage County, the northern third of Summit County, all but the southern-most tier of townships in Medina and Lorain Counties, and the City of Vermilion, which straddles the border of Lorain and Erie Counties.

By order of the Board of Governors,[6] effective March 1, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-6710 Filed 3-9-76;8:45 am]

CITIZENS BANCORPORATION

Order Approving Acquisition of Bank

Citizens Bancorporation, Sheboygan, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 85 percent or more of the voting shares of American National Bank of Green Bay, Green Bay, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Chicago has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has three bank subsidiaries, all located in Sheboygan, and one nonbank subsidiary. With aggregate deposits of $158.3 million,[1] Applicant is the ninth largest banking organization in Wisconsin, holding 1.1 percent of total State commercial bank deposits. Acquisition of Bank would increase Applicant's share of commercial bank deposits in Wisconsin by a nominal amount, and its rank would remain the same.

Bank (deposits of $22.8 million) is the seventh largest of ten banking organizations in the relevant market area,[2] with about 4.5 percent of total market commercial bank deposits. The closest office of any of Applicant's subsidiaries to any office of Bank is over 60 miles away. No measurable competition presently exists between Applicant's subsidiaries and Bank, nor does it appeal likely that any significant future competition would develop between them. Applicant could enter the Green Bay market *de novo*, but such entry appears unlikely. Bank is not a major competitor in the area and holds a small share of the market; therefore, this proposal constitutes an acceptable foothold entry into the market. It is concluded that consummation will have no significantly adverse effects on competition. Competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are considered generally satisfactory. Based on Applicant's commitment to inject $400,000 as additional equity capital into Bank upon consummation of the proposal, Bank's financial condition and capitalization is also considered to be satisfactory. Earnings of Bank are at an acceptable level and its future prospects as a subsidiary of Applicant appear to be favorable. Consequently, banking factors are consistent with approval of the application.

Banking needs in the Green Bay area appear to be presently well served. However, Applicant would upgrade Bank's present services and introduce various new services. Considerations relating to the convenience and needs of the community to be served are consistent with, but lend no weight, toward approval of the application. Accordingly, it is found that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Chicago approves the application, provided the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective February 27, 1976.

[SEAL] ROBERT P. MAYO,
President.

[FR Doc.76-6711 Filed 3-9-76;8:45 am]

ELLIS BANKING CORP.

Order Approving Acquisition of Bank

Ellis Banking Corporation, Bradenton, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 per cent or more of the voting shares of North Port Bank, North Port, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the ninth largest banking organization in Florida, controls twenty-four banks, with deposits of $648.4 million, representing 2.72 per cent of total deposits in commercial banks in the State. (All banking data are as of June 30, 1975, and reflect acquisitions and formations approved through January 1, 1976). Acquisition of Bank, the fourth largest of five banks in the Port Char-

[6] Voting for this action: Chairman Burns and Governors Gardner, Holland, Wallich, Coldwell, and Partee. Absent and not voting: Governor Jackson.

[1] All banking data are as of June 30, 1975.

[2] The relevant market is approximated by the Green Bay RMA.

lotte Banking Market,[1] with deposits of $11.3 million, or 9 per cent of the deposits in the market area, would not result in a significant increase in the concentration of banking resources in Florida. Applicant's nearest banking subsidiary is located 30 miles north in Sarasota, a separate market. There is no significant competition existing between Bank and any of Applicant's subsidiaries. Although Applicant could enter the market *de novo*, the present proposal is considered to be a foothold acquisition, and there will be no significant diminution of potential competition. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank appear generally satisfactory, and are consistent with approval.

Applicant expects to provide expertise to help Bank meet as yet unforeseen needs caused by growth of its service area. These needs might include large loans that could be participated through Applicant's system, special types of loans, investments, and operations. Consequently, considerations relating to the convenience and needs of the community to be served are consistent with approval.

It has been determined that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Secretary of the Board acting under delegated authority for the Board of Governors of the Federal Reserve system, effective March 3, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6712 Filed 3-9-76;8:45 am]

NABACH, INC.

Formation of Bank Holding Company

Nabach, Inc., Farmer City, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 52.27 per cent or more of the voting shares of the State National Bank of Lincoln, Lincoln, Illinois, and 1.33 per cent of the voting shares of the National Bank of Chenoa, Chenoa, Illinois. The factors that are considered in acting on the applicatior are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

[1] The relevant market is approximated by Charlotte County minus the city of Englewood plus North Port, which is located in the southern portion of Sarasota County.

Nabach, Inc., Farmer City, Illinois has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission (1) to continue to engage in the provision of investment advisory service for the National Bank of Chenoa, Chenoa, Illinois; and (2) to be a holder of master policies for credit life insurance and credit accident and health insurance for enrolling debtors of the National Bank of Chenoa, and the State National Bank of Lincoln, Lincoln, Illinois. Notice of the application to continue to provide investment advisory service and to sell participations in group credit life and credit accident and health insurance was published on January 29, 1976, in The Chenoa Clipper-Times, a newspaper circulated in the City of Chenoa, Illinois. Notice of the application to sell participations in group credit life and credit health and accident insurance was published on January 26, 1976, in the Lincoln Courier, a newspaper circulated in the City of Lincoln, Illinois. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 1, 1976.

Board of Governors of the Federal Reserve System, March 3, 1976.

[SEAL] JOSEPH P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-6713 Filed 3-9-76;8:45 am]

PEOPLES CREDIT CO.

Acquisition of Bank

Peoples Credit Co., Kansas City, Missouri, 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 3000 of the voting shares of The Lathrop Bank, Lathrop, Missouri. 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 office of the Board of Governors or at the Federal Reserve Bank of Kansas City. 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 April 2, 1976.

Board of Governors of the Federal Reserve System, March 4, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-6714 Filed 3-9-76;8:45 am]

P. B C., INC.

Order Denying Formation of Bank Holding Company

P. B. C., Inc., Pine City, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 48.9 per cent or more of the voting shares of The First National Bank of Pine City, Pine City, Minnesota ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the general insurance agency business ("Agency") (in a town with a population of less than 5,000) presently operated by Applicant. The activities that Applicant proposes to engage in have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (41 FR 824). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in § 3(c) of the Act, and the considerations specified in § 4(c)(8) of the Act.

Applicant was organized in 1970 and operates a general insurance agency business in Pine City, Minnesota. Bank, with deposits of approximately $16 million,[1] representing 0.1 percent of the total commercial bank deposits in Minnesota, is the largest of five commercial banks operating in the Pine County banking market.[2] Bank holds approximately 48 percent of the total commercial bank deposits in commercial banks located in this market. Two individuals that own 100 percent of the outstanding shares of Applicant own 50.2 percent of the outstanding shares of Bank. Inasmuch as the proposal represents merely a restructuring of Bank's ownership, the acquisition of Bank by Applicant would have no adverse effects on competition

[1] All banking data are as of June 30, 1975.
[2] The Pine County banking market is approximated by Pine County.

within the area served by Bank. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Bank appear generally satisfactory. In regard to such considerations as they relate to Applicant, Applicant, as part of the instant proposal, would assume a portion of the debt that its principals incurred in their original acquisition of shares of Bank. Applicant's principals also own 62 percent of the outstanding shares of another bank and 100 percent of the assets of another insurance agency as a result of acquisitions made in 1974.[3] The 1974 acquisitions involved a substantial amount of personal debt on the part of these principals, most of which remains outstanding. Applicant itself plans to incur additional debt in the immediate future for the purchase of additional shares of Bank. It does not appear that Applicant and its principals will be able to service these various debts without impairing their ability to meet unforeseen financial problems that Bank might encounter in the future. In the Board's view, the debt position of Applicant and its principals and the limited financial flexibility that would result from consummation of the instant proposal indicate that Applicant would not be able to serve as a source of strength to Bank. Accordingly, on the basis of the facts of record, the Board concludes that considerations relating to the financial aspects of Applicant's proposal lend weight toward denial of the application.

Applicant indicates that banking services currently rendered the community by Bank will remain unchanged upon consummation of the proposal. Accordingly, considerations relating to the convenience and needs of the community to be served do not outweigh the adverse findings with respect to the financial factors involved in Applicant's proposal.

On the basis of all of the circumstances of this case and the facts of record, the Board concludes that the acquisition debt involved in this proposal presents adverse circumstances bearing on the financial condition and future prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits to the convenience and needs of the communities to be served. Accordingly, it is the Board's judgment that approval of the application to become a bank holding company would not be in the public interest and the application should be denied.[4]

On the basis of the record, the application is denied for the reasons summarized above.

[3] Farmers State Bank of Waubun, Inc., Waubun, Minnesota, and the H & H Insurance Agency located on the premises of the bank.

[4] In view of the Board's action with respect to the application to become a bank holding company, consideration of the application to retain the agency becomes moot.

By order of the Board of Governors,[5] effective March 3, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6709 Filed 3-9-76;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of New Braunfels, New Braunfels, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas, controls 30 banks with aggregate deposits of approximately $2.9 billion, representing approximately 6.8 per cent of total commercial bank deposits in Texas.[1] Acquisition of Bank ($30.3 million in deposits) would increase Applicant's share of Statewide commercial bank deposits by less than 0.1 of 1 per cent, would not change Applicant's rank in Texas, and would have no appreciable effect upon the concentration of banking resources in the State.

Bank is the 14th largest of 48 banks operating in the San Antonio banking market (the relevant banking market)[2] and controls approximately 1.2 per cent of the total deposits in commercial banks in the market. Applicant is the 8th largest banking organization in the San Antonio banking market, controlling one banking subsidiary with deposits of $78.6 million or approximately 3.0 per cent of market deposits. The three largest banking organizations in the market control 53.1 per cent of total deposits in the market. Approval of the application would increase Applicant's market share from 3.0 per cent to 4.2 per cent, leaving its relative market position well below that of the three largest banks, all of which are subsidiaries of multi-bank holding companies. Accordingly, consummation of the proposal would not appreciably affect the structure of banking within the market.

Similarly, it appears from the record that the proposal would not have significant adverse effects on existing or potential competition. Applicant's closest existing subsidiary bank, also located in the San Antonio banking market, is some 40 miles southwest of Bank. There is virtually no service overlap between Bank and Applicant's existing subsidiary in the market, and none of Applicant's more distant subsidiaries derives any significant amount of business from the market. The market would remain attractive to *de novo* entry after acquisition of Bank, which is located on the periphery of the banking market and, therefore, cannot be considered a likely entry point for an outside-based bank holding company. Also, numerous medium-sized banks would remain in the market as potential entry points for expanding bank holding companies. Accordingly, on the basis of the record, it is concluded that consummation of the proposed transaction would not have any significant adverse effects on existing or potential competition in any relevant area.

The financial condition, managerial resources, and future prospects of Bank, Applicant, and its subsidiaries are regarded as generally satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application, for affiliation with Applicant will enable Bank to better meet increased demand for larger commercial loans and interim construction financing stimulated by growth and recreational development and residential construction in the New Braunfels area. It has been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for a good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective March 2, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6715 Filed 3-9-76;8:45 am]

[5] Voting for this action: Vice Chairman Gardner and Governors Holland, Wallich, Coldwell, Jackson, and Partee. Absent and not voting: Chairman Burns.

[1] All banking data are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved through January 30, 1976.

[2] The relevant banking market is approximated by the San Antonio SMSA located in South Central Texas and includes Bexar, Comal, and Guadalupe Counties.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 3, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before March 29, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL ENERGY ADMINISTRATION

Federal Energy Administration requests clearance of a new reporting requirement, U513–S–O, Energy From Solid Waste. This is a single-time letter from EPA and FEA Administrators to officials of a sample of municipalities, electric utilities, and all State utility regulatory agencies. It is designed to elicit information on, and stimulate interest in, projects to convert municipal solid waste to energy. FEA estimates the number of hours required per response is 2 hours. Response is voluntary.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76–6880 Filed 3–9–76;8:45 am]

UNITED STATES INTERNATIONAL TRADE COMMISSION

ROUND STAINLESS STEEL WIRE

Rescheduling of Public Hearing

A public hearing in United States International Trade Commission Investigation No. TA–201–13, Round Stainless Steel Wire, will be held in Washington, D.C., at 10 a.m., e.s.t., on March 23, 1976, in the Hearing Room, United States International Trade Commission, 701 E Street, N.W. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his offices in Washington, D.C., not later than noon, March 18, 1976.

This notice hereby revokes the date of the public hearing as stated in the Notice of Investigation and Hearing issued by the United States International Trade Commission on January 9, 1976, and appearing in the January 15, 1976, FEDERAL REGISTER (41 FR 2280).

By order of the Commission.

Issued: March 4, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76–6801 Filed 3–9–76;8:45 am]

LEGAL SERVICES CORPORATION

SUPPORT CENTERS

Adoption of Resolution

On March 5, 1976, the Board of Directors of the Legal Services Corporation met to discuss recommendations by the President of the Corporation on issues involving Section 1006(a)(3) of the Legal Services Corporation Act of 1974 (public law 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l*).

After discussion, the Board adopted the following resolution:

SUPPORT CENTER RESOLUTION

Resolved, that the Board of Directors proposes to adopt the following standard for funding current support centers after March 31, 1976:

Support centers may be funded pursuant to § 1006(a)(1)(A) of the Act by contract for the purpose of providing legal assistance to eligible clients. Support centers entering into such contracts will be limited to client counseling and representational activities, professional responsibility activities in accordance with the Code of Professional Responsibility of the American Bar Association, and such "housekeeping" activities as are normally carried on by law offices. With minor transitional exceptions specifically authorized by the Corporation, each recipient entering into such contract will be prohibited from using Corporation funds for activities that § 1006(a)(3) of the Act authorizes the Corporation to undertake directly but not by grant or contract, namely, research, training, technical assistance and information clearinghouse activities that relate to but are not a part of providing legal assistance to eligible clients under § 1006(a)(1)(A).

Resolved further, pursuant to § 1008(e) of the Act, that the foregoing be published in the FEDERAL REGISTER for purposes of receiving public comment.

Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before April 9, 1976. Comments must be in writing and may be supported by a memorandum or brief. Comments received may be seen at the above offices during business hours, Monday through Friday.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76–6995 Filed 3–9–76;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

CHANGE OF MEETING PLACE

The March 12, 1976, meeting of the National Commission on Electronic Fund Transfers, originally scheduled to be held at the Main Treasury Building, will instead be held at the Federal Reserve Martin Annex Building located on "C" Street NW., between 20th and 21st Streets, in Dining Room "E" on the Terrace Level.

JAMES O. HOWARD, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–6816 Filed 3–9–76;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

PUBLIC PROGRAMS PANEL

Meeting

MARCH 2, 1976.

Pursuant to the provisions of the Federal Advisory Committee (Pub. L. 92–463) notice is hereby given that a meeting of the Public Programs Panel will meet at New Orleans, Louisiana on April 1 and 2, 1976, commencing at 9:00 a.m.

The purpose of the meeting is to review Humanities Museums and Historical Organizations grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76–6745 Filed 3–9–76;8:45 am]

PUBLIC PROGRAMS PANEL

Meeting

MARCH 5, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C., on April 5 and 6, 1976, commencing at 9:30 a.m.

The purpose of the meeting is to review Humanities Media Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the

Chairman's Declaration of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C., 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee, Management Officer.

[FR Doc.76–6746 Filed 3–9–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 4, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

TENNESSEE VALLEY AUTHORITY

Forest Incentives—Program Profitability Analysis, TVA20011, on occasion, landowners eligible for assistance under forest incentive program, Huiett, D. T., 395–4730.

COMMISSION REVIEW OF NATIONAL POLICY TOWARD GAMBLING

Gambling Enforcement Practices and Attitudes Study, single-time, Police Departments, State law enforcement agencies, George Hall, 395–6140.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Role of States in Fluid Milk Pricing and Trade Regulation, single-time, Milk Marketing Order Administrators, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Bureau of Census, Bureau of the Census Catalog, BC–472, single-time, users of Bureau of the Census Catalog, Harry B. Sheftel, 395–5870.

DEPARTMENT OF HELTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service:
Instructions for completing application for Federal Assistance for Child Welfare Training Grants, HEW–608T, annually, public or other non-profit institutions of higher learning, Lowry, R. L., 395–3772.

Office of the Secretary:
Head Start Transition Evaluation Battery other (see SF–83), Schools, Head Start Delegate Agencies, Human Resources Division, Raynsford, R., 395–3532.

Office of Education:
Vocational Education Curriculum Specialist, program testing forms, OE 490–1, single-time, students, Kathy Wallman, 395–6140.
Sea and Lea Declining Enrollment Questionnaires, OE–494–1, OE–494–2, single-time, local education agencies, Kathy Wallman, 395–6140.

Office of Human Development, Questionnaire on Research Findings on Children and Youth, annually, researchers in universities and other research institutions, Kathy Wallman, 395–6140.

Office of Human Development: Longitudinal Evaluation of the Nutrition Program, annually, former elderly participants in nutrition program, Human Resources Division, Reese B. F., 395–3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Questionnaire "B" Description of Sewer Moratoria Area, single-time, local government planning and regulatory officials, Community and Veterans Affairs Division, Eliett, C. A., 395–3532.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Helium Utilization Questionnaire, 6–1574X, single-time, users of helium, Cynthia Wiggins, 395–5631.

DEPARTMENT OF THE TREASURY

Departmental and other United States Coinage requirements—Survey of State, Departments of Revenue, single-time, State Departments of Revenue, Huiett, D. T., 395–4730.

DEPARTMENT OF TRANSPORTATION

Department of Transportation, Departmental and other Questionnaire on Shipping Bilateralism single-time, shippers and consignees in Latin America trades, Laverne V. Colins, 395–5867.

Departmental and other Parking Violations: Enforcement frequency, single-time, urban motorists, Strasser, A., 395–5867.

REVISIONS

VETERANS ADMINISTRATION

Application for Change of Permanent Plan (non-medical—life insurance, 29–1550, on occasion, insured veterans, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Survey of Attitudes and Values Toward Predator Control, single-time, telephone households in mainland United States, Lowry, R. L., 395–3772.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

U.S. Civil Service Examination Evaluation, CSC 1076, on occasion, applicants who have taken a written civil service test, Marsha Traynham, 395–4529.

NATIONAL SCIENCE FOUNDATION

Special Registration Form for the Graduate Record Examinations, NSF280, on occasion, Government agencies, Marsha Traynham, 395–4529.

Travel Certificates for fellows, 524, on occasion, Government agencies, Marsha Traynham, 395–4529.

Travel Advance Form for Fellows (Travel Allowance Under Fellowship Program), 222, on occasion, Government agencies, Marsha Traynham, 395–4529.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Regulations governing certified products for Dogs, Cats, and Other Carnivora, on occasion, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Supplement for Claim of Person Outside the United States, SSA–21, on occasion, claimants or beneficiaries who are or will be outside the United States, Marsha Traynham, 395–4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Application for Crew Member Certificate, FAA 8060–6, on occasion, airmen, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–6894 Filed 3–9–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1215]

MISSOURI

Declaration of Disaster Loan Area

Howell County and adjacent counties within the State of Missouri constitute a disaster area because of damage resulting from a tornado on February 20, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 3, 1976 and for economic injury until the close of business on December 3, 1976, at:

Small Business Administration, District Office, 1150 Grand Avenue, 5th Floor, Kansas City, Missouri 64106.

or other locally announced locations.

Dated: March 2, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–6728 Filed 3–9–76;8:45 am]

U.S. INFORMATION AGENCY

PRIVACY ACT OF 1974

Notice of System Records

Correction

In FR Doc. 76–2700 appearing on page 8154 in the issue for Tuesday, February 24, 1976, the system of records designated USIA–39 was inadvertently omitted. In order to correct this omission, the missing system is set forth below.

USIA–39

System Name: Career Counseling Records—IPT–USIA.

System Location: U.S. Information Agency, Office of Personnel and Training, 1776 Pennsylvania Avenue NW., Washington, D.C. 20547.

Categories of Individuals Covered by the System: All foreign service officers of the Agency.

Categories of Records in the System: Computer listing of work experience and biographic data; assignment history data; education data; position data; grade; title; post of assignment; date of employment with USIA; dependents, proposed position detail to "pipeline" complement; roster of personnel available for domestic assignments; notes of personnel discussions between counselors and individual clients on preferences and other factors bearing on assignments.

Authority for Maintenance of the System: The Foreign Service Act of 1946 as amended.

Routine Uses of Records Maintained on the System, including categories of Users and the Purposes of Such Uses: Used by career counselors and personnel officers for assignment and rotation of Agency foreign service officers, within USIA or to other federal agencies to which assignment of detail may be made.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System:

Storage: Card records and paper records in file folders.

Retrievability: By individual name, by date of assignment, or both.

Safeguards: Maintained in bar-lock file cabinets.

Retention and Disposal: Biographic data and personnel statistical data subject to update periodically; old records destroyed by shredding when no longer needed.

System Manager and address: Chief, Foreign Service Personnel Office, 1776 Pennsylvania Avenue NW., Washington, D.C. 20547.

Notification Procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547.

Record Access Procedure: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547.

Contesting Record Procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the FEDERAL REGISTER.

Record Source Categories: Officer Evaluation Reports; official administrative file (OPP); records of interviews and correspondence with officers; minutes of meetings held to discuss assignment of Foreign Service officers by the career management staff.

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES

Rescheduled Meeting

The meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities scheduled for March 19, 1976 (41 FR 4645, January 30, 1976) has been rescheduled for March 26, 1976. The meeting will convene in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC at 10 a.m.

Dated: March 5, 1976.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-6855 Filed 3-9-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 201]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76390. By application filed March 3, 1976, UTAH MOVING & STORAGE COMPANY, 2537 South 3270 West, Salt Lake City, Utah 84119, seeks temporary authority to lease the operating rights of HADLEY TRANSFER & STORAGE COMPANY, 2737 South 3270 West, Salt Lake City, Utah 84119, under section 210a(b). The transfer to UTAH MOVING & STORAGE COMPANY, of the operating rights of HADLEY TRANSFER & STORAGE COMPANY, is presently pending.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6844 Filed 3-9-76;8:45 a.m.]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76434. By application filed March 3, 1976, CURTIS WALTERS, doing business as STANTON TRANSFER AND STORAGE COMPANY, 715 2nd Ave. N., P.O. Box 213, Payette, Idaho, 83661, seeks temporary authority to lease a portion of the operating rights of CLARENCE VOGT, doing business as VOGT TRANSFER & STORAGE CO., P.O. Box 565, Ontario, Oregon, 97914, under section 210a(b). The transfer to CURTIS WALTERS, doing business as STANTON TRANSFER AND STORAGE COMPANY, of a portion of the operating rights of VOGT TRANSFER & STORAGE CO., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6846 Filed 3-9-76;8:45 am]

FINANCE APPLICATIONS

MARCH 5, 1976.

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 to the granting of the requested authority must be filed with the Commission on or before April 9, 1976. 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 application if no representative is named.

No. MC-F-12768. (SCHNEIDER TANK LINES, INC.—PURCHASE (PORTION) —LOBUE, INCORPORATED), published in the February 19, 1976, issue of the FEDERAL REGISTER on page 7627. Application filed February 11, 1976, for temporary authority under Section 210a(b).

No. MC-F-12782. Authority sought for purchase by SKY KARGO, INC., 6401 Passyunk Ave., Philadelphia, PA 19153, of the operating rights of AIRLINE FREIGHT, INC., Prospect Park, PA 19076, and for acquisition by DENNIS J. McNICHOL, JR., and EDWARD J. McNICHOL, both of 6951 Norwitch Drive, Philadelphia, PA 19153, of control of such rights through the purchase. Applicants' attorney: Harold P. Boss, 1100 Seventeenth St., N.W., Washington, DC 20036. Operating rights sought to be transferred: *General commodities,* with exceptions, as a *common carrier* over irregular routes, between the Philadelphia International Airport (located in the City and County of Philadelphia), Philadelphia, Pa., on the one hand, and, on the other, the International Airport located in Newark, N.J., and the John F. Kennedy International Airport located in Jamaica, L. I., N. Y., between the Philadelphia International Airport, at Philadelphia, Pa., the Newark Municipal Airport, at Newark, N.J., and the John F. Kennedy International Airport, at Jamaica, N.Y., on the one hand, and, on the other, points in Burlington (except those north of Rancocas Creek), Camden, Gloucester, and Salem Counties, N.J., and Bucks

(except those on and south and east of Pennsylvania Highway 232), Chester, Delaware, Montgomery, and Philadelphia Counties, Pa. Vendee holds no authority from this Commission. However, it is affiliated with DENNIS TRUCKING COMPANY, INC., 6951 Norwitch Drive, Philadelphia, PA 19153, which is authorized to operate as a common carrier in Pennsylvania, New Jersey, New York, Delaware, Maryland, Virginia, Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12783. Authority sought for control by SHAWMUT TRANSPORTATION CO., INC., P.O. Box 550 Charlam Drive, Braintree, MA 02184, of KIRBY & KIRBY, INC., 1052 Spruce St., Trenton, NJ 08638, and for acquisition by MARVIN LAMPERT, EUGENE M. LAMPERT, AND LAWRENCE LAMPERT, all of Braintree, MA 02184, of control of KIRBY & KIRBY, INC., through the acquisition by SHAWMUT TRANSPORTATION CO., INC. Applicants' attorneys: A. David Millner & Arthur Liberstein, 744 Broad St., Newark, NJ 07102, and Edward M. Alfano & John L. Alfano, 550 Mamaroneck, Harrison, NY 10528. Operating rights sought to be controlled: *General commodities*, excepting among others, Class A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between New York, N.Y., and Philadelphia, Pa., serving all intermediate points, between Wilmington, Del., and Camden, N.J., serving all intermediate points except those on U.S. Highway 40, between Wilmington, Del., and Pholadelphia, Pa., between Trenton, N.J., and Point Pleasant, N.J., between New York, N.Y., and Waterbury, Conn., between Atlantic City, and Wildwood, N.J., between Trenton, and Frenchtown, N.J., serving all intermediate points, and serving various off-route points; *sugar invert*, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N.J., serving no intermediate points and serving junction of New Jersey Highway 73 and U.S. Highway 130 only for the purpose of joining the route described and the alternate route described; *potatoes*, in truckload lots, over irregular routes from points in Mercer, Monmouth, and Middlesex Counties, N.J., within 20 miles of Hightstown, N.J., to Yonkers and White Plains, and New York, N.Y., Philadelphia, Pa., and Newark and Camden, N.J.; *lithopone*, in packages, from Newport and Edge Moor, Del., to Peekskill, N.Y.; *iron or steel products* and *wire rope and cable*, from Trenton, N.J., to points in Pennsylvania; *liquid sugar*, *corn syrup*, and *blends thereof*, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N.J. SHAWMUT TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Massachusetts, New York, Connecticut, Rhode Island, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12784. Authority sought for purchase by SMITH's TRANSFER CORPORATION, P.O. Box No. 1000, Staunton, VA. 24401, of the operating rights of A & W SERVICE, INC., Henderson, KY., and for acquisition by R. R. SMITH, and R. P. HARRISON, both of the Staunton, VA. 24401 address, of control of such rights through the purchase. Applicant's attorney: FRANCIS W. MCINERNY, Suite 502 Solar Building, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes serving points in Henderson, McLean and Webster Counties, Ky., except Geneva, Henderson, Providence, and Sehree, Ky., and points in the commercial zones thereof as defined by the Commission as intermediate or off-route points in connection with carrier's regular-route operations authorized herein between Henderson, Ky., and Evansville, Ind., between Henderson, Ky., and Evansville, Ind., serving no intermediate points, but serving the off-route points of Geneva, Ky., and the Ohio River Ordnance Arsenal Works: From Henderson over U.S. Highway 41 to Evansville, and return over the same route. *Household goods* as defined by the Commission, between Henderson, Ky., on the one hand, and, on the other, Evansville, Ind. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the Disarict of Columbia, Georgia, Indiana, Illinois, Kansas, Kentucky, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications 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 pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this *Federal Register* notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 59457 (Sub-No. 30) filed January 19, 1976. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 6 Old Amity Road, Bethany, Conn. 06526. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste materials*, between points in Warren, Passaic, Bergen, Hudson, Essex, Sussex, Union, Mercer, Hunterdon, Somerset, Middlesex, and Morris Counties, N.J. and Westchester County, N.Y., on the one hand, and, on the other, Poughkeepsie, N.Y., Providence and Phillipsdale, R.I., and Holyoke, Westfield, Springfield, Lowell, Boston, Palmer, and Fitchburg, Mass., Albany, Amsterdam, Schenectady, Castleton, and Troy, N.Y. and (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Warren, Passaic, Bergen, Hudson, Essex, Sussex, Union, Mercer, Hunterdon, Somerset, Middlesex, and Morris Counties, N.J. and Westchester County, N.Y., on the one hand, and, on the other, Pawcatuck, Conn., Bridgeport and New Haven, Conn., points along U.S. Highway 1 between New Haven and Pawcatuck, Conn., Hamden, Meriden, West Haven, Saybrook Point and Noank, Conn., and those in the New York, N.Y. Commercial Zone as defined by the Commission and those in New Jersey within 15 miles of Jersey City, N.J., Saybrook and Norwichtown, Conn., points between Saybrook and New London, Conn. along Connecticut Highway 156, points between New London and Norwich, Conn. along Connecticut Highway 32, points between New London and Norwich, Con. along Connecticut Highway 12, Montville and Greenville, Conn.

Points between Norwich and Norwich Town, Conn. along Connecticut Highway 2, Greenville, Conn., points between Norwich and Pawcatuck, Conn. along Connecticut Highway 2, Westbrook and Deep River, Conn., points between Westbrook and junction Connecticut Highway 9 along Connecticut Highway 153, points between junction Connecticut Highway 9 and Deep River along Connecticut Highway 9, Essex and Ivoryton, Conn., New Haven and Hartford, Conn., points between New Haven and Meriden, Conn. along U.S. Highway 5, points between New Haven and Meriden, Conn. along Alternate U.S. Highway 5, points between Meriden, Conn. and Middletown, Conn. along Alternate U.S. Highway 6, points between Middletown and Hartford, Conn. along Connecticut Highway 9, points between New Haven and junc-

tion U.S. Highway 5 along Alternate U.S. Highway 5, points between junction U.S. Highway 5 and junction Alternate U.S. Highway 5 along U.S. Highway 5, points between junction Alternate U.S. Highway 5 and junction Alternate U.S. Highway 6 along Alternate U.S. Highway 5, points between junction Alternate U.S. Highway 6 and Middletown, Conn. along Alternate U.S. Highway 6, New Britain, Portland, East Hartford, Gildersleeve, Rockfall, Middlefield, South Meriden, West Haven, Fair Haven, Conn., New Haven and Cheshire, Conn., points between New Haven and Cheshire along Connecticut Highway 10, West Haven and Fair Haven, Conn., Bridgeport and Plainville, Conn., points between Bridgeport and junction Conecticut Highway 8 along U.S. Highway 1, points between junction Connecticut Highway 8 and Waterbury, Conn. along Connecticut Highway 8, points between Waterbury and Milldale, Conn. along Alternate U.S. Highway 6, points between Milldale and Plainville, Conn. along Connecticut Highway 10, New Britain, Conn., New Haven and Seymour, Conn., points between New Haven and Derby, Conn. along Connecticut Highway 34, points between Derby and Seymour, Conn. along Connecticut Highway 115, Derby and Ansonia, Conn.

NOTE.—Applicant states that the requested authority will be tacked at Pelham Manor, N.Y. and Jersey City, N.J., both in the New York Commercial Zone. This is a matter directly related to a Section 5(2) proceeding in MC-F-12759 published in the FEDERAL REGISTER issue of February 4, 1976. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or Washington, D.C.

No. MC 108461 (Sub-No. 126) filed January 28, 1976. Applicant: WHITFIELD TRANSPORTATION, INC., 821 East Pasadena, P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities which because of their size or weight require special equipment, commodities in bulk and household goods as defined by the Commission), Between Yuma, Ariz. and Phoenix, Ariz.: From Yuma over Interstate Highway 8 to Gila Bend, Ariz., thence over U.S. Highway 80 to Phoenix, and return over the same route serving all intermediate points between Wellton and Phoenix, Ariz. and points within twenty-five (25) miles of Phoenix, Hyder, and Roll, Ariz., as off-route points and serving the Commercial Zones of Yuma and Phoenix, Ariz. Note: This is a matter directly related to a Section 5(2) proceeding in MC-F-12753 published in the FEDERAL REGISTER issue of February 4, 1976. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., Yuma, Ariz., or Los Angeles, Calif.

No. MC 116457 (Sub-No. 15), (Correction), filed January 12, 1976, published in the FEDERAL REGISTER issue of February 25, 1976, and republished as corrected this issue. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1804 S. 27th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Donald Parker Crosby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, particle board and boards or sheet* made from ground wood, from points in Washington, Oregon, and California, to points in New Mexico, Texas, Oklahoma, and Arkansas. Note: The purpose of this republication is to correct the publication as stated above. This is a matter directly related to a Section 5(2) proceeding in MC-F-12650 published in the FEDERAL REGISTER issue of October 16, 1975. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., Albuquerque, N. Mex., or Los Angeles, Calif.

Office of Proceedings

NOTICE

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Routes—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 76032 (Deviation No. 28), NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo. 80223, filed February 19, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From New York, N.Y., over Interstate Highway 80 to junction Interstate Highway 380, thence over Interstate Highway 380 to junction Interstate Highway 81, thence over Interstate Highway 81 to Syracuse, N.Y., 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 New York, N.Y., across the Hudson River to Jersey City, N.J., thence over U.S. Highway 9 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany, N.Y., thence over New York Highway 5 to Camillus, N.Y., and return over the same route.

No. MC 76032 (Deviation No. 29), NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo., 80223, filed February 23, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 88, thence over Interstate Highway 88 (using portions of New York Highway 7 where Interstate Highway 88 is incomplete) to Albany, N.Y., 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 Baltimore, Md., over U.S. Highway 1 to New York, N.Y., thence over U.S. Highway 9 to Albany, N.Y., and return over the same route.

No. MC 111383 (Deviation No. 43), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed February 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 10 and Texas Highway 12 near Beaumont, Tex., over Texas Highway 12 to junction U.S. Highway 190, thence over U.S. Highway 190 to Kinder, La., thence over U.S. Highway 165 to Monroe, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Interstate Highway 10 and Texas Highway 12, over Interstate Highway 10 to Baton Rouge, La., thence over U.S. Highway 61 to Natchez, Miss., thence over U.S. Highway 84 to junction Louisiana Highway 15, thence over Louisiana Highway 15 to Monroe, La., and return over the same route.

No. MC 111383 (Deviation No. 44), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed February 23, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 10 and U.S. Highway 165 near Lake Charles, La., over U.S. Highway 165 to Alexandria, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Interstate Highway 10 and U.S. Highway 165 near Lake Charles, La., over Interstate Highway 10 to Lafayette, La., thence over U.S. Highway 167 to junction

U.S. Highway 190 near Opelousas, La., thence over U.S. Highway 190 to junction U.S. Highway 71, thence over U.S. Highway 71 to Alexandria, La., and return over the same route.

No. MC 115093 (Deviation No. 41), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Danville, Va., over U.S. Highway 58 to South Boston, Va., thence over Virginia Highway 304 to junction U.S. Highway 360, thence over U.S. Highway 360 to Wylliesburg, Va., 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 pertinent service routes as follows: (1) From Culpeper, Va., over U.S. Highway 29 to Danville, Va., thence over Virginia Highway 86 to the Virginia-North Carolina State line, thence over North Carolina Highway 86 to junction U.S. Highway 70, thence over U.S. Highway 70 to Durham, N.C., (2) From Roanoke, Va., over U.S. Highway 460 to junction U.S. Highway 360, thence over U.S. Highway 360 to Richmond, Va., and (3) From Harrisburg, Pa., over U.S. Highway 15 to junction North Carolina Highway 50, thence over North Carolina Highway 50 to Raleigh, N.C., and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 44), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. 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 U.S. Highways 15 and 360, near Keysville, Va., over U.S. Highway 360 to Burkeville, Va., 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 pertinent service routes as follows: (1) From Harrisburg, Pa. over U.S. Highway 15 to junction North Carolina Highway 50, thence over North Carolina Highway 50 to Raleigh, N.C., and (2) From Roanoke, Va., over U.S. Highway 460 to junction U.S. Highway 360, thence over U.S. Highway 360 to Richmond, Va., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 45), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Richmond, Va., over U.S. Highway 360 to Brays, Va., 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 pertinent service routes as follows: (1) From Richmond, Va., over U.S. Highway 301 to junction U.S. Highway 40, and (2) From Norfolk, Va., over U.S. Highway 17 via Frederickburg, Va., to junction U.S. Highway 50, thence over U.S. Highway 50 to Winchester, Va., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR § 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 705), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed February 12, 1976. Carrier proposes to operate a as *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 10 and Interstate Highway 15–W over Interstate Highway 15–W (using available county roads and/or detour routes until Interstate Highway 15–W is complete) to Devore Junction, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Los Angeles, Calif., over Figueroa Street to junction unnumbered highway (York Blvd. Jct.), thence over unnumbered highway to Pasadena, Calif., thence over Foothill Blvd. to Monrovia, Calif., thence over U.S. Highway 66 to San Bernardino, Calif., thence over Interstate Highway 15 to junction U.S. Highway 66 (Devore Junction, Calif.), and return over the same route.

OFFICE OF PROCEEDINGS

Motor Carrier Intrastate Applications

NOTICE

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 56241 (partial correction) filed January 28, 1976 published in the FEDERAL REGISTER February 25, 1976, and republished as corrected this issue. Applicant: ROGERS MOTOR EXPRESS, a Corporation, P.O. Box 3971, Modesto, Calif. 95352. Applicant's representative: George M. Carr, 351 California Street, Suite 1215, San Francisco, Calif. 94104.

NOTE.—The purpose of this partial correction is to indicate the correct territory sought in paragraph (16) to read: State Highway 152 between Gilroy and Califa., the rest remains the same. 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. A 56284, filed February 20, 1976. Applicant: TRANS-AERO SYSTEMS CORPORATION, 2905 Mead Ave., Santa Clara, Calif. 95051. Applicant's representative: Virgil J. McVicker (same address as applicant). Cer-

tificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles; (d) commodities when transported in bulk in dump trucks or in hopper-type trucks; (e) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) logs; (g) fresh fruits and vegetables; (h) automobiles, trucks and buses; and (i) classes A and B ammunition and explosives), between all points and places in the San Francisco Territory, as described in MRT-2, item 270-3, sub-paragraph 3 and subsequent changes thereto, and all points within ten miles of any point therein. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the peerformance of said service. 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.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6846 Filed 3-9-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

MARCH 5, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestants relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 75110 (Sub-No. 6G), filed June 4, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., a Corporation, 901 W. Main, P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, and Nebraska, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New York, Ohio, Philadelphia, Pa., and Tennessee, (2) between points in Oklahoma, on the one hand, and on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New York, Ohio, Philadelphia, Pa., Tennessee, and Texas, (3) between points in Texas, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, and (4) between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., Kansas City, Mo., Clay Center, Kans., Kansas City, Kans., and East St. Louis, Ill.

NOTE.—This gateway elimination case is reopened pursuant to the Policy Statement published in the FEDERAL REGISTER issue of January 16, 1976.

No. MC 105950 (Sub-No. 7G) filed June 4, 1974. Applicant: BADER BROS. VAN LINES, INC., 475 Underhill Blvd., Syosset, N.Y. 11791. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Tennessee, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of New York, N.Y., points in Florida, and points in New Jersey within 25 miles of New York, N.Y.

NOTE.—This gateway elimination case is reopened pursuant to the Policy Statement published in the FEDERAL REGISTER issue of January 16, 1976.

No. MC 66990 (Sub-No. 9G), filed June 4, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 North Mingo Road, Tulsa, Okla. 74116. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Missouri, Oklahoma, Kentucky, Iowa, Illinois, Arkansas, Texas, Indiana, Michigan, Ohio, and Kansas and (2) between points in Missouri, Oklahoma, Kentucky, Iowa, Illinois, Arkansas, Texas, Indiana, Michigan, Ohio, and Kansas, on the one hand, and, on the other, points in Nebraska, Alabama, Louisiana, Minnesota, Mississippi, New York, New Jersey, Pennsylvania, Tennessee, Colorado, and New Mexico. The purpose of this filing is to eliminate the gateways of Joplin, Mo. and points within 25 miles of Joplin, points in Tulsa County, Okla. and those within 25 miles of Tulsa County, Chicago, Ill., points in the Chicago, Ill. Commercial Zone as defined by the Commission, points within 50 miles of Kay County, Okla., including those in Kay County, and points in Lawrence County, Ill.

NOTE.—This gateway elimination case is reopened pursuant to the Policy Statement published in the FEDERAL REGISTER issue of January 16, 1976.

INTERSTATE COMMERCE COMMISSION

OFFICE OF PROCEEDINGS

Irregular-Route Motor Common Carriers of Property-Elimination of Gateway Letter Notices

NOTICE

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065) and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 27817 (Sub-No. E3) (Correction), filed May 12, 1974. Published in the FEDERAL REGISTER October 15, 1975. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, transporting: *Canned goods*; (1) from New York, N.Y., and points in that part of New York and New Jersey within ten miles of New York, N.Y., to points in that part of Maryland, Virginia, and West Virginia within 300 miles of Baltimore, Md.; points in that part of North Carolina bounded by a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 321 near Crowders, N.C., thence along U.S. Highway 321 to Boone, N.C., thence along North Carolina Highway 194 through Todd, N.C., to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line to the point of beginning, including points on the indicated portions of the highways specified; to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 220 to Rockingham, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, and on and west of U.S. Highway 301. The purpose of this filing is to eliminate the gateway of Baltimore, Md. The purpose of this correction is to delete a portion of the letter-notice publication.

No. MC 92983 (Sub-No. E27) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER February 4, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting; (L) (1) *Such paint materials* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Iowa located on and east of U.S. Highway 59 to Wichita, Kans. The purpose of this filing is to eliminate the following gateways: (A) (1) That part of Illinois on and north of U.S. Highway 6 and on and west of U.S. Highway 51 including Rock Island, Moline, and East Moline, Ill.; (A) (2) points described in (A) (1) above, and Kansas; (B) Eau Claire, Wis.; (C) (1) points in Illinois that are within the Dubuque, Iowa, commercial zone; (C) (2) Peru, Ill.; (D) (1) Adair, Audrain, Boone, Callaway, Carroll, Chariton, Clark, Grundy, Howard, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Monroe, Montgomery, Pike, Putman, Ralls, Randolph, Saline, Schuyler, Scotland, Shelby, and Sullivan Counties, Mo.; (D) (2) points in (D) (1) above, and Champaign, Ill.; (D) (3) that part of Illinois on or west of U.S. Highway 51 from the Illinois-Wisconsin State line to Decatur, Ill., thence on and north of U.S. Highway 36 from Decatur, Ill., to Springfield, Ill., thence on and north of U.S. Highway 54 from Springfield, Ill., to the Mississippi River; (E) (1) Pike County, Mo.; (E) (2) points in Illinois that are within the Muscatine, Iowa, commercial zone; (F) points in Illinois that are within the Muscatine, Iowa, commercial zone; (G) Trenton, Mo,. and points in Kansas which are located more than 200 miles from Tulsa, Okla.; (H) (1) Freemont, Nebr.; (H) (2) Waverly, Mo.; (I) Kansas City, Kans., Kansas City, Mo., commercial zone; (J) St. Louis, Mo.; (K) Missouri.

(L) (1) Kansas City, Mo.; (L) (2) and (3) Kansas City, Mo.; (M) Kansas City, Mo.; (N) Peru, Ill.; (O) (1) that part of Illinois east of U.S. Highway 51 from the Illinois-Wisconsin State line to junction U.S. Highway 24, thence along U.S. Highway 24 to the Mississippi River, thence east of the Mississippi River to junction U.S. Highway 54, thence on and North of U.S. Highway 54 to Springfield, Ill., and on and north of U.S. Highway 36 to Tuscola, Ill., and thence on and west of U.S. Highway 45 to the Illinois-Wisconsin State line; (O) (2) that part of Illinois described in (O) (1) and Kansas; (P) Champaign, Ill.; (Q) that part of Missouri on and north of U.S. Highway 36 and on and east of U.S. Highway 65; (R) (1) Trenton, Mo.; (R) (2) Trenton, Mo., and that part of Kansas more than 200 miles from Tulsa, Okla.; (R) (3) Kewaunee, Wis.; (S) Memphis, Tenn.; (T) (1) Memphis, Tenn.; (T) (2) points in Kansas that are in the North Kansas City, Mo., commercial zone; (U) (1) points in Illinois within the Clinton, Iowa, commercial zone; (U) (2) those points that are in both the St. Louis, Mo., and Dupo, Ill., commercial zones; (V) points in Illinois in the Dubuque, Iowa, commercial zone; (W) North Kansas City, Mo., commercial zone or Kansas City, Mo., commercial zone; and (X) Ottawa, Kans., and Colorado. The purpose of this correction is to correct the Federal Register publication of February 4, 1976. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E28) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER February 4, 1976. APPLICANT: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (B) *Petroleum products*, in bulk, in tank vehicles, (1) from Guttenberg, Iowa, to points in Missouri located on and within a line beginning at the Iowa-Missouri State line and extending along Highway B to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Missouri Highway 81, thence along Missouri Highway 81 to junction Highway D, thence along Highway D to junction Highway A, thence along Highway A to junction Highway E, thence along Highway E to junction with the eastern border of Knox County, thence along the eastern and southern borders of Knox County to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 3, thence along Missouri Highway 3 to junction Highway W thence along Highway W to junction Missouri Highway 129, thence along Missouri Highway 129 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction with the eastern border of Carroll County, thence along the eastern, northern, and western borders of Carroll County to junction with the southern border of Carroll County, thence along the southern borders of Carroll, Saline, Howard, Boone, Callaway, Montgomery, and Lincoln Counties to junction with the Mississippi River, thence along the Mississippi River to junction with the Iowa-Missouri State line, thence along the Iowa-Missouri State line to points of beginning. The purpose of this filing is to eliminate the gateways of: (A) (1) and (2) points that are in both the North Kansas City and Kansas City, Mo., commercial zones;

(A) (3) points in (A) (1) and (2) above, and points in Colorado; (B) (1) points in Illinois within the Fort Madison, Iowa, commercial zone; (B) (2) Fulton, Ill.; (B) (3) Milan, Ill.: (B) (4) points in Illinois within the Alexandria, Mo., commercial zone; (C) (1) that part of Illinois on and north of U.S. Highway 24; (C) (2) that part of Illinois on and north of U.S. Highway 24 and Kansas; (D) Eau Claire, Wis.; (E) points in Illinois within the Muscatine, Iowa, commercial zone; (F) Kewaunee, Wis.; (G) Albany, Ill.; (H) (1) points in Illinois on and west of U.S. Highway 51 and on and north of U.S. Highway 34; (H) (2) those points in (H) (1) above and Missouri; (H) (3) those points in (H) (1) above, Missouri, and Champaign, Ill.; (I) McFarland, Wis., and Champaign, Ill.; (J) (1) Fremont, Nebr.; (J) (2) Waverly, Mo.; (K) points in Missouri within the Kansas City, Kans., commercial zone; (L) Salem, Mo.; and points within five miles; (M) (1) Memphis, Tenn., commercial zone; (M) (2) Dubuque, Iowa, commercial zone; (M) (3) Wisconsin and Nebraska; (M) (4), (5), and (7) Dupo, Ill.; (M) (6) Dupo, Ill., and Kansas; (N), (O), (P), (Q) Memphis, Tenn.; (R) points in Illinois that are in the Dubuque, Iowa, commercial zone; (S) Wyoming, Ill.; (T), (U) Clinton, Iowa; (V) Champaign, Ill.; (W) Dupo, Ill., commercial zone; (X) Webster Grove, Mo.; (Y) Pike County, Mo.; and (Z) St. Louis, Mo. The purpose of this correction is to reflect Part (B) (1) above that was omitted by the Federal Register publication. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E29) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER February 4, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Vegetable and animal fats and oils* (except molasses and except animal fats from Esterville and Ottumwa, Iowa), in bulk, in tank vehicles; (B) *vegetable and animal fats and oils* (except molasses

and except animal fats from Estervile and Ottumwa and (except corn oil from Cedar Rapids), in bulk, in tank vehicles; (V) *Acids and chemicals*, in bulk, in tank or hopper vehicles, from the plant site of the Iowa-Guttenberg Terminal, Inc., located approximately two miles south of Guttenberg, Iowa, to points in Indiana on and south of a line beginning at the Illinois-Indiana State line, extending along U.S. Highway 24 to junction Indiana Highway 5, thence along Indiana Highway 5 to junction U.S. Highway 224, then along U.S. Highway 224 to the Indiana-Ohio State line; and * * *. The purpose of this filing is to eliminate the following gateways: (A) Kansas City, Kans.; (B) Kansas City, Kans., and Memphis, Tenn.; (C) Kansas City, Kans.; (D) Valley Park, Mo.; (E)(F) points in Missouri within the Dupo, Ill., commercial zone; (G) Nebraska; (H) Kansas; (I) Pike County, Mo.; (J), (K) (1) Muscatine, Iowa; (K)(2) the plant site of Blockson Chemical Co., at or near Joliet, Ill.; (L) Wyoming, Ill.; (M) Windham, Iowa, and points within 15 miles; (N) Des Moines, Iowa; (O)(1) Pike County, Mo.; (O)(2) Muscatine, Iowa; (P) plant site of Blockson Chemical Co., at or near Joliet, Ill.; (Q) Wyoming, Ill.; (R)(1) Burlington, Iowa; (R)(2) Des Moines, Iowa; (S) Muscatine, Iowa; (T) plant site of Blockson Chemical Co., at or near Joliet, Ill.; (U) Wyoming, Ill.; (V) Burlington, Iowa; and (W) Des Moines, Iowa. The purpose of this correction is to correct the commodities (A) and (B) and the Part (V). The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E30) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER February 4, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(O) *Acids and Chemicals*, in bulk, (2) from points in Iowa located in Dubuque, Jones, Cedar, Johnson, Washington, Keokuk, Wapello, Jefferson, Henry, Louisa, Muscatine, Scott, Clinton, and Jackson Counties to points in Wyoming (except Goshen, Niobrara, Weston, Crook, Campbell, Johnson, Sheridan, and Big Horn Counties).

(W) *Alfalfa products, cottonseed meal, mill feeds, soybean meal, and molasses* when intended for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles, (3) from points in Iowa located on and west of a line extending from the Iowa-Minnesota State line along U.S. Highway 71 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in Wisconsin located in, south, and east of Trempealeau, Eau Claire, Clark, Taylor, Price, and Ashland Counties, and * * * The purpose of this filing is to eliminate the following gateways:

(A) Chicago, Ill.; (B) Clinton, Iowa; (C) McFarland, Wis.; (D) Champaign, Ill.; (E) Kentucky; (F) Selma, Mo.; (G), (H) Selma, Mo., and Woodstock, Tenn., or Memphis, Tenn.; (I) Selma, Mo., and Columbia, Tenn.; (J) points in Illinois within the Muscatine, Iowa, Commercial zone; (K) Marshall County, Ky.; (L) (M), (N) points in the Kansas City, Kans., Kansas City, Mo., commercial zone; (O) (1)–(3) Kansas City, Kans.; (O) (4)–(15) points in the Kansas City, Kans., Kansas City, Mo., commercial zones; (P) points that are in both the Kansas City, Kans., and Olathe, Kans., commercial zones; (Q) points that are in both the Olathe, Kans., and Lawrence, Kans., commercial zones; (R) points that are in both the Olathe, Kans., and Lawrence, Kans., commercial zones; and Saginaw, Mo., and points within 15 miles; (S) points that are in both the Kansas City, Kans., and Olathe, Kans., commercial zones and Verona, Mo.; (T), (U), (V) points in the Kansas City, Kans., Kansas City, Mo., commercial zones; (W) (1)–(2) the plant site of Protein Blenders, Inc., near Iowa City, Iowa; (W) (3)–(4) Mason City, Iowa; (X)(1) points in Illinois within the Dubuque, Iowa, commercial zone; (X)(2) Memphis, Tenn.; (X)(3) Kansas City, Kans., and (Y) Colorado. The purpose of this correction is to reflect Part (O)(2) that was omitted and (W)(3) above. The remainder of the letter notice remains as previously published.

No. MC 92983 (Sub-No. E32) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER February 4, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (F) *Liquified propane*, in bulk, in tank vehicles, (1) from points in Missouri located in and west of Scotland, Knox, Shelby, Monroe, that portion of Audrain County west of Missouri Highway 19, Callaway, Osage, Maries, Phelps, Texas, and Howell Counties to points in Illinois located in that portion of Rock Island County on and north of U.S. Highway 6, Whiteside, Carroll, Ogle, Winnebago, Stephenson, and Jo Davies Counties, (2) from points in Missouri located in and west of Scotland, Knox, Macon, Randolph, Howard, Cooper, Moniteau, Morgan, Camden, Dallas, Greene, Lawrence, and Barry Counties to points in Illinois located in Lee, DeKalb, Kane, DuPage, Cook, Lake, McHenry, and Boone Counties, . . . (N) *Fats, greases, lard, and tallows* (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles, (2) from St. Louis, Mo., to points in Arkansas located on and south of a line beginning at the Arkansas-Tennessee State line along Arkansas Highway 252 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction Arkansas Highway 22, thence along Arkansas Highway 22 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 28, thence along Arkansas Highway 28 to the Arkansas-Oklahoma State line, to points in Texas in and south of Cochran, Hockey, Lubbock, Crosby, Dickens, King, Knox, Baylor, Archer, and Clay Counties and to points in Oklahoma located in Choctaw and McCurtain Counties and that portion of LeFlore County east and south of a line beginning at the Oklahoma-Arkansas State line along Oklahoma Highway 128 to junction U.S. Highway 259, thence along U.S. Highway 259 to the LeFlore-McCurtain County line.

(O) *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from Jefferson City, Mo., to point in Illinois on and north of U.S. Highway 40 from East St. Louis to Effingham and on and west of U.S. Highway 45 to the Illinois-Wisconsin State line and located in and north of Hancock, McDonough, Fulton, Mason, Tazewell, McLeod, DeWitt, Champaign, and Vermillion Counties, . . . The purpose of this filing is to eliminate the gateways of the following: (A) Muscatine, Iowa; (B) Burlington, Iowa; (C) Windham, Iowa, and points within 15 miles; (D) plant site of Hawkeye Chemical Co., at or near Clinton, Iowa; (E) Des Moines, Iowa; (F) the terminal outlet of the Mid-American Pipeline Co., at or near Iowa City, Iowa; (G) and (H) Tulsa, Okla.; (I)(1) points in Illinois within the Muscatine, Iowa, commercial zone; (I)(2) plant site of the Blockson Chemical Co., at or near Joilet, Ill.; (J) Columbia, Tenn.; (K) Muscatine, Iowa; (L) St. Louis, Mo.; (M) Plant site of the Blockson Chemical Co., at or near Joilet, Ill.; (N) Memphis, Tenn.; (O)(1) points in Iowa within the Alexandria, Mo., commercial zone; (O)(2) points in (O)(1) and Champaign, Ill.; (O)(3) Fort Madison, Iowa; (O)(4) Guttenberg, Iowa; (O)(5) Guttenberg, Iowa, and Eau Claire, Wis.; (O) (6) Black Hawk County, Iowa; (O)(7) site of the terminal outlet of the Mid-American Pipeline Co., at or near Iowa City, Iowa; (P) Memphis, Tenn.; (Q) Memphis, Tenn.; (R)(1) points in Arkansas within the Memphis, Tenn., commercial zone; (R)(2) Colorado; (S)(1) Kansas; (S)(2) Kansas City, Kans.; (S)(3) Nebraska; (S)(4) Kansas; (T) Champaign, Ill.; (U) Tulsa, Okla.; (V) Kewaunee, Wis., and (W) plant site of Hawkeye Chemical Co., at or near Clinton, Iowa. The purpose of this correct is to reflect the correct destination points in (N)(2) and (O)(1) above and (F) (1) and (2) omitted in publication of February 4, 1976. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E33) (Correction), filed June 4, 1974. Published in

the FEDERAL REGISTER February 4, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *Crude soybean oil* and *inedible fats*, in bulk, in tank vehicles, (1) from points in Missouri to Faribault, Minn., Minneapolis, Minn., and St. Paul, Minn., (F) *Soybean oil*, in bulk, in tank vehicles, (1) from points in Missouri located in and west of Marion, Daviess, Caldwell, Ray, Jackson, Cass, and Bates Counties to points in South Dakota located in and west of McPherson, Edmunds, Potter, Dewey, Ziebach, and Meade Counties, and points in Pennington County located on and west of South Dakota Highway 79, and (L) *Acids and chemicals* (except chemical fertilizer from Joplin and points within 5 miles therof), in bulk, (3) from points in Missouri to points in Arizona, California, Nevada, Oregon, and Utah, (X) (4) from points in Missouri located on and bounded by a line extending from the Missouri-Illinois State line along U.S. Highway 36 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 291, thence along Missouri Highway 5 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri 5, thence along Missouri Highway 5 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction Missouri Highway 42, thence along Missouri Highway 42 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to the Mississippi River, thence along the Mississippi River to point of origin to points in Kansas located on and west of a line extending from the Kansas-Nebraska State line along Kansas Highway 28 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line.

The purpose of this filing is to eliminate the following gateways: (A) (1) Guttenberg, Iowa; (A) (2) Guttenberg, Iowa, and Eau Claire, Wis.; (A) (3) Champaign, Ill.; (A) (4) Black Hawk County, Iowa; (A) (5) and (6) those points in Kansas located more than 200 miles from Tulsa, Okla.; (A) (7) points in Kansas that are within the Kansas City, Mo., commercial zone and more than 200 miles from Tulsa, Okla; (B) Louisiana, Mo., and Muscatine, Iowa; (C) Iowa; (D) Clinton, Iowa; (E) Dubuque, Iowa; (F) Redfield, Iowa; (G) Iowa; (H) Topeka, Kans.; (I), (J), (K), (L) (3) and (5) Kansas City, Kans., Kansas City, Mo., commercial zone (point formerly known as Turner, Kans.); (L) (1) and (2) Kansas City, Kans. (Point formerly known as Turner, Kans.); (L) (6) and (7) and (M) Olathe, Kans., a point in the Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.); (N) points in (M) above and Muscatine, Iowa; (O) points in (M) above, and the plant site of the Blockson Chemical Co., at or near Joliet, Ill.; (P) points in (M) above and Burlington, Iowa; (Q) (1) to (3) points in (M) above, and Saginaw, Mo., and points within 15 miles; (Q) (4) and (5), (R) Kansas City, Kans., Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.); (S) Escanaba, Mich.; (T) Dallas, Tex.; (U) Topeka, Kans.; (V) (1) and (2) Joplin, Mo., and Burlington, Iowa; (V), (3) to (4) Joplin, Mo., and the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa; (W) points in Illinois within the Alexandria, Mo., commercial zone and Guttenberg, Iowa; and (X) Olathe, Kans., a point in the Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.).

The purpose of this correction is to correct errors made in the Federal Register publication and correct the destination points. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E42), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT COMPANY, 2007 University Avenue NW., Kansas City, Mo. 64142. Applicant's representative: H. B Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sulfuric acid* and *phosphoric acid*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Nebraska; (B) *sulfuric acid*, in bulk and *phosphoric acid*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Iowa; (C) *liquid sulfuric acid* and *liquid phosphoric acid*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Indiana; (D) *sulphuric acid*, in bulk, and *phosphoric acid* in bulk, in tank vehicles, from Tulsa, Okla., to points in Colorado located in and north of Cheyenne, Lincoln, Crowley, Pueblo, Custer, Alamosa, Rio Grande, Mineral, Hinsdale, La Plata, and Montezuma Counties, and to points in Illinois and Wisconsin; (E) *sulfuric acid*, in bulk, in tank or hopper vehicles, and *phosphoric acid*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Arkansas on and north of a line beginning at the Arkansas-Missouri State line and extending east along U.S. Highway 620 to intersection with the western border of Boone County, thence along the western and southern borders of Boone County to intersection with U.S. Highway 65, thence along U.S. Highway 65 to intersection with the northern boundary of Van Burean County, thence along the northern and eastern border of Van Buren, Cleburne, White, Woodruff, St. Francis Counties, to intersection with Arkansas Highway 1, thence along Arkansas Highway 1 to intersection with the northern border of Lee County, thence along the northern and eastern boundary of Lee County to the Mississippi River, to points in Kentucky, and to points in Mississippi in and east of Coahoma, Tallahatchie, Leflore, Holmes, Yazoo, and Madison Counties, and that portion of Hinds on and east of the Mississippi Highway 22 from the northern boundary to junction with unnumbered highway, thence along unnumbered highway through Bolton to junction with Mississippi Highway 467, thence along Mississippi Highway 467 to junction with Mississippi Highway 18, thence along Mississippi Highway 18 to junction with Mississippi Highway 27, thence along Mississippi Highway 27 to the southern boundary of Copiah, Lincoln, and Amite Counties, and to points in Tennessee.

(F) *Sulfuric acid*, in bulk, in tank vehicles, from Bartlesville, Okla., to points in Nebraska; (G) *sulfuric acid*, in bulk, from Bartlesville, Okla., to points in Iowa; (H) *sulfuric acid*, in bulk, in tank vehicles, from Bartlesville, Okla., to points in Indiana; (I) *sulfuric acid*, in bulk, in tank or hopper vehicles, from Bartlesville, Okla., to points in Arkansas on and east of a line beginning at the Oklahoma-Arkansas State line and extending south along the northern and eastern borders of Crawford and Sebastian Counties, to intersection with U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 270, thence along U.S. Highway 270 to intersection with the northern border of Polk County, thence along the northern and eastern border of Polk and Howard Counties to intersection with U.S. Highway 70, thence along U.S. Highway 70 to intersection with the eastern border of Sevier County, thence along the eastern and southern border of Sevier and Little River Counties, to the Arkansas-Texas State line, and to points in Kentucky, Mississippi, and Tennessee; (J) *sulfuric acid*, in bulk, from Bartlesville, Okla., to points in Colorado on and west of a line beginning at the Colorado-New Mexico State line, extending north along the western and northern borders of Costilla, Huerfano, Pueblo, Lincoln, Elbert Counties to intersection with West Bijou Creek, thence along West Bijou Creek to intersection with the southern border of Adams County, thence along the southern and eastern borders of Adams and Morgan Counties to intersection with Interstate Highway 80S, thence along Interstate Highway 80S to the intersection with the eastern border of Logan County, thence along the eastern border of Logan County to the Colorado-Nebraska State line, and to points in Illinois and Wisconsin; (K) *cottonseed oil, soybean oil, blends, and products* thereof (except soap products and paints), in bulk, in tank vehicles, (1) from points in Oklahoma to Wilson and Evadale, Ark., (2) from points in Oklahoma to Macon, Ga.; (3) from points in Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line extending west along U.S. Highway 271 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. High-

way 81, thence along U.S. Highway 81 to junction Oklahoma Highway 152, thence along Oklahoma Highway 152 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Oklahoma-Texas State line, to Jackson, Miss.

(4) From points in Oklahoma on, south and west of a line beginning at the Kansas-Oklahoma State line extending south along the eastern border of Osage County to intersection with the Bartlesville, Okla., Commercial Zone, thence along the northern, eastern and south boundaries of the Bartlesville Commercial Zone to intersection with the eastern border of Osage County, thence along the eastern border of Osage County to intersection with unnumbered highway, thence along unnumbered highway through Ramona to junction U.S. Highway 169 at Talala, thence along U.S. Highway 169 to junction unnumbered highway, thence along unnumbered highway through Chelsea to junction with Oklahoma Highway 28, thence along Oklahoma Highway 28 to the Arkansas-Oklahoma State line to Cincinnati, Ohio; (5) from points in Oklahoma located on, south and west of a line extending from the Kansas-Oklahoma State line, along U.S. Highway 75 to the junction of Oklahoma Highway 20, thence along Oklahoma Highway 20 to the Oklahoma-Arkansas State line, to Cincinnati, Ohio; (L) *vegetable oil and vegetable oil products*, (except soap products and paints), in bulk, in tank vehicles, (1) from points in Oklahoma to points in Georgia to points in Mississippi located in and north of Coahoma, Tallahatchie, Grenada, Carroll, Attala, Leake, Neshoba, Newton, and Lauderdale Counties; (2) from points in Oklahoma located in Cimarron and Texas Counties, to points in Mississippi located in, north and east of Washington, Humphreys, Yazoo, Madison, Rankin, Simpson, Covington, and Lamar Counties; (3) from points in Oklahoma to points in New York and points in Pennsylvania located in all counties except Washington, Greene, and Fayette; (M) *acetic acid*, in bulk, in tank vehicles, (1) from points in Oklahoma to points in Alabama (except Mobile and Baldwin Counties), and to points in Georgia; (2) from points in Oklahoma (except Bryan, Atoka, Choctaw, Pushmataha, McCurtain, Latimer, and Leflore Counties), to points in Alabama located in Mobile and Baldwin Counties; (3) from points in Oklahoma to Asheville, N.C., Greenville, Spartanburg, and Ware Shoals, S.C.; (4) from points in Oklahoma (except those located in Nowata, Craig, Ottawa, Rogers, Mayes and Delaware Counties), to Louisville, Ky.; (N) *molasses*, in bulk, in tank vehicles, (1) from Muskogee, Okla., to Muscatine, Iowa; (2) from Muskogee, Okla., to points in Illinois located in and north of Henderson, Warren, Knox, Peoria, Woodford, LaSalle, Grundy and Kankakee Counties; (3) from Muskogee, Okla., to points in Minnesota located in Houston, Winona, Lake, and Cook Counties, and that portion of St. Louis County located on and east of a line beginning at the southern boundary of the county along Minnesota Highway 33 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction County Road 24, thence along County Road 24 to the Minnesota-Canada border and points in Wisconsin (except Pierce, St. Croix, Polk, and Burnett Counties).

(O) *Corn syrup and liquid sugar*, in bulk, in tank vehicles, (1) from Muskogee, Okla., to clinton and Keokuk, Iowa; (2) from Muskogee, Okla., to Cedar Rapids, Iowa, and Roby, Ind.; (P) *corn syrup*, in bulk, in tank vehicles, (1) from Muskogee, Okla., to points in Minnesota, North Dakota, and South Dakota; (2) from Muskogee, Okla., to Alabama, Georgia, Kentucky, and points in Louisiana located in Washington, St. Tammany, Tangipahoa, Jefferson, Orleans, Plaquemines, and St. Bernard Parishes, and points in Mississipi located in, east and north of Coahoma, Sunflower, Humphreys, Yazoo, Hinds, Copiah, Lincoln, and Pike Counties; (3) from Muskogee, Okla., to points in Florida; (4) from Muskogee, Okla., to points in Iowa (except Cedar Rapids, Clinton, and Keokuk); (Q) *sugar and syrup*, in bulk, in tank vehicles, (1) from Muskogee, Okla., to points in Nebraska and points in Colorado located in, north and west of Kiowa, Bent, Otreo, Pueblo, Nuerfano, Alamosa, and Conejos Counties; (2) from Muskogee, Okla., to points in California, Oregon and Washington; (R) *molasses*, when intended for use as animal and poultry feed or feed ingredients, in bulk, in tank vehicles, from Muskogee, Okla., to points in Iowa; (S) *crude cottonseed and soybean oils*, in bulk, in tank vehicles, (1) from points in Oklahoma located in and north of Roger Mills, Dewey, Blaine, Kingfisher, Logan, Payne, Pawnee, Osage, Washington, Rogers, Mayes, and Delaware Counties, to points in Wisconsin located in and east of Grant, Crawford, Richland, Suak, Juneau, Monroe, Wood, Clark, Taylor, Price, and Iron Counties; (2) from points in Oklahoma located in and south of Beckham, Custer, Caddo, Canadian, Oklahoma, Lincoln, Creek, Tulsa, Wagoner, Cherokee, and Adair Counties, to points in Minnesota located on and east of Minnesota Highway 43 and to points in Wisconsin located in, east and south of Trempealeáu, Eau Claire, Chippewa, Rusk, Sawyer, and Bayfield Counties; (3) from points in Oklahoma located in and south of Adair, Cherokee, Wagoner, Tulsa, Creek, Lincoln, Oklahoma, Canadian, Caddo, Custer and Beckham Counties (except Oklahoma City), to points in Iowa located in and east of Lee, Henry, Louisa, Johnson, Linn, Delaware, Clayton, and Allamakee Counties; (4) from points in Oklahoma (except Oklahoma City), to points in Indiana, Michigan and Ohio; (5) from points in Oklahoma located in and west of Washington, Tulsa, Creek, Okfuskee, Seminole, Pontotoc, Johnston, and Marshall Counties (except Oklahoma City), to points in Illinois; (T) *chemicals*, in bulk, (1) from points in Oklahoma located in and west of Alfalfa, Major, Blaine, Custer, Washita, Kiowa, and Tillman Counties, to points in North Dakota located on and east of U.S. Highway 81.

(2) From points in Oklahoma located in and east of Grant, Garfield, Kingfisher, Canadian, Caddo, Commanche, and Cotton Counties, to points in North Dakota; (3) from points in Oklahoma (except those located in Cimarron, Texas, Beaver, and Harper Counties), to points in South Dakota located on and east of a line extending from the Missouri River along Interstate Highway 29 to junction South Dakota Highway 28, thence along South Dakota Highway 28 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-North Dakota State line; (4) (from points in Oklahoma located in and east of Osage, Pawnee, Payne, Lincoln, Oklahoma, Grady, Commanche, and Cotton Counties, to points in South Dakota located in and north of Union, Lincoln, Turner, McCook, Hanson, Sanborn, Jerauld, Hand, Faulk, Potter, Walworth, and Campbell Counties and points in Davison County located on and north of Interstate Highway 90 (except those points in South Dakota described in (3) above); (5) from points in Oklahoma located in and east of Washington, Tulsa, Creek, Okfuskee, Seminole, Pontotoc, Murray, Carter and Love Counties, to points in South Dakota (except those points in South Dakota described in (3) and (4) above); (6) from points in Oklahoma located in and east of Kay, Noble, Logan, Oklahoma, Cleveland, McClain, Garvin, Carter, and Love Counties, to points in Idaho (except those located in Caribou, Bear, Lake, Franklin, and Oneida Counties), and points in Bannock County located east and south of a line extending from the western border along Interstate Highway 15W to junction Interstate Highway 15, thence along Interstate Highway 15 to northern border, to points in Montana and to points in Wyoming located in Bog Horn, Park, and Teton Counties; (7) from points in Oklahoma located in and east of Washington, Tulsa, Okmulgee, McIntosh, Pittsburg, Pushmataha, and Choctaw Counties, to points in Idaho and Wyoming (except those points in Idaho and Wyoming described in (6) above); (8) from points in Oklahoma located on and east of a line extending from the Oklahoma-Kansas State line along U.S. Highway 281 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 44, thence along Oklahoma Highway 44 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, to points in or located on and west of a line extending from the Oregon-Washington State line along Interstate Highway 5 to junction Oregon Highway 22, thence along Oregon Highway 22 to junction Oregon Highway 223, thence along Oregon Highway 223 to junction U.S. Highway 20, thence along U.S. Highway 20 to Newport, on the Pacific Ocean; (9) from points in Oklahoma located in and east of Grant, Garfield, Kingfisher, Canadian, Grady, Comanche, and Cotton Counties,

to points in Oregon (except those points in or described in (8) above).

(10) From points in Oklahoma located in Washington, Nowata, Craig, and Ottawa Counties, to points in California; (11) from points in Oklahoma located in Osage, Tulsa, Muskogee, and Sequoyah Counties, to points in California located in, north and west of Los Angeles, Kern, and Inyo Counties; (12) from points in Oklahoma located in and east of Grant, Garfield, Logan, Oklahoma, Cleveland, McLain, Garvin, Carter, and Love Counties (except those points in Oklahoma described in (10) and (11) above), to points in California located on and north of a line extending from the California-Nevada State line, thence along U.S. Highway 50 to junction California Highway 89, thence along California Highway 89 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 20, thence along California Highway 20 to Noyo, on the Pacific Ocean; (13) from points in Oklahoma located in and east of Washington, Tulsa, Okmulgee, and McIntosh Counties, and points located on and east of the Indian Nation Turnpike from the southern border of McIntosh County, to the Oklahoma-Texas State line, to points in Utah located on, north and west of a line extending from the Utah-Colorado State line, thence along Interstate Highway 70 to the eastern border of Sevier County, thence along the eastern and southern borders of Sevier, Piute, Iron and Washington Counties, to the Utah-Arizona State line; (14) from points in Oklahoma located in Washington, Nowata, Craig, and Ottawa Counties, to points in Nevada; (15) from points in Oklahoma located on and east of a line extending from the Oklahoma-Texas State line along the Indian Nation Turnpike to junction U.S. Highway 75, thence along U.S. Highway 75 to the northern border of Tulsa County, to points in Nevada located on and north of a line extending from the Nevada-Utah State line along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line; (16) from Oklahoma City, Okla., to points in Nevada located on and north of a line extending from the Nevada-Utah State line along U.S. Highway 40 to junction of U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-California State line.

(U) *Chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Oklahoma located on and east of a line extending from the Oklahoma-Kansas State line along U.S. Highway 169 to junction Oklahoma Highway 20, thence along Oklahoma Highway 20 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Indian Nation Turnpike, thence along the Indian Nation Turnpike to the Oklahoma-Texas State line, to points in Colorado located in and north of Mesa, Garfield, Eagle, Summit, Clear Creek, Arapahoe and Washington Counties and points in Jefferson County located on and north of U.S. Highway 40 and points in Kit Carson County located on and north of U.S. Highway 24; (2) from points in Oklahoma to points in Kansas located on and east of a line extending from the Missouri-Kansas State line along the southern and western borders of Johnson County to the intersection of unnumbered highway, thence along unnumbered higway to junction U.S. Highway 59, 2 miles north of Pleasant Grove, thence along U.S. Highway 59 to junction U.S. Highway 159, thence along U.S. Highway 159 to the Kansas-Nebraska State line; (3) from points in Oklahoma located in and south of Adair, Cherokee, Muskogee, McIntosh, Hughes, Pontotoc, Murray, Carter, and Love Counties, to points in Kansas located on and bordered by a line originating at the Kansas-Nebraska State line and extending along Kansas Highway 63 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 159, thence along U.S. Highway 159 to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to the point of origin; (4) from points in Oklahoma (except those located in Cimarron, Texas, Beaver, Harper, Kay and Noble Counties), to points in Nebraska located on and east of U.S. Highway 73 from the Missouri River to the southern border of Otoe County; (5) from points in Oklahoma located in and east of Washington, Tulsa, Okmulgee, McIntosh, Pittsburg, Pushmataha, and Choctaw Counties, to points in Nebraska (except those located on and east of U.S. Highway 73 from the Missouri River to the southern border of Otoe County); (V) *chemicals*, in bulk, (1) from points in Oklahoma located in and east of Woods, Major, Dewey, Custer, Washita, Kiowa and Jackson Counties, to points in Washington; (2) from points in Oklahoma located in Woodward, Ellis, Roger Mills, Beckham, Greer, and Harmon Counties, to points in Washington located on and west of Interstate Highway 5 from the Misqually River to the United States-Canada Border.

(W) *Petroleum products* (except liquid hydrogen to missile storage, missile lanuching or test facilities or plants producing liquid hydrogen, except wax from Stroud and except liquified petroleum gases), in bulk, in tank vehicles, from point in Oklahomas located in, west and south of Harper, Woodward, Major, Kingfisher, Logan, Payne, Creek, Wagoner, Cherokee, and Adair Counties, and points in Tulsa County located on and south of Oklahoma Highway 33 (except Tulsa, Allen, and Okmulgee, to points in Iowa located in and east of Davis, Wapello, Keokuk, Iowa, Benton, Buchannan, Fayette, and Winneshiek Counties; (X) *chemicals*, in bulk, (1) from points in Oklahoma located in and west of Ottawa, Craig, Rogers, Tulsa, Creek, Lincoln, Oklahoma, Canadian, Caddo, Kiowa, and Jackson Counties, to points in Kentucky located on and east of a line extending from the Ohio River along the Audubon Parkway to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line, to points in Ohio, to points in North Carolina located in and east of Madison, Buncombe, Rutherford, and Polk Counties, and to points in South Carolina located in and east of Cherokee, York, Lancaster, Chesterfield, Darlington, Florence, Marion and Horry Counties; (2) from points in Oklahoma located in, north and west of Adair, Cherokee, Muskogee, Okmulgee, Okfuskee, Seminole, Pottawatomie, McClain, Grady, Comanche, and Tillman Counties, to points in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and West Virginia, and to points in Virginia (except Lee and Scott Counties); (3) from points in Oklahoma located in and south of Sequoyah, Haskell, McIntosh, Hughes, Pontotoc, Garvin, Stephens, and Cotton Counties, to points in Delaware, the District of Columbia, New Jersey, New York, and Pennsylvania, to points in Maryland (except those located in Calvert, St. Marys and Charles Counties, and points in Prince Georges County located on and south of Maryland Highway 4), to points in Virginia located on and north of a line extending from the Virginia-West Virginia State line along U.S. Highway 50 to junction of Virginia Highway 7, thence along Virginia Highway 7 to the Potomac River and to points in West Virginia located in Wetzel, Marion, Monongalia, Preston, Mineral, Hamphire, Morgan, Berkeley, Jefferson, Marshall, Ohio, Brooke, and Hancock Counties.

(Y) *Chemicals* (except petroleum chemicals, synthetic resins and varnish), in bulk, in tank vehicles, from points in Oklahoma to points in Mesnnota; (Z) *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Oklahoma to points in Iowa located on and east of a line extending from the Iowa-Missouri State line along U.S. Highway 59 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Iowa-Minnesota State line; (2) from points in Oklahoma (except those located in Cimarron, Texas, Beaver, Harper, Kay, and Noble Counties), to points in Iowa (except those points in Iowa described in (1) above); (3) from points in Oklahoma located in and west of Osage, Pawnee, Payne, Logan, Oklahoma, Grady, Comanche, and Cotton Counties, to points in Illinois located in and north of Bond, Fayette, Clay, Richland, and Lawrence Counties, and points in Madison County located on and north of Illinois Highway 143; (4) from points in Okalhoma located in and west of Nowata, Washington, Tulsa, Creek, Lincoln, Seminole, Pottawatomie, McClain, Garvin, Murray, Carter, and Love Counties, to points in Illinois located in, north and east of St. Clair, Washington, Perry, Franklin, Williamson, and Pope Counties (except those points in Illinois described

in (3) above); (5) from points in Oklahoma located in and west of Osage, Pawnee, Payne, Logan, Oklahoma, Grady, Comanche, and Cotton Counties, to points in Missouri located in and north of Cass, Pettis, Morgan, Moniteau, Cole, Callaway, Montgomery, Warren, and Lincoln Counties, and points in Henry County located on and north of Missouri Highway 7; (6) from points in Oklahoma located in and west of Nowata, Washington, Tulsa, Creek, Lincoln, Seminole, Pottawatomie, McClain, Garvin, Murray, Carter, and Love Counties, to points in Missouri located in and north of Bates, Henry, Benton, Morgan, Moniteau, Cole, Callaway, Montgomery, Warren, St. Charles, and St. Louis Counties (except those points in Missouri described in (5) above); (AA) *liquid chemicals,* in bulk, in tank vehicles, from points in Oklahoma to points in Rhode Island; (BB) *chemicals,* in bulk, in tank or hopper vehicles, (1) from points in Oklahoma to points in Michigan; (2) from points in Oklahoma located in Nowata, Creek, Lincoln, Oklahoma, Pottawatomie, Cleveland, McClain, Grady, Garvin, Comanche, Stephens, Jefferson, Cotton, and Tillman Counties, to points in Minnesota located in and east of Washington, Ramsey, Hennepin, Sherburne, Benton, Mille Lacs, Crow Wing, Aitkin, Itasca, and Kooching Counties; (3) from points in Oklahoma located in and east of Craig, Rogers, Tulsa, Okmulgee, Okfuskee, Seminole, Pontotoc, Murray, Carter, and Love Counties, to points in Minnesota located in and east of Fillmore, Olmsted, Dodge, Rice, Scott, Carver, Wright, Sherburne, Benton, Morrison, Cass, Beltrami, and Lake of the Woods Counties, and St. Cloud; (4) from points in Oklahoma to points in Wisconsin.

(CC) *Chemicals,* in bulk, (1) from points in Oklahoma to points in Connecticut; and (2) (DF) from points in Oklahoma located in, north and west of Delaware, Mayes, Wagoner, Muskogee, McIntosh, Pittsburg, Coal, Johnson, and Marshall Counties, to points in Diana. The purpose of this filing is to eliminate the gateways of: (A) Lawrence, Kans.; (B) Joplin, Mo.; (C) Selma, Mo.; (D),(E) Saginaw, Mo., and points within 15 miles thereof; (F) Lawrence, Kans.; (G) Joplin, Mo.; (H) Selma, Mo.; (I), (J) Saginaw, Mo., and points within 15 miles thereof; (K), (L), and (M) Memphis, Tenn.; (N)(1) Kansas City, Mo.; (N)(2) Kansas City, Mo. and Muscatine, Iowa; (N)(3) Kansas City, Mo., Muscatine, Iowa, and points in Illinois within the Dubuque, Iowa Commercial Zone; (O)(1) Saginaw, Mo., and points within 15 miles thereof; (O)(2) Kansas City, Mo.; (P) (1) and (4) North Kansas City, Mo.; (P)(2) points in Arkansas within the Memphis, Tenn., Commercial Zone; (P)(3) points in Arkansas within the Memphis, Tenn., Commercial Zone, and Birmingham, Ala.; (Q)(1) Ottawa, Kans.; (Q)(2) Ottawa, Kans., and Colorado; (R) Kansas City, Mo.; (S) (1) and (2) St. Louis, Mo.; (S)(3) Valley Park, Mo., a point in the St. Louis Commercial Zone; (T) (1) to (7) Kansas City, Kans. (a point formerly known as Turner, Kans.); (T) (8) to (16) Kansas City, Zone (a point formerly known as Turner, Mo.-Kansas City, Kans., Commercial Kans.); (U) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.); (V) Kansas City, Mo., Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.); (W) points in Illinois that are in the Alexandria, Mo., Commercial Zone; (X) and (Y) Kansas City, Mo., Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.); (Z) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.); (AA) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.), and Muscatine, Iowa; (BB)(1) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.), and the plantsite of Blockson Chemical Co., at Joliet, Ill.; (BB) (2) to (4) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.), and the plantsite of Iowa-Guttenberg Terminal Inc., approximately 2 miles south of Guttenberg, Iowa; and (CC) Kansas City, Mo.-Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.).

No. MC 92983 (Sub-No. E43) filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *Acids and chemicals* (except petroleum and petroleum products), in bulk, (1) from points in Ohio to points in Missouri located in, north and west of Buchanan, De Kalb, Davies, Grundy, Sullivan, and Putnam Counties; (2) from points in Ohio located in, north and east of Paulding, Putnam, Allen, Hardin, Logan, Union, Franklin, Fairfield, Hocking, Vinton, and Gallia Counties, to points in Missouri located in Jackson, Platte, Clay, Clinton, Caldwell, Ray, Carroll, Livingston, Linn, Chariton, Macon, Adair, Schuyler, Scotland, and Knox Counties; (3) from points in Ohio located in, north and east of Lucas, Ottawa, Sandusky, Huron, Loran, Medina, Wayne, Stark, and Columbiana Counties, to points in Missouri located in Jasper, Barton, Vernon, Bates, Johnson, Henry, St. Clair, Cedar, Dade, Hickory, Benton, Pettis, Saline, Howard, Cooper, Morgan, Randolph, Monroe, Shelby, Marion, Lewis and Clark Counties; (4) from points in Ohio to points in Nebraska and points in Iowa located in and east of Allamakee, Clayton, Delaware, Jones, Cedar, Muscatine, Louisa, Henry, Van Buren Counties; (5) from points in Ohio located in, south and east of Lorain, Ashland, Richland, Knox, Licking, Franklin, Pickaway, Ross, Pike, and Scioto Counties, to points in Iowa located in Des Moines County and to points in Dubuque, Jackson, Clinton, and Scott Counties on and west of U.S. Highway 61 including the Cities on U.S. Highway 61; (6) from points in Ohio to points in South Dakota and Minnesota (except St. Louis, Lake, and Cook Counties), and to points in Wisconsin located in Burnett, Polk, St. Croix, and Pierce Counties; (7) from points in Ohio located in, south and east of Hamilton, Warren, Greene, Madison, Franklin, Licking, Knox, Holmes, Stark, Portage, and Trumbull Counties, to points in Minnesota located in St. Louis, Lake and Cook Counties, and to points in Wisconsin located in Douglas, Hayfield, Washburn, Sawyer, Barron, Rusk, Dunn, Chippewa, Pepin, Eau Claire, Buffalo, Trempealeau, La Crosse, Vernon, and Crawford Counties; (B) *chemicals* (except petroleum and petroleum products), in bulk, from points in Ohio to points in North Dakota.

(C) *Acids and chemicals,* in bulk, (1) from Toledo and Swanton, Ohio, to Kansas City, Kan.; (2) from points in Ohio to points in Arizona, California, Nevada, New Mexico, Oregon and Utah; (3) from points in Ohio to points in Washington; (D) *cottonseed oil and soybean oil,* in bulk, in tank vehicles, from points in Ohio to Jackson, Miss.; (E) *cottonseed oil, soybean oil, blends, and products* thereof (except soap products and paint), in bulk, in tank vehicles; (1) from points in Ohio to Dallas, Tex.; (2) from points in Ohio to Osceola, Ark.; (F) *vegetable oil,* in bulk, in tank vehicles, (1) from points in Ohio to points in Louisiana and to points in Alabama located in Mobile, Washington, and Choctaw Counties, and to points in Mississippi (except Monroe, Itawamba, Prentiss, Tishomingo and Alcorn Counties); (2) from points in Ohio located in and north of Darke, Miami, Champaign, Union, Delaware, Knox, Coshocton, Tuscarawas, Harrison, Jefferson Counties, to points in Alabama located in Baldwin, Escambia, Conecuh, Monroe, Clarke, Wilcox, Marengo, Sumter, Greene, Pickens, and Lamar Counties, and to points in Mississippi located in Monroe, Itawamba, Prentiss, Tishomingo, and Alcorn Counties; (3) from points in Ohio located in Williams, Fulton, Lucas, Defiance, and Henry Counties, to points in Alabama located in Covington, Butler, Lowndes, Dallas, Perry, Hale, Bibb, Tuscaloosa, and Fayette Counties; (G) *unprocessed fats,* in bulk, in tank vehicles, from points in Ohio located in and south of Darke, Shelby, Logan, Warren, Morrow, Richland, Ashland, Medina, Summit, Portage, Trumbull, Ashtabula Counties, to Dubuque, Iowa; (H) *unprocessed, inedible fats,* in bulk, in tank vehicles, (1) from points in Ohio to Faribault, Minn.; (2) from points in Ohio located in, south and east of Mercer, Auglaize, Allen, Hancock, Seneca, Huron, and Erie Counties, to Minneapolis and St. Paul, Minn.; (I) *unprocessed fats,* in bulk, in tank vehicles, from points in Ohio to points in Nevada; (J) *acids and chemi-*

cals, in bulk, (1) from points in Ohio located in and north of Mercer, Auglaize, Hardin, Marion, Marrow, Richland, Ashland, Wayne, Stark, and Mahoning Counties, to points in Idaho and Wyoming, and to points in Montana located in, south and west of Liberty, Chouteau, Fergus, Petroleum, Rosebud, and Power River, and to points in South Dakota located in, south and west of Lawrence, Pennington, Washabaugh, and Bennett Counties; (2) from points in Ohio located in Darke, Shelby, Miami, Logan, Champaign, Clark, Union, Madison, Delaware, Franklin, Pickaway, Knox, Licking, Fairfield, Perry, Morgan, Muskingum, Coshocton, Holmes, Tuscarawas, Guernsey, Noble, Monroe, Belmont, Harrison, Carroll, Columbiana, and Jefferson Counties, to points in Idaho, Montana, and Wyoming, and to points in North Dakota located in, south and west of Divide, Williams, McKenzie, Dunn, Stark, Gran, and Sioux Counties, and to points in South Dakota located in, south and west of Corson, Walworth, Potter, Hyde, Buffaloe, Jerauld, Aurora, Davison, Hutchinson, and Yanktown Counties; (3) from points in Ohio located in and south of Preble, Montgomery, Greene, Fayette, Ross, Hocking, Athens, and Washington Counties, to points in Idaho, Montana, and Wyoming, and to points in North Dakota located in, south and west of Renville, Ward, McLean, Sheridan, Kidder, Logan, and Dickey Counties, and to points in South Dakota located in, south and west of Brown, Spink, Clark, Codington, and Deuel Counties.

(K) *Acids and chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Ohio to points in Colorado, Kansas, and to points in Missouri located in McDonald, Newton, Jasper, Barton, Vernon, Bates, Cass, Jackson, Clay, Clinton, De Kalb, Platte, Buchanan, Andrew, Holt, Nodaway, and Atchison Counties, restricted against the transportation of acids and chemicals, in bulk, in tank vehicles, from Toledo and Swanton, Ohio, to points in Missouri in the Kansas City, Mo., Commercial Zone; (2) from points in Ohio located south of a line extending from the Ohio-Indiana State line along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Wyoming State line, to points in Oklahoma located on, north and west of a line extending from the Oklahoma-Texas State line along U.S. Highway 271 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas State line; (3) from points in Ohio located on and north of a line extending from the Ohio-Indiana State line along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, to points in Oklahoma and points in Arkansas located on and west of a line extending from the Arkansas-Missouri State line along U.S. Highway 71 to the Red River; (4) from points in Ohio located north of U.S. Highway 40, to points in Nebraska located in, south and west of Nemaha, Johnson, Gage, Saline, Fillmore, Clay, Adams, Kearney, Phelps, Dawson, Lincoln, Kieth, Garden, Morrill, Box Butte, and Sioux Counties; (5) from points in Ohio located on and south of U.S. Highway 40 to points in Nebraska and points in Iowa located on and west of a line extending from the Iowa-Missouri State line along U.S. Highway 59 to junction Iowa Highway 37, thence along Iowa Highway 37 to junction Interstate Highway 29, thence along Interstate Highway 29 to the Iowa-South Dakota State line; (L) *acids and liquid chemicals* (except those derived from petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Ohio located south of U.S. Highway 40 to points in Texas located in and west of Grayson, Denton, Tarrant, Johnson, Bosque, Coryell, Lampasas, Burnet, Blanco, Kendall, Bexar, Atascosa, Live Oak, Jim Wells, and Nueses Counties; (2) from points in Indiana located on and north of U.S. Highway 40 and south of the Maumee River, to points in Texas located in and west of Red River, Franklin, Wood, Smith, Cherokee, Houston, Walker, Montgomery, Waller, Fort Bend, and Brazoria Counties; (3) from points in Ohio located north of the Maumee River to points in Texas located in and west of Red River, Morris, Upshur, Gregg, Rusk, Nacogdoches, Angelina, Polk, Liberty, and Chambers Counties (except Harris County).

(M) *Chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Ohio located south of U.S. Highway 40 to points in Texas located in, west and north of Wichita, Baylor, Haskell, Stonewall, Kent, Scurry, Howard, Martin, Midland, Ector, Crane, Pecos, and Brewster Counties; (2) from points in Ohio located on and north of U.S. Highway 40 (except Williams, Fulton, and Lucas Counties), to points in Texas located in and west of Grayson, Collin, Dallas, Ellis, Hill, McLennan, Falls, Milam, Lee, Fayette, Lavaca, Victoria, and Calhoun Counties; (3) from points in Ohio located in Williams, Fulton, and Lucas Counties, to points in Texas located in and west of Lamar, Delta, Hopkins, Rains, Van Zandt, Henderson, Freestone, Limestone, Robertson, Brazos, Washington, Austin, Wharton, and Matagorda Counties; (N) *chemicals* (except aluminum sulphate and rosin sizing, benzol, benzene, toluol and xylol), in bulk, in tank vehicles, from Middletown, Ohio, to points in Colorado; (O) *chemicals* (except benzol, benzene, toluol, and xylol), in bulk, in tank vehicles, (1) from Middletown, Ohio, to points in Michigan located in and west of Alger and Delta Counties; (2) from Middletown, Ohio, to points in Kentucky located in McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton Counties; (3) from Middletown, Ohio, to points in Tennessee located in and west of Weakley, Gibson, Madison, Chester, and McNairy Counties; (4) from Middletown, Ohio, to points in Missouri located in and south of Ste. Genevieve, St. Francois, Washington, Crawford, Phelps, Maries, Cole, Moniteau, Cooper, Pettis, Johnson, Jackson Counties; (P) *acetic acid, vinegar, and blends* thereof, in bulk, in tank vehicles, from Middletown, Ohio, to points in Mississippi located in and south of Washington, Sharkey, Yazoo, Madison, Rankin, Smith, Jones, Perry, and Greene Counties, restricted against the transportation of acetic acid to points in Mississippi on and north of U.S. Highway 80; (Q) *agricultural insecticide and arsenic acid*, in bulk, in tank vehicles, (1) from Middletown, Ohio, to points in Texas (except Garland and Tyler, Tex., and points within 10 miles of Tyler); (2) from Middletown, Ohio, to points in Mississippi located in and south of Washington, Sharkey, Yazoo, Madison, Rankin, Smith, Jones, Perry, and Greene Counties; (R) *chemicals* (except benzol, benzene, toluol, and xylol), in bulk, in tank vehicles, from Middletown, Ohio, to points in Minnesota and Iowa; and (S) *dry or liquid chemicals* (except benzol, benzene, toluol, and xylol), in bulk, from Middletown, Ohio to Dallas, Tex.

The purpose of this filing is to eliminate the gateways of: (A) Iowa City, Iowa, a point within 15 miles of Windham, Iowa; (B) Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and Des Moines, Iowa; (C) (1) Iowa City, Iowa; (C) (2) to (3) Iowa City, Iowa, and Kansas City, Mo.,-Kansas City, Kans., Commercial Zone; (D), (E), and (F) Memphis, Tenn.; (G) Champaign, Ill.; (H) Champaign, Ill., and Dubuque, Iowa; (I) Champaign, Ill., Dubuque, Iowa and Nebraska; (J) Kansas City, Mo.-Kansas City, Kans., Commercial Zone; (K) Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone; (L) Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and Lawrence, Kans.; (M) Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone and Springfield, Mo.; (N) point within 40 miles of Chicago, Ill.; (O) (1) plantsite of Blockson Chemical Co., at or near Joliet, Ill.; (O) (2), (3), and (4) plantsite of Olin Mathieson Chemical Corp., at or near Ordill, Ill.; (P) and (Q) plantsite of Olin Mathieson Chemical Corp., at or near Ordill, Ill., and Memphis, Tenn.; (R) Wyoming, Ill.; and (S) Wyoming, Ill., and Springfield, Mo.

No. MC 92983 (Sub-No. E45), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cottonseed oil, soybean oil, and blends* thereof, cottonseed oil and soybean oil products, in bulk, in tank vehicles, from Delaware to Wilson, Ark., and Evadale, Ark.; (B) *cottonseed oil and soybean oil*, in bulk, in tank vehicles, from points in Delaware to points in Idaho and Washington, and to points in Wyoming on and west of a line beginning at the Colorado-Wyoming State line and extending north along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to the Montana-Wyoming State line; (C) *cottonseed oil, soybean oil, and blends* thereof, cottonseed oil and soybean oil products, in bulk, in tank vehicles, from points in Delaware to Carthage, Mo.; (D) *soybean oil*, in bulk from points in Delaware, to points in Nevada on and west of a line beginning at the California-Nevada State line and extending along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Alternate Highway 95, thence along U.S. Alternate Highway 95 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 3, thence along Nevada Highway 3 to intersection with the western boundary of Lyon County, thence along the western boundary of Lyon County to the California-Nevada State line; (E) *cottonseed oil and soybean oil*, in bulk, in tank vehicles, (1) from points in Delaware to Jackson, Miss.; (2) from points in Delaware to Dallas, Tex.; (3) from Delaware to Osceola, Ark.; (F) *cottonseed oil, soybean oil, blends, and products thereof* (except soap products and paint), in bulk, in tanks vehicles, from points in Delaware to Dallas, Tex., and Osceola, Ark.

(G) *Vegetable oils*, in bulk, in tank vehicles, from points in Delaware to points in Louisiana and Mississippi (except Jackson, Miss.); (H) *such fats, oils, products, and blends* thereof as are embraced within chemicals (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles, (1) from points in Delaware, except Kent and Sussex Counties), to points in Montana located in, south, and west of Lincoln, Sanders, Lake, Missoula, Powell, Jefferson, and Gallatin Counties, and to points in Wyoming located in and west of Park, Hot Springs, Fremont Counties, and that part of Albany and Carbon Counties on and west of a line beginning at the Wyoming-Colorado State line along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Carbon-Fremont County line; (2) from points in Delaware located in Kent and Sussex Counties, to points in Idaho and points in Montana located in, south and west of Glacier, Pondera, Teton, Lewis, and Clark, Meagher, Wheatland, Golden Valley, Yellowstone, and Big Horn Counties, and to points in Wyoming located in and west of Sheridan, Johnson, Converse, Platte, and Laramie Counties; (I) *such fats, oils, blends, and products* thereof as are embraced within chemicals (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles, (1) from points in Delaware to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah; (2) from points in Delaware located in Kent and Sussex Counties, to points in Colorado, points in Kansas located in and west of Norton, Graham, Rooks, Osborne, Mitchell, Cloud, Clay, Riley, Wabaunsee, on and west of U.S. Highway 75, Shawnee, Lyon, Chase, Butler, and Sumner Counties, and all of the Topeka Commercial Zone, points in Nebraska located in Scottsbluff, Banner, Kimball, Cheyenne, Devel, Perkins, Chase, Dundy, Hayes, Hitchcock, and Red Willow Counties, and to points in Oklahoma located in, west, and north of Grant, Garfield, Major, Blaine, Custer, Washita, Greer, and Jackson Counties; (3) from points in Delaware located in New Castle County, to points in Colorado on and west of unnumbered highway beginning at the Wyoming-Colorado State line proceeding through Hereford and Grover to junction with Colorado Highway 14, thence along Colorado Highway 14 through New Raymer to junction with Colorado Highway 52, thence along Colorado Highway 52 to Morgan County northern boundary, thence along the north and eastern boundaries of Morgan, Washington, and Kit Carson Counties, to Kansas-Colorado State line, to points in Kansas located in and west of Sherman, Logan, Gove, Ness, Rush, Barton, Stafford, that portion of Reno County west of Kansas Highway 17 including the Hutchinson Commercial Zone, Pratt, Kiowa, and Comanche Counties, and to points in Oklahoma located in and west of Harper, Ellis, and Woodward Counties.

(J) *Fats and oils* (except those derived from petroleum) when intended for use as animal and poultry feed or ingredients, in bulk, in tank vehicles, from points in Delaware to points in Arkansas; and (K) *such vinegar*, as is embraced within paint and paint materials, in bulk, in tank vehicles, from points in Delaware to points in Arkansas. The purpose of this filing is to eliminate the gateways of: (A) Memphis, Tenn.; (B) Memphis, Tenn., Evadale, Ark., and Olathe, Kans.; (C) Memphis, Tenn., and Evadale, Ark.; (D) Memphis, Tenn., Evadale, Ark., Carthage, Mo., Redfield, Iowa, and Nebraska, (E), (F), and (G) Memphis, Tenn.; (H) points in Mississippi that are within the Memphis, Tenn., Commercial Zone and Kansas City, Kans. (a point formerly known as Turner, Kans.); (I) (1) points in Mississippi that are within the Memphis, Tenn., Commercial Zone and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kansas.); (I) (2) points in Mississippi that are within the Memphis, Tenn., Commercial Zone and points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.); and (J), (K) points in Arkansas that are within the Memphis, Tenn., Commercial Zone.

No. MC 104149 (Sub-No. E1) (Correction), filed May 15, 1974, and published in the FEDERAL REGISTER January 19, 1976. Applicant: OSBORNE TRUCK LINE, INC., 518 North 31st, Birmingham, Ala. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (13) *Iron and steel products* (except commodities in bulk) in minimum shipments of 10,000 pounds, between Birmingham, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Kentucky, on and east of a line commencing at the Indiana-Kentucky State line, and extending along U.S. Highway 45 to junction Kentucky Highway 60, thence along Kentucky Highway 60 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 453, thence along Kentucky Highway 453 to the Kentucky-Tennessee State line.* (Plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.) The purpose of this filing is to eliminate the gateways indicated by asterisks. The purpose of this correction is to reflect the correct territorial description.

No. MC 109064 (Sub-No. E10), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76102. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way: (1) between points in Louisiana, on the one hand, and, on the other, points in Oklahoma, Kansas, Colorado, Wyoming, Utah, and Montana, and points in Lea and Eddy Counties, N. Mex.; and (2) between points in Arkansas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, and points in Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Texas on and north of a line beginning at El Paso, Texas, and extending along U.S. Highway 80 to Dallas, Texas, thence along U.S. Highway 175 to Jacksonville, Texas, and thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC 109064 Sub-No. E12), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., 3301 S.E. Loop 820, P.O. Box 8367, Fort Worth, Tex. 76102. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth Drilling machinery, and equipment, and machinery, materials, equipment, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hold sites, and (d) the injection or removal of commodities into or from holes or wells: (1) between points in Louisiana, on the one hand, and, on the other, points in Oklahoma, Kansas, Colorado, Wyoming, Utah, and Montana, and points in Lea and Eddy Counties, N. Mex.; and (2) between points in Arkansas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, and points in Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Texas on and north of a line beginning at El Paso, Texas, and extending along U.S. Highway 80 to Dallas, Texas, thence along U.S. Highway 175 to Jacksonville, Texas, and thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC 113855 (Sub-No. E138) (Correction), filed May 30, 1974. Published in the FEDERAL REGISTER October 30, 1975 and January 14, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Tractors*, (except tractors with vehicle beds, bed frames, or fifth wheels), *utility trailers*, designed to transport tractors other than truck tractors, *road construction machinery and equipment, earth moving, excavating and loading machinery, and parts and attachments* for all of the above commodities when transported at the same time and in the same vehicle therewith, restricted in all of the above to commodities, which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both; and *related machinery parts* moving in connection therewith and * * * (b) (1) from points in Indiana on and north of U.S. Highway 150, points in Ohio, West Virginia, and points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along Kentucky Highway 61 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Ohio State line, to points in Arizona. The purpose of this partial correction is to reflect the correct destination points and to modify the above commodity description. The remainder of the letter-notice is to remain the same as previously published. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E33), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers: (1) from points in Michigan to points in Arkansas and Oklahoma (El Paso, Ill., and East St. Louis, Ill.*); (2) from points in the Lower Peninsula of Michigan, to points in Kansas (El Paso, Ill. and East St. Louis, Ill.*); (3) from points in the Lower Peninsula of Michigan, to points in Missouri (El Paso, Ill.*); (4) from points in the Lower Peninsula of Michigan, to points in Nebraska and points in Iowa on and west of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 38 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Illinois State line (El Paso, Ill.*); (5) from points in the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 35 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, Michigan, to points in Illinois on and south of a line beginning at the Illinois-Iowa State line and extending along Illinois Highway 116 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line. (El Paso, Ill.*); (6) from points in Lower Peninsula of Michigan on and south of a line beginning at Lake Michigan and extending along Interstate Highway 94 to junction of U.S. Highway 27, thence along U.S. Highway 27 to junction of Interstate Highway 96, thence along Interstate Highway 96 to Detroit, Michigan, to points in Minnesota on, north, and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 65 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line. (El Paso, Ill.*).

(7) From points in the Lower Peninsula of Michigan to points in Illinois on, south, and west of a line beginning at the Illinois-Iowa State line and extending along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Kentucky State line (El Paso, Ill.*); (8) from points in the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 35 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, Michigan, to points in Tennessee (El Paso, Ill. and Oglesby, Ill.*); (9) from points in the Upper Peninsula of Michigan on, south, and west of a line beginning at the Michigan-Wisconsin State line and extending along U.S.Highway 141 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction Michigan Highway 69, thence along Michigan Highway 69 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line, to points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line (El Paso, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E36), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, III. 63201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in containers, from points in Pennsylvania, to points in Iowa, Missouri and Nebraska (El Paso, Ill., and points within 5 miles thereof)*; (2) *chemicals*, in containers, from points in Pennsylvania, to points in Arkansas, Kansas and Oklahoma (El Paso, Ill., and points within 5 miles thereof; and East St. Louis, Ill.)*; (3) *chemicals*, in containers, from points in Pennsylvania, to points in Minnesota on, north and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 65 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, and points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction Illinois Highway 146, thence along Illinois Highway 146 to the Illinois-Missouri State line (El Paso, Ill., and points within 5 miles thereof)*; (4) *chemicals*, in containers, from points in Pennsylvania on, east and south of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. 220, thence along U.S. Highway 220 to the Pennsylvania- Maryland State line, to points in Wisconsin (El Paso, Ill., and points within 5 miles thereof)*; (5) *chemicals*, in containers, from points in Pennsylvania on, south and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction Interstate Highway 81, thence along In-

terstate Highway 81 to the Pennsylvania-New York State line, to points in the Upper Peninsula of Michigan on, west and south of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 95 to junction Michigan Highway 69, thence along Michigan Highway 69 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line (El Paso, Ill., and points within 5 miles thereof)*; (6) *chemicals*, in containers, from points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line, to points in Kentucky on and west of U.S. Highway 45 (El Paso, Ill., and points within 5 miles thereof)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E38), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, (1) from points in Tennessee (except Memphis and points within its commercial zone as defined by the Commission), to points in Wisconsin, Minnesota, points in Iowa on and north of U.S. Highway 34, points in the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 35 to junction U.S. Highway 41, thence along U.S. Highway 41 to Cooper Harbor, Mich., and points in Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 114, thence along Illinois Highway 114 to the Illinois-Indiana State line (El Paso, Ill.*).

(2) From points in Tennessee on, north and east of a line beginning at the Tennessee-Missouri State line and extending along Tennesse Highway 20 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line, to points in Nebraska on, north and west of a line beginning at the Nebraska-Iowa State line and extending along Interstate Highway 80 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line (El Paso, Ill.*); (3) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 42 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Tennessee-Georgia State line, to points in Missouri on and north of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 136 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Missouri-Nebraska State line (El Paso, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E39), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers: (1) from points in Ohio, to points in Kansas and points in Oklahoma on, north and west of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line (El Paso, Ill., and East St. Louis, Ill.*); (2) from points in Ohio, to points in Minnesota, Nebraska and Iowa. (El Paso, Ill.*); (3) from points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to junction U.S. Highway 38, thence along U.S. Highway 38 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Pennsylvania State line, to points in Arkansas on and west of U.S. Highway 167. (El Paso, Ill., and East St. Louis. Ill.*); (4) from points in Ohio, to points in Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 61 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Wisconsin-Michigan State line. (El Paso, Ill.*); (5) from points in Ohio, to points in Missouri on, north and west of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 36 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. (El Paso, Ill.*).

(6) From point in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 8, thence along Ohio Highway 8 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30–S, thence along U.S. Highway 30–S to the Ohio-Indiana State line to points in Missouri. (El Paso, Ill.*); (7) from points in Ohio on, south and east of a line beginning at Lake Erie and extending along Ohio Highway 535 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Intersection Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line, to points in Illinois on, north and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line. (El Paso, Ill.*); (8) from points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 18, thence along Ohio Highway 18 to the Ohio-Indiana State line, to points in Illinois on, south and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 24, to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate 57, thence along Interstate Highway 57 to the Illinois-Kentucky State line. (El Paso, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E40), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, (1) from points in Nebraska, to points in Indiana, Kentucky, Ohio, Pennsylvania, West Virginia, and points in the Lower Peninsula of Michigan (El Paso, Ill.*); (2) from points in Nebraska on, west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, to points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to junc-

tion U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line (El Paso, Ill.*).

(3) From points in Nebraska on, west and north of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 281 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Iowa State line, to points in Tennessee on and east of Interstate Highway 65. (El Paso, Ill. and Oglesby, Ill.*); (4) from points in Nebraska on, north and west of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line, to points in Illinois on and east of a line beginning at the Illinois-Kentucky State line and extending along U.S. Highway 51 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 55, thence along Interstate Highway 55, to Chicago, Illinois. (El Paso, Ill.*); (5) from points in Nebraska on and west of a U.S. Highway 385, to points in Missouri on, east and north of a line beginning at the Missouri-Illinois State line and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line. (El Paso, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E41), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers: (1) from points in Minnesota, to points in Ohio, West Virginia and Kentucky; (El Paso, Ill.*); (2) from points in Minnesota on, west and north of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 65 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, to points in Pennsylvania (El Paso, Ill.*); (3) from points in Minnesota, to points in Indiana on and south of U.S. Highway 24 (El Paso, Ill.*); (4) from points in Minnesota on and east of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the International Boundary Line between the United States and Canada, to points in Arkansas on and east of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 67, thence along U.S. Highway 167 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Arkansas-Texas State line (El Paso, Ill. and East St. Louis, Ill.*).

(5) From points in Minnesota on, west and north of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 65 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, to points in Michigan on, south and east of a line beginning at Lake Michigan and extending along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 96, thence along Interstate Highway 96 to Detroit (El Paso, Ill.*); (6) from points in Minnesota to points in Missouri on and east of U.S. Highway 67 (El Paso, Ill.*); (7) from points in Minnesota, to points in Illinois on, east and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Missouri State line (El Paso, Ill.*); (8) from points in Minnesota, to points in Tennessee (El Paso, Ill. and Oglesby, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E44), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers: (1) from points in New York, to points in Arkansas, Kansas and Oklahoma (El Paso, Ill. and East St. Louis, Ill.*); (2) from points in Iowa, to points in Ohio, West Virginia and Pennsylvania (El Paso, Ill.*); (3) from points in Iowa on, south and west of a line beginning at the Iowa-Illinois State line and extending along Iowa Highway 38 to junction U.S. Highway 30, thence along U.S. Highway 30 tod junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Minnesota State line, to points in the Lower Peninsula of Michigan (El Paso, Ill.*); (4) from points in Iowa on and south of Iowa Highway 2, to points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line (El Paso, Ill.*); (5) from points in Iowa, to points in Indiana on and south of U.S. Highway 24 (El Paso, Ill.*).

(6) From points in Iowa on, north and east of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 61 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line, to points in Missouri on and south of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 72 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Kansas State line (El Paso, Ill.*); (7) from points in Iowa on and north of U.S. Highway 34, to points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along Interstate Highway 65 to junction Interstate Highway 24, thence along Interstate Highway 24 to the Tennessee-Georgia State line (El Paso, Ill., and Oglesby, Ill.*); (8) from points in Iowa on and east of U.S. Highway 61, to points in Arkansas (El Paso, Ill. and East St. Louis, Ill.*); (9) from points in Iowa on and east of U.S. Highway 61, to points in Oklahoma on and south of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Texas State line (El Paso, Ill. and East St. Louis, Ill.*); (10) from points in Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 61 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 13, thence along Iowa Highway 13 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, to points in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Missouri State line (El Paso, Ill.*).

(11) From points in Iowa on, west and south of a line beginning at the Iowa-Missouri State line and extending along Interstate Highway 35 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, to points in Illinois on, north and east of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction Interstate Highway 55, thence along Interstate Highway 55 to Lake Michigan (El Paso, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117416 (Sub-No. E6) (Correction), filed June 4, 1974. APPLICANT: NEWMAN & PEMBERTON, 2007 University Ave. NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from Indianapolis, Ind., to points in Florida, Georgia, South Carolina, North Carolina, points in Scott, Wise, Dickerson, Russell, Washington, Grayson, Smythe, Wythe, Carroll, Patrick, Henry, Pittsylvania, Halifax, Mecklenburg,, Brunswick, Lee, Greensville, South Hampton, Isles of Wight, and Nansemond Counties, Va., and Norfolk, Va., points in Alabama on or south of U.S. Highway 80; points in Jones, Forrest, Wayne, Perry, Greene, Stone, George, Jackson, Harrison, Hancock, Pearl, and Lamar Counties, Miss., and those points in that part of Louisiana on or south to a line beginning at the Mississippi-Louisiana State line, at or near Bogalusa, thence along Louisiana Highway 10 to Franklinton, thence along Louisiana Highway 16 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 82, at or near Abbeyville, thence south on Louisiana Highway 82 to junction Louisiana Highway 333, thence along South on Louisiana Highway 333 to the Gulf of Mexico; The purpose of this filing is to eliminate the gateway of Newport of Knoxville or Tellico Plains, Tenn. The purpose of this correction is to reflect an omission in publication of August 20, 1974.

No. MC 119767 (Sub-No. E1), filed June 4, 1974. APPLICANT: BEAVER TRANSPORT, CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy Products*, as described in Section B of Appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin, to points in Kentucky (except Louisville). The purpose of this filing is to eliminate the gateway of Pana, Ill.

No. MC 119777 (Sub-No. E42) (Correction), filed January 29, 1975, and published in the FEDERAL REGISTER September 5, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such metallic grindings, and shavings, residue, dross, slag, concentrates, oxides, and spent nickel catalyst*, which are embraced within ferro-chrome, ferro-chrome silicon, ferro-silicon, silicon-manganese, ferro-manganese, silicon metal and scrap iron for remelting purposes only (except liquid chemicals, in bulk, in tank vehicles): (25) From points in California on and north of a line beginning at the California-Nevada State line extending along Interstate Highway 80 to junction California Highway 20, thence along California Highway 20 to a terminus at Noyo, Calif., to points in Louisiana on and east of a line beginning at the Louisiana-Arkansas State line extending along U.S. Highway 65 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La.

(34) From points in Florida on and east of a line beginning at Cocoa, Fla., thence along U.S. Highway 1 to its terminus at Key West, Fla., to Walls, Miss; (97) from points in Indiana on, north, and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 24 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 10, thence along Indiana Highway 10 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 421, thence along U.S. Highway 421 to its terminus at Michigan City, Ind., to points in Tennessee on, south, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Tennessee State line; (165) from points in Missouri on, south, and west of a line beginning at the Kansas-Missouri State line extending along Interstate Highway 70 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to a terminus at Cape Girardeau, Mo., to points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line.

(172) From, points in Nebraska on, south, and west of a line commencing at the Nebraska-South Dakota State line on U.S. Highway 385, thence south on U.S. Highway 385 to junction Nebraska State Highway 2, thence southeast on Nebraska State Highway 2 to junction U.S. Highway 281, thence south on U.S. Highway 281 to junction U.S. Highway 34, thence east on U.S. Highway 34 to Lincoln, Nebraska, thence south and east of Nebraska State Highway 2 to the Iowa-Nebraska State line to points in Connecticut; (173) from points in Nebraska on, south, and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 38 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line to points in Delaware; (203) from points in New York to points in Kansas on, south, and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 283 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line; (207) from points in Ohio on and north of a line beginning at Union City, Ohio, thence along Ohio Highway 47 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction U.S. Highway 22, thence along U.S. Highway 22 along U.S. Highway 22 to the Ohio-West Virginia line to points in Alabama on and west of a line commencing at the Alabama-Tennessee State line extending along U.S. Highway 43 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 82, thence along U.S. Highway 82 to Montgomery, Ala., thence along U.S. Highway 331 to the Alabama-Florida State line.

(215) From points in Ohio to points in Tennessee on and west of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 45 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line; (220) from points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line on U.S. Highway 209, thence southwest on U.S. Highway 209 to junction Pennsylvania Highway 611, thence south on Pennsylvania Highway 611 to a terminus at or near Philadelphia, Pa., to Evansville, Indiana; (221) from points in Pennsylvania on, south, and east of a line commencing at the Delaware-Pennsylvania State line on Pennsylvania State Highway 82, thence north on Pennsylvania State Highway 82 to the junction of U.S. Highway 30, thence east on U.S. Highway 30 to the junction of U.S. Highway 1, thence northeast on U.S. Highway 1 to the New Jersey-Pennsylvania State line to Payne, Iowa; (222) from points in Pennsylvania on, south, and east of a line commencing at the Pennsylvania-West Virginia State line on U.S. Highway 19, thence north on U.S. Highway 19 to Pittsburgh, Pa., thence east on U.S. Highway 22 to the junction of U.S. Highway 119, thence north on U.S. Highway 119 to the junction of U.S. Highway 219, thence north on U.S. Highway 219 to the New York-Pennsylvania State line to points in Kansas on, south and west of a line commencing at Kansas City, Kansas, thence

west on Interstate Highway 70 to the junction of U.S. Highway 183, thence north on U.S. Highway 183 to the Kansas-Nebraska State line.

(223) From points in Pennsylvania on and east of a line commencing at Erie, Pa., thence south on U.S. Highway 19 to the junction of Pennsylvania State Highway 51, thence south on Pennsylvania State Highway 51 to the junction of U.S. Highway 40, thence southeast on U.S. Highway 40 to the Pennsylvania-Maryland State line to points in Kentucky on and west of a line commencing at the Kentucky-Tennessee State line on U.S. Highway Alternate 41, thence north on U.S. Highway Alternate 41 to the junction of Kentucky State Highway 91, thence north on Kentucky State Highway 91 to the Kentucky-Illinois State line; (224) from points in Pennsylvania on and east of a line commencing at the Pennsylvania-New York State line on U.S. Highway 15, thence south on U.S. Highway 15 to the junction of U.S. Highway 11, thence south on U.S. Highway 11 to the Pennsylvania-Maryland State line to points in Missouri on, south and west of a line commencing at St. Joseph, Missouri, thence south on Interstate Highway 29 to Kansas City, Missouri, thence east on Interstate Highway 70 to Columbia, Missouri, thence south on U.S. Highway 63 to the junction of Missouri State Highway 68, thence south on Missouri State Highway 68 to the junction Missouri State Highway 8, thence east on Missouri State Highway 8 to the junction of U.S. Highway 67, thence south on U.S. Highway 67 to the junction of Missouri State Highway 32, thence east on Missouri State Highway 32 to the Missouri-Illinois State line; (227) from points in South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 76 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line to points in Illinois.

(248) From points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line to points in New Jersey; (259) from points in Texas on and west of a line beginning at Corpus Christi, Tex., thence along Interstate Highway 37 to junction Texas Highway 9, thence along Texas Highway 9 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-Arkansas State line to points of Rossville and Blairsville, Ga.; (286) from points in West Virginia to points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along Missouri Highway 18 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 32, thence along Missouri Highway 32 to a terminus at Ste. Genevieve, Mo.; and * * * The purpose of this filing is to eliminate the gateway of the plant site of the Pittsburgh Metallurgical Company at or near Calvert City, Ky. The purpose of this correction is to reflect the correct descriptions. The remainder of the letter-notice remains as previously published.

No. MC 119777 (Sub-No. E132) (Correction), filed January 29, 1975, and published in the FEDERAL REGISTER September 4, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard, Pulpboard, strawboard* (restricted to commodities, the transportation of which, because of their size or weight, require the use of special equipment); (4) from points in Ohio (except Columbus) to points in Arizona, Arkansas, California, Idaho, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington; (20) from Olney, Ill., and points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 145, thence along Illinois Highway 145 to junction U.S. Highway 45, thence along U.S. Highway 45 to a terminus at Brookport, Ill., to points in Kansas on, north, and west of a line beginning at the Colorado-Kansas State line extending along Kansas Highway 96, to junction Kansas Highway 27, thence along Kansas Highway 27 to the Kansas-Nebraska State line; (31) from points in Illinois on, east, and south of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to a terminus at Chester, Ill., to points in Nevada.

(36) From points in Illinois to points in North Carolina on, south, and east of a line beginning at Point Harbor, N.C., thence east and south on U.S. Highway 158 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction US. Highway 23, thence along U.S. Highway 23 to the North Carolina-Georgia State line; (100) from points in Kentucky on and east of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 45 to junction Kentucky Highway 121, thence along Kentucky Highway 121 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line to Westboro, Mo.; (113) from Middlesboro, Ky., and points in Kentucky bounded on the north by Illinois and Indiana, bounded on the south by Tennessee, bounded on the west by U.S. Highway 45, and bounded on the east by a line beginning at Owensboro, Ky., thence along U.S. Highway 231 to Bowling Green, Ky., thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky 90 to Albany, Ky., thence along U.S. Highway U.S. Highway 127 to the Kentucky-Tennessee State line to points in Wisconsin (except points in Brown, Manitowoc, Marinette, Forest, and Ocontoc Counties); (115) from points in Ohio on, south, and east of a line beginning at Cleveland, Ohio, thence along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224 to Findlay, Ohio, thence along Interstate Highway 75 to junction Ohio Highway 47 thence along Ohio Highway 47 to the Indiana-Ohio State line (except Columbus) to points in Colorado) *.

(146) From points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41, to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in the District of Columbia; (159) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line to points in New Jersey. The purpose of this filing is to eliminate the gateway to Henderson, Ky. The purpose of this correction is to reflect the correct description points. The remainder of the letter-notice is to remain as previously published.

No. MC 119864 (Sub- No. E20), filed May 31, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tansporting: *Meats* and *packinghouse products*,

as described in Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted to food products and dairy products (except in bulk, in tank vehicles, from points in Michigan on and west of a line beginning at the Indiana-Michigan State line and extending along Michigan Highway 103 to junction U.S. Highway 12, to junction Michigan Highway 40 to Lake Michigan, to Fremont, Ohio, restricted to shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind.

No. MC 119864 (Sub-No. E43), filed May 23, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, packinghouse products and by-products*, restricted to frozen foods, from LaPorte, Ind. to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 119988 (Sub-No. E116), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 123407 (Sub-No. E236), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mirrors, flat glass, glass doors and fittings* when used as a building material, from Houston, Tex., to points in that part of Minnesota in and east of Kittson, Marshall, Beltrami, Clearwater, Hubbard, Cass, Morrison, Stearns, Wright, Carver, Scott, Rice, Dodge, and Mower Counties, Minn. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the facilities of Rubin Glass & Mirror Co. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 126715 (Sub-No. E2), filed May 13, 1974. Applicant: TRANSPORT SERVICE, 6395 SE. Alberta Street, Portland, Oregon 97206. Applicant's representative: Michael D. Crew, 620 Blue Cross Bldg., Portland, Oregon 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, between those points in Washington west of the summit of the Cascade Mountain Range, and Clatsop, Columbia, Tillamook, Washington, Multnomah, Hood River, Yamhill, Clackamas, Polk, Marion, Lincoln, Benton, and Linn Counties, Oreg., on the one hand, and, on the other, those in Camas, Blaine, Lincoln, Minidoka, Cassia, Power, Bannock, and Oncida Counties, Idaho. The purpose of this filing is to eliminate the gateway of Linnton, Portland, and Willbridge, Oreg.

No. MC 127539 (Sub-No. E1), filed May 15, 1974. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Washington 98421. Applicant's representative: George R. LaBissoniere P.S., Suite 101, 130 Andover Park, East Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, and frozen potato products* (1) from points in Washington (except points in Grays Harbor, Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Columbia, Garfield, Asotin, and Whitman Counties, Wash.), to points in Oregon, Restriction: The service authorized above is restricted against the transportation of frozen fruits, frozen berries, and frozen vegetables from Walla Walla, Wash., to Portland, Oreg., and from King and Pierce Counties, Wash., to points in that part of Oregon on and east of U.S. Highway 97. (Adams, Benton, Franklin, Grant, King, Pierce and Walla Walla Counties, Wash.)*; (2) from points in Washington (except Yakima County), to points in California. (points in Adams, Benton, Franklin, Grant, and Walla Walla Counties, Wash.)*; (3) from points in Yakima County, Wash., to points in California (Albany, Ore.)* The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 128007 (Sub-No. E10), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburgh, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* from Lamesa, Tex., to points in Ohio, Wisconsin, Indiana, points in Mississippi (except Wilkinson and Jackson Counties) and points in Tennessee (except Lake and Shelby Counties). The purpose of this filing is to eliminate the gateways of Liberal, Kans., or Van Buren, Ark., or Pittsburgh, Kans.

No. MC 128527 (Sub-No. E2), filed April 18, 1975. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Iron and steel structural flats and shapes, angles, bars, reinforcing bars, beams, tubing, and sheets*, (b) *iron and steel plates and coils, and* (c) *iron and steel pipe and fittings*, from points in Multnomah and Clackamas Counties, Ore., to Havre, Mont., and points in that part of Montana in and east of Blaine, Fergus, Judith Basin, Meagher, Broadwater, Jefferson, Deer Lodge, Silver Bow, and Beaverhead Counties, Mont. The purpose of this filing is to eliminate the gateway of points in Ada, Canyon, and Payette Counties, Idaho.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6847 Filed 3-9-76;8:45 am]

[Notice No. 996]

ASSIGNMENT OF HEARINGS

MARCH 5, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 61403 (Sub 235), The Mason and Dixon Tank Lines, Inc., MC 102616 (Sub 914), Coastal Tank Lines, Inc., MC 106674 (Sub 179), Schilli Motor Lines, Inc., MC 107403 (Sub 947), Matlack, Inc., MC 110525 (Sub 1135), Chemical Leaman Tank Lines, Inc., MC 112304 (Sub 105), Ace Doran Hauling & Rigging Co., MC 116273 (Sub 200), D & L Transport, Inc., and MC 116915 (Sub 18), Eck Miller Transportation Corp. now being assigned March 24, 1976 at Louisville, Kentucky (3 days), in Room 1052A, Federal Building, 600 Federal Place.

MC 113666 (Sub 95), Freeport Transport, Inc. now assigned April 7, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C. is postponed to April 14, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

No. 34822, Lake Carriers' Association, et al. v. The New York Central Railroad Company et al., now being assigned for hearing May 18, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

F.C. 27620, Maine Central Railroad Company v. Amoskeag Company, Frederick C. Dumaine and Dumaines and F.C. 27621, Amoskeag Company—Control—Maine Central Railroad Company now assigned March 30, 1976 for further pre-hearing conference at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106398 (Sub 732), National Trailer Convoy, Inc., application dismissed.

MC 140724, Burning Bar Sales, Co., Inc., now being assigned June 3, 1976 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 83539 Sub 421, C & H Transportation Co., Inc., now being assigned June 7, 1976 (1 day), at Los Angeles, Calif., in a hearing room to be later designated.

MC 127042 Sub 154, Hagen, Inc., now being assigned for Continued Hrg. June 8, 1976 (1 day), at Los Angeles, Calif. in a hearing room to be later designated.

MC–F 12313, Wells Cargo, Inc.—Purchase—Western Truck Lines, and MC 43269 Sub 60, Wells Cargo, Inc., now being assigned for Cont'd Hrg. June 9, 1976 (3 days), at Los Angeles, Calif, in a hearing room to be later designated.

MC–F 12313, Wells Cargo, Inc.—Purchase—Western Truck Lines, and MC 43269 Sub 60, Wells Cargo, Inc., now being assigned for Cont'd Hrg. June 14, 1976 (1 week), at Reno, Nevada, in a hearing room to be later designated.

MC 140833, Glengarry Transport Limited, postponed indefinitely, Commission's convenience.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–6843 Filed 3–9–76;8:45 am]

[Exemption No. 10; 17th Rev.]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL.

Exemption From 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. 398, 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

Atlanta and Saint Andrews Bay Railway Company, Reporting Marks: ASAB

The Baltimore and Ohio Railroad Company, Reporting Marks: BO

Bangor and Aroostook Railroad Company, Reporting Marks: BAR

Bessemer and Lake Erie Railroad Company, Reporting Marks: BLE

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ

The Chesapeake and Ohio Railway Company, Reporting Marks: CO

Chicago and North Western Transportation Company, Reporting Marks. CGW–CMO–CNW–FDDM–MSTL

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

Erie Lackawanna Railway Company, Reporting Marks: DL&W–EL–ERIE

Illinois Terminal Railroad Company, Reporting Marks: ITC

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

St. Louis-San Francisco Railway Company, Reporting Marks: SLSF

Soo Line Railroad Company, Reporting Marks: SOO

Southern Railway System, Reporting Marks: CG–NS–SA–SOU

Western Maryland Railway Company, Reporting Marks: WM

Effective 11:59 p.m., February 24, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 17, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76–6841 Filed 3–9–76;8:45 am]

[I.C.C. Order No. 158; Revised S.O. No. 994]

THE CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting of Traffic

In the opinion of Lewis R. Teeple, Agent, The Chesapeake and Ohio Railway Company is unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment at New Richmond, Michigan.

It is ordered, That:

(a) *Rerouting traffic.* The Chesapeake and Ohio Railway Company, being unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment at New Richmond, Michigan, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Chesapeake and Ohio Railway Company, in rerouting cars in accordance with 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.* The Chesapeake and Ohio Railway Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment 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 is deemed to be due to carrier 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 8:00 a.m., February 28, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 5, 1976, 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., February 28, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent,

[FR Doc.76–6842 Filed 3–9–76;8:45 am]