

federal register

WEDNESDAY, JANUARY 12, 1977



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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

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

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

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**"THE FEDERAL REGISTER—WHAT IT
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Briefings at the Office of the
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(For Details, See 41 FR 46527, Oct. 21, 1976)

RESERVATIONS: DEAN L. SMITH, 523-5282

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NOTE: No public bills which have become
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Register for inclusion in today's List of
PUBLIC LAWS.

presidential documents

Title 3—The President

Executive Order 11955

January 10, 1977

Permitting Certain Qualified Employees of the National Aeronautics and Space Administration To Be Given Career Or Career-Conditional Appointment

By virtue of the authority vested in me by section 3301 of title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The appointment of a Command Pilot, Pilot or Mission Specialist candidate to a position in the Space Shuttle Astronaut Program of the National Aeronautics and Space Administration, which is listed under Schedule B of the Schedule of Excepted Positions, may be converted to career or career-conditional appointment if:

(a) the candidate has successfully completed two years of service as a candidate in an appropriate training program;

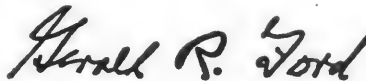
(b) the Administrator of the National Aeronautics and Space Administration, or the Administrator's designee, recommends the conversion of the candidate's appointment within ninety days of completion of the requirements of section 1 (a);

(c) the candidate meets noncompetitive examination standards prescribed by the United States Civil Service Commission; and

(d) the candidate meets all other requirements prescribed by the United States Civil Service Commission pursuant to section 3 of this order.

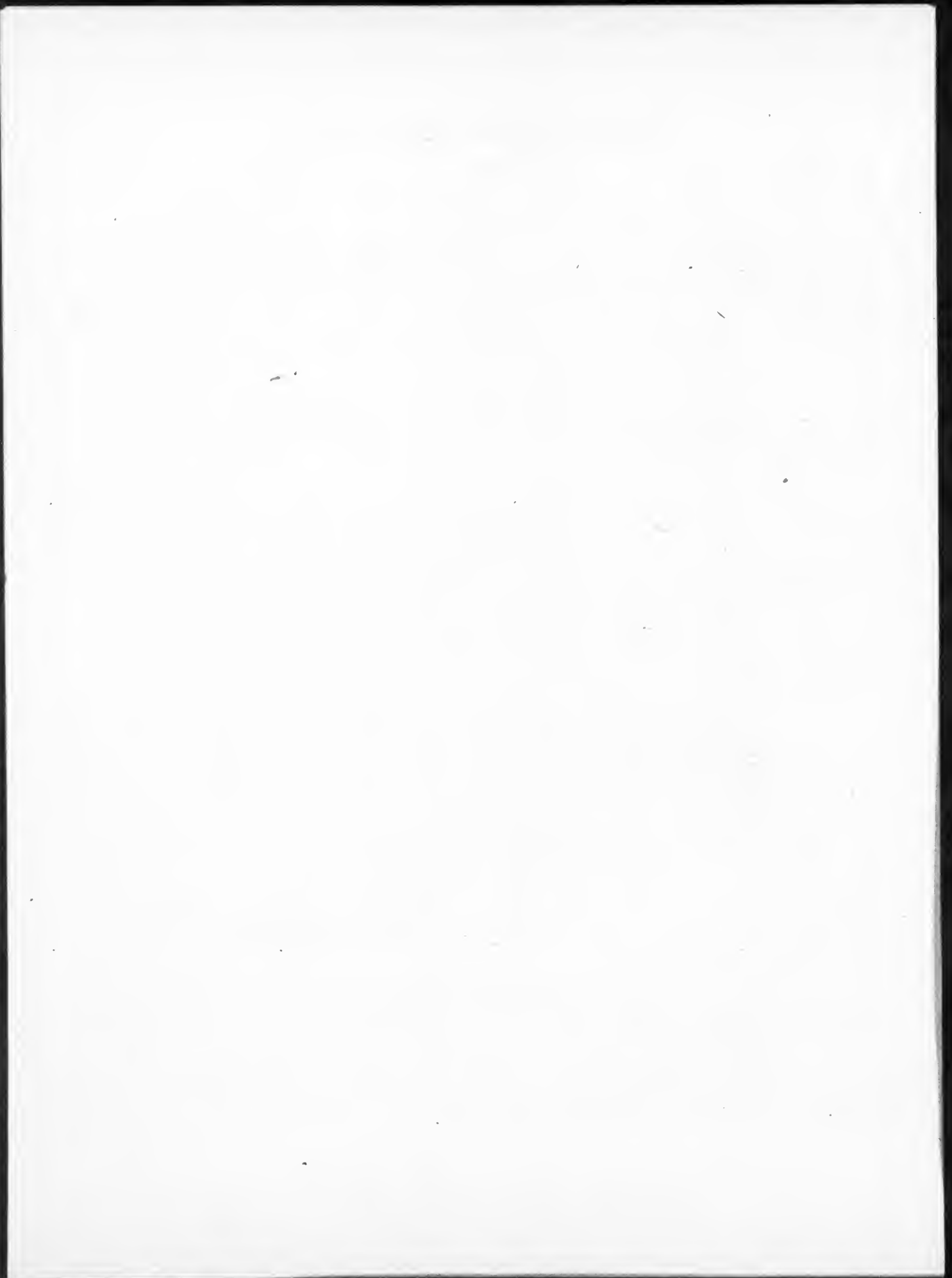
SEC. 2. Whenever the Administrator of the National Aeronautics and Space Administration, or the Administrator's designee, decides not to recommend conversion of an appointment under this order or whenever the Administrator, or the Administrator's designee, recommends conversion and the candidate fails to qualify, the candidate shall be separated not later than the date of expiration of the current Schedule B appointment, unless the appointment can be converted through appropriate competitive examination or the candidate can be assigned to a suitable position under another excepted authority prior to the expiration date.

SEC. 3. The United States Civil Service Commission shall prescribe such regulations as may be necessary to carry out the purpose of this order.



THE WHITE HOUSE,
January 10, 1977.

[FR Doc.77-1220 Filed 1-11-77;10:53 am]



rules and regulations

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

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

Title 12—Banks and Banking CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket R-0064]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Miscellaneous Changes

Correction

In FR Doc. 76-36186, appearing at page 53775, in the issue for Thursday, December 9, 1976, change the sixth word in the third line of § 265.3 from "required" to "requested".

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 77-26]

PART 153—ANTIDUMPING

Tuners Used in Electronic Products

On July 16, 1976, there was published in the FEDERAL REGISTER (41 FR 29435) a "Notice of Tentative Determination to modify or Revoke Dumping Finding"

Finding of dumping

Merchandise	Country	T.D.	Modified by—
Tuners (of the type used in consumer electronic products), except:	Japan.....	70-257	75-80
(I) Those produced and sold by Matsushita Electric Industrial Co., Ltd., and Matsushita Electric Trading Co., Ltd.,			76-143
(II) Those sold by Victor Company of Japan Ltd.,			76-215
(III) Those sold by Tokyo Shibaura Electric Co., Ltd.,			77-26
(IV) Those produced and sold by Sanyo Electric Co., Ltd., and Sanyo Electric Trading Co., Ltd., and			
(V) Those sold by Sony Corp. of Japan.			

This determination is published pursuant to § 153.44(d), Customs Regulations (19 CFR 153.44(d)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173).

JERRY THOMAS,

Under Secretary of the Treasury.

[FR Doc.77-1068 Filed 1-11-77;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.731]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Definitions of Consular Officer

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are

with respect to tuners (of the type used in consumer electronic products) from Japan sold for export to the United States by Sony Corporation of Japan.

Reasons for the tentative determination were published in the above-mentioned notice, and interested persons were afforded an opportunity to make written submissions or request the opportunity to present oral views in connection therewith.

No written submissions or requests to present oral views having been received, I hereby determine that for the reasons stated in the above-mentioned notice, tuners (of the type used in consumer electronic products) from Japan are no longer being, nor likely to be, sold in the United States at less than fair value by Sony Corporation of Japan, and the above mentioned finding of dumping is hereby modified to exclude tuners (of the type used in consumer electronic products) from Japan sold by Sony Corporation of Japan.

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is hereby amended to show the exclusion from the finding of dumping of tuners (of the type used in consumer electronic products) from Japan sold by Sony Corporation of Japan.

amended to provide that assignment of certain officers of the Department of State to diplomatic or consular offices abroad shall, in specified circumstances, constitute designation of such officers within the meaning of section 101(a) (9) of the Immigration and Nationality Act.

1. Section 41.1 is amended to read:

§ 41.1 Definitions.

"Consular officer," as defined in section 101(a) (9) of the Act, shall include commissioned consular officers, the District Administrators of the Trust Territory of the Pacific Islands, the Director of the Visa Office of the Department and such other officers of the Department as he shall designate for the purpose of issuing nonimmigrant visas, but shall not include a consular agent, an attache, or an assistant attache. The assignment by the Department of any Foreign Service Officer or Foreign Service Reserve Officer to a diplomatic or consular office of

the United States abroad in a position administratively designated as requiring, solely, principally, or partially, the performance of consular functions, and the initiation of a request for a consular commission, shall constitute designation of such officer as a "consular officer" within the meaning of section 101(a) (9) of the Act.

2. Section 42.1 will be amended as follows:

§ 42.1 Definitions.

"Consular officer," as defined in section 101(a) (9) of the Act, shall include the District Administrators of the Trust Territory of the Pacific Islands, hereby designated as consular officers for the purpose of issuing immigrant visas, but shall not include a consular agent, an attache, or an assistant attache. The assignment by the Department of any Foreign Service Officer or Foreign Service Reserve Officer to a diplomatic or consular office abroad in a position administratively designated as requiring, solely, principally or partially, the performance of consular functions, and the initiation of a request for consular commission, shall constitute designation of such officer as a "consular officer" within the meaning of section 101(a) (9) of the Act.

Effective date. Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments to §§ 41.1 and 42.1 are in the nature of rules of agency organization. This amendment becomes effective on January 3, 1977.

Dated: January 6, 1977.

For the Secretary of State.

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

[FR Doc.77-1041 Filed 1-11-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7456]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Allocation and Apportionment of Deductions to Gross Income Correction

In FR Doc. 77-456 appearing on page 1195 in the issue for Thursday, Janu-

ary 6, 1977, the signatures were omitted. They should read as follows:

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 3, 1977.

CHARLES M. WALKER,
Assistant Secretary
of the Treasury.

Title 47—Telecommunication

CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION

[Docket No. 20888]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations In Ridgecrest and
Inyokern, Calif.

Adopted: December 23, 1976.

Released: January 6, 1977.

Report and Order. In the matter of amendment of § 73.202(b), *Table of Assignments, FM Broadcast Stations*. (Ridgecrest and Inyokern, California), Docket No. 20888, RM-2677.

1. The Commission has under consideration its Notice of Proposed Rulemaking adopted August 6, 1976, 41 FR 34789, inviting comments on a proposal to assign Channel 285A to Ridgecrest, California, as its second FM assignment. The proceeding was instituted on the basis of a petition filed by Kitchen Productions (petitioner). Petitioner was the only party commenting in response to the Notice.

2. Ridgecrest is a community of 7,629 persons,¹ located in Kern County (pop. 329,162) approximately 193 kilometers (120 miles) northeast of Los Angeles and 121 kilometers (75 miles) east of Bakersfield. Ridgecrest has one daytime-only station (KZIQ) and a Class IV station (KLOA). It also has one FM assignment, Channel 224A, on which an application is pending (BPH-9569) filed by the licensee of daytime-only AM Station KZIQ.

3. In supporting comments petitioner argues that there is a need for an additional service and that the area would easily be capable of supporting the two AM stations, the proposed FM station, as well as the second FM station that would result from the new assignment. Petitioner notes that the largest employers are the Naval Weapons Center, China Lake, California, with a payroll of \$88 million, and Kerr McGee Chemical, with a payroll of \$20 million. It adds that the estimated Ridgecrest area payroll is \$150 million.

4. Preclusion would occur on the co-channel and all adjacent channels except Channel 287. There are three communities (China Lake, 11,105; Trona, 1,500; and Tehachapi, 4,311) located in the areas which would be precluded as a result of the assignment of Channel 285A to Ridgecrest. However, at least two other Class A or Class B channels are available for assignment to these communities. Petitioner points out that China Lake is contiguous to Ridgecrest, and any radio station serving Ridgecrest

¹ All population figures are taken from the 1970 U.S. Census.

would also serve China Lake. Alternatively, since China Lake is an unlisted community within 10 miles of Ridgecrest, an application could be filed to use the channel at China Lake.

5. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 285A to Ridgecrest, California. Since the communities located in the precluded areas have at least two other Class A or Class B channels available for assignment to them, and a demand has been shown for a second FM channel in Ridgecrest, the assignment of Channel 285A here would result in an efficient use of radio spectrum and would provide Ridgecrest an opportunity to develop a second local FM broadcast service.

6. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. In view of the foregoing: *It is ordered*, That effective February 11, 1977, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended to read as follows:

City	Channel No.
Ridgecrest, Calif.-----	224A, 285A.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

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

[FR Doc.77-1073 Filed 1-11-77;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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Proposed Marketing Percentages for the 1976-77 Crop Year

Notice is hereby given of a proposal to establish, for the 1976-77 crop year, free and restricted percentages and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, for marketable Deglet Noor, Zahidi, Halawy, and Khadrawy dates. The crop year began October 1, 1976. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the

[In thousands of pounds]

	Deglet Noor	Zahidi	Halawy	Khadrawy
1. Production of marketable dates (1976-77 crop).....	20,132	1,851	163	348
2. Plus: Noncertified handler carryover as of Sept. 30, 1976, of marketable dates.....	6,332	136	5	33
3. Total marketable supply.....	26,464	1,987	168	381
4. Trade demand for free whole and pitted dates.....	15,450	1,380	138	250
5. Plus: Desirable handler carryover as of Sept. 30, 1977, to assure date supplies for early demand.....	6,000	350	49	50
6. Less: Certified handler carryover as of Sept. 30, 1976, of free dates.....	2,000	20	0	0
7. Adjusted trade demand.....	19,450	1,710	187	300

It is estimated that the amounts in excess of adjusted trade demands for these four varieties will be utilized in products and/or export markets. Hence no volume regulation is proposed.

Consideration will be given to any written data, views, or arguments in connection with the aforesaid proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than January 15, 1977. All written submissions made pursuant to this notice should be in quadruplicate and will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.224 Free and restricted percentages and withholding factors.

The various free percentages, restricted percentages, and withholding factors

Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The free percentages, restricted percentages, and withholding factors are pursuant to §§ 987.44 and 987.45. These percentages and factors are based on the California Date Administrative Committee's estimates for the current crop year of supply and trade demand adjusted for handler carryover and other available information. Trade demand means the aggregate quantity of whole or pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the Committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States.

In determining the percentages for each of the four varieties, the Committee considered the following data, estimates and information for the crop year beginning October 1, 1976:

applicable to marketable dates of each variety shall be, for the crop year beginning October 1, 1976, and ending September 30, 1977, as follows: (a) Deglet Noor variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage 0 percent; and withholding factor, 0 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: January 5, 1977.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 77-878 Filed 1-11-77; 8:45 am]

[7 CFR Part 1205]

DETERMINATION OF COTTON BOARD MEMBERSHIP

Extension of Comment Period

This notice further extends the period for comments to the notice, published December 14, 1976 (41 FR 54494), proposing a revision in the regulations for the determination of Cotton Board membership.

The original notice invited comments on the proposed rule through December 28, 1976. At the request of interested parties the comment period was extended to January 11, 1977 (41 FR 56821). Additional requests have been made to further extend the comment period to February 11, 1977, to provide additional time to prepare and submit comments.

Accordingly, the comment period is hereby extended and interested persons may submit written data, views, or arguments in triplicate to the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than February 11, 1977.

Dated: January 6, 1977.

CHARLES R. BRADER,
Acting Administrator.

[FR Doc. 77-1049 Filed 1-11-77; 8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 505b]

[No. 77-9]

PUBLIC INFORMATION

Government in the Sunshine

JANUARY 5, 1977.

SUMMARY

The following summary of the amendments adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions of the regulations.

I. Previous Regulation. None

II. Proposed Regulation. Nonmulation of rules to implement the Government in the Sunshine Act by providing the public with information regarding the Board's decisionmaking processes

The Government in the Sunshine Act (Pub. L. 94-409; approved September 13, 1976) (hereinafter referred to as the "Act") requires agencies of the Federal Government headed by collegial bodies, which includes the Board, to open their meetings to public observation, except under specified circumstances, by March

12, 1977. Section (g) of the Act directs agencies subject to the Act to promulgate final regulations by that date to implement the open meeting provisions, following consultation with the Administrative Conference of the United States and publication of proposed rules with opportunity for public comment.

Accordingly, the Board hereby proposes to implement the Act by adding a new Part 505b to its general regulations, to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by February 14, 1977, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

PART 505b—PUBLIC INFORMATION REGARDING DECISIONMAKING PROCESSES

Sec.

- 505b.1 Purpose and scope.
- 505b.2 Definitions.
- 505b.3 Open meetings.
- 505b.4 Closed meetings.
- 505b.5 Accommodation for public attendance at open meetings.

AUTHORITY: Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Pub. L. 94-409; approved September 13, 1976. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.

§ 505b.1 Purpose and scope.

This part is issued by the Federal Home Loan Bank Board pursuant to the requirement of the Government in the Sunshine Act (Pub. L. 94-409, 5 U.S.C. 552b) that certain Federal agencies, including the Board, promulgate rules to implement the Act by providing the public with the fullest practicable information regarding the Board's decisionmaking processes while protecting the rights of individuals and the ability of the Board to carry out its responsibilities.

§ 505b.2 Definitions.

(a) For purposes of this part, the term "meeting" means any deliberations of two or more members of the Board, assembled *in collegio*, the purpose or effect of which is to determine or result in joint conduct of official business of the Board.

§ 505b.3 Open meetings.

(a) *General.* Except as provided in § 505b.4 of this part, all meetings of the Board shall be open to the public.

(b) *Procedures for open meeting.* (1) Except as provided in paragraph (b) (2) of this section, the Board shall announce at least one week before a meeting the time, place, and subject matter of the meeting and the name and telephone number of the official designated to respond to requests for information about the meeting. This announcement shall be sent to the FEDERAL REGISTER for publication and also posted in the main lobby of the Board's headquarters.

(2) Where a majority of the Board members determine by recorded vote

that agency business requires a shorter announcement period or a change in an open meeting or portion thereof previously announced, the one-week prior-announcement rule shall be suspended and announcement shall be made at the earliest practicable time.

§ 505b.4 Closed meetings.

(a) *Expedited regulation.* (1) This section, providing for expedited closing procedures with regard to meetings or portions thereof exempt under paragraphs (4), (8), (9) (A), or (10) of subsection (c) of the Act (paragraphs (c) (4), (8), (9) (A), or (10) of this section), is adopted as authorized by 5 U.S.C. 552b(d)(4) because a majority of the Board's meetings include deliberations which if held publicly would be likely to disclose information required or authorized by law to be kept confidential. For example, Board meetings normally include deliberation upon one or more applications for Federal charter, insurance of accounts, or an office facility, involving consideration and discussion of information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the Board in carrying out its responsibilities to regulate and supervise financial institutions subject to its jurisdiction. Board meetings also routinely include deliberations upon supervisory problem cases involving consideration and discussion of information which if disclosed could significantly endanger the stability of the financial institution in question or cases involving litigation or adjudicatory procedures. However, the Board may choose to open any meeting on an *ad hoc* basis notwithstanding that it may lawfully be closed.

(2) Where a meeting or portion thereof is to be closed under paragraph (a) of this section, a public record shall be kept of the Board Members' vote at the beginning of the meeting to close it or a portion thereof and any certification by the General Counsel that such closure is authorized by law, including a statement pertaining to the relevant exemptive provision or provisions of law. Such record shall be made available to the public at or through the Office of the Secretary to the Board. Public announcement of the time, place, and subject matter of closed meetings or portions thereof shall be made at the earliest practicable time.

(b) *Meetings closed under regular procedures.* (1) A meeting or portion thereof will be closed to public observation under regular procedures, or information as to such meeting or portion of a meeting will be withheld, only by recorded vote of a majority of the members of the Board when it is determined that such meeting or portion or the withholding of such information qualifies for exemption under paragraphs (c) (1), (2), (3), (5), (6), (7), or (9) (B) of this section. Votes by proxy are not allowed.

(2) Except as provided in paragraph (b) (3) of this section, a separate vote

of the Board members will be taken with respect to the closing or the withholding of information as to each meeting or portion thereof which is proposed to be closed to public observation or with respect to which information is proposed to be withheld pursuant to paragraph (b) of this section.

(3) A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to public observation or with respect to any information concerning such series of meetings proposed to be withheld, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series.

(4) Whenever any person's interests may be directly affected by a portion of a meeting for any of the reasons referred to in paragraphs (c) (5), (6), or (7) of this section, such person may send a written request to the Secretary of the Board asking that such portion of the meeting be closed to public observation. The Secretary, or in his absence the Acting Secretary of the Board, will transmit the request to the Board members and upon the request of any one of them a recorded vote will be taken whether to close such meeting to public observation.

(5) Within one day of any vote taken pursuant to paragraph (b) of this section, the Board will make publicly available at or through the Office of the Secretary a written copy of such vote reflecting the vote of each Board member on the question. If a meeting or a portion of a meeting is to be closed to public observation, the Board, within one day of the vote taken pursuant to paragraph (b) of this section, will make publicly available at or through the Office of the Secretary a full, written explanation of its action closing the meeting or portion of the meeting together with a list of all persons expected to attend the meeting and their affiliation, except to the extent such information is determined by the Board to be exempt from disclosure under paragraph (d) of this section.

(c) *Recordkeeping.* (1) A complete transcript or recording shall be made and maintained of the proceedings at each meeting or portion thereof closed to the public under this Part, except that, where appropriate, a set of minutes may be made and maintained in lieu of such transcript or recording. Such minutes shall fully and clearly describe all matters discussed and provide a full and accurate summary of any action taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll-call vote (reflecting the vote of each Board member on the question). All documents considered in connection with any action shall be identified in such minutes.

(2) Such transcript, electronic recording, or minutes of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, shall be made promptly

available to the public at or through the Office of the Secretary, except for such item or items of such discussion or testimony as the Board determines to contain information which may be withheld under paragraph (d) of this section. Copies of such transcript or minutes or a transcription of such recording, disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The Board shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Board proceeding with respect to which the meeting or portion thereof was held, whichever occurs later.

(d) *Exemptions.* Except in a case where the Board finds that the public interest requires otherwise, the Board may close a meeting or portion of a meeting where it determines that disclosure of information pertaining to such meeting or portion thereof is likely to:

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

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

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552), provided that such statute (i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

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

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

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

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

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

(9) Disclose information the premature disclosure of which would

(i) Be likely to (A) Lead to significant financial speculation in currencies, securities, or commodities, or (B) Significantly endanger the stability of any financial institution; or (ii) Be likely to significantly frustrate implementation of a proposed Board action, except that paragraph (d) (9) (ii) of this section shall not apply in any instance where the Board has already disclosed to the public the content or nature of its proposed action, or where the Board is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

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

(e) The following are examples of meetings or portions of meetings which may be closed:

(1) Federal Home Loan Bank System meetings involving discount notes, bond amounts and maturities, and bond pricing;

(2) Meetings concerning institutions causing supervisory concern, formal examination, cease-and-desist, suspension, removal, or termination-of-insurance proceedings, conservatorships, or receiverships;

(3) Meetings concerning requests for insurance of accounts by existing institutions;

(4) Meetings concerning aspects of merger applications, applications for permission to convert from mutual to stock form of organization, or holding company matters, discussion of which is likely to disclose information in one or more of the categories in paragraph (d) of this section;

(5) Meetings concerning aspects of facilities applications, applications for insurance of accounts by new institutions, applications for permission to organize a Federal savings and loan association, or consideration of certain regulatory amendments, discussion of which is likely to disclose information in one or more of the categories in paragraph (d) of this section, and

(6) Meetings involving discussion respecting litigation in which the Board is involved.

§ 505b.5 Accommodation for public attendance at open meetings.

Open meetings are held in Room 630 at the Board's headquarters located at 320

First Street, N.W., Washington, D.C. 20552, at the time and on the date specified in the advance public notice; such information is also posted in the main lobby at such location. Interested members of the public may attend such meetings but may not participate therein unless invited or permitted to do so by the Board.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Pub. L. 94-409; approved September 13, 1976. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.77-1089 Filed 1-11-77; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Extension of Time for Comment on Proposed New Definitions of Small Business for Government Procurements for Ship Building and Repairing, and Refuse Collection With or Without Disposal

On November 12, 1976, the Small Business Administration published in the FEDERAL REGISTER (41 FR 50002) a notice of proposal to adopt a new definition of small business for Industry No. 3731, *Ship Building and Repairing*, for the purpose of bidding on Government procurement. The public was given until December 13, 1976, to file comment thereon.

On November 15, 1976, a notice was published in the FEDERAL REGISTER (41 FR 50274) that the SBA also proposed to adopt a new definition of small business for the purpose of Government procurements for refuse collection with or without disposal. The public was given until December 15, 1976, to comment on such proposal.

In both cases we have been requested to grant an extension of time for public comment. Under all of the circumstances, we have concluded that the closing dates for filing should be extended as follows:

Shipbuilding and repairing... Feb. 1, 1977.
Refuse collection with or Mar. 15, 1977.
without disposal.

All correspondence should be addressed to:

William L. Pellington, Director, Size Standards Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416

(Catalogue of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business)

Dated: December 30, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.77-1065 Filed 1-11-77; 8:45 am]

PROPOSED RULES

[13 CFR Part 112]

NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS OF SMALL BUSINESS ADMINISTRATION

Proposed Addition of An Appendix Listing Types of Federal Financial Assistance Covered By This Part

Notice is hereby given that the Small Business Administration proposes to amend 13 CFR Part 112 to include an appendix listing the types of Federal financial assistance and the statutes authorizing such assistance covered by this part. Interested parties are hereby given until February 11, 1977 to submit written comments, suggestions or objections regarding the proposed amendment. Please send comments to the Compliance Division, Room 326, Small Business Ad-

ministration, 1441 "L" Street, NW, Washington, D.C. 20416.

Accordingly Part 112 of Chapter 1 of Title 13 CFR is hereby amended by:

§ 112.2 [Amended]

1. Changing § 112.2(a) to read:

(a) This part applies to all recipients of assistance under programs administered by the Small Business Administration. (See Appendix)

2. Delete § 112.2(a) (1), (2), (3), (4), (5), (6) and (7).

3. Changing § 112.2(b) to read: This part does not apply to financial assistance extended by way of insurance or guarantee.

4. Adding an Appendix to the end of Part 112.

APPENDIX

<i>Name of program</i>	<i>Authority</i>
Regular business loans.....	Small Business Act, Sec. 7(a), 15 U.S.C. 636(a).
Economic opportunity loans.....	Small Business Act, sec. 7(i) (formerly title IV of the Economic Opportunity Act), 15 U.S.C. 636(i).
Revocable revolving line of credit.....	Small Business Act, sec. 7(a) and 7 (i) (guaranty plan only—not covered by title VI, but covered by 13 CFR 113), 15 U.S.C. 636 (a) and (i).
Pool loans.....	Small Business Act, sec. 7(a) (5), 15 U.S.C. 636(a) (5).
Displaced business loans.....	Small Business Act, sec. 7(b) (3), 15 U.S.C. 636(b) (3).
Handicapped assistance loans.....	Small Business Act, sec. 7(h), 15 U.S.C. 636(h).
State development company loans (501).....	Small Business Investment Act, sec. 501, 15 U.S.C. 695.
Local development company loans (502).....	Small Business Investment Act, sec. 502, 15 U.S.C. 696.
Disaster loans (physical, including riot).....	Small Business Act, sec. 7(b) (1) as amended by secs. 231, 234, and 237 of the Disaster Relief Act of 1970, Public Law 92-385, Public Law 93-24, and Public Law 94-68, 15 U.S.C. 636(b) (1).
Disaster loans (economic injury).....	Small Business Act, sec. 7(b) (2) as amended by secs. 231 and 234 of the Disaster Relief Act of 1970, Public Law 92-385, Public Law 93-24, and Public Law 94-68, 15 U.S.C. 636(b) (2).
Disaster loans (product disaster).....	Small Business Act, sec. 7(b) (4), Public Law 92-385, Public Law 93-24, and Public Law 94-68, 15 U.S.C. 636(b) (4).
Disaster loans—coal mine health and safety loans....	Small Business Act, sec. 7(b) (5), 15 U.S.C. 636(b) (5).
Disaster loans.....	Small Business Act, sec. 7(b) (5), 15 U.S.C. 636(b) (5).
Disaster loans—occupational safety and health.....	Small Business Act, sec. 7(b) (5), 15 U.S.C. 636(b) (5).
Disaster loans—strategic arms economic injury loans..	Small Business Act, sec. 7(b) (6), 15 U.S.C. 636(b) (6).
Air pollution control loans.....	Small Business Act, sec. 7(b) (5), 15 U.S.C. 636(b) (5).
Disaster loans—base closing economic injury.....	Small Business Act, sec. 7(b) (7), 15 U.S.C. 636(b) (7).
Water pollution control loans.....	Small Business Act, sec. 7(g) (1), 15 U.S.C. 636(g) (1).
Emergency energy shortage economic injury.....	Small Business Act, sec. 7(b) (8), 15 U.S.C. 636(b) (8).
Lease guarantees ¹	Small Business Investment Act, title IV, 15 U.S.C. 692.
Surety bond guarantees ¹	Small Business Investment Act, title IV, 15 U.S.C. 694(a).
Small general contractors business loan program....	Small Business Act, sec. 7(a), 15 U.S.C. 636(a).

Name of program	Authority
Agricultural loan program.....	Small Business Act, sec. 7(a) and 7(l), Public Law 94-305, 15 U.S.C. 636 (a) and (l).

¹Not covered by this part, but covered by Part 113 of Title 13 of the Code of Federal Regulations as are all other programs involving financial assistance administered by the Small Business Administration. Part 113 prohibits discrimination based on race, color, religion, sex, marital status or national origin. In addition, those matters covered by the Equal Credit Opportunity Act, beginning March 1977, will also prohibit such discrimination based on age, source of income, or because of complaints made under the Consumer Protection Act.

Effective: January 12, 1977.

MITCHELL P. KOBELINSKI,
Administrator.

Dated: January 4, 1977.

[FR Doc.77-1066 Filed 1-11-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[15 CFR Part 920]

PROGRAM DEVELOPMENT GRANTS REGULATIONS

Extension of Comment Period

On December 6, 1976, the National Oceanic and Atmospheric Administration (NOAA) published proposed regulations in the FEDERAL REGISTER (14 FR 53418) amending coastal management program development grant regulations pursuant to section 305 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. Section 1451 et seq. NOAA requested that comments on the proposed regulations be submitted on or before January 5, 1977.

Following publication, a number of reviewers requested that the comment period be extended based upon an expressed need for additional time to analyze the significant issues raised by the regulations and to compensate for the intervening Christmas holiday period. NOAA has concluded that a thirty day request for extension should be approved. Accordingly, written comments may be submitted to the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Page Building 1, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, on or before February 7, 1977.

Dated: January 6, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.77-1054 Filed 1-11-77; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 267]

[FRA Economic Docket No. 6, Notice No. 3]

ASSISTANCE TO STATES FOR RAIL SERVICE UNDER SECTION 402 OF REGIONAL RAIL REORGANIZATION ACT OF 1973, AND SECTION 5 OF DEPARTMENT OF TRANSPORTATION ACT

Proposed Standards and Procedures Regarding In-Kind Benefits; Extension of Comment Period

In FR Doc. 76-36291 appearing at page 54007 in the FEDERAL REGISTER of Decem-

ber 10, 1976, the closing date for receipt of comments regarding the proposed standards and procedures was January 10, 1977. In response to requests for an extension of time in which to respond, the closing date is hereby extended to January 17, 1977. Communications received by January 17, 1977 will be considered by the Federal Railroad Administrator before taking final action on the proposed regulation. Comments received after that date will be considered to the extent practicable.

Issued in Washington, D.C., on January 6, 1977.

ASAPH H. HALL,
Federal Railroad Administrator.

[FR Doc.77-1042 Filed 1-11-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered or Threatened Status for 41 U.S. Species of Fauna

The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking, pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 87 Stat. 884; hereinafter the Act), which would determine 13 U.S. taxa to be Endangered species and 28 such taxa to be Threatened species and which would determine Critical Habitat for 18 of these species, pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

BACKGROUND

Section 4(a) of the Act states:

General.—The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (2) Overutilization for commercial, sport, scientific, or educational purposes;
- (3) Disease or predation;
- (4) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or manmade factors affecting its continued existence.

Actions by a Federal agency which result in the destruction or adverse modification of habitat considered Critical Habitat for a given Endangered or

Threatened species would not conform with section 7 of the Endangered Species Act of 1973, if such an action might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable expansion or recovery of that species.

The authority to determine a species as Endangered or Threatened, and to determine Critical Habitat has been delegated to the Director.

On June 14, 1973, the Service entered into a contract with The Academy of Natural Sciences, Philadelphia, Pennsylvania, to investigate the status of certain snails indigenous to Eastern North America. Two final reports dated December 15 and 26, 1974, contained data indicating that several of the snails studied were either Threatened or Endangered Species as provided for by the Act. The principal investigator for this contract, Dr. George M. Davis, has recognized a cline of intergradation between the genera *Io*, *Lithasia*, and *Angitrema*. He has accordingly placed *armigera*, *duttoniana*, *geniculata*, *jayana*, *penguinis*, *verrucosa*, *lima*, and *salebrosa* in the same genus as *Io fluviatilis*. Another contract entered into between the Service and the Sierra Club Foundation, San Francisco, California, to investigate the status of California land snails produced similar results which are documented in a final report dated August 25, 1975.

A third Service contract entered into with the Sierra Club Foundation produced a final report dated September 15, 1975, on *Syncaris pacifica*.

A fourth Service contract entered into with Roanoke College produced a final report dated November 1975 on *Hybopsis cahni*, *Hybopsis monacha* and *Noturus flavipinnis*.

A fifth contract, with the New York Zoological Society, resulted in a final report on several crayfish and shrimp.

Data on the other species were received from the following: *Antrolana lira*, Thomas E. Bowman, U.S. National Museum, January 18, 1973; John Holsinger, Old Dominion University, Norfolk, Virginia, January 18, 1973; *Stygonectes hayi*, John Holsinger, Old Dominion University, Norfolk, Virginia, January 5, 1973; Thomas E. Bowman, U.S. National Museum, January 22, 1973; *Crangonyx grandimanus*, John Holsinger, Old Dominion University, Norfolk, Virginia, January 15, 1973; E. L. Bousfield, National Museum of Natural Sciences, Ottawa, Ontario, Canada, June 13, 1973; *Procambarus acherontis*, Richard Franz, Florida State Museum, Gainesville, Florida, April 12, 1974; John E. Cooper, North Carolina State Museum, Raleigh, North Carolina, March 29, 1974; *Palaeomonias alabamiae*, John E. Cooper, North Carolina State Museum, Raleigh, North Carolina, June 2, 1973; *Palaeomonias ganteri*, Thomas C. Barr, University of Kentucky, Lexington, Kentucky, June 7, 1973; *Goniobasis semicarinata indianensis*, David Bickel, Minot State College, Minot, North Dakota, August 8, 1975; *Athearnia anthonyi*, *Athearnia crassa*, Herbert D. Athearn, Cleveland, Tennessee, October 1975; *Speoplatyrhinus poulsoni*, John E.

Cooper, North Carolina State Museum, Raleigh, North Carolina, 1975; *Etheostoma boschungii*, Herbert T. Boschung, University of Alabama, Auburn, Alabama, March 1974; *Tryonia imitator*, James J. Landye, Arizona State University, Tempe, Arizona, Allyn G. Smith, California Academy of Sciences, San Francisco, California, Dwight W. Taylor, Pacific Marine Station, Dillion Beach, California, 1975; *Algamorda newcombiana*, Barry Roth and Allyn G. Smith, California Academy of Sciences, San Francisco, California; Robert R. Talmadge, Eureka, California, 1975; *Liguus fasciatus*, Alan K. Craig, Florida Atlantic University, Boca Raton, Florida, March 12, 1974; May 1, 1974.

On March 18, 1975, the Service published a Notice in the FEDERAL REGISTER (40 FR 12297-12298) advising that a review of several fishes was underway to determine whether any were Threatened Species or Endangered Species. Three States (Virginia, North Carolina, Tennessee) commented as a result of the Notice, all favorably. This information has been considered and is incorporated into the administrative record of this Proposal.

On October 17, 1974, and April 28, 1975, the Service published Notices in the FEDERAL REGISTER (34 FR 37078-79 and 40 FR 18476-77) advising that a review of several of the crustacean species and the California brackish water snail was underway to determine whether any were Threatened species or Endangered species. Four States (Alabama, Virginia, Kentucky and the District of Columbia) commented as a result of those "Notices." Several States suggested or recommended further study but no State opposed their listing. This information has been considered and is incorporated into the administrative record of this proposal.

SUMMARIES OF FACTORS AFFECTING THE SPECIES

FRESHWATER CRUSTACEAN GROUP

The Service has evidence on file that the following species of freshwater crustaceans are Endangered species and Threatened species as defined by the Act: the Madison Cave isopod, *Antrolana lira*; Big South Fork crayfish, *Cambarus bouchardi*; Chickamauga crayfish, *Cambarus extraneus*; Obey crayfish, *Cambarus obeyensis*; Florida cave scud, *Crangonyx grandimanus*; Conchas crayfish, *Orconectes deanae*; Placid crayfish, *Pacifastacus fortis*; Squirrel Chimney cave shrimp, *Palaemonetes cummingsi*; Alabama cave shrimp, *Palaemonias alabamiae*; Kentucky cave shrimp, *Palaemonias gantheria*; Palm Springs cave crayfish, *Procambarus acherontis*; Hay's Spring scud, *Stygonectes hayi*; California freshwater shrimp, *Syncaris pacifica*; Nashville crayfish, *Orconectes shoupi*; Louisville crayfish, *Orconectes jeffersoni*.

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of

Commerce may determine a species to be an Endangered species, or a Threatened species, because of any of five factors. One of these factors, and its application to these species, is as follows:

The present or threatened destruction, modification, or curtailment of its habitat or range.—Madison Cave isopod, *Antrolana lira*—Proposed Endangered—is known only from Madison Cave in Augusta County, Virginia. Madison Cave is privately owned and was once commercial. Madison Cave has great historical significance, and the commercial activity could resume at some later date. This genus has not been collected from other caves in the drainage system of the South Fork of the Shenandoah River, and is one of only two cave cirrolanid isopod species found in the United States. The other one is found in Texas and these are of high scientific importance to students of biospeleology, evolution, and biogeography. Extensively searched for in other caves, but not found, this crustacean is one of the most unusual and unique cave species in the country, because it is the only species in its genus and it is an ancient Paleozoic marine-like relic. It is endangered by heavy visitation, which has resulted in vandalism, trash accumulation, and siltation of the two lakes in the cave containing this species. Other disturbances include people standing near the edge and thereby causing the talus to creep into the water.

Its troglobitic nature makes it particularly susceptible to changes in water quality and siltation. These factors interfere with the natural flow of detrital energy into the cave.

Nashville crayfish, *Orconectes shoupi*—Proposed Endangered—is restricted to Mill Creek in Davidson and Williamson Counties, Tennessee. It has a very limited distribution, primarily within the city and suburbs of Nashville, Tennessee. A recent survey of streams adjacent to this stream system failed to reveal the presence of this species. It requires pool areas with flattened, limestone slabs and rocks of varying sizes on a predominantly gravel and limestone bedrock and it has a specific silt requirement. The population of Nashville-Davidson grew from 170,974 in 1960 to 447,877 in 1970. It is endangered by further siltation, channelization, dredging, degradation of water quality and the other adverse factors that have resulted from the rapid urbanization of this area.

Louisville crayfish, *Orconectes jeffersoni*—Proposed Endangered—is restricted to Beargrass Creek, lower tributaries of Harrods Creek, and the Pond Creek system, Jefferson, Oldham and Bullitt Counties, Kentucky. It has not been found in streams adjacent to these stream systems. It is threatened by degradation of water quality, ditching, siltation, and lies within and around the city of Louisville, Kentucky, which is an area of actual and potential residential, commercial, and industrial growth. Concentrations of mercury, lead, cadmium,

zinc, copper, and arsenic exist in these three localities which are toxic to aquatic species.

Big South Fork crayfish, *Cambarus bouchardi*—Proposed Threatened—is restricted to the Roaring Paunch Creek system in Tennessee and Kentucky. It has not been found in nearby creeks and is not expected there where its congener, *Cambarus (jugicambarus) distans* is common. Mining of coal is prevalent and the presence of sulphuric acid poisoning makes the existence of this species threatened. This area is centered in the southern Appalachian coal region. A draft EIA prepared by the Department of the Interior on the Coal Research and Development program indicates that by 1968 over 5000 miles of streams in Appalachia were made inhospitable to fish because of acid mine drainage. Sulphur compounds associated with mining form because of acid mine drainage. Sulphur

Chickamauga crayfish, *Cambarus extraneus*—Proposed Threatened—is restricted to the South Chickamauga Creek system in southeastern Tennessee and northwestern Georgia. It has not been found in other streams in this area. It is threatened by pollution (including ammonia, zinc, and low dissolved oxygen) from Chattanooga, Ringgold, Chickamauga, and Tunnel Hill. It is also threatened by channelization of 6.9 miles of South Chickamauga Creek by the Tennessee Valley Authority.

Obey crayfish, *Cambarus obeyensis*—Proposed Threatened—is restricted to Hurricane Creek, Little Hurricane Creek and Meadow Creek, all tributary to the Obey River in Tennessee. A survey of other streams in this area failed to reveal the presence of this species. It requires adequate covering in the form of numerous rocks for spacial relationships for individuals. This habitat over sandstone and shale deposits is spotty.

This species is threatened by acid mine wastes in its headwater habitat in the breakdown of pyrite associated with coal deposits. The aquatic life in the upper portion of the East Fork of the Obey River has already been eliminated due to this problem.

Florida cave scud, *Crangonyx grandimanus*—Proposed Threatened—is known only from a well near Miami, and from two caves in north central Florida: Indian Cave seven miles southwest of Ocala in Marion County, and Huggin's Cave west of Gainesville in Alachua County. Extensive collecting in caves and wells in the general area and elsewhere has failed to locate this species. It is one of only two North American species in the genus *Crangonyx* completely lacking eye structures. This cave and underground freshwater crustacean is threatened by rapid urbanization, ground water pollution, lowering of water tables, and over-collecting. The populations of Gainesville, Ocala, and Miami grew 1960 to 1970 respectively: 29,701-64,510; 13,598-22,583; 291,688-334,859. The Ocala system of drainage wells will not expand until pollution problems are solved due to State

regulations. This animal requires constant temperature, darkness, and a specific high pH. Its troglomorphic nature makes it particularly susceptible to changes in water quality and siltation.

Conchas crayfish, *Orconectes deanae*—Proposed Threatened—was discovered in 1960 in Conchas Lake in San Miguel County, New Mexico. The publication of the description of this species was completed in 1975. It is known only from Conchas Lake, Conchas River, and Conchas Canal tributary to the Canadian River System in San Miguel and Quay County, New Mexico. It reaches its greatest abundance in Conchas Lake. In this area the crayfish typically inhabits lentic areas. It also burrows in the bed of the Conchas Canal, an irrigation canal which carries water nine months of the year. Populations in this canal are limited and do not appear to be spreading or increasing. Suitable habitat in adjacent areas was searched, but no other populations were found. It is potentially jeopardized by competition with the recently introduced crayfish.

Orconectes rusticus. Such problems have been frequent among crayfish, particularly in disturbed habitats such as this one.

Placid crayfish, *Pacifastacus fortis*—Proposed Threatened—is restricted to the Fall River, Hat Creek and a spring system, all tributary to the Pit River, in Shasta County, California. It requires lower elevation, slowly to moderately moving waters. It is threatened by competition with the aggressive and introduced *Orconectes virilis*. *O. virilis* has become established in the original range of *P. fortis* and has a history of replacing native American crayfish.

Squirrel Chimney cave shrimp, *Palaemonetes cummingsi*—Proposed Threatened—is restricted to Squirrel Chimney, a sink hole in Alachua County, Florida. This species, like other cave limited species, is extremely vulnerable to any disruption in the natural flow of detrital energy into the cave system. In the past an attempt was made to close the sink hole with trash. However, when the owners were made aware of the uniqueness of Squirrel Chimney the sink hole was reopened and nearly returned to its former condition. The owners have indicated that they wish to protect this species, but the ownership could pass on at some later date. It is essential that the surface area around the sinkhole entrance remain unchanged to prevent the alteration of detrital flow into the cave.

Alabama Cave shrimp, *Palaemonias alabamiae*—Proposed Threatened—is restricted to Shelta Cave, and Bobcat Cave, Red Stone Arsenal, Huntsville, Alabama. It is colorless and eyeless and cannot be confused with any other shrimp in the area. It is very rare in the type locality, there being probably less than 200 living individuals. Its location in a major city makes it highly vulnerable to ground water pollution and construction activities. The population

of Huntsville almost doubled between 1960 and 1970 (72,365–137,802). Pollution in the Red Stone Arsenal attributed to street run-off has already caused the extinction of a snail, *Marstonia olivacea*.

Kentucky cave shrimp, *Palaemonias ganteri*—Proposed Threatened—is known in only two pool systems in Mammoth Cave National Park; in the Roaring River passage, and near Golden Triangle at Flint Ridge. This colorless, eyeless, freshwater shrimp is rare and known only from small populations in these localities in Kentucky, although it was formerly more abundant along tourist trails in the Echo River area. Being in a National Park, it is well protected from collecting, vandalism, etc., but it nevertheless periodically receives pollution from sewage from facilities in the area, and has been considerably reduced in population during the past forty years. Premature flooding of breeding pools by early opening of floodgates in Nolin River Dam caused extensive damage in 1967 and remains a danger. There is a similar danger from Green River Dam. This animal depends on annual flooding of relatively quiet pools in Autumn because at that time the water levels are lowest, there is a secondary production of microorganisms, and the majority of the young hatch.

Palm Spring cave crayfish, *Procamburus acherontis*—Proposed Threatened—was known from a well in Orange County, Florida and Palm Springs, Seminole County, Florida in the Orlando metropolitan area. It has been extensively searched for, but is presently restricted to Palm Springs, Seminole County, Florida. This species is Threatened by potential ground water pollution and drawdown of the local aquifer due to rapid urbanization.

Hay's Spring scud, *Stygonectes hayi*—Proposed Endangered—is a blind white crustacean known only from a single spring in the National Zoological Park in Washington, D.C. Once more widespread, it is now greatly restricted in habitat, and has been extensively looked for in recent years. It is endangered by ground water pollution from street run-off, deicing, increased temperature caused by development, automobile exhaust, pesticides, introduced alien species, and eutrophication.

California freshwater shrimp, *Syncaris pacifica*—Proposed Threatened—is one of three known species of the family Atyidae of shrimp which colonized freshwaters during Jurassic times. The other two North American species of the family Atyidae, *Palaemonias ganteri* and *P. alabamiae*, are also being proposed for listing as Endangered and Threatened species. There once was another species in the genus *Syncaris*, but this freshwater shrimp, *Syncaris pasadenae*, has not been found since 1933. It was eliminated by freeways, parking lots, channelization and especially the conversion of streams to concrete floodways and freeway routes. The California fresh-

water shrimp was formerly known from the Napa River, Lagunitas Creek, Stemple Creek, Salmon Creek, Santa Rosa Creek, Blucher Creek, Laguna Santa Rosa and East Austin Creek. It is today restricted to East Austin Creek and Salmon Creek in Sonoma County, California and Lagunitas Creek in Marin County, California. In East Austin Creek it is depleted, a victim of inadequate leach fields for septic tanks, domestic sewage pollution and summer recreation dams, and swimming ponds. In Salmon Creek it is endangered by dredging for gravel, pollution spills of undetermined origin and a proposed sewer pipeline. In Lagunitas Creek it is endangered by the proposed alternation of the public water supply system.

In summary, four of the crustacean group are proposed as "Endangered" because they are restricted to very small areas or occur in small numbers and are in immediate danger of extinction throughout their range. The other 14 species are proposed as "Threatened" because they occur over a wider range or in larger numbers and are potentially in jeopardy over most of their range.

SOUTH CENTRAL GROUP

The Service has evidence that the following fourteen (14) taxa of river snails and five taxa of fish are Endangered species or Threatened species as provided for by the Act: Anthony's river snail (*Athearnia anthonyi*); Crass river snail (*Athearnia crassa*); Indiana river snail (*Gonibasis semicarinata indianensis*); Armigerous river snail (*Io armigera armigera*); Dutton's river snail (*Io armigera duttoniana*); Jay's river snail (*Io armigera jayana*); spiny river (*Io fluviialis*); Genuiculate river snail (*Io genuiculata genuiculata*); Small genuiculate river snail (*Io genuiculata penguis*); Rugged river snail (*Io salebrosa*); Verrucose river snail (*Io verrucosa verrucosa*); Elk river File snail (*Io verrucosa lima*); Umbilicate river snail (*Leptoxis subglobosa umbilicata*); Mainstream river snail (*Leptoxis praerosa*); Slackwater darter (*Etheostoma boschungii*); Slender chub (*Hybopsis cahnii*); Spotfin chub (*Hybopsis monacha*); Yellowfin madtom (*Noturus flavipinnis*); and Alabama cave fish (*Speoplatyrhinus poulsoni*).

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an Endangered species, or a Threatened species, because of any of five factors. One of these factors, and its application to these species is as follows:

The present or threatened destruction, modification, or curtailment of its habitat or range.—

Anthony's river snail, *Athearnia anthonyi*—Proposed Threatened—was formerly known from the Tennessee River, Knox County, Tennessee to Lauderdale County, Alabama, lower French Broad and Clinch Rivers, eastern Tennessee; Elk River, Alabama; smaller tributaries of the Tennessee River from Little Ten-

nessee River, Tennessee to Limestone County, Alabama. It was discovered in 1854 and long thought to be extinct, but is surviving in the Nolichucky, Little Tennessee and Tellico Rivers in eastern Tennessee. This large distinct snail is threatened in the Little Tennessee River and Tellico River by the construction of Tellico Dam; in the Nolichucky River by severe pollution, including zinc, copper, nickel, mercury, cadmium, and ammonia of unknown origin and in the Tellico River by ammonia and low pH. Low pH is particularly harmful to the shells of snails which it dissolves. Changes in normal stream temperatures due to operation of upstream impoundments constitutes an additional threat to this species.

The other species in the genus, the crass river snail, *Athearnia crassa*—Proposed Threatened—was formerly known from the Powell River; Clinch River and Beaver Creek, Tennessee. It is presently restricted to three stream systems. In South Chickamauga Creek, Georgia, it is threatened by pollution (including ammonia, zinc and low dissolved oxygen) from Ringold and by accidental spillages such as sulfuric acid and chlorine. In the Elk River, Tennessee it is threatened by the influence of Tims Ford Reservoir on the stream flow and temperature regimes and by zinc and mercury pollution. In the Sequatchie River, Tennessee it is threatened by heavy metal pollution (copper, cadmium, zinc and mercury).

Armigerous river snail, *Io armigera armigera*—Proposed Endangered—was formerly known from the Wabash River, the Cumberland River, the Stones River, the Harpeth River and the Ohio River in Tennessee, Indiana, Illinois, Kentucky, and Alabama. It is today restricted to the tail-waters of Kentucky Dam in the Tennessee River, Kentucky. It is endangered by extremely high levels of arsenic, chromium, mercury, and zinc, toxic to aquatic life.

Dutton's river snail, *Io armigera duttoniana*—Proposed Threatened—is the small-stream form of *Io armigera* and is restricted to the Duck River in Tennessee. The recent completion of Normandy Dam, has rendered the uppermost population effectively extinct, and Columbia Dam, also under construction at the present time by the Tennessee Valley Authority, will eliminate half of the populations of this subspecies. Downstream effects of these two dams may eliminate the remaining populations of this subspecies. Threats include smothering by sediments produced during construction and inundation with the change from a flowing to a lake environment. Downstream of the reservoirs, threats include the change of water temperature and changes in the daily fluctuations in the water, temperature and water flow. Pollution abatement required to secure this mollusk includes abating municipal effluent from Normandy, Manchester, Columbia (including tannery wastes) and Shelbyville. Control of siltation from phosphate ore mining is important.

Jay's river snail, *Io armigera jayana*—Proposed Endangered—was formerly

known from Caney Fork and South Fork of the Cumberland River, Tennessee, but is now restricted to the Duck River in Tennessee. This is the large river form of *Io armigera*. This species is endangered by the impoundments and their construction. It is also endangered by municipal effluent from Normandy, Manchester, Shelbyville and Columbia; by tannery wastes, and phosphate ore mining.

Geniculate river snail, *Io geniculata geniculata*—Proposed Threatened—was formerly an inhabitant of the Cumberland River in Kentucky, the Caney Fork of the Cumberland River, and the Stones River, but is today restricted to the Duck River and the Buffalo River. The construction of dams on the Duck River will directly eliminate $\frac{1}{3}$ of the populations of this form and may indirectly eliminate another $\frac{1}{3}$. Pollution threatens the remaining populations in the Duck River. The demise of the clam population in the Buffalo River indicates the existence of probable pollution. The source of this pollution is not known.

Small geniculate river snail, *Io geniculata penguis*—Proposed Threatened—is the small, rather rounded form of *Io geniculata* formerly known from the headwaters of the Holston River drainage. Caney Fork of the Cumberland River and the Coosa River drainage. It is now restricted to the Collins River, below McMinnville, Tennessee where it is threatened by pollution including (at Caney Fork) zinc and ammonia and the Duck River above Manchester, Tennessee, where it is also threatened by pollution including mercury.

Verrucose river snail, *Io verrucosa verrucosa*—Proposed Endangered—was formerly known from the Tennessee River, Cypress Creek and Flint River in Alabama, the Black River in Arkansas, the Etowah River in Georgia, the Wabash River in Indiana, the Ohio River and the Tennessee River in Kentucky, the Big Black River in Mississippi and Nolichucky River, French Broad River, Holston River, Clinch River, Little Tennessee River, Elk River, Little Pigeon River, Little River, Tellico River and Beaver Creek in Tennessee, but is today evidently restricted to the Tennessee River and Nolichucky River in Tennessee. It is found in the Tennessee River, Kentucky and Tennessee, only in the tailwaters of the Kentucky Dam where it is threatened by copper, mercury, zinc, and arsenic and in the tailwaters of Pickwick Dam where it is threatened by sedimentation and chemical pollution, including ammonia, nickel and mercury. In the mid-Nolichucky River where it is also found, serious pollution including ammonia, nickel, zinc, and mercury, has in general already greatly reduced the molluscan fauna.

Elk river file snail, *Io verrucosa lima*—Proposed Threatened—was formerly known from the Tennessee River system in Alabama and Tennessee, but is today restricted to the Elk River in Tennessee and Alabama. It is threatened by pollution including mercury from Pulaski, Fayetteville, and Tullahoma, Tennessee.

Rugged river snail, *Io salebrosa*—Proposed Endangered—was formerly known from the Cumberland River, Duck River, Caney Fork of the Cumberland River and the Tennessee River, but is today restricted to the Duck River in Tennessee. The proposed Columbia Dam will inundate the only known locality for this species. It is also endangered by pollution from Shelbyville, Tennessee.

Umbilicate river snail, *Leptoxis subglobosa umbilicata*—Proposed Threatened—is a clinal form which is fully developed and genetically secure only in the Stones River, Tennessee. In the Stones River it is threatened by pollution including low dissolved oxygen, manganese and strontium, from Murfreesboro, Woodbury and Smyrna.

Mainstream river snail, *Leptoxis praerosa*—Proposed Endangered—was formerly known from the Ohio River, the Cumberland River, the Nolichucky River, the Duck River and the Tennessee River, but is today restricted to the Nolichucky River. Serious pollution including ammonia, nickel, zinc, and mercury has in general already greatly reduced the molluscan fauna.

Indiana river snail, *Goniobasis semicarinata indianensis*—Proposed Threatened—is known only from about ten miles of Blue River, Indiana and from a small tributary spring of Blue River. Although the population has apparently not yet declined, it is threatened by industrial pollution and partially treated municipal pollution from Salem, New Pekin, Palmyra, and Milltown.

Spiny river snail, *Io fluviatilis*—Proposed Endangered—was formerly known in the French Broad River system where it was destroyed by industrial pollution, in the Holston River and Tennessee River where it was destroyed by impoundments, industrial pollution and acid mine wastes and from the lower Powell and Clinch Rivers where it was destroyed by impoundments and from the upper Powell River where it was destroyed by acid mine wastes. It is barely hanging on in the middle Powell River and in the middle Nolichucky River. It is endangered by severe pollution in the Powell River where the fauna is greatly reduced. A resurgence in strip-mining endangers the Clinch River populations. It is also endangered by fly ash waste, and concentrated chlorinated municipal wastes which are extremely toxic and channelization of the upper Clinch River in Tazewell County, Virginia.

The geographic range of the slack-water darter, *Etheostoma boschungii*—Proposed Threatened—is four tributaries to the southern bend of the Tennessee River in northern Alabama and southwestern Tennessee. It is known from one locality in the headwaters of the Buffalo River in Lawrence County, Tennessee; 19 localities in Cypress Creek drainage in Wayne County, Tennessee, and Lauderdale County, Alabama; three localities in Susan Creek in Limestone County, Alabama; and three localities in the Flint River drainage in Madison County, Alabama. Intensive collecting in adjacent drainages has failed to demonstrate the

presence of the slackwater darter. The habitat of *Etheostoma boschungii* is small to medium-sized streams with moderate to slow current. It seems to prefer bottom conditions characterized by an accumulation of leaves and detritus, but in some areas it has been found in association with clean silt, sand, and small gravel substrates.

Over the past five years periodic sampling of the slackwater darter in the headwaters of the Buffalo River in Lawrence County, Tennessee, has indicated that its population is extremely small and limited. In this area the species is confined to a short segment of a very small stream and the number of individuals in this population is apparently quite low. The population of *Etheostoma boschungii* in the Flint River drainage in Madison County, Alabama, is similarly small and limited. Changing land use patterns associated with the growth of the city of Huntsville, Alabama, jeopardizes the survival of the population in this system. The Susan Creek population is threatened by a stream channelization project.

Of the four stream systems inhabited by the slackwater darter the largest population and the stronghold of the species is in the Cypress Creek drainage system. As presently planned the proposed Soil Conservation Service project for the Cypress Creek Watershed will adversely affect the species. The project will result in the destruction of habitat through the construction of headwater impoundments, new channel excavations, bedload removal and other stream alterations.

Slender chub, *Hypopsis cahnii*—Proposed Threatened—is restricted to the Clinch and Powell Rivers in Tennessee above Norris Reservoir and is threatened by the coal industry effluents which are on the increase, municipal wastes and the continuing risk of chemical spillage including fly ash and sulfuric acid. A coal output of 30,000,000 tons is projected for this area by the year 2000. Many of the 24 authorized sewage dischargers are overloaded and not capable of producing an acceptable effluent under current water quality standards. Gravel removed from sand and gravel bars in the river channel and the resulting siltation is a threat at one locality.

Spotfin chub, *Hypopsis monacha*—Proposed Threatened—is restricted to the Tennessee River drainage where it once occurred widely in twelve tributary systems distributed among five States, but is today known only from the lower North Fork of the Holston River, Virginia and Tennessee; in the Emory River, Clear Creek tributary of the Emory River System, Tennessee; and the upper Little Tennessee River, North Carolina. Only in the Emory River system is this species still abundant, although it appears to be recovering in the Little Tennessee River in North Carolina.

Threats to this species include runoff from coal mining, operations, municipal and industrial wastes, and siltation.

Yellowfin madtom, *Noturus flavipinnis*—Proposed Threatened—is re-

stricted to the Powell River in Tennessee, and Copper Creek tributary to the Clinch River in Virginia. It was formerly known from Chickamauga Creek in Georgia, Hines Creek in Tennessee and the North Fork of the Holston River in Virginia. It is threatened by coal mining and coal washing in the Powell River, siltation and enrichment from agricultural operations in Copper Creek. The risk of chemical spillage where the rivers are crossed by major roads, is a potential threat.

Alabama cave fish, *Speoplatyrhinus poulsoni*—Proposed Threatened—is a blind, white, troglobitic cave fish known only from a cave in Lauderdale County, Alabama. It may occur in other subterranean waters of the area, but is definitely absent from nearby caves and other caves which were inundated by Pickwick Lake. It is threatened by disruption of the ecosystem through interference with bat populations and groundwater pesticide pollution due to agricultural operations. A proposed industrial park in this area constitutes an additional threat. Few eggs are produced per female and reproduction does not occur every year.

In summary, six of the south central group are proposed as "Endangered" because they are restricted to very small areas or occur in small numbers and are in immediate danger of extinction throughout their range. The other 13 species are proposed as "Threatened" because they occur over a wider range or in larger numbers and are potentially in jeopardy over most of their range.

FLORIDA TREE SNAIL GROUP

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an Endangered Species or a Threatened Species because of any of five factors. These factors and their application to the Florida Tree Snail are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.*—There are 52 known forms of the Florida Tree Snail, *Liguus fasciatus*. Eight of these, *solidus*, *innominatus*, *crassus*, *splendidus*, *pseudopictus*, *dohertyi*, *farnumi*, and *violafumosus* are considered extinct, victims of land clearing, hurricanes, building of fishing camps and other tourist attractions, intensive fogging for mosquito control, and the leveling of hammock after hammock for housing and highways. Thirty-one additional forms are jeopardized by these and other factors such as jetport construction. These are *solidulus*, *dryas*, *osmenti*, *capensis*, *gloriasylvaticus*, *nebulosus*, *septentrionalis*, *solisocacasus*, *walkeri*, *alternatus*, *deckerti*, *delicatus*, *graphicus*, *lineolatus*, *lineatus*, *matecumbensis*, *miamiensis*, *pictus*, *suberenatus*, *testudineus*, *vonpaulseni*, *elliottensis*, *lucidovarius*, *lignumvitae*, *roseatus*, *simpsoni*, *vacaenstis*, *mosieri*, *foscoflammellus*, *livingstoni*, and *wintei*. Many of these forms have been introduced successfully into the Florida Everglades, but they are jeopardized there by wild fires, especially during

drought, and by drainage of adjacent lands resulting in a lowering of the water table.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.*—All 31 forms are jeopardized by over-collecting and bring high prices on the market. Collectors pay \$50 or more for rare shells. One family has collected over 10,000 shells.

3. *Disease or predation.*—The introduction of the Key Largo woodrat and Key Largo deer mouse to Lignumvitae Key jeopardizes the form *lignumvitae*.

4. *The inadequacy of existing regulatory mechanisms.*—In the national park, it is now unlawful to remove the tree snail, but there is considerable poaching.

5. *Other natural or manmade factors affecting its continued existence.*—Not applicable.

The population of *Liguus fasciatus* occurring on the Florida Keys from Key West north to Sands Key and on Cape Sable is restricted to a very small range, occurs in small numbers and is in immediate danger of extinction throughout most of the area. It is therefore, proposed as Endangered.

The population of *Liguus fasciatus* occurring in the rest of Florida is more widely distributed, occurs in larger numbers, but is potentially in jeopardy over most of its range. It is therefore proposed as Threatened.

WESTERN SNAIL GROUP

The Service has evidence that the following five taxa of Western snails are Endangered species or Threatened species as provided for by the Act. The concentrated snail *Micrarionta facta*; prickly pear snail, *Micrarionta opuntia*; Newcomb's littorine snail, *Algamorda newcombiana*; Cape Mendocino snail, *Helminthoglypta arrosa mattolensis*; and the California brackish water snail, *Tryonia imitator*. The five criteria of Section 4(a) of the Act, and their application to the above-named species, are as follows:

1. *The present or threatened destruction, modification or curtailment of its habitat or range.*—Prickly pear snail, *Micrarionta opuntia*—Proposed Threatened—is restricted to San Nicolas Island, California. It appears to be a descendant of *Micrarionta sodalis* which is extinct. It is associated in all cases with impressions or small animal burrows in stabilized soil at the base of the prickly pear plant, *Opuntia littoralis*, the name sake of the snail. *Opuntia littoralis* is also essential habitat for the proposed endangered Island Night Lizard. It is threatened by poor land management including overgrazing by goats, which has caused major erosion thus eliminating stabilized soil and adequate plant cover.

The concentrated snail, *Micrarionta facta*—Proposed Endangered—is known only from Santa Barbara Island, California and endangered by introduced species including the ice plant and deer-mice and by accidental destruction of habitat such as brush fires. While presently common where found, *Micrarionta facta* is less abundant than formerly due

PROPOSED RULES

to the alteration of vegetative cover within historic times. It was gathered by the thousands around the turn of the century. This species occupies a specialized habitat on a small island. The habitat consists of unconsolidated soil under rocks below about 250 feet elevation, and always in sheltered rock situations. Increased recreational use of the island would further restrict and jeopardize the available habitat.

Cape Mendocino snail, *Helminthoglypta arrosa mattolensis*—Proposed Threatened—is restricted to a short segment of coast line in Humboldt County, California. The habitat of this species is typically brushfields. It is threatened by overgrazing by cattle, which has already destroyed most of the original habitat.

California brackish water snail, *Tryonia imitator*—Proposed Endangered—formerly found in most coastal lagoons or brackish water estuarine stream mouth habitats from Bodega Bay to San Diego Bay. This species may become extinct relatively soon because the small amount of true brackish water habitat remaining continues to be eliminated by road construction and other causes.

Dredging for navigation and the construction of roads across the mouths of lagoons and estuaries, cutting them off from the sea, have turned many previously brackish areas into freshwater habitats, eliminating the snail. Silt runoff from eroding short areas, residential and industrial development, and pollution have also modified or destroyed the habitat.

It has been extirpated from Morro Bay, San Luis Obispo Creek, Oakland, Half Moon Bay, the Santa Cruz River, a lagoon south of Santa Cruz, the mouth of the Los Angeles River at San Pedro, Guadalupe, and Encinada Lagoon in Baja California. Now, its only confirmed localities are Pescadero Point, where it is protected in a park; Elkhorn Slough; and the mouth of the San Diego River, in 200 feet of a flood control channel.

Newcomb's littorine, *Algamorda newcombiana*—Proposed Threatened—is a brackish-water salt-marsh snail known only from Humboldt Bay, California, as small colonies at the north and south ends, Coos Bay, Oregon, and Grays Harbor, Washington. It was reported from Neah Bay and Willapa Bay, Washington, and Siletz Bay, Oregon, some time ago, but is no longer found there.

Formerly known throughout Humboldt Bay, it has been greatly reduced in numbers. It is restricted to the marsh succulent, *Salicornia*, or the muddy substrate immediately below and is submerged in sea water only a few hours per year. It has declined in numbers as a result of filling and the activity of saw mills in the area which create a blanket of half-burned sawdust over the habitat.

It is threatened in Coos Bay by log storage on the mud flats and the effluent of treated sawdust chips which goes into this bay. It is further threatened in Coos Bay by channelization and dredging by the United States Army Corps of Engineers. In Grays Harbor it is potentially

threatened by oil spill, pulp mill waste, and municipal waste.

2. *Overutilization for commercial, sporting, scientific or educational purposes.*—*Helminthoglypta arrosa mattolensis* is one of the largest, most attractive of northern California snails and has considerable appeal to some collectors.

3. *Disease or predation.*—The concentrated snail, *Micrarionta facta* is preyed upon by exotic deer mice.

4. *The inadequacy of existing regulatory mechanisms.*—No regulatory mechanisms adequate to protect these species from overcollecting, presently exist.

5. *Other natural or manmade factors affecting its continued existence.*—Not known to be applicable to any of the six above-named species.

In summary, two of the California group are proposed as Endangered because they are restricted to very small areas or occur in small numbers and are in immediate danger of extinction throughout their range. The other three species are proposed as Threatened because they occur over a wider range or in larger numbers and are potentially in jeopardy over most or their range.

DESCRIPTION OF THE PROPOSAL

Determination that an animal is a Threatened or Endangered species would, among other things, make that species, including any part, product, egg or offspring thereof, or the dead body or parts thereof subject to the prohibitions of section 9(a) (1) of the Act. Those prohibitions, among other things, were published as regulations in the FEDERAL REGISTER of September 26, 1975 (40 FR 44423) and, for the convenience of the reader, are reprinted below:

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c) (1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c) (1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official

duties, take endangered wildlife without a permit if such action is necessary to:

(1) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c) (2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(d) Possession and other acts with unlawfully taken wildlife. (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d) (1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) Interstate or foreign commerce. It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) Sale or offer for sale. (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

Although the Act authorizes the Secretary to publish " * * * such regulations as he deems necessary and advisable for the conservation of * * * " any species determined to be a Threatened species, no special regulations are proposed for all but 13 of the species herein proposed to be determined Threatened species. Lacking any such special regulations, all of the prohibitions set forth in § 17.21 would apply to such Threatened species as well as any Endangered species. Four fish proposed as Threatened could be

taken in accordance with State law. For the nine other species for which regulations are proposed, none of the prohibitions of Section 9 apply, except that no live animal may be taken for the purpose of introducing outside of its natural range.

Section 3(14) of the Act defines the term "take" as follows:

(14) The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

It should be noted that a determination that an animal is an Endangered species or a Threatened species generally imposes no restrictions upon: otherwise unlawful possession; the *intrastate* sale; nor upon the *interstate* movement of such specimens unless such movement is in the course of a commercial activity involving a change of ownership of the specimen. In this context, the term "commercial activity" is defined in Section 3(1) of the Act as follows:

(1) The term "commercial activity" means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling.

The terms "industry or trade," as used in the above definition, were defined in the September 26, 1975, FEDERAL REGISTER (40 FR 44416) as follows:

Industry or trade in the definition of "commercial activity" in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit.

In the case of Endangered or Threatened wildlife, regulations published in 40 FR 44412 provide for the issuance of permits to carry out otherwise prohibited activities under certain circumstances. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Determination that an animal is a Threatened or an Endangered species makes that species eligible for the protection provided by section 7 of the Act which reads as follows:

INTERAGENCY COOPERATION

Sec. 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term critical habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764-17765).

It must be emphasized that, because the primary intention of the Fish and Wildlife Service and the National Marine Fisheries Service under the Act is to protect, maintain, and restore presently Endangered and Threatened species, application of the term "critical habitat" may not be restricted to the habitat necessary for a minimum viable population. It is emphasized further that certain actions may not be detrimental to "critical habitat." There may be many kinds of actions which can be carried out within the "critical habitat" of a species that would not be expected to result in such reduction in the numbers or distribution or otherwise adversely affect such species.

The areas delineated below do not necessarily include the entire critical habitat of any of the named species, and modifications to critical habitat descriptions may be proposed in the future.

The act requires inclusion of the " . . . scientific and common name or names of any, . . ." upon the list of those species determined to be Threatened or Endangered. No generally recognized common name exists for some of the taxa herein discussed. In such cases common names have been assigned to the animal. As usage of common names varies considerably, it should be recognized that only the scientific names carry legal significance.

The Service recognizes that invertebrate taxonomy is not an exact science, that the knowledge of such animals continues to develop, and that scientific nomenclature reflects such understanding. It further recognizes that the classification and nomenclatural rank given a taxon is subject to opinion, based on the specialist's knowledge of the animal in question, and his interpretation of the science. Comments and data toward improving the accuracy of common names, as well as scientific names, are requested.

Pursuant to Sections 4(b) and (7) of the Act, the Director will notify the Governors of the States of Alabama, California, District of Columbia, Florida, Georgia, Indiana, Kentucky, New Mexico, North Carolina, Oregon, Tennessee, Virginia, and Washington with respect to this proposal and request their comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends the finally adopted rules to be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests

or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. The existence of any living specimen of those species felt possibly to be extinct;

2. Biological or other relevant data concerning any threat (or the lack thereof) to any species included on the following list;

3. The location of and reasons why any habitat of any species named herein should be determined to be "Critical Habitat" as provided for by Section 7 of the Act;

4. Improved scientific or common names for any species on the following list; and

5. Additional information concerning the range and distribution of any of these species.

Final promulgation of the regulations on these species will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street, N.W., Washington, D.C. 20240 and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments and materials received no later than April 12, 1977, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884).

Dated: October 13, 1976.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

It is proposed to amend § 17.11 by adding in alphabetical order the following to the lists of snails, crustaceans, and fish:

§ 17.11 Endangered and threatened wildlife.

Species		Range					Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered					
SNAILS									
River Snail, Armigerous	<i>Io armigera armigera</i>	Not applicable	Kentucky	Entire	E		NA		
River Snail, Crass	<i>Athearnia crassa</i>	do	Georgia, Tennessee	do	T		NA		
River Snail, Bugged	<i>Io salubrosa</i>	do	Tennessee	do	E		NA		
River Snail, Dutton's	<i>Io armigera duttoniana</i>	do	do	do	T		NA		
Pile Snail, Elk River	<i>Io verrucosa lima</i>	do	Tennessee, Alabama	do	T		NA		
River Snail, Geniculate	<i>Io geniculata geniculata</i>	do	Tennessee	do	T		NA		
River Snail, Indiana	<i>Goniobasis semicarinata indianensis</i>	do	Indiana	do	T		NA		
River Snail, Jay's	<i>Io armigera jayana</i>	do	Tennessee	do	E		NA		
River Snail, Mainstream	<i>Leptoxis praerosa</i>	do	do	do	E		NA		
River Snail, Small Geniculate	<i>Io geniculata penguin</i>	do	do	do	T		NA		
River Snail, Spiny	<i>Io fluviatilis</i>	do	Tennessee, Virginia	do	E		NA		
River Snail, Anthony's	<i>Athearnia anthonyi</i>	do	Tennessee	do	T		NA		
River Snail, Umbilicate	<i>Leptoxis subglobosa umbilicata</i>	do	do	do	E		NA		
River Snail, Verrucosa	<i>Io verrucosa verrucosa</i>	do	do	do	T		NA		
Snail, California brackish water	<i>Tryonia imitator</i>	do	California	do	E		NA		
Snail, Cape Mendocino	<i>Helminthoglypta arrosa mattoleensis</i>	do	do	do	T		NA		
Snail, concentrated	<i>Micrarionta facta</i>	do	do	do	E		NA		
Snail, Florida Tree	<i>Liguus fasciatus</i>	Florida Keys from Key West north to Sands Key, Cape Sable	Florida	do	E		NA		
Do	do	Florida other than Key West north to Sands Key or Cape Sable	do	do	T		NA		
Snail, Newcomb's littorine	<i>Alganorda newcombiana</i>	Not available	California, Washington, and Oregon	do	T		NA		
Snail, Prickly pear	<i>Micrarionta opuntia</i>	do	California	do	T		NA		
FISH									
Cave Fish, Alabama	<i>Speoplatyrhinus poulsoni</i>	do	Alabama	do	T		NA		
Chub, Slender	<i>Hybopsis cahni</i>	do	Tennessee	do	T		1		
Chub, Spottin	<i>Hybopsis monacha</i>	do	Virginia, Tennessee, and North Carolina	do	T		1		
Darter, Slackwater	<i>Etheostoma boschungii</i>	do	Alabama, Tennessee	do	T		1		
Madtom, Yellowfin	<i>Noturus flavipinnis</i>	do	Tennessee, Virginia	do	T		1		
CESTACEANS									
Crayfish, Big South Fork	<i>Cambarus bouchardi</i>	do	Tennessee, Kentucky	do	T		1		
Crayfish, Chickamauga	<i>Cambarus extraneus</i>	do	Georgia, Tennessee	do	T		1		
Crayfish, Conehas	<i>Orconectes deanae</i>	do	New Mexico	do	T		2		
Crayfish, Louisville	<i>Orconectes jeffersoni</i>	do	Kentucky	do	E		NA		
Crayfish, Nashville	<i>Orconectes shoupi</i>	do	Tennessee	do	E		NA		
Crayfish, Oboe	<i>Cambarus obeyensis</i>	do	do	do	T		2		
Crayfish, Palm Springs cave	<i>Procambarus acherontis</i>	do	Florida	do	T		NA		
Isopod, Madison Cave	<i>Pacifastacus fortis</i>	do	California	do	T		2		
Scud, Florida cave	<i>Anatolana tira</i>	do	Virginia	do	E		NA		
Scud, Hay's Spring	<i>Crangonyx grandimanus</i>	do	Florida	do	T		2		
Shrimp, Alabama cave	<i>Stygonyx hayi</i>	do	District of Columbia	do	E		NA		
Shrimp, California freshwater	<i>Palaeomonas alabamae</i>	do	Alabama	do	T		2		
Shrimp, Kentucky cave	<i>Syncaeris pacifica</i>	do	California	do	T		2		
Shrimp, squirrel Chimney cave	<i>Palaeomonas ganteri</i>	do	Kentucky	do	T		2		
	<i>Palaeomonetes commingsi</i>	do	Florida	do	T		NA		

NOTES

(1) Prohibitions. All prohibitions listed in sec. 9(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) shall apply, except that they may be taken in accordance with State law. Any violations of State law will also be a violation of the 1973 Endangered Species Act.

(2) None of the prohibitions of sec. 9 of the act will apply except that no live animal may be taken for the purpose of introducing it outside of its natural range.

It is proposed to amend proposed subpart I of Part 17 (Interagency Cooperation) (proposed at 41 FR 55730, December 22, 1976) by adding the following areas (exclusive of those existing man-made structures or settlements which are not necessary to the survival or recovery of the species) as Critical Habitat:

§ 17.95 Critical Habitat—Fish and Wildlife.

(e) Fishes—(1) * * * *

(2) *Slender chub*. (i) The following areas are Critical Habitat for the slender chub (*Hybopsis cahni*): Main channel Powell River, Tennessee above Norris Reservoir and upstream to and including Lee County, Virginia; Main channel Clinch River, Tennessee above Norris Reservoir and upstream to and including Russell County, Virginia. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is

necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(3) *Spottin chub*. (i) The following areas are Critical Habitat for the spottin chub (*Hybopsis monacha*): Main channel North Fork Holston River, Hawkins and Sullivan Counties, Tennessee and Scott and Washington Counties, Virginia; Main channel Emory and Obed Rivers and Clear and Daddy Creeks in Morgan County, Tennessee; Clear Creek in Fentress County, Tennessee; Obed River upstream to U.S. Interstate Highway 40, Clear Creek upstream to U.S. Highway 40 and Daddy's Creek upstream to U.S. Highway 127 in Cumberland County, Tennessee; Main channel Little Tennessee River, North Carolina above Fontana Lake in Swane and Macon Counties. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that

actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(4) *Slackwater darter*. (i) The following areas are Critical Habitat for the slackwater darter (*Etheostoma boschungii*): all permanent streams, and intermittent streams with flowing water from December thru June, in the following creek and river systems: Flint River and tributaries in Madison County, Alabama and Lincoln County, Tennessee; Cypress Creek and tributaries in Lauderdale County, Alabama and Wayne County, Tennessee; and Buffalo River and tributaries in Lawrence County, Tennessee. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(5) *Yellowfin madtom*. (i) The following areas are Critical Habitat for the yellowfin madtom (*Noturus flavipinnis*): Main channel Copper Creek, Virginia, mouth of Dickinsonville, Russell County; Main channel Powell River, Tennessee above Norris Reservoir to State line; Lee county, Virginia. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(6) *Alabama cave fish*. (i) The following area is Critical Habitat for the Alabama cave fish (*Speoplatyrhinus pouisoni*): Key Cave, Lauderdale County, Alabama. More specific locality data for Federal agencies fulfilling their obligations under Section 7 of the Endangered Species Act of 1973 can be obtained from the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240. (ii) Pursuant to section of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(f) *Clams*. [Reserved]

(g) *Snails* — (1) *Armigerous River Snail*. (i) The following areas are Critical Habitat for the Armigerous River Snail (*Io armigera armigera*): Main channel, Tennessee River, Livingston, McCracken and Marshall Counties; Kentucky from mouth to Kentucky Dam. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(2) *Rugged River Snail*. (a) The following areas are Critical Habitat for the Rugged River Snail (*Io salebrosa*): Main channel Duck River, Tennessee, Coffee, Bedford, Marshall and Maury Counties. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(3) *Dutton's River Snail*. (i) The following areas are Critical Habitat for the Dutton's River Snail (*Io armigera duttoniana*): Main channel Duck River, Tennessee, mouth to and including Coffee County. (b) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(4) *Elk River File Snail*. (i) The following areas are Critical Habitat for the Elk River File Snail (*Io verrucosa lima*): Main Channel Elk River, Tennessee and Alabama from mouth to Tims Ford Dam. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(5) *Geniculate River Snail*. (i) The following areas are Critical Habitat for the Geniculate River Snail (*Io geniculata geniculata*): Main Channel Duck River, Tennessee, from mouth to and including Coffee County, Buffalo River, Tennessee, from mouth to and including Lewis County. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(6) *Indiana River Snail*. (i) The following areas are Critical Habitat for the Indiana River Snail (*Goniobasis semicarinata indianensis*): Main Channel Blue River, Indiana, Harrison County including Harrison Spring tributary. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(7) *Jay's River Snail*. (i) The following areas are Critical Habitat for the Jay's River Snail (*Io armigera jayana*): Main Channel Duck River, Tennessee, mouth to and including Coffee County. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(8) *Mainstream River Snail*. (i) The following areas are Critical Habitat for the Mainstream River Snail (*Loptoxis praerosa*): Main Channel Nolichucky River, Tennessee, Douglas Lake to Davy Crockett Lake. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(9) *Small Geniculate River Snail*. (i) The following areas are Critical Habitat for the Small Geniculate River Snail (*Io geniculata penguis*): Main Channel Collins River, Tennessee, above Center Hill Reservoir, Warren County, Duck River, Tennessee, Coffee County. (ii) Pursuant

to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(10) *Spiny River Snail*. (i) The following areas are Critical Habitat for the Spiny River Snail (*Io fluviatis*): Main Channel Powell River, Tennessee and Virginia above Norris Reservoir to Lee-Wise County Line; Main Channel Clinch River, Tennessee and Virginia above Norris Reservoir to Tazewell-Russell County line; Main Channel Nolichucky River, Tennessee from Douglas Lake to Davy Crockett Lake. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(11) *Umbilicate River Snail*. (i) The following areas are Critical Habitat for the Umbilicate River Snail (*Leptoxis subglobosa umbilicata*): Main Channel Stones River, East Fork and West Fork only, Rutherford County, Tennessee. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(12) *Verrucose River Snail*. (i) The following areas are Critical Habitat for the Verrucose river snail (*Io verrucosa verrucosa*): Main channel Tennessee River, mouth to Kentucky Dam, Kentucky and Hardin County below Pickwick Lake, Tennessee; Main Channel Nolichucky River, Tennessee between Douglas Lake and Davy Crockett Lake. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

(h) *Crustacea*—(1) *California freshwater shrimp*. (i) The following areas are Critical Habitat for the California freshwater shrimp (*Syncaris pacifica*): Main channel, Lagunitas Creek, mouth to Kent Lake, Marin County, California; Salmon Creek, mouth to Frestone, Sonoma County, California; East Austin Creek, mouth to Devil Creek, Sonoma County, California. (ii) Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

[FR Doc.77-809 Filed 1-11-77;8:45 am]

notices

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A421]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Nebraska Counties as a result of drought January 1 through December 31, 1976.

Richardson

Saline

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

Applications for emergency loans must be received by this Department no later than February 22, 1977, for physical losses and September 22, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 3rd day of January 1976.

FRANK B. ELLIOTT,
Administrator Farmers
Home Administration.

[FR Doc.77-1046 Filed 1-11-77;8:45 am]

[Notice of Designation Number A422]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following North Carolina Counties as a result of drought February 1 through August 31, 1976, in Alamance County; drought May 1 through September 30, 1976, in Davidson County; abnormally high temperatures February 11 to February 29, late freeze and frost April 10 and April 13, and drought July 1 to September 15, 1976, in Johnston County; and drought February 26 through October 1, 1976, in Orange County.

Therefore, the Secretary has designated this area as eligible for emergency

loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than February 22, 1977, for physical losses and September 22, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 3rd day of January 1977.

FRANK B. ELLIOTT,
Administrator, Farmers
Home Administration.

[FR Doc.77-1047 Filed 1-11-77;8:45 am]

[Notice of Designation Number A423]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Cimarron County, Oklahoma, as a result of a severe hailstorm September 25, 1976.

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

Applications for emergency loans must be received by this Department no later than February 22, 1977, for physical losses and September 22, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule-making and invite public participation.

Done at Washington, D.C., this 5th day of January 1977.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.77-1048 Filed 1-11-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27573; Agreement C.A.B. 26253; Order 76-12-25]

SPECIFIC COMMODITY RATES

Order

Correction

In FR Doc. 76-36337 appearing on page 54208 in the issue for Monday, December 13, 1976, the following corrections should be in the table:

- (1) The title should have been "Agreement CAB 26253".
- (2) The caption "Rates Added Under Existing Commodity Descriptions" should have appeared between the headings and the first listings.
- (3) The caption "Rates Changed Under Existing Commodity Descriptions" should have appeared between the 9th and 10th IATA Commodity Item Numbers.
- (4) The caption "Rates Cancelled Under Existing Commodity Descriptions" should have appeared between the 19th and 20th IATA Commodity Item Numbers.
- (5) The caption "Rates Extended Under Existing Commodity Descriptions" should have appeared between the 22nd and 23rd IATA Commodity Item Numbers.

COMMISSION ON CIVIL RIGHTS

VIRGINIA 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 Virginia Advisory Committee (SAC) of the Commission will convene at 7:30 PM, and end at 9:00 PM, on January 28, 1977, at the Key Bridge Marriott Motel, Board Room, 1401 Lee Highway, Rosslyn, Virginia.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss and plan SAC activities for calendar year 1977.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 7, 1977.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.77-1033 Filed 1-11-77;8:45 am]

**CIVIL SERVICE COMMISSION
DEPARTMENT OF TRANSPORTATION
Title Change in Noncareer Executive
Assignment**

By notice of June 9, 1972, FR Doc. 72-8751 the Civil Service Commission authorized the Department of Transportation to fill by noncareer executive assignment the position of Assistant Director for Program Coordination, Office of Public Affairs. This is notice that the title of this position is now being changed to Assistant Director for Communications Coordination, Office of Public Affairs.

UNITED STATES CIVIL SERVICE
COMMISSION,
JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc.77-1037 Filed 1-11-77;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 (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00133-33-46040.
Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Mass. 02138. Article: Electron Microscope, Model EM 201C and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for a wide variety of studies using ultrastructural tracer techniques, cytochemistry and ranging from morphological studies to freeze fracturing. The phenomena to be investigated include the following:

- (a) The study of the structure and function of normal and pathologic vascular endothelium.
- (b) The study on the ultrastructural basis for normal and increased glomerular permeability.
- (c) Studies on the ultrastructure of endothelial cell and vascular smooth muscle cells in culture.
- (d) Studies on the in vitro perfused kidneys under different conditions.
- (e) Analysis of replicas of freeze fractured specimens from cell membranes in normal and under pathological conditions.
- (f) Studies of the juxtglomerular apparatus of in vivo and in vitro perfused

kidneys under different conditions with the application of electron microscopic tracers.

(g) Studies of regenerating endothelial cells and endothelial inflammatory cell interactions in models of immunological and nonimmunologic inflammation.

(h) Studies of endothelial ultrastructure after irradiation in vivo and in vitro.

(i) Ultrastructural studies on the relationship between microvascular and parenchymal injury following irradiation of the parotid salivary gland.

In addition, the article will be used in the training of graduate students, postdoctoral fellows, and research associates on their research programs.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An 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 (October 16, 1974).

Reasons: This application is a resubmission of Docket Number 75-00173-33-46040 which was denied without prejudice to resubmission on March 13, 1975 for informational deficiencies. The applicant in reply to Questions 7 and 8 alleges the foreign article provides the following pertinent features:

(1) About 4 Angstroms (Å) resolution point to point (point) with consistently achievable high resolution up to 3.5Å.

(2) Solid-State electronics and consequent requirement for a smaller total floor space of 3 x 4 feet.

(3) High degree of dependability, ease of operation, low down time, ease of alignment and when aligned remains stable for months.

(4) Designed for simple and convenient use; operation by a skilled and experienced operator not required; not easy for an inexperienced operator to damage the article.

(5) Highly reliability with little repair time or downtime.

(6) Repair service is excellent.

(7) Eucentric goniometer stage with 60 degree tilt to be acquired. The domestic instrument most closely comparable to the foreign article is the Model EMU-4C electron microscope manufactured by the Adam David Company. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 16, 1976, that this application be denied because the applicant provides no pertinent specification within the meaning of Subsection 301.2(n) of the regulations upon which duty-free entry could be based. In this connection, HEW advises that the use is in research and teaching at a sophisticated level, not in a tightly scheduled production process; therefore, constant availability, degree to which performance can be sustained, solid state electronic design, simplicity, workability, operator

skill, downtime estimates, floor space requirements, wisdom of purchase decision, etc. are irrelevant or not scientifically pertinent. As to the specific allegations of the applicant in reply to Questions 7 and 8, in the order listed above, the following is noted:

(1) According to Subsection 301.11(a) of the regulations, the determination of scientific equivalency shall be based on a comparison of the guaranteed specifications of the article and the most closely comparable domestic instrument. The Model EMU-4C provides a guaranteed resolution of 5 Å point and the article provides a guaranteed resolution of 4 Å point. HEW notes that the need for high resolution is claimed but that the model ordered has a lower resolution guarantee than other models in the foreign manufacturer's line. Moreover, HEW advises that the difference in resolution guarantees of the article and the EMU-4C do not have scientific significance for the applicant's work. In connection with the claim that consistently high resolution is needed, we note HEW's advice that the applicant's uses are not in a tightly scheduled production process, therefore, constant availability and the degree to which performance can be sustained are irrelevant or not scientifically pertinent.

(2) HEW advises that solid state electronics which reduce floor space requirements for the article is not pertinent.

(3) HEW's advises that constant availability, degree to which performance can be sustained, simplicity [related to ease of operation and alignment] workability, operator skill down time estimates, etc., are irrelevant or not scientifically pertinent to the work. In view of this advice we find the items comprising feature (3) to be non-pertinent matters of cost or convenience.

(4) We find that these factors are either conveniences or matters of cost based on HEW's advice that simplicity, workability, operator skill, down-time estimates, etc. are not pertinent.

(5) HEW advises that constant availability, the degree to which performance can be sustained and down-time estimates are not pertinent. We, therefore, conclude that the factors cited in feature (5) are non-pertinent matters of cost and convenience. Further, we find that reliability which is associated with the level of maintenance and hence, cost of ownership, is not a pertinent specification within the meaning of Subsection 301.2(n) of the regulations.

In general information which can lead to a direct quantitative comparison of the reliability (i.e., ability to conform to specifications without excessive breakdown) of two instruments is almost never available. When a specification is "guaranteed" that manufacturer is stating, in effect that the necessary steps have been taken to verify ability to meet this obligation. Thus a guaranteed specification presupposes a determination of reliability to some "engineered-in" degree. Customarily, manufacturers neither issue

quantitative specifications on reliability nor guarantee reliability. Moreover, the reliability of a single instrument can, and frequently does, improve abruptly with time (for example, as the manufacturer gains experience and makes minor modifications dictated by such experience). No two instruments of the same model supplied by the same manufacturer will have identical records insofar as reliability is concerned and a documented history of poor reliability does not mean that such performance will not vastly improve with the very next instrument (and subsequent instruments) produced. Without strong and substantive supporting evidence in the record that the reliability of two instruments were measurably different and the difference in reliability precluded performance of the work intended, reliability could not be considered a justifiable basis for duty-free entry under Pub. L. 89-651. While reputations with respect to reliability which are derived from subjective, word-of-mouth allegations or even personal experience may, reasonably or otherwise, enter into a person's decision to buy a particular instrument, such a yardstick could not serve as a clear-cut, objective basis for duty-free entry.

Moreover, we would reemphasize that reliability is considered a cost-related consideration for duty-free entry purposes which by regulation and Congressional intent is not a sufficient basis for granting of duty-free entry.

(6) Service for the EMU-4C is available from the RCA Service Company. Moreover, service is a cost-related matter which is not pertinent.

(7) A eucentric goniometer was not ordered with the foreign article. Subsections 301.2(c) (d) and (e), and 301.6 (a) (3) prohibit consideration of unordered accessories in the Department's determination of scientific equivalency. Therefore, the goniometer stage is not a factor in this decision.

For the foregoing reasons, we find that the Model EMU-4C electron microscope is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc. 77-1056 Filed 1-11-77; 8:45 am]

**LOUISIANA STATE UNIVERSITY
MEDICAL CENTER**

**Decision On Application for Duty-Free
Entry of Scientific Article**

The following is a decision on an application for duty free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00007. Applicant: Louisiana State University Medical Center, Kresge Hearing Research Laboratory, L.S.U. School of Medicine, 1100 Florida Ave., Bldg., 164, New Orleans, LA 70119. Article: OVE IIIc Speech Synthesizer, Type 21002. Manufacturer: A. B. Fonema, Sweden. Intended use of article: The article is intended to be used for the investigation of the nature of speech perception processes with work centered around the use of monotic and dichotic listening techniques, and the investigation of the effects that the variation of several task, listener, and stimulus parameters have on the identification of dichotic and monotic signals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 76-00264 which was denied without prejudice to resubmission on June 11, 1976 for informational deficiencies. The foreign article provides the specification of electronic simulation of the general vocal tract behavior. The most closely comparable domestic instrument is the model VS6.0 manufactured by Vocal Interface Division of Federal Crew Works. This domestic instrument is capable of simulating the frequency characteristics and producing understandable phoneme sequences within a limited acoustic microstructure. The National Bureau of Standards (NBS) advises in its memorandum dated December 14, 1976 that (1) the specification of the article described above is pertinent to the applicant's intended research and (2) the domestic instrument does not have the range or capability to simulate the general vocal tract behavior required by the applicant's research purposes and, therefore, does not provide the pertinent specification.

For these reasons, we find the Model VS6.0 is not of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc. 77-1057 Filed 1-11-77; 8:45 am]

UNIVERSITY OF NOTRE DAME du LAC

**Decision on Application for Duty-Free
Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00439. Applicant: University of Notre Dame du Lac, Notre Dame, IN 46556. Article: Electron Microscope, Model JEM 100C/SEG/BSR with eucentric goniometer stage and accessories. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used for the study of crystalline and non-crystalline solids including metal alloys, minerals and ceramics and polymers. Experiments to be conducted will include characterization of phase distributions and various planar and other defect structures which influence mechanical, electrical and magnetic properties; elevated temperature observation of phase transformations and other microstructural changes. The article will also be used for educational purposes in the course, MET 602. Electron Microscopy and Diffraction to familiarize students with techniques of use and for interpretation in electron microscopy and the range of applications for transmission electron microscopy and electron diffraction.

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 15, 1976). Reasons: The foreign article has a specified resolving power of 3 Angstroms (A) and is equipped with a eucentric side entry goniometer stage which has $\pm 60^\circ$ tilt with a guaranteed lattice resolution of 2 A as well as a high resolution scanning attachment which provides 30 A guaranteed in the scanning mode and 15 A guaranteed in the scanning transmission mode. The National Bureau of Standards (NBS) advises in its memorandum dated December 1, 1976 that (1) the specifications described above are pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

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 foreign 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.77-1058 Filed 1-11-77; 8:45 am]

DUKE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Document Number: 76-00514. Applicant: Duke University, Department of Chemistry, Durham, North Carolina 27706. Article: Fourier Transformation Nuclear Magnetic Resonance Spectrometer System, Model JNM/FX-60. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a broad range of research programs which involve the acquisition of nmr spectra of hydrogen, carbon-13, fluorine and phosphorus nuclei. The materials derived for this study will originate from research programs being conducted in the areas of inorganic, organic physical, analytical and biological chemistry. These research projects will include the following:

- (a) Structural Studies of Alkaloids.
- (b) Conformational Characteristics of Cyclic Nitrogen and Oxygen Heterocycles.
- (c) Biosyntheses of Plant and Fungal Metabolites Using ^{13}C -enriched Precursors.
- (d) Synthesis and Stereochemistry of Cyclohexylfluorophosphoranes.
- (e) Synthesis and Stereochemistry of Silylaminoboranes.
- (f) Nuclear Relaxation Studies of Substrate Binding to Cobalt (II) Metalloenzymes.
- (g) Development of a-Formyl Ketone Photochemical Annelation. Techniques in Natural Product Synthesis.
- (h) Total Synthesis of Tetracyclic Sesquiterpenes.
- (i) Total Synthesis of the Alkaloids Derived from *Gelsemium* Species.
- (j) Low-temperature ^{13}C -Spectra of Organo-Zinc Compounds.
- (k) Correlation of ^{13}C Chemical Shifts with Reaction Rates.
- (l) Synthesis and Characterization of Cyano Cobaloximes and Cyanobridged Dicobaloximes.
- (m) Structure and Isomerism in Phosphine Complexes of Nickel (II).
- (n) Conformational Analysis of Crown Ethers and Their Complexes with Representative and Transition Metal Ions.

(o) Synthesis and Stereochemistry of 14- and 17-Phosphasteroids.

(p) Synthesis and Stereochemistry of 7-10 Membered Rings Containing Phosphorous.

(q) Synthesis of Phospholonaphthalenes, Phospholophenathrenes, Phospholoquinolines, and Selected Heterocyclic Systems.

(r) Phospholane Derivatives with Epoxy and Aziridino Groups for Anticancer Testing.

(s) New Method for Constructing Multicyclic Phosphorous Compounds From 3-Monoalkylamino-2-phospholene Sulfides.

(t) Experimental and Theoretical Investigations of ^{31}P NMR Phenomena.

(u) McCormack Cycloadditions to Various Substituted 1-Vinyl-cycloalkenes; Effects of Ring-biasing on the Stereochemistry of the Cycloaddition.

(v) Synthesis of Pyrethroids for Agricultural Purposes.

(w) ^{13}C and ^1H CIDNP Studies from Radical Pair Reactions.

(x) ^{13}C Studies of Cyclic Peroxides and Hydroperoxides Related to Prostaglandin Endoperoxides.

(y) ^{13}C Studies of Hydrocarbons Formed From Radical Cyclizations.

(z) ^{13}C Studies of Oxidized Phospholipids and Steroids.

The article will also be used for educational purposes in the following courses: (a) Spectral and Structural Study of Organic Compounds—to teach the practical application of various techniques in elucidating molecular structure and (b) Independent Study in Chemistry—to introduce undergraduate students to independent research in chemistry.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a dual frequency (for carbon-13 and proton) variable temperature, 10 millimeter sample probe. The National Bureau of Standards advises in its memorandum dated December 10, 1976 that (1) the specification described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc.77-1059 Filed 1-11-77; 8:45 am]

Economic Development Administration BOONTON HANDBAG CO.

Petition for Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Boonton Handbag Company, 76 Monroe Street, Boonton, New

Jersey 17005, a producer of handbags and purses, was accepted for filing on January 4, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification
Division, Office of Planning
and Program Support.

[FR Doc.77-1060 Filed 1-11-77; 8:45 am]

Maritime Administration

[Docket No. S-533]

ALBATROSS TANKER CORP.

Application

Notice is hereby given that Albatross Tanker Corporation (Albatross) has applied for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, in connection with its application for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire unless extended, on December 31, 1977, or upon completion of a voyage then in progress.

Albatross requests written permission pursuant to section 805(a) for (1) Seatrain Lines, Inc. and affiliated companies, including Albatross, to continue to operate the following vessels in the domestic trade, as well as the right to move these vessels from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s):

Vessel	Status
Transcolorado	Owned.
Transcolumbia	Do.
Erna Elizabeth	Do.
Transeastern	Do.
Transindiana	Do.
Brooklyn	Chartered.
Williamsburg	Do.
Manhattan	Owned.

and (2), Hudson Waterways, parent of Albatross, to operate the tankers *American Explorer*, *Maumee*, *Potomac*, *Shoshone*, and *Yukon* in domestic service for the Military Sealift Command, as well as the right to move these vessels from one

domestic trade to another and/or from foreign trade(s) to domestic trade(s) should the need arise and as directed by the Military Sealift Command. Such written permission is required notwithstanding the fact that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel engages in the domestic commerce of the United States on that voyage.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on January 14, 1977 file same with the Secretary, Maritime Administration/Maritime Subsidy Board, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Dated: January 6, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-1094 Filed 1-11-77;8:45 am]

National Oceanic and Atmospheric Administration

DR. ROGER S. PAYNE

Receipt of Application for Scientific Research and Scientific Purposes

Notice is hereby given that the following Applicant has applied for Permits to take marine mammals for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1431-1543).

Dr. Roger S. Payne, Weston Road, Lincoln, Massachusetts 01773, to conduct scientific research with humpback whales (*Megaptera novaeangliae*).

The humpback whale is listed as an endangered species under the Endangered Species Act of 1973.

The proposed research will be conducted in water around the Hawaiian Islands, in the Caribbean and waters around Bermuda, in waters off the Atlantic coast of the northeast United States and the Maritime Provinces of Canada, and in waters around Southeastern Alaska. The research will involve observations from various surface vessel and aerial platforms, hydrophone recordings, and underwater and above water filming. These activities may involve harassment of individual cetaceans within the population stocks. No animals will be captured.

The proposed research is intended to investigate the correlation between behavior and sounds made by humpback whales, and to study annual changes in the patterns of humpback whale sounds. Additionally, the distribution and migration of humpback whales will be studied by photographing the pigmentation patterns of the tail flukes of individual whales.

The application for the Marine Mammal Protection Act Permit will be considered under the Regulations Governing the Taking and Importing of Marine Mammals. The application for the Endangered Species Act Permit will be considered under the Regulations Governing Endangered Fish and Wildlife Permits.

Documents submitted in connection with these applications are available in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application for the Marine Mammal Protection Act Permit to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before February 11, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the

views of the National Marine Fisheries Service.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

JANUARY 6, 1977.

[FR Doc.77-1034 Filed 1-11-77;8:45 am]

FISHERMAN'S MARKETING ASSOCIATION OF WASHINGTON

Receipt of Application for a General Permit

Notice is hereby given that the following application has been received for a general permit to allow the taking of marine mammals incidental to the course of commercial fishing operations, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations thereunder.

The Fisherman's Marketing Association of Washington, 4215 21st Avenue West, Seattle, Washington 98199, has applied for a general permit, category 1, "Towed or Dragged Gear," to be effective January 31, 1977.

The Applicant is the holder of a general permit issued in 1976, which expired on December 31, 1976.

Copies of the application are available for review in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Interested parties may submit written views on this application on or before February 11, 1977, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: January 5, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-1090 Filed 1-11-77;8:45 am]

OFFICE OF PARKS AND RECREATION, OAKLAND, CALIF.

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Office of Parks and Recreation, Lake Merritt, 1520 Lakeside Drive, Oakland, California 94612, to take three (3) California sea lions, (*Zalophus californianus*) for public display.

The requested animals will be captured by a professional collector on or near Santa Cruz or San Miguel Islands off Santa Barbara, California, with a hoop net on land or with a modified gill net in the water.

The animals will be acclimated at the collector's facility then shipped to the Oakland facility by commercial aircraft and truck.

The animals will be displayed at the Children's Fairyland facility, a unit within the Visitor Services Department of the Office of Parks and Recreation. At the facility the animals will be maintained in a pool 40 feet by 20 feet by 8 feet deep with an island 10 feet by 20 feet in the center.

The sea lions are desired to provide recreational and educational benefits to the 160,000 visitors that visit the facility annually. The facility is a non-profit organization. The zoo director has worked with various classes of marine mammals over thirty years, with the staff members having an average of eight years experience.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 11, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: January 5, 1977.

ROBERT J. AYERS,
Acting Assistant Director for
Fisheries Management, National
Marine Fisheries Service.

[FR Doc. 77-1091 Filed 1-11-77; 8:45 am]

Office of the Secretary PRIVACY ACT OF 1974

Adoption of Additional Systems of Records, Adoption of New Routine Use for Existing System of Records, and Proposal for New Routine Use

The purpose of this notice is (1) to adopt five additional systems of records and a new routine use for an existing system of records and (2) to propose a new routine use for three existing systems of records.

1. On September 13, 1976, the Department of Commerce gave notice (41 FR 38950-53) that it proposed to adopt the following five additional systems of records:

COMMERCE/DEPT.-19, Department Mailing Lists,
COMMERCE/NFPCA-1, Federal Employees with Fire-Related Expertise,
COMMERCE/NOAA-17, NOAA Diving Program File
COMMERCE/NOAA-18, NOAA Mailing Lists, and
COMMERCE/NTIS-2, Employee Daily Time and Productivity Records.

New System Reports for Dept.-19, NFPCA-1, NOAA-17, and NOAA-18 dated September 9, 1976, and a New System Report for NTIS-2 dated August 11, 1976, were submitted to the Congress, the Office of Management and Budget, and the Privacy Protection Study Commission.

Also on September 13, 1976, the Department of Commerce gave notice (41 FR 38953) that it proposed to add a new routine use for an existing Patent and Trademark Office System of Records, COMMERCE/PAT-TM-6, Parties Involved in Patent Interference Proceedings, to permit disclosure of settlement agreements to other Government agencies.

Interested persons were invited to submit written data, views, or arguments on or before October 13, 1976; no comments were received on these proposals.

Therefore, the Department hereby adopts these 5 additional systems of records and the new routine use. Inasmuch as the texts of the additional systems and the routine uses for the PAT-TM-6 system were published in their entirety on September 13, 1976, as described above, and they are adopted without change, there is no need to republish at this time.

2. The Department of Commerce hereby gives notice, in accordance with 5 U.S.C. 552a(e)(4) and (11) (the Privacy Act of 1974, Section 3, Public Law 93-579, 88 Stat. 1897), that it proposes to add a routine use to each of three existing systems of records: COMMERCE/DEPT.-12, Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct; COMMERCE/DEPT.-13, Investigative Records—Persons Within the Investigative Jurisdiction of the Department; and COMMERCE/DEPT.-18, Employee Personnel Files Not Covered by U.S. Civil Service Commission.

The proposed routine use for each system has the same purpose, but slightly

different language to reflect different categories of individuals covered by each system.

The purpose of the proposed routine use is twofold: (1) To permit disclosure of personal information about an individual to a non-governmental third party being interviewed about that individual to obtain needed information about the individual. For example, an investigator may disclose to an interviewee information about the subject individual which would enable the interviewee to recognize his/her association with that individual. The information to be disclosed would be minimal, because an interviewee who could not readily recognize the association could not provide substantive information about the subject individual. The proposed new routine use would permit such disclosures, although they occur infrequently without the consent of the individual concerned. Such disclosures to governmental entities are covered by routine use No. 2 of the Department's Prefatory Statement of General Routine Uses (41 FR 38953, September 13, 1976); and (2) to more precisely describe all disclosures of personal information about public advisory committee nominees, members, and former members.

The proposed new routine use, which is compatible with the purpose for which each system is maintained, is as follows for the three systems:

COMMERCE/DEPT.-12: Information concerning (1) past and present employees, when under or having been under investigation for suspected violation of criminal laws; (2) employees and principal officers of contractors used by the Department; and (3) principal officers and employees of organizations, firms, or institutions which are recipients or beneficiaries of grants, loans, guarantee, or other assistance programs of the Department; —may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

COMMERCE/DEPT.-13: Information concerning nominees, members and former members of public advisory committees may be disclosed: (a) to OMB in connection with its committee management responsibilities; (b) to other Federal agencies which have joint responsibility for advisory committees or which receive or utilize advice of the committees; and (c) to a Federal, state or local agency, private organization or individual as necessary to obtain information in connection with a decision concerning appointment or reappointment of an individual to committee membership.

Information concerning (1) nominees, members, and former members of trade missions and export councils; (2) current employees, former employees, and prospective employees; (3) research as-

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sociates; (4) guest workers; (5) employees of contractors used, or which may be used by the Department on national security classified projects; (6) principal officers of some contractors used, or which may be used, by the Department; and (7) principal officers and some employees of organizations, firms, or institutions which are recipients or beneficiaries, or prospective recipients or beneficiaries, of grants, loans, guarantee, or other assistance programs of the Department—may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

COMMERCE/DEPT.-18: Information concerning current or former employees may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Any interested person may submit written data, views or arguments to the Assistant Secretary for Administration (Attn: Information Management Division, Room 5026), U.S. Department of Commerce, 14th & E Streets, N.W., Washington, D.C. 20230, any time on or before February 11, 1977. The comments received will be available, as received, for public inspection at the above address between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday (except holidays).

For the benefit of the public, attached hereto are the complete texts of the three systems of records, including the proposed new routine use in each instance.

Effective date: the proposed new routine use will be effective February 11, 1977, unless the Department notices otherwise.

Dated: December 29, 1976.

JOSEPH E. KASPUTYS,
Assistant
Secretary for Administration.

COMMERCE/DEPT.-12

System name:

Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct COMMERCE/DEPT.-12.

System location:

a. For records of EDA: Investigation and Inspection Staff, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

b. For all other records: Departmental Office of Investigations and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Categories of individuals covered by the system:

Past and present employees, when under or having been under investigation for suspected violation of criminal laws; employees and principal officers of contractors used by the Department; and principal officers and employees of organizations, firms, or institutions which are recipients or beneficiaries of grants, loans, or loan guarantee programs of the Department.

Categories of records in the system:

Name; address; date and place of birth; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee's relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and conflict of interest, security, and suitability for employment.

Authority for maintenance of the system:

Executive Orders 10450 and 11652; Title 18 U.S.C., including sections 201, 209, 287, 508, 602, 641, 643, 653, 654, 1001, 1719, 1913, 2071, and 2073; 5 U.S.C. 301; 15 U.S.C. 1512; 28 U.S.C. 533-535; and 44 U.S.C. 3101.

Routine use of records maintained in the system, including categories of users and the purpose of such uses:

Information concerning (1) past and present employees, when under or having been under investigation for suspected violation of criminal laws; (2) employees and principal officers of contractors used by the Department; and (3) principal officers and employees of organizations, firms, or institutions which are recipients or beneficiaries of grants, loans, guarantee, or other assistance programs of the Department—may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

For records at location a: Indices are alphabetical, record folders are filed alphabetically by principal subject;

For records at location b: Indices are alphabetical, record folders are filed by number.

Safeguards:

Locked cabinets in secured rooms or in guarded building, and used only by authorized screened personnel.

Retention and disposal:

When cases are closed records are disposed of in accordance with the unit's Records Control Schedule.

System manager(s) and address:

For records at location a., Director, Investigation and Inspection Staff, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., Director, Office of Investigations and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Notification procedure:

Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories:

Subject individuals; CSC, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access, and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) and pursuant to 5 U.S.C. 552a(k) (1), (2) and (5), on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all information and material in the record which meets the criteria of these three subsections are exempted from the notice, access, and contest requirements under (5 U.S.C. 552a (c) (3), (d), (e) (1), (4) (G), (H), and (I), and (f) of the agency regulations. The exemption of this information and material is necessary in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill

commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT.-13

System name:

Investigative Records—Persons Within the Investigative Jurisdiction of the Department—COMMERCE/DEPT.-13.

System location:

Departmental Office of Investigations and Security, OS, Main Commerce Bldg., Washington, D.C. 20230.

Categories of individuals covered by the system:

Nominees, members, and former members of public advisory committees, trade missions, and export councils; employees, former employees, and prospective employees; research associates; and guest workers. Employees of contractors used, or which may be used, by the Department on national security classified projects. Principal officers of some contractors used, or which may be used by the Department. Principal officers and some employees of organizations, firms or institutions which are recipients or beneficiaries of prospective recipients or beneficiaries, of grants, loans, or loan guarantee programs of the Department.

Categories of records in the system:

Name; address; date and place of birth; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and conflict of interest, security, and suitability materials.

Authority for maintenance of the system:

Executive Orders 10450, 11478, 11652; 5 U.S.C. 301 and 7531-32; 15 U.S.C. 1512; 28 U.S.C. 533-535; 44 U.S.C. 3101; and Equal Employment Act of 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information concerning nominees, members, and former members of public advisory committees may be disclosed: (1) to OMB in connection with its committee management responsibilities; (2) to other Federal agencies which have joint responsibility for advisory committees or which receive or utilize advice of the committees; and (3) to a Federal, state or local agency, private organization or individual as necessary to obtain information in connection with a decision concerning appointment or re-appointment of an individual to committee membership.

Information concerning (1) nominees, members, and former members of trade missions and export councils; (2) current employees, former employees,

and prospective employees; (3) research associates; (4) guest workers; (5) employees of contractors used, or which may be used, by the Department on national security classified projects; (6) principal officers of some contractors used, or which may be used, by the Department; and (7) principal officers and some employees of organizations, firms, or institutions which are recipients or beneficiaries, or prospective recipients or beneficiaries, of grants, loans, guarantee, or other assistance programs of the Department;—may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by name.

Safeguards:

Locked cabinets in secure rooms in guarded buildings, and used only by authorized screened personnel.

Retention and disposal:

When cases are closed, records are disposed of in accordance with the unit's Records Control Schedule.

System manager(s) and address:

Director, Office of Investigation and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Notification procedure:

Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures:

The Department's rules for access for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories:

Subject individuals; CSC, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all information and material in the record which meets the criteria of these subsections are exempted from the notice, access, and contest requirements under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT-18

System name:

Employee Personnel Files Not Covered By U.S. Civil Service Commission COMMERCE/DEPT-18.

System location:

a. For employees of Departmental Offices, Offices of Federal Cochairmen, RAPCs, ARC, NFFCA, BEA, EDA, OMBE, USTS, OTEL, and NTIS: Processing and Servicing Branch, Departmental Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

b. For employees of CENSUS: Office of Personnel, Bureau of Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

c. For employees of DIBA: Office of Personnel, Domestic and International Business Administration, Room 3512, U.S. Department of Commerce, Washington, D.C. 20230;

d. For employees of MARAD: Division of Career Management, MARAD Office of Personnel, Room 1099-C, U.S. Department of Commerce, Washington, D.C. 20230;

e. For employees of NBS: Office of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760; and National Academy of Sciences, 2100 Pennsylvania Avenue, N.W., Room JH-606, Washington, D.C. 20037;

f. For employees of NOAA: Personnel Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852; and

g. For employees of PAT-TM: Office of Personnel, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza, 2, Arlington, Virginia 22202.

Categories of individuals covered by the system:

Current and former employees.

Categories of records in the system:

All personnel records in the Department which are subject to the Privacy

Act but are not covered in the notices of systems of records published by the U.S. Civil Service Commission. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; International Women's Year; Medical; Career Management Program; Ship Personnel; Employee Overseas Assignment, and Relations; Minority Group Statistics; Personnel Uniform ADP System; Experts and Consultants Quarterly Review; Re-Employment Priority; Repromotion Priority; Merit Promotion Programs; Within-Grade Denials (Reconsideration File); and, Employee Information System.

Authority for maintenance of the system:

5 U.S.C. 301; 44 U.S.C. 3101; and Federal Personnel Manual and related directives of the U.S. Civil Service Commission.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information concerning current or former employees may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. See routine uses paragraphs in the Prefatory Statement and routine uses paragraphs of U.S. Civil Service Commission notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual and machine readable.

Retrievability:

Filed by name and/or social security number.

Safeguards:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal:

Retained according to Unit's Records Control Schedule.

System manager(s) and address:

For records at location a.: Chief, Processing and Servicing Branch, Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b.: Chief of Personnel, Bureau of the Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

For records at location c.: Director of Personnel, Domestic and International Business Administration, U.S. Department of Commerce, Room 3512, Washington, D.C. 20230;

For records at location d.: Chief, Division of Career Management, Office of MARAD Personnel, Room 1099-C, U.S.

Department of Commerce, Washington, D.C. 20230;

For records at location e.: Chief of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760;

For records at location f.: Chief, Personnel Division, National Oceanic and Atmospheric Administration, NBOC2, Rockville, Maryland 20852; and

For records at location g.: Personnel Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202.

Notification procedure:

For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20005;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street, N.W., Washington, D.C. 20230;

For OEP records at location a., information may be obtained from: Deputy Director, OEP, U.S. Department of Commerce, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For OTEL records at location a., information may be obtained from: Administrative Officer, OTEL, 1325 G Street, N.W., Washington, D.C. 20231;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For NTIS records at location a., information may be obtained from: Deputy Director, NTIS, U.S. Department of Commerce, Washington, D.C. 20230;

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For records at location c., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location e., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location f., information may be obtained from: Assistant Ad-

ministrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852; and

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories:

Subject individual and those authorized by the individual to furnish information; others involved in references of the individual; physicians; employee's supervisor; and, sources in the U.S. Civil Service Commission notices.

[FR Doc.77-851 Filed 1-11-77; 8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON NET TECHNICAL ASSESSMENT

Change of Meeting Dates

The meeting of the Defense Science Board Task Force on Net Technical Assessment scheduled for January 18-19, 1977 at the Pentagon, Washington, D.C., as published in the FEDERAL REGISTER (41 FR 55570, December 21, 1976—FR Doc. 76-37384), has been postponed until February 3-4, 1977. In all other respects, the original notice cited above remains the same.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

JANUARY 6, 1977.

[FR Doc.77-1036 Filed 1-11-77; 8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PROCUREMENT POLICY ADVISORY COMMITTEE

Meeting

JANUARY 7, 1977.

In accordance with provisions of Public Law 92-463 (Federal Advisory Committee Act) the Procurement Policy Advisory Committee will meet from 9:00 a.m. to 3:00 p.m. on Thursday, January 27, 1977, in Room 2010 (second floor), New Executive Office Building,

726 Jackson Place, NW, Washington, DC. The meeting will be open to the public.

The purpose of the meeting is to select a chairman, to discuss in greater detail the purpose and operation of the committee and to discuss selected substantive procurement issues suggested by committee members. The agenda of the meeting is as follows:

- 9:00-9:15----- Selection of chairman.
 9:15-9:45----- Discussion of committee purpose.
 9:45-10:00----- Discussion of committee operations.
 10:00-10:30----- ERDA cost participation policy. Discussion will focus principally on the nature and form of contractors' contribution to costs of contract performance.
 10:30-10:45----- Break.
 10:45-11:15----- ERDA unsolicited proposal regulation. Impact of ERDA Temporary Regulation No. 21, dated July 15, 1976, will be examined.
 11:15-11:30----- Impact of organizational conflicts of interest clauses. Discussion will focus principally on risks of discouraging competent companies from proposing on ERDA procurements.
 11:30-12:30----- Lunch.
 12:30-1:00----- Effect of standard reporting requirements. To be discussed from viewpoint of imposition of inappropriate reporting requirements for the tasks to be performed; also the need to reduce volume of reports.
 1:00-1:30----- Impact of ERDA contract funding practices. To be discussed from viewpoint of effects of delayed funding on contractors' cost and capital exposure.
 1:30-1:45----- Institution-to-institution concept. Basic contractual arrangement between ERDA and an institution of independent entities will be examined.
 1:45-2:00----- Use of basic agreements. Advantages and disadvantages of basic agreements with contractors receiving multiple ERDA project support will be examined.
 2:00-3:00----- Reserved for overflow or introduction of other issues.

Practical considerations may dictate unannounced alterations in the agenda or schedule.

Mr. Michael J. Tashjian, Director of Procurement, will chair the meeting. The chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof post-marked no later than January 20, 1977, to the Director of Procurement, Room C-167, U.S. Energy Research and Development Administration, Washington, DC, 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on January 21, 1977, to Mr. Harry M. Tayloe, Division of Procurement, on (301) 353-5526 between 8:30 a.m. and 5:00 p.m. e.s.t.

(c) Questions at the meeting may be propounded only by members of the committee and ERDA officials assigned to participate with the committee in its deliberations.

(d) Seating will be made available to the public on a first-come, first-served basis.

(e) The use of still movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, NW., Washington, DC, 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
 Deputy Advisory Committee
 Management Officer.

[FR Doc.77-1113 Filed 1-11-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 654-8]

IDENTIFICATION OF PRODUCTS AS MAJOR SOURCES OF NOISE

Power Lawn Mowers, Report

The Noise Control Act of 1972 (P.L. 92-574, 86 Stat. 1234) established, by statutory mandate, a national policy "to promote an environment for all Americans free from noise that jeopardizes their health or welfare." The Act provides for a division of power between the Federal, State and local governments in which the primary Federal responsibility is for noise source emission control of products entering interstate commerce. The States and other political subdivisions retain authority to establish and enforce controls on environmental noise through licensing, regulation, or restriction of the use, operation, or movement of noise sources and on the level of noise permitted in their environments. As specified in the Noise Control Act of 1972,

the first step toward promulgation of noise standards for new products is identification of those products that are major sources of noise. Section 5(b) of the Act provides as follows:

"The Administrator shall, after consultation with appropriate Federal agencies, compile and publish a report or series of reports (1) identifying products (or classes of products) which in his judgment are major sources of noise, and (2) giving information on techniques for control of noise from such products, including available data on the technology, costs, and alternate methods of noise control." Section 6(a)(1)(C) sets out four categories of products, that, once identified as major sources of noise, require the proposal of Federal regulations if such regulations are feasible:

1. Construction equipment.
2. Transportation equipment (including recreational vehicles and related equipment).
3. Any motor or engine (including any equipment of which an engine or a motor is an integral part).
4. Electrical or electronic equipment.

On June 21, 1974 (39 FR 22297), the Administrator published the first report under section 5(b) identifying two products as major sources of noise: medium and heavy trucks and portable air compressors. That report also listed a number of other candidates for possible future identification.

In the second report under section 5(b), published on May 28, 1975 (40 FR 23069), the Administrator identified the following six products as major sources of noise: motorcycles, buses, wheel and track loaders and wheel and track dozers (earth moving equipment), truck transport refrigeration units, and truck-mounted solid waste compactors (special auxiliary equipment on trucks). Also listed in that report were a number of candidates for possible future identification as major sources of noise. These were arrayed in the following categories: surface transportation; air transportation (not candidates for section 6 regulation); construction/industrial equipment; recreational vehicles; lawn care equipment; and household appliances.

APPROACH USED TO ASSESS ENVIRONMENTAL IMPACT

To accomplish the broad intent of the Noise Control Act of 1972, the EPA has developed an overall framework for assessing the environmental impact of all the sources of environmental noise. The first step of this development was the Title IV report ("Report to the President and Congress on Noise," February 1972), which provided an initial data base on noise reduction technology appropriate to various product types, environmental noise levels, and criteria related to public health and welfare. The second step was the publication of the "Criteria Document" ("Public Health and Welfare Criteria for Noise," EPA, July 27, 1973) as required by section 5(a)(1) of the Noise Control Act of 1972. The third step was the publication of the "Levels Docu-

ment" ("Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," EPA, March 1974) as required by section 5(a) (2).

The levels identified in the "Levels Document" are based on the risks to public health and welfare from noise pollution without regard for cost or technical feasibility. To identify the levels, EPA selected two cumulative energy measures for quantifying noise exposures that can be related to human responses.

1. Leg, the A-weighted equivalent sound level (the source level in dBA conveying the same sound energy as the actual time-varying sound during a given period) was selected as a descriptor of noise relative to long-term hazard to hearing.

2. Ldn, the day-night average sound level (the 24 hour Leg with a 10 dBA penalty applied to the period from 10 p.m. to 7 a.m.) was selected as a descriptor of noise relative to interference with human activities, e.g., speech communication, sleep, and other factors that may lead to annoyance.

An abbreviated summary of the identified levels is given in Table 1.

TABLE 1.—Noise levels protective of health and welfare

Human response	Leq	Ldn
Hearing loss (8 h).....	75
Hearing loss (24 h).....	70
Outdoor interference and annoyance.....	65
Indoor interference and annoyance.....	45

IDENTIFICATION OF MAJOR NOISE SOURCES

In determining whether a product (or a class of products) is a major noise source for regulation under Section 6 of the Act, the Administrator considers primarily the following factors:

(1) the intensity, character and/or duration of the noise emitted by the product (or class of product) and the number of people impacted by the noise.

(2) whether that product, alone or in combination with other products, causes noise exposure in defined areas under various conditions, which exceed the levels requisite to protect the public health and welfare with an adequate margin of safety;

(3) whether the spectral content or temporal characteristics, or both, of the noise make it irritating or intrusive, even though the noise level may not otherwise be excessive;

(4) whether the noise emitted by the product causes intermittent single event exposure leading to annoyance or activity interference.

The EPA hereby identifies power lawn mowers as major sources of noise in accordance with section 5(b) of the Noise Control Act of 1972. A future report, as prescribed in section 5(b) (2) of the Act, will provide information on techniques for control of noise, available data on technology, associated costs, and alternate methods of noise control.

BACKGROUND

Power lawn mowers contribute substantially to outdoor environmental

noise impacts and particularly to occupants of individual homes, and the persons who operate the lawn mowers. Data developed by the Stanford Research Institute (SRI) report entitled "An Economic Analysis of the Consumers Union Proposed Safety Standard for Lawn Mowers" for the Outdoor Power Equipment Institute, Inc. (OPEI) indicates that there are in excess of 40 million power lawn mowers in use in the United States.

Considering only the operators of lawn mowers, data on environmental noise impact acquired earlier by EPA indicate that such operators are subjected to sound levels ranging from 87 to 95 decibels (See EPA Report 550/9-7-74-011). It is estimated that the typical operator is exposed to these sound levels about 50 hours per year. In terms of yearly average 8-hour equivalent sound level [Leq (8)], the estimated noise exposure for the typical operator ranges from 71 to 79 decibels.

Although earlier EPA data led to an estimate of 23 million persons exposed as operators to the noise of lawn mowers, the more recent SRI/OPEI figure of the number of mowers in operation implies that 40 million operators are affected. This represents a very large environmental noise impact, merely with respect to operators. In a typical case two to three family members also may be involuntarily exposed as bystanders to outdoor lawn mower noise, at levels from 10 to 20 decibels lower than those experienced by the operator.

Furthermore, in a typical usage setting, five sets of neighbors within a radius of 100 feet also might be exposed as uninterested (and therefore, potentially annoyed) bystanders to sound levels about 10 decibels below those experienced by the operator's family. Since each neighbor at some time will be affected by the lawn mower noise of five other neighbors in this setting, the cumulative noise exposure due to neighbors' lawn mowers will be only about 3 decibels less than the non-operator's exposure due to one's own family lawn mower. The noise impact, however, may be greater for the neighbors, because of the annoyance associated with their lack of control over that noise exposure.

In effect then, the environmental noise impact due to power lawn mowers can be defined in terms of some 40 million operators exposed to Leg(8) (relevant to risk of hearing damage) ranging from 71 to 79 decibels, and over 80 million non-operators exposed to Leg(24) (relevant to activity interference and annoyance) ranging from 48 to 65 decibels. In view of the large number of persons potentially affected by such levels of environmental noise exposure, it is clear that power lawn mowers are a major source of noise.

The fact that identified levels are exceeded, in terms of criteria for hearing loss, activity interference and annoyance, indicates the occurrence of rather intense and objectionable short-term or single event exposures for intermittent noise sources. This intermittently occurring noise of the lawn mower experienced

by neighbors or bystanders is widely recognized as intense enough in many situations to disturb rest and relaxation, interfere with speech communications and social interaction, disrupt sleep in the early morning hours, and generally degrade the quality of residential life. Furthermore, the lawn mower may be perceived as more disrupting and disturbing than might be inferred from the noise exposure levels, since it is most typically used in residential areas with low background noise levels and at times when the residents may be trying to relax (typically weekends and evenings). The public perception of lawn mower noise as a significant health or environmental problem is reflected by the many municipal ordinances and State laws attempting to lessen emissions or exposure to lawn mower noise.

FUTURE ACTIONS

In the development of regulations for power lawn mowers, possible noise labeling requirements pursuant to section 8 of the Act will be examined as well as noise control standards.

EPA will be selecting other products for future identification from among the possible candidates (listed in the earlier reports) and others which may come to light. The order in which they are identified will depend upon the various considerations discussed previously, of which environmental noise impact is a major, but not exclusive, consideration. Automobiles, snowmobiles, light trucks, tires, and pneumatic and hydraulic impact tools are currently under study. EPA also intends to initiate studies, during 1977, of home air conditioners, chain saws, earth moving equipment (backhoes, shovels and similar devices), and guided mass transit equipments.

This report is issued under authority of the Noise Control Act of 1972, section 5(b) (1), 86 Stat. 1236, 42 U.S.C. 4904 (b) (1).

RUSSELL E. TRAIN,
Administrator.

DECEMBER 30, 1976.

[FR Doc. 77-1030 Filed 1-11-77; 8:45 am]

[FRL 669-8; OPP-180109]

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

Crisis Exemption To Use DDT To Control Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the Environmental Protection Agency (EPA) gives notice that the Massachusetts Department of Public Health (hereafter referred to as "Massachusetts") has availed itself of a crisis exemption to use 50% WDP DDT to control rabid bats discovered in a private residence in Rehobeth, Massachusetts. The exemption is subject to the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies

for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, Massachusetts has submitted in writing the following certified information.

According to Massachusetts, the private residence has had a history of bat problems; specifically involved are large brown bats. In the late summer of 1976, the DDT formulation registered with the Center for Disease Control (CDC), U.S. Department of Health, Education, and Welfare, was used as labeled and as prescribed in the CDC guidelines in an effort to control the bats. This attempt failed; the bat colony remained, and a downed bat was found positive for rabies by laboratory analysis.

No pesticide registered for this particular use to eradicate or control the bats was readily available. The time element was so critical that there was no time to request a specific exemption; one rabid bat was found by the family's dog, and one bat was found resting in an infant's crib.

On October 22, 1976, DDT was dusted into six holes drilled from the outside of the house into the area of bat activity; DDT was also dusted into a small overhead above the resting area through which the chimney passes. The latter was done in the event the bats had sought the warmth of the chimney. Approximately 1.25 pounds of 50 percent WDP DDT was used. The operation was carried out by trained and experienced commercial applicators, with the DDT supplied by the Commonwealth of Massachusetts. The treatment was made under the direction of the Massachusetts Department of Environmental Quality Engineering. The DDT was blown into voids in the structure under such pressures as to avoid "blow back" and entry into the living spaces.

Dated: January 3, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-1029 Filed 1-11-77; 8:45 am]

[FRL 6701; OOP-180106]

TEXAS DEPARTMENT OF HEALTH RESOURCES

Crisis Exemption To Use DDT To Control Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the Environmental Protection Agency (EPA) gives notice that the Texas Department of Health Resources (hereafter referred to as "Texas") has availed itself of a crisis exemption to use DDT 50% powder to control rabid bats discovered in a housing project in San Antonio, Texas; this housing project is on Federal property under the control of the Housing Authority of the city of San Antonio. The exemption is subject to the provisions of

§§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, Texas has submitted in writing the following certified information.

According to Texas, complaints were received in 1973, 1974, and 1975 about bat populations roosting in the high-density housing area involved. In each instance, the bats apparently migrated before any concerted efforts to eradicate them could be made. However, in 1976, tenants occupying nine buildings in the housing project registered complaints that there had been a sharp increase in the number of bats sighted, smelled, and heard. There were so many bats that some were hanging on the outside walls of buildings. The manager of the housing project alerted the pest control contractor. Bats were trapped by the contractor and submitted for laboratory analysis; one of ten bats submitted was positive for rabies. The responsible State agency was contacted, an investigation conducted, and a determination made that a crisis situation existed.

The manager of the housing project recorded complaints received from tenants regarding bats seen at the various buildings. This information, coupled with techniques of locating the predominant passages used by the bats for entrance and exit from the buildings, allowed the pest control contractor to evaluate locations requiring treatment. All except one of the buildings involved are comprised of eight units; the population of the entire housing project is 2,300, of which 1,600 are children age 18 or under.

At the various points of entrance to the buildings, there were areas which had taken on a marked greasy appearance. These "rubs" were caused by the bats depositing body oils and filth. The odor of bats and their droppings was quite noticeable from a distance of thirty to forty feet from the rubs. The rubs were located approximately 16 feet from the ground, under the eaves, and near the fire wall which separates each unit. After locating the rubs, the contractor's personnel began treating each attic with 50 percent DDT powder. The attics were too small for men to enter; the powder was blown into the openings along the eaves and fire walls with pressure tanks and handpumps. Some bats were visible in the expansion joints and, during the course of treating the buildings, many were seen flying from their roosting areas.

A total of 56 pounds of the 50 percent DDT powder was used on August 24, 1976. Prior to dusting, all families in the buildings concerned were required to evacuate for a minimum of four hours. The contractor personnel collected all dead and dying bats from the housing premises on August 24. On the second and successive days, the Federal housing employees were responsible for the collection. The City of San Antonio Animal Control unit patrolled outside the Federal property to

remove sick and dead bats that were able to fly beyond the housing area. Follow-up inspections revealed a decrease in the number of bats, according to Texas.

The Housing Authority of San Antonio plans to take steps to exclude bats from the buildings by screening, and closing openings with wood and other materials. In addition, Texas stated that an ongoing program of remodeling the units will effectively prevent the ingress of the bats in the future.

Dated: January 3, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-1028 Filed 1-11-77; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 838]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

DECEMBER 27, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed appli-

cation for purposes of the cut-off rule. (See §§ 1.227(b) (3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 20425-CD-P-77, Chicago Communications Service, Inc. (KLSB65), C.P. to relocate facilities operating on 454.150 MHz located at Sears Tower, Chicago, Illinois.
- 20426-CD-P-(3)-77, New York Telephone Company (KEC932), C.P. to relocate facilities and change antenna system operating on 454.675, 454.700 and 454.775 MHz to be located at 123-33 83rd Avenue, Kew Gardens, New York.
- 20427-CD-P-77, Bay Springs Telephone Company, Inc. (KLB565), C.P. to reinstate expired facilities operating on 152.72 MHz located 400' West of Hwy. No. 15, 1 mile North of Jasper Co. Courthouse, Bay Springs, Mississippi.
- 20428-CD-P-(2)-77, Valley Telephone Coop. Inc. (KLB559), C.P. to relocate facilities, change antenna system and replace transmitter operating on 152.69 and 152.78 MHz located 8 miles east of Lyford, Texas.
- 20429-CD-P-77, Nashville Mobilphone, Inc. (KFL864), C.P. for additional facilities to operate on 152.12 MHz at Loc. No. 3: Shelbyville Pike, 5.3 miles south of Murfreesboro, Tennessee.
- 20430-CD-P-77, Telpage, Inc. (KIY757), C.P. to change frequency from 35.22 MHz to 152.24 MHz located at 1576 Mt. Meigs Road, Montgomery, Alabama.
- 20431-CD-P-(4)-77, Mobilphone Northwest (KLF563), C.P. for additional facilities to operate on 72.02 MHz and 72.10 MHz. Repeater at Loc. No. 5: 9.3 miles east of Spokane, Washington; and for additional facilities to operate on 75.82 MHz and 75.84 MHz, Control at a new Loc. No. 6: 3707 north Monroe, Spokane, Washington.
- 20432-CD-P-(2)-77, Southern Bell Telephone and Telegraph Company (KIY514), C.P. to replace transmitter operating on 152.63 MHz. Base located 3 miles NE of Asheville, North Carolina; and replace transmitter operating on 157.89 MHz. Test located at 24 O'Henry Avenue, Asheville, North Carolina.
- 20434-CD-P-77, Tel-Illinois, Inc. (KUC970), C.P. to change frequency from 152.24 MHz to 158.70 MHz located at Existing tower, 3 miles north of Marton, Illinois.
- 20435-CD-P-(2)-77, Mobilphone of Northeastern Pennsylvania, Inc. (KGI781), C.P. for addition facilities to operate on 72.58 MHz. Control at Loc. No. 1: Atop Bald Mountain, Adjacent to Radio Station WWDL-FM, Scranton; and for additional facilities to operate on 152.24 MHz, Base at a new Loc. No. 2: Top of Penobscott Knob, Hanover Township, Pennsylvania.
- 20436-CD-P-77, Industrial Communications Systems, Inc. (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located at Santa Ynez Peak, 8.7 miles SE of Santa Ynez, California.
- 20437-CD-P-(2)-77, San Juan Radiotelephone Corporation (WWA311), C.P. to relocate facilities operating on 454.025 and 454.075 MHz from Loc. No. 4 to Loc. No. 3: Atop El Yunque Peak, Puerto Rico.
- 20438-CD-P-77, Industrial Electronics and Automation Co., Inc. d.b.a. Dial-A-Page (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located on Chief Black Otter Trail West, Billings, Montana.

- 20439-CD-P-(2)-77, Mobilphone of Erie, Inc. (New), C.P. for a new station to operate on 454.025 and 454.075 MHz to be located at Donation Rd., near East Rd., 5.6 miles S.E. of Erie, Pennsylvania.
- 20440-CD-P-77, Radio Enterprises of Ohio, Inc. (KUS280), C.P. to change antenna system operating on 35.22 MHz at Loc. No. 3: 111 Water Street, Chardon, Ohio.
- 20441-CD-P-77, United Telephone Company of Florida (New), C.P. for a new station to operate on 157.95 MHz to be located at 115 S. Parrott Avenue, Okeechobee, Florida.
- 20442-CD-P-77, United Telephone Company of Florida (New), C.P. for a new station to operate on 157.86 MHz to be located at 124 North Seventh Avenue, Wauchula, Florida.
- 20443-CD-P-77, United Telephone Company of Florida (New), C.P. for a new station to operate on 157.77 MHz to be located at 790 South Access Road, Port Charlotte, Florida.
- 20444-CD-P-77, Edward C. Smith d.b.a. Answerite Professional Telephone Service (KQZ782), C.P. to relocate facilities operating on 158.70 MHz to 519 E. First Street, Sanford, Florida.
- 20445-CD-TC-77, Aztec Communications, Inc. Consent to Transfer of Control from Aztec Communications, Inc., Transferor to General Communications Service, Inc., Transferee. Stations: KTS253, KLF632, KLF632, KIQ510, KTB388, Jacksonville, Florida; KTS254, St. Augustine, Florida.

MAJOR AMENDMENT

- 22767-CD-P-(3)-76, Centrex Communications, Inc. (New), Amend antenna system operating on frequencies 454.075 and 454.225 MHz. All other particulars to remain the same as reported on PN No. 822 dated September 7, 1976.

POINT TO POINT MICROWAVE RADIO SERVICE

- 685-CF-P-77, General Telephone Company of California (New), 211 West D Street, Ontario, California. Lat. 34°04'00" N., Long. 117°39'09" W., C.P. for a new station on frequencies 10835V MHz toward Chantry Fit passive reflector, California on azimuth 291.2° and from passive reflector to Arcadia on azimuth 146.6°; 10815V MHz toward Lytle Creek, California on azimuth 40.8° and 11075V 10835H MHz toward Box Springs, California on azimuth 107.8°.
- 686-CF-P-77, Same (New), Box Springs, 6.5 miles E. Riverside, California. Lat. 33°58'05" N., Long. 117°17'13" W., C.P. for a new station on frequencies 1125V and 11285H MHz toward Ontario, California on azimuth 288.0°, 11605H MHz toward Perris, Calif. on azimuth 164.7° and 11525V MHz toward Mt. Davis, Calif. on azimuth 102.9°.
- 687-CF-P-77, Same (New), 120 E 3rd Street, Perris, California. Lat. 33°47'09" N., Long. 117°13'36" W., C.P. for a new station on frequency 11155H MHz toward Box Springs, Calif. on azimuth 344.7°.
- 688-CF-P-77, Same (New), Mt. Davis 2 miles SW, Beaumont, California. Lat. 33°54'44" N., Long. 118°59'47" W., C.P. for a new station on frequencies 10895V MHz toward Box Springs, Calif. on azimuth 283.1° 10775V MHz toward Whitewater, Calif. on azimuth 81.4°.
- 689-CF-P-77, Same (KY059), 2.2 miles NNW of Whitewater, California. Lat. 33°57'17" N., communication on frequency 11305V MHz toward Mt. Davis, Calif., to add frequency 11525V MHz toward Palm Springs, Calif. and to correct coordinates of Palm Springs receive station.
- 690-CF-P-77, Same (KNL67), 295 N. Sunrise Way, Palm Springs, California. Lat. 33°49'35" N., Long. 116°31'41" W., C.P. to correct coordinates, to add frequency 11075V MHz toward Whitewater, Calif., to change frequencies 5989.7H and 6108.3H to 10895V and 11135V MHz toward Pierson passive reflector and from passive reflector to Yucca Valley and replace transmitter.
- 691-CF-P-77, Same (KXQ74), 57188 Yucca Trail, California. Lat. 34°07'15" N., Long. 116°24'57" W., C.P. to change frequencies 6241.7H and 6360.3H to 11585V and 11345V MHz toward Pierson and passive reflector to Palm Springs, Calif.; replace transmitter and antenna.
- 696-CF-P-77, South Central Bell Telephone Company (KLK84), 530 South Buchanan Street, Lafayette, Louisiana. Lat. 30°13'32" N., Long. 92°01'00" W., C.P. to add frequencies 6286.2V and 6345.5V MHz toward New Iberia, Louisiana and replace antenna on frequencies 6226.9V and 6404.8V MHz toward New Iberia, Louisiana.
- 697-CF-P-77, Same (WHB42), 201 Center Street, New Iberia, Louisiana. Lat. 30°00'07" N., Long. 09°49'00" W., C.P. to add frequencies 6034.2H and 6093.5H MHz toward Lafayette, Louisiana and replace antenna on frequencies 5974.8H and 6152.8H MHz toward Lafayette, Louisiana.
- 707-CF-P-77, Same (KLU69), N O Broadm, 3951 Erato Street, New Orleans, Louisiana. Lat. 29°57'14" N., Long. 90°05'54" W., C.P. to add frequency 6345.5H MHz toward Paradise, Louisiana.
- 708-CF-P-77, Same (KGF92), Paradise, 5 miles South, Paradise, Louisiana. Lat. 29°48'36" N., Long. 90°25'17" W., C.P. to add frequencies 6093.5V MHz toward N O Broadm, La. and 6093.5H MHz toward Thibodaux, Louisiana.
- 709-CF-P-77, Same (KGG21), 204 Back Street, Thibodaux, Louisiana. Lat. 29°47'10" N., Long. 90°49'16" W., C.P. to add frequencies 6345.5V MHz toward Paradise, Louisiana and 6256.5V MHz toward Morgan City, Louisiana.
- 710-CF-P-77, Same (WAN71), Corner of 9th and Willard, Morgan City, Louisiana. Lat. 29°42'14" N., Long. 91°12'03" W., C.P. to add frequency 6004.5H MHz toward Thibodaux, Louisiana.
- 777-CF-P-77, Fay Grim d.b.a. Mississippi Valley Microwave (WBA 818), 2 Miles North of Virginia, Minnesota. Lat. 47°34'08" N., Long. 92°34'34" W. Construction permit to add 6137.9H MHz toward Gheen, Minnesota.
- 778-CF-P-77, Fay Grim d.b.a. Mississippi Valley Microwave (WBA 819), 1 Mile NW of Gheen, Minnesota. Lat. 47°58'41" N., Long. 92°49'44" W. Construction permit to add 6301.0V MHz toward Kabetogama, Minnesota.
- 779-CF-P-77, Fay Grim d.b.a. Mississippi Valley Microwave (WBA 820), 3 miles West of U.S. 53, Kabetogama, Minnesota. Lat. 48°21'16" N., Long. 93°00'39" W. Construction permit to add 6137.9H MHz toward South International Falls, Minnesota.
- 587-CF-P-77, Western Tele-Communications, Inc. (KPV 60), Greeno, 11.5 Miles SE of Laurel, Montana. Lat. 45°32'21" N., Long. 108°38'05" W. Construction permit to add 6167.5V MHz toward Billings (KULR), Montana.
- 647-CF-P-77, Penn Service Microwave Company, Inc. (WQQ 37), Wyoming Mtn., 4 miles SSE of Wilkes-Barre, Pennsylvania. Lat. 41°11'53" N., Long. 75°49'16" W. Construction permit to replace transmitter and increase output power 6078.6H MHz toward Mehoopany and Chestnut Hill, both in Pennsylvania.

CORRECTIONS

4462-CF-MP-76, RCA Global Communications, Inc., as Trustee (WBB 390), 5 miles NW of Huffman, Texas. This entry appearing in Public Notice of July 19, 1976 is corrected to show 6271.4V MHz toward Houston, Texas, on azimuth 211.2 degrees. All other particulars remain the same.

620-CF-MP-77, East Texas Transmission Company (KLH 74), 1.3 mile NW of Colfax, Texas. Lat. 32°31'29" N., Long. 95°44'50" W. This entry appearing in Public Notice of December 13, 1976, is corrected to show coordinates as above. All other particulars remain the same.

[FR Doc.77-1077 Filed 1-11-77;8:45 am]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: December 29, 1976.

Released: January 5, 1977.

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on February 16, 1977, the TV and FM translator applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on February 15, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on February 15, 1977. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3133 (new), Allentown-Bethlehem area, Pennsylvania, NEP Communications, Inc. Req: Channel 19, 500-506 MHz, 100 watts. Primary: WNEP-TV, Scranton-Wilkes-Barre, Pa.

BPTT-3142 (new), Poughkeepsie, N.Y., Dutchess Community College. Req: Channel 54, 710-716 MHz, 1 watt. Primary: WMHT, Schenectady, N.Y.

BPTT-3143 (new), Valley Village of Wintergreen, Va., Wintergreen, a Virginia limited partnership. Req: Channel 55, 716-722 MHz, 10 watts. Primary: WTVR, Richmond, Va.

BPTT-3144 (new), Valley Village of Wintergreen, Va., Wintergreen, a Virginia limited partnership. Req: Channel 60, 746-752 MHz, 10 watts. Primary: WXEX, Richmond-Petersburg, Va.

BPTT-3145 (new), Valley Village of Wintergreen, Va., Wintergreen, a Virginia limited partnership. Req: Channel 67, 788-794 MHz, 10 watts. Primary: WVIR, Charlottesville, Va.

VHF TV TRANSLATOR APPLICATIONS

BMPTTV-883 (W10AS) Sabana Grande, Yauco, and San German, P.R., American Colonial Broadcasting Corp. Req: To delete Yauco, P.R. from present principal community.

BPTTV-5682 (K06EV), Mescalero, N. Mex., Apache Tribe of Mescalero. Req: To change frequency to Ch-12, 204-210 MHz and change primary TV station to KBIM-TV, Roswell, N. Mex.

BPTTV-5683 (K11IE), Mescalero, N. Mex., Apache Tribe of Mescalero. Req: To change frequency to Ch-5, 76-82 MHz and change primary TV station to KOB-TV, Albuquerque, N. Mex.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5684 (new), Mescalero Apache Reservation, N. Mex., Apache Tribe of Mescalero. Req: Channel 6, 82-88 MHz, 10 watts. Primary: KOB-TV, Albuquerque, N. Mex.

BPTTV-5685 (new), Mescalero Apache Reservation, N. Mex., Apache Tribe of Mescalero. Req: Channel 11, 198-204 MHz, 10 watts. Primary: KBIM-TV, Roswell, N. Mex.

BPTTV-5697 (K11DD), Green River, Utah, Green River City TV. Req: To change primary station to KTVX, Salt Lake City, Utah.

BPTTV-5704 (K13DB), Green River, Utah, Green River City TV. Req: To change primary TV station to KSL-TV, Salt Lake City, Utah.

BPTTV-5730 (K13LM), Lapwai, Idaho, Lapwai Valley TV Association. Req: To change primary TV station to KXLY-TV, Spokane, Wash.

BPTTV-5731 (K12BJ), Big Sandy, Mont., Big Sandy TV Club. Req: To change frequency to Ch-13, 210-216 MHz.

BPTTV-5732 (K07LJ), Eagle Butte, S. Dak., Men's Club, Inc. Req: To change primary TV station to KPRY-TV, Pierre, S. Dak.

BPTTV-5733 (K10FK), NW Pacific Heights of Spokane, Wash., Spokane Television, Inc. Req: To change frequency to Ch-9, 186-192 MHz.

BPTTV-5734 (K07NX), Camp Lonely, Alaska, Northern Television, Inc. Req: To add KTVF, Fairbanks, Alaska to present primary TV stations.

BPTTV-5735 (K10JU), Atlantic Richfield Base Camp and Prudhoe Bay, Alaska, Northern Television, Inc. Req: To add KTVF, Fairbanks, Alaska, to present primary TV stations.

[FR Doc.77-1076 Filed 1-11-76;8:45 am]

[Docket No. 21016; File No. BPH-9487; FCC 76-1124]

MARSHFIELD BROADCASTING COMPANY, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

Adopted: December 7, 1976.

Released: January 5, 1977.

In re application of Marshfield Broadcasting Company, Inc., Marshfield, Mas-

sachusetts, requests: 95.9 MHz, 3 kW, 275 feet, Docket No. 21016, File No. BPH-9487, for construction permit.

1. The Commission has before it for consideration: (i) the above-captioned application, as amended, (ii) a request by Marshfield Broadcasting Company, Inc. (Marshfield) for a waiver of § 73.207 of the Commission's rules, (iii) a petition to deny the above application, as supplemented, filed on behalf of Knight Communications Corporation, licensee of radio station WSRB, Worcester, Massachusetts, and (iv) opposition to the petition to deny.

2. Marshfield proposes to operate on 95.9 megahertz in Marshfield, Massachusetts at a transmitter site location that is two miles short-spaced with the first adjacent channel operation of WSRB.¹ Accordingly, Marshfield has requested a waiver of § 73.207 of the Commission's rules. Under similar circumstances, the Commission and its staff acting under delegated authority have granted waivers for short-spacing of this magnitude on numerous occasions. However, WSRB has raised an objection to the grant of the Marshfield application, and section 316 (a) of the Communications Act of 1934, as amended, provides that a modification of any station license cannot become final until the holder of the license is given reasonable opportunity to show in hearing why such modification should not be permitted. The Commission's rules define interference to FM stations solely on the basis of minimum assignment and station separation requirements and the rules with respect to maximum power and antenna height. Section 73.209(b). Accordingly, since the Marshfield proposal is short-spaced with WSRB, and WSRB has raised an objection to the grant of the Marshfield application, a hearing is required "FCC v. National

¹ WSRB is a class B station, and Marshfield proposes a class A station. Therefore, § 73.207 of the Commission's rules requires a 65-mile separation. The Marshfield proposal is also short-spaced with WBRU(FM), Providence, Rhode Island. WBRU(FM) is a class A station and Marshfield proposes a class A station. Therefore, § 73.207 of the Commission's rules requires a 40-mile separation. At the time the Marshfield application was filed, WBRU(FM) had a timely filed application (BPH-9381) before the Commission to move its transmitter site, and the two proposals were two miles short-spaced with respect to each other. Marshfield notified WBRU(FM) that it had no objection to the granting of the WBRU(FM) application and the WBRU(FM) application was granted on June 8, 1976. The WBRU(FM) grant was subject to the condition that the permittee accept any short-spacing which may result from the operation of an FM broadcast station operating on channel 240A at Marshfield, Massachusetts, with a transmitter and antenna located at a distance of not less than 38 miles from the transmitter site specified in WBRU's application. Marshfield has amended its application and has reduced the short-spacing to WBRU(FM) to 1 mile. Accordingly, the request for waiver of § 73.207 of the Commission's rules with respect to WBRU(FM) will be granted.

Broadcasting Company, Inc. (KOA)." 319 U.S. 239 (1943).

3. Since no determination has yet been reached on whether the antenna proposed by Marshfield would constitute a menace to air navigation, an issue on this matter will be specified.

4. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the above application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues specified below.

5. It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Marshfield would constitute a menace to air navigation.

2. To determine the nature and extent of the applicant's violation of § 73.207 of the Commission's rules, and whether circumstances exist which warrant a waiver of that rule.

3. To determine, in light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience, and necessity.

6. It is further ordered, That Knight Communications Corporation, licensee of WRSR, Worcester, Massachusetts and the Federal Aviation Administration are made parties to the proceeding.

7. It is further ordered, That the petition to deny by Knight Communications Corporation is granted to the extent indicated above and is denied in all other respects.

8. It is further ordered, That the request by Marshfield Broadcasting Company, Inc. for waiver of § 73.207 of the Commission's rules with respect to the short-spacing with WBRU is granted.

9. It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. It is further ordered, That the applicant herein shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publica-

tion of such notice as required by § 1.594 (g) of the rules.

FEDERAL COMMUNICATIONS
COMMISSION,²
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1075 Filed 1-11-77; 8:45 am]

[FCC 76-1169; RM-2614; RM-2725]

**AMERICAN BROADCASTING COMPANIES,
INC. AND COMMUNITY ANTENNA
TELEVISION ASSOCIATION**

**Technical Licensing Standards for
Domestic Satellite Facilities**

Adopted: December 15, 1976.

Released: January 7, 1977.

In the Matters of American Broadcasting Companies, Inc., petition for rule making to consider public policy questions relating to the establishment of a basic overall design for the development of domestic communications satellite services; and Community Antenna Television Association, petition for rule making or for declaratory ruling to permit the authorization of receive-only small earth station antennas.

INTRODUCTION

1. The Commission has under consideration the two petitions captioned above that were filed by the American Broadcasting Companies, Inc. (ABC) and the Community Antenna Television Association (CATA) on October 20, 1975 and June 24, 1976, respectively.

2. Public notice of the ABC Petition, RM-2614, was given on November 25, 1975 pursuant to § 1.403 of the Rules and Regulations. Comments were filed by American Telephone and Telegraph Company (AT&T), Cable Satellite Access Entity (CSAE), Columbia Broadcasting System (CBS), Eastern Microwave, Inc. (Eastern), General Telephone and Electronics Service Corporation (GTESC), Home Box Office, Inc. (HBO), Hughes Aircraft Company (Hughes), National Association of Broadcasters (NAB), National Cable Television Association (NCTA), Network Affiliates Association (Network Affiliates) and Public Broadcasting Service (PBS). Reply comments were filed by ABC and AT&T.

3. Public notice of the CATA Petition, RM-2725 was given on July 26, 1976. Comments were filed by ABC, Antennas for Communications, Inc. (AFC), GTESC, HBO, Hughes, ITT Space Communications, Inc. (ITTSC), Microdyne Corporation (Microdyne), NAB, NCTA, Prodelin, Inc. (Prodelin) and Western Union Telegraph Company (Western Union). Reply comments were filed by ABC, AT&T, CATA, HBO, and NCTA.¹ A

² Commissioner Quello absent.

¹ The requests of CATA, Hughes and Western Union for acceptance of late filed pleadings is hereby granted.

statement was also submitted on behalf of eight cable television system operators and companies² (referred to as the Joint Statement below).

4. In essence, the two petitions captioned above question the adequacy and appropriateness of our current technical licensing standards for domestic satellite facilities. In RM-2614, the petitioner apparently believes that our current standards are insufficient to insure availability to future users of domestic satellite capacity in the 4 and 6 GHz bands, particularly if small diameter (i.e. less than 9 meters) antennas were to be routinely authorized by the Commission. In contrast, the petitioner in RM-2725 believes that our current licensing policies unduly restrict the availability of satellite communications to many users who have immediate requirements for such services which can be met by economical earth station facilities without adversely affecting efficient orbit and spectrum utilization.

5. It will be necessary to treat these two petitions concurrently in view of the apparently conflicting nature of the relief sought. After summarizing the petitions and the comments filed by various parties on the issues raised by them, we will review our current technical licensing policies with respect to their impact on orbit and spectrum utilization. In light of our general domestic satellite policy objectives, we then find that these standards are sufficient to reasonably assure the availability of satellite communications to potential future users. Furthermore, with certain clarifications and conditions, these standards do not preclude the licensing of small, economical earth station antennas when proper showings are made to demonstrate that the use of such facilities will not have an adverse impact on efficient orbit and spectrum utilization. Finally, we will treat the specific case of small diameter receive-only earth stations to be used by cable television systems to receive program material distributed by domestic satellites.

THE ABC PETITION: RM-2614

6. In its petition, ABC requests the Commission to institute a rule making proceeding to establish a basic overall design for the development of those frequency bands allocated for domestic satellite services, including particularly the 4/6 and 12/14 GHz frequency bands³, and amend its rules and policies

² Citrus County Cablevision, Inc., Colony Communications, Inc., Comcast Corporation, Connersville Cable, Cox Cable Communications, Inc., Sammons Communications, Inc., TM Communications Company and Tri-County Cable. Permission is hereby granted for the late submission of this document.

³ In this decision, the following abbreviations are used for the frequency bands indicated below:

4 GHz.....	3700-4200 MHz
6 GHz.....	5925-6425 MHz
12 GHz.....	11.7-12.2 GHz
14 GHz.....	14.0-14.5 GHz

accordingly. ABC submits that the commencement of such a rule making proceeding, and consideration of the critical public policy questions involved, are necessary to assure the usage of the 4/6 and 12/14 GHz bands in a way that will achieve the most efficient and effective spectrum utilization, taking into account not only the needs of the broadcasting services, but the entire range of present and foreseeable satellite requirements. Specifically, ABC urges that the following issues be made the subject of its proposed rule making proceeding:

(a) The extent to which sharing of satellite and terrestrial services in the 4/6 GHz bands dictates earth station antenna and satellite space station characteristics;

(b) The extent to which such characteristics may adversely affect efficient utilization of the frequency spectrum in the 4/6 GHz bands and the manner in which such efficiency may be improved in these bands;

(c) The impact of present and impending satellite space and earth station proposals upon spectrum efficiency in these bands;

(d) The extent to which satellite services in higher frequency bands (specifically 12/14 GHz) can be utilized to ameliorate such adverse effects on spectrum efficiency in the 4/6 GHz bands;

(e) The characteristics of system operations (e.g., antenna performance capabilities, etc.) which are best suited—from a spectrum efficiency standpoint—to the various satellite bands;

(f) The extent to which "site sharing" or the establishment of satellite ground station "farms" are necessary or should be required and, if so, under what circumstances; and

(g) In light of the foregoing, what criteria and regulations should be established to govern the use of the 4/6 and 12/14 GHz bands and to be incorporated in the applicable rules of the Commission.

7. ABC believes that unless more definitive licensing and allocation policies and guidelines are adopted, available satellite capacity in the 4/6 GHz bands would be depleted within the next five years on what it characterizes a "first come, first served basis." ABC bases this conclusion on the proliferation of authorized and proposed domestic satellite earth station facilities, a market analysis submitted in connection with a domestic satellite system application submitted in 1971, and a comparison of AT&T's projected network master group mile requirements to available orbital arc at 4/6 GHz. We do not find that these arguments support the conclusion reached by ABC. Petitioner does not believe adequate attention is being paid to basic principles of spectrum efficiency and management and that ABC and other broadcast entities may lose the opportunity to satisfy their program transmission needs in the 4/6 GHz bands, in part because of the authorization of facilities under substandard technical and operational criteria.⁴ ABC believes that such a situation would have serious adverse effects on the broadcasting industry. ABC believes the Commission should establish appropriate policies and guidelines now in a general,

⁴ ABC appears to equate substandard technical and operational criteria and the use of antennas less than 9 meters in diameter.

overall context before major commitments are made to avoid or minimize the consequences of haphazard, inefficient spectrum uses. In its view, appropriate technical and operational criteria should be established now to achieve the fullest use of the 4/6 GHz bands and preclude the proliferation of substandard use of the bands. ABC believes it necessary at this time to evaluate satellite requirements in terms of which are best suited for the 4/6 bands and those best suited for other bands, e.g., 12/14 GHz, since the 12/14 GHz bands are not presently committed to any particular use.⁵ ABC asks that the 4/6 GHz bands be reserved for domestic satellite services utilizing only large, high-gain antennas 9 meters or larger, with all other services assigned to the 12/14 GHz bands.

8. AT&T supports the petition for Rule Making by ABC and contends that a proliferation of small earth terminals in the 4/6 GHz bands would have an adverse effect on terrestrial services and orbit utilization. Operation of numerous small earth terminals in the 4/6 GHz bands can, in AT&T's view, only accelerate such exhaustion of capacity to the detriment of important transmission needs. Such proliferation would have an adverse effect on terrestrial services, in particular high density radio-relay systems, which share the use of the 4/6 GHz bands with domestic satellite systems. AT&T is concerned that operation of earth stations in the 4/6 GHz bands creates a zone around each station where the operation of a radio-relay system is effectively prohibited or constrained because of electrical interference. AT&T further states that 4 GHz receive only terminals impose significant constraints on growth as well as blocking construction of new routes and the evolution to new and more efficient technology on such routes. Also, such terminals create administrative coordination problems in connection with existing systems. AT&T suggests that small earth terminals are more suitable in bands other than 4/6 GHz.

9. CSAE supports the ABC petition as to examination of satellite allocation principles, i.e., " * * * allocation principles (which) would require the utilization of the 4 GHz band (1) on the basis of engineering and operational criteria—principally those relating to orbital spacing (4 degrees) and ground station efficiency and size (9 meter receiving antennas) * * * " However, CSAE does not ascribe to the particular proposals advanced by ABC as now or in the future accurately defining the public interest considerations which may or will guide the Commission in establishing satellite

⁵ With respect to the 12 GHz band, it should be noted that the Commission recently released its *Report and Order* (FCC 76-677) in Docket No. 20468 concerning preparations for the 1977 World Administrative Radio Conference for planning for the Broadcasting-Satellite Service in this band. This band is allocated to both the Fixed and Broadcasting Satellite Services on a co-equal basis in this country.

allocation principles to assure optimum spectrum efficiency and management. CSAE shows concern that the ABC Petition could result in a rule making which, if instituted solely according to the standards upon which the ABC Petition is based, could have a limiting effect on the marriage of satellite and cable technology as applied to communications service to the public. CSAE disputes the ABC Petition that evidence exists which supports the proposition that the 4/6 GHz band should be restricted to uses which can be met by operations utilizing large antennas (i.e., greater than 9 meters) with close orbital spacing, and assigning other services to the 12/14 GHz band. CSAE states that it recognizes that the Commission must first establish basic system parameters such as the degree of protection from interference to be afforded, where antenna size is only one parameter in the equation of ensuring quality performance. CSAE also submits that the Commission must recognize that ABC's Petition may well have, for its own purposes, drawn the scope of the proceeding to be instituted much too narrowly and for reasons not wholly germane to the broadest possible public interest considerations.

10. CBS states in support of the ABC Petition that the Petition warns that if procedures designed specifically to reflect fundamental principles of efficient spectrum utilization and planned spectrum management are not adopted, the result may well be a situation wherein the spectrum available in the 4/6 GHz bands for satellite communications is licensed in some substantial measure to a conglomeration of uses which results in less than optimum utilization of the available 4/6 GHz spectrum and orbit resources. CBS further states that the consequences of not adopting such procedures soon would be to foreclose the broadcasting industry in the not too distant future from the use of the 4/6 GHz bands to satisfy its basic requirements, i.e. programming distribution. However, CBS believes it is now premature to endorse any specific criteria that restricts the use of the 4/6 GHz band only to those antennas having a diameter of 9 meters or larger as suggested by the ABC Petition. CBS does agree with the position expressed in the ABC Petition that some or all of the services now being provided on the 4/6 GHz bands may be more appropriately developed in the 12/14 GHz bands.

11. Eastern supports the ABC Petition and states that the particular concern to ABC is the proliferation of applications for receive-only earth stations with antennas smaller than 10 meters in diameter. Eastern believes that no earth stations with antennas smaller than 10 meters in diameter should be allowed until the proposed rule making is completed and it is determined that such use is feasible. Also, Eastern believes that use of communication satellites be related to the reliability and economics of the services being transmitted. In consequence, broadcast and program services

for cable television should be accorded the most reliable and cost efficient service in the 4/6 GHz band. Furthermore, Eastern states that services needing only occasional time, or which can tolerate less reliability or signal quality, should be assigned to the 12/14 GHz band.

12. GTECS supports the ABC Petition but submits that the proceeding should be focused on the subject of small earth stations, and should include issues delineated as follows:

(a) Impact of earth station systems using antennas less than 30 feet in diameter with regard to suitable orbital locations, efficient use of spectrum assuming the employment for small stations of the 4/6 GHz band and/or the 12/14 GHz band, and increased costs and additional technical problems created for large earth station systems or terrestrial operations;

(b) In view of the above impact, under what circumstances would small earth stations be justified.

(c) Assuming that such a program is justified, optimize a system design based on the technical performance satisfying the system requirements, system economics including satellite costs, earth station costs, orbital efficiency and spectrum efficiency.

(d) In light of the foregoing, what criteria and regulations should be established to govern small earth stations.

13. NAB supports the ABC Petition and identifies the issues of special inquiry as being the same as presented in the ABC Petition.

14. The Network Affiliates support the ABC Petition to assure that the frequency bands allocated for domestic satellite services will be used most efficiently and in a manner best able to achieve effective spectrum utilization since domestic communication satellite services are important to the Network Affiliates as a potential means of high quality program distribution. The Network Affiliates not only support ABC's petition for a design covering the 4/6 and 12/14 GHz bands, but wishes to underscore the need for an overall design covering all frequency bands, including the 6625-7125 MHz band. The Network Affiliates believe that receive-only antennas should meet a defined performance standard with the least possible interference rather than size standards as proposed by the ABC Petition.

15. HBO opposes the ABC Petition, pointing to the Commission's Declaratory Ruling in *UA-Columbia Cablevision, Inc.*, 55 FCC 2d 656 (1975), where it stated that it would not authorize use of:

"small earth terminals if the applicant cannot demonstrate that the satisfactory operations of such small earth terminals require satellite orbital separations no greater than those required for the satisfactory operations of larger earth station antennas and that no other constraints are placed on the operation of domestic satellites as a result of the operations of such small earth terminals."

HBO further states that many more cable systems would be interested in obtaining its services if they could utilize low cost small earth terminals.⁴ In addition, HBO states that "a receive-only earth terminal utilizing a small antenna, such as

one which has a diameter of 4.5 meters, will obtain the same quality signal as a 10 meter antenna if the unit is used with a high quality low noise amplifier" and will not require higher satellite EIRP's for operation to small earth terminals as claimed in the ABC Petition. HBO concludes that ABC filed its Petition in response to the Commission's Second Notice of Inquiry in Docket No. 20271, FCC 75-990, released September 19, 1975, and that ABC's Petition is superfluous since a detailed analysis of domestic satellite needs is implied in Docket No. 20271.

16. Hughes opposes the ABC Petition arguing that it would be inadvisable for the Commission to institute the proposed rule making procedure because (a) such rule making would defeat the objectives of the Commission as previously set forth; (b) there is no present need for such rule making, and (c) any rule making proceedings at this time would have an adverse effect on the growth of the industry. Furthermore, Hughes believes that the Commission should retain total flexibility in controlling the use of satellite technology for domestic communications and not try to adopt special restricting rules until future experience and circumstances dictate.

17. NCTA opposes the ABC Petition because it believes that questions regarding the regulation of the design of ground station installation must be avoided and that proper engineering design and economic investment should be the determinants of ground station configuration. To do otherwise would remove the necessary flexibility from the development of nonbroadcast services utilizing satellites. This, according to NCTA, appears to be what ABC has in mind. By suggesting restrictions on antenna size etc., ABC would reserve the use of the 4/6 GHz band to broadcast network uses and shift other users of satellite services, such as cable television, to the 12/14 GHz band. Although NCTA concurs that there will be increasing congestion in the 4/6 GHz band, it does not believe that regulations should be adopted leaving the band solely for broadcast network uses. NCTA suggests that the correct questions to be addressed are in the area surrounding the basic transmission system and not ground station design and should be addressed in Docket No. 20271. Insofar as ABC desires Commission examination of satellite allocation principles, NCTA is fully supportive.

18. PBS does not take any position on the overall question of whether or not an inquiry of the nature suggested by the ABC Petition need be or should be undertaken by the Commission at this time. PBS distributes national television programming to member noncommercial educational television stations through-

⁴ HBO states that the total cost of a small earth terminal utilizing a high quality low noise amplifier would be considerably less than an earth station utilizing an antenna with a diameter in excess of 9 meters.

⁵ *Second Report and Order* in Docket No. 16495, 35 FCC 2d 844 (1972).

out the United States and its territories and thus shares with ABC an interest in and concern for the development of satellite methods of program distribution. However, PBS does point out that a number of statements in the ABC Petition pertaining to PBS are factually inaccurate and that the Petition is too simplistic in general. PBS states that, contrary to the statements made by ABC in its petition, it has not applied for a nationwide system using 26-foot (8 meter) antennas⁵ and that its proposed system would not interfere with maximum usage of the 4/6 GHz band nor affect plans for orbital spacing of as little as 4°.

THE CATA PETITION: RM-2725

19. The CATA, a trade association representing over 500 community antenna television systems, petitions the Commission to institute Rulemaking or to issue a Declaratory Ruling to amend its application standards for satellite earth station receive-only antennas to permit the construction of "small earth stations" less than nine meters in diameter. CATA contends that the present processing standard set forth in the Commission's First Report and Order in Docket 16495, 22 FCC 2d 86, 136 (1970), which requires receive-only antennas of not less than 9 meters in diameter, results in the denial of satellite service to many small and medium sized communities. CATA states that the nine meter standard does not benefit the public and that the only reason for its imposition appears to be administrative convenience. The elimination of this standard would not only allow many more Americans to receive the benefits of satellite service, but would also encourage the development of cable television in many areas. Furthermore, CATV states that it would not, in any way, foreclose the Commission's options with regard to satellite spacing in geostationary orbits and that the rationale for the nine meter standard apparently is that the Commission fears that communications satellites, if placed in an efficient geostationary orbit with 4½, 4 or even possibly 3½ degree spacing may degrade signals received by earth station terminals of less than nine meters in diameter. CATA states that it, as well as others, has conducted tests which indicate that receive-only earth terminals of substantially smaller size (and consequently less costly, allowing for their economical use in small communities) can receive signals that are totally adequate for public use. Thus, a situation exists where theoretical fears result in denial of service to the public even though the free marketplace would be willing to assume the risk of constructing and using equipment with the full, forewarned knowledge that actions by the Commission, in the future regarding satellite orbital spacing, might render the equipment being used ob-

⁶ PBS has recently filed for the first 13 earth terminals for a nationwide system using 10 meter receive-only stations and 11 meter transmit and receive stations.

solete. CATA suggests that there is another way for the Commission to avoid future problems without denying service to the public. That is, the Commission can simply state to all applicants proposing to use receive-only equipment of less than nine meters in diameter that they (the applicants) are assuming the risk that future developments will, or may, result in intolerable interference levels received by small diameter antennas. Furthermore, the Commission can put all parties on notice that it will not accept or consider, in any future decisions on satellite orbital spacing, the argument of those using small antennas that undue interference will be created. CATA states that no evidence has been presented that use of small diameter antennas by cable television receive-only earth stations will adversely affect orbit and spectrum utilization by a variety of services whereas the technical data submitted in this proceeding totally support CATA's position that the use of such small diameter antennas will in no way adversely affect orbital spacing or efficient spectrum utilization. CATA further states that the 4 degree orbit spacing is required by technical constraints imposed by earth station antennas with diameters larger than 10 meters. With respect to potential terrestrial interference problems, CATA argues that small antennas can more effectively use natural and artificial shielding more economically than large antennas and can be more easily moved. To counter the argument against proliferation of small earth station, CATA states that there are the opponents who fear administrative problems of coordination and those who are simply trying to delay competition such as ABC and GTE.

20. ABC states that the procedural basis for the issuance of a declaratory ruling which, as the CATA Petition acknowledges would constitute the rescission of a substantive rule, is not provided for in either the Commission's Rules or the Administrative Procedure Act (5 U.S.C. 551 et seq.) and therefore the request for a declaratory ruling should be denied. The alternative request for a separate and limited rule making to consider the "small terminal" issue is unwarranted and inadequate. In the pending Commission proceedings in Docket 20271, issues and sub-issues relating to small antenna earth stations have already been raised by the Second Notice of Inquiry (FCC 75-990) in the context of preparation for the 1979 World Administrative Radio Conference (WARC). Such issues are also raised directly in RM-2614 wherein ABC has requested that the Commission institute a proceeding looking toward the adoption of a comprehensive domestic satellite plan reflecting sound spectrum and orbit utilization principles. The complex technical and policy questions raised by the "small terminal" issue should be resolved in the ABC Petition, RM-2614, and not in the summary manner CATA proposes. ABC is also encouraged by the Commission's recent statement in its Report and Order,

supra, in Docket No. 20468 that "Any rulemaking on the use of domestic satellite system will include the subject of small earth terminals and many other complex topics."*

21. GTEC states that CATA is now asking the Commission to initiate a proceeding involving the small earth station question, but with a narrow focus, examining only the points of interest to CATA and its membership. However, GTEC suggests that the technical and economic problems involved should be looked at in the total context since all the problem elements are interrelated (earth station cost, spectrum efficiency, orbital efficiency, impact on terrestrial facilities, etc.) and that a far better approach would be for the Commission to institute an inquiry embracing the entire subject of small earth stations (as GTE suggested in RM-2614). Accordingly, GTEC suggests that the issues for such a proceeding are delineated as follows:

A. What would be the impact of implementing small earth station systems (i.e., antennas less than thirty feet in diameter) with regard to:

1. Availability of suitable orbital locations,
2. Efficient use of the spectrum (4.6 GHz band and 12/14 GHz band),
3. Increase in costs and additional technical problems created for large earth station systems or terrestrial operations.

B. In view of the above impact, under what circumstances would small earth station systems be justified.

C. Assuming that such a program is justified, what system design would optimize the following elements:

1. System technical performance in relation to system requirements,
2. System economics, including: (a) Satellite costs, (b) Earth station costs, (c) Orbital efficiency, and (d) Spectrum efficiency.

D. In light of the foregoing, what criteria and regulations should be established to govern small earth stations. GTE concludes that the Commission should initiate a general inquiry on the subject of small earth stations as proposed in RM-2614.

22. NAB points to the interests of its members not only as users of the spectrum, but also as potential users of satellite services. NAB urges the Commission not to retreat from the present nine meter antenna standard for use in the 4/6 GHz band which is consistent with NAB's position in support of the ABC Petition.

23. NCTA proposes that the Commission by declaratory ruling permit the licensing of small receiving terminals owned and operated by cable system operators and make the licensing of such terminals optional. NCTA alleges that the use of a satellite receiver impinges on no one else and the quality of the engineering used in the design and installation influences the quality of the user performance only. By operating the receiving installation unlicensed, the operator is subject to any interference that may develop from other encroachments.

* However, the Commission never intended this statement to imply that rulemaking is needed before such facilities can be authorized by the Commission.

Should the installation be licensed, then it should be afforded the same degree of protection as now provided by the existing Commission practices. Departure from the traditional 9 meter antenna size impinges on no one else and has no effect on reserved, unassigned orbital locations under the present policies. NCTA submits that the selection of the 9 meter antenna as a standard was a relatively arbitrary choice and is not applicable to distribution systems such as satellite/cable operations. In reply to those parties claiming a potentially adverse impact on the development of terrestrial facilities in these bands that might result from a proliferation of small antennas, NCTA points out that these bands are shared on a co-equal basis by both services and argues that it would be unfair to use such an argument to block the development of domestic satellite communications.

24. In their Joint Statement, the cable companies state their belief that "the marriage of domestic satellite service and cable television's multi-channel facilities provides a most auspicious union for increasing the diversity and usefulness of future interstate communications." In view of the dynamic nature of this field, they believe the Commission should apply highly flexible and readily responsive policies and procedures to assure the most rapid development of new services. Since smaller antennas hold the promise of lower cost access to domestic satellite service, increasing the utility of such services in general, prompt and favorable action should be taken on the CATA petition.

25. HBO also urges the Commission to immediately issue a declaratory ruling that small diameter antennas meeting certain technical standards be routinely processed and granted without the need for any special showings. It suggests that a declaratory ruling is needed to reaffirm the Commission's existing policy that performance, not antenna size, is the key to approval of earth station applications, and to recognize that the Commission's performance standards can be met by television receive-only earth stations utilizing antennas smaller than nine meters thus removing the uncertainty concerning the "strong showing" required before such small earth stations will be licensed. HBO further states that the CATA petition is not requesting a new substantive rule for antenna performance nor does the small receive-only earth station pose greater restrictions on orbit utilization than those now posed by nine meter or greater antennas. HBO submits that its attached technical analysis of small antennas demonstrates that the use of such facilities would have no adverse impact on orbital spacing, spectrum conservation or the growth of other satellite services. With the installation of smaller, low cost antennas, additional programming can be economically and efficiently delivered to millions of additional cable system subscribers beyond those presently

served through 10 meter or larger antennas. In addition, HBO argues that smaller antennas can be more easily and less expensively shielded from terrestrial interferences, as well as being more easily locatable at cable system head-end sites, with beneficial results on terrestrial station frequency usage. Smaller antennas would also have less of an impact on the environment.

26. The comments of AFC, Hughes, Microdyne and Prodelin consist primarily of technical analyses intended to demonstrate that use of smaller antennas would not have an adverse impact on orbital utilization. Western Union also supports CATA's request for a declaratory ruling to accord normal processing of applications for small earth stations if the antenna conforms to the antenna performance standards of § 25.209 of the Rules and Regulations and does not infringe on the Commission's guidelines for maintaining a 4 degree orbit spacing between adjacent satellites located in the geostationary arc. Western Union comments that the filings submitted by ABC, AT&T, GTE and NAB are not based upon technical analysis or factual proof, but are premised upon errors and misunderstandings.

27. AT&T in its reply comments fully supports the positions taken by ABC, GTE and NAB and states that a rule-making limited only to the authorizing of receive-only small earth terminals would be unwarranted and inadequate. AT&T suggests that rather than conducting a limited proceeding, the CATA matter should be considered only as a part of a comprehensive rulemaking proceeding designed to achieve the most effective utilization of the spectrum and orbit, including consideration with regard to the terrestrial services which are authorized in the 4 and 6 GHz and other frequency bands, and that there should be an overall inquiry into domestic satellite allocation policies before earth stations using small antennas are authorized.

DISCUSSION

28. Although the first domestic satellite service in this country was begun in late December 1973, it has only been in the last year that we have seen a rapid growth in the number of earth stations placed into operation. Apart from the Alaska bush stations, this growth has been generated primarily by the expanding use of domestic satellites for program distribution services. Thus, since *Florida Cablevision*, 54 FCC 2d 881 (1975), over a hundred receive-only earth stations have been authorized to cable television system operators, broadcasters and local carriers for program distribution purposes.

29. All of these receive-only earth stations authorized to date employ antennas 9 meters or more in diameter. ABC and the parties supporting its petition urge us to exclude smaller antennas from operations in the 4 and 6 GHz bands which are the only bands in which service is presently available from the domestic satellites now in orbit. They contend that the authorization of such

smaller antennas would lead to inefficiencies in the use of the available orbit and spectrum in these bands to the point where potential users may not be able in the future to implement systems employing 10 meter or larger antennas in the 4 and 6 GHz bands. As a result, they contend that earth stations with antennas less than 9 meters in diameter should be authorized for operations only in other frequency bands, i.e. the 12 and 14 GHz bands.

30. CATA and the parties supporting its petition contend that small antennas do not necessarily result in inefficient use of the orbit and spectrum. In support of this position, they point to various technical analyses purporting to demonstrate that satisfactory receive-only operations with antennas as small as 4.5 meters in diameter do not require satellite orbital separations greater than those needed for 9 meter or larger antennas. While such facilities may not be capable of producing as high a quality of signal as larger antennas, they argue that the use of smaller antennas is still acceptable for public use. In view of the anticipated lower costs of such facilities, they contend that the public interest requires the authorization of such small antenna facilities in order to make the benefits of domestic satellite communications as widely available as possible, particularly in cases where the cost of larger antenna facilities can not be economically justified.

31. As we will explain below, a rule making proceeding is not needed to resolve this controversy. With certain clarifications, the domestic satellite policies we adopted in the course of the proceedings in Docket No. 16495 provide a clear and sound basis on which to treat the various issues raised by the parties in their filings on the two petitions under consideration here.¹⁰ Accordingly, we will first review the technical licensing policies we have established for domestic satellite facilities. Following this review, we will then turn to the specific requests of ABC and CATA.

TECHNICAL LICENSING POLICIES

32. In our First Report and Order in Docket No. 16495, 22 FCC 2d 86 (1970), we decided to accept applications for domestic satellite facilities from multiple entities. We stated that:

[R]ather than attempting to prescribe arrangements for an initial program we believe it preferable to permit potential applicants to take the initiative in submitting concrete proposals for the Commission's consideration. 22 FCC 2d at 93.

We also set forth general procedures for the filing of such applications and cer-

¹⁰ With respect to the references of several parties to Docket 20271, it should be remembered that the question of small earth terminals was raised in that proceeding only in the context of long term requirements and how to best satisfy those requirements as part of our preparations for the 1979 GVARC. Questions relating to the use of small antennas in present or proposed domestic satellite systems were excluded from the proceedings in Docket No. 20271.

tain technical criteria in Appendix D to that order, stating that:

Pending the adoption of forms and fees and the promulgation of rules governing technical standards for domestic communication-satellite facilities, applications should be filed in accordance with the procedure and technical criteria set forth below and in the attached Appendix D. Applicants making proposals under the technical criteria specified herein may also submit alternative proposals, reflecting what would be requested if there were different technical constraints and showing how the alternative would better serve the public interest. 22 FCC 2d at 98.

Of direct concern here are the following technical criteria set out in Appendix D which are intended to insure that domestic satellite systems would be designed from the outset to achieve reasonably small inter-satellite orbital separations needed to accommodate multiple systems (22 FCC 2d at 135-136):

(a) Applicant shall consider and submit details regarding the selection of the orbital longitude(s) for its proposed system. In such showing, applicant shall discuss and where appropriate determine the probability of interference between its proposed satellite system and other satellite systems which are either established or proposed systems. The effect of the applicant's proposed system on the overall utilization and management of the available orbital space should be considered and discussed in general and in specifics as to the minimum separation of satellites, use of frequencies, orthogonal feeds, polarization, station keeping, inclination, or other suitable standards that may be required in the future. Broad guidelines such as a 5 degree minimum separation between satellites and excursions in both longitude and latitude of ± 0.5 degrees should be observed until more definitive standards can be determined.

(b) The [earth station] transmitting antenna directivity in the plane of the geostationary orbit shall, as a minimum, be comparable to that of a parabolic antenna with a diameter of 9 meters operating at 6 GHz, and have a side lobe suppression of at least 25 dB.

(c) The [earth station] receiving antenna directivity in the plane of the geostationary orbit shall, as a minimum, be comparable to that of a parabolic antenna with a diameter of 9 meters operating at 4 GHz, and have a side lobe suppression of at least 25 dB, unless a waiver has been granted.¹¹

¹¹ Antenna directivity standards applicable to all earth station antennas have subsequently been specified in Section 25.209 of the Rules and Regulations. See Report and Order in Docket No. 19495, 40 FCC 2d 395 (1973). However, that proceeding was limited to questions dealing only with frequency coordination between earth station and terrestrial stations in shared frequency bands and did not contemplate resolving issues relating to inter-satellite interference or orbital separation. Thus, while we declined to adopt rule restrictions on minimum antenna size in that proceeding on the basis of earth station-terrestrial considerations, we did not supersede the 9 meter antenna size criterion specified in Appendix D to insure reasonable orbital spacings between domestic satellites in view of the close relationship between antenna size and inter-satellite interference levels. But the quoted antenna directivity and side-lobe suppression standards, quoted above are no longer applicable in light of § 25.209 of the Rules and Regulations which now limits side-lobe levels in terms of a formula that is independent of antenna size.

The purpose of these criteria was to establish a reasonable compromise between economical earth station facilities and efficient orbit and spectrum usage. Thus, we did not intend to require very high cost INTELSAT standard 30 meter antenna facilities for domestic satellite operations, even though small orbital separations were possible if only such facilities were to be authorized. On the other hand, while much smaller antennas might have been desirable for their low costs, we did not believe the overall public interest would be served by the large orbital separations that seemed to be required to accommodate such facilities and the resulting loss in the number of satellite and amount of services available to the public.

33. Noting that "[t]echnical conflicts may arise in such areas as proposed orbital locations and frequency usage," we concurrently issued a Notice of Proposed Rule Making in Docket No. 16495, 22 FCC 2d 810 (1970), in order to:

• • • set forth the subject matter and issue to which parties are to focus—namely, the technical or economic conflicts, if any, which exist or may arise between applicants in this area, and what policies are called for in light of any claimed conflicts.

Recognizing potential frequency usage problems that might arise in attempts to implement domestic satellite systems in the 4 and 6 GHz bands and the proposals of the United States to the then imminent 1971 World Administration Radio Conference regarding new allocations at higher frequencies, the Commission also issued a Further Notice of Inquiry and Proposed Rule Making in Docket No. 16495, 25 FCC 2d 718 (1970), requesting comments on the following questions:

(a) How soon could equipment be available for the use of other frequencies for domestic communications satellite systems and what would be the approximate estimated cost?

(b) How close to urban centers or other premises of potential end users of communications satellite services could earth stations be located if they were to use frequencies other than 4 and 6 GHz, considering any existing terrestrial use of these bands and the potential requirements of authorized terrestrial services?

(c) What are the comparative economic and technological advantages and disadvantages of using the 4 and 6 GHz bands or other proposed bands for domestic communications satellite systems, including such factors as the size and cost of the earth station antennas, the physical characteristics and cost of the satellites, launch vehicles, the number of orbital locations for satellites capable of viewing all 50 States or only those in continental United States, system reliability and redundancy, and any other pertinent factors?

Thus, potential applicants and interested parties were given full opportunities to comment on, or propose alternatives to, the technical criteria contained in Appendix D to the First Report and Order.

34. Little, if any, opposition to these criteria was raised by the parties in Docket No. 16495. Instead, some eight system applications and 104 earth station applications were filed pursuant to the First Report and Order, *supra*, and

the technical criteria set out in Appendix D to that order.¹³ Except for the question of orbital separations between adjacent satellites, we therefore did not explicitly review or revise the technical criteria set out in Appendix D when we adopted our Second Report and Order, 35 FCC 2d 844 (1972). Instead, we set out our general policy objectives and the nature of the showings applicants would be required to make before we could find that a grant of their applications would serve the public interest. We stated that:

Although • • • it is our intention to make such determinations with due regard for the unique circumstances involved here, each applicant must make a sufficient showing of potential public benefit to justify the assignment of orbital locations and frequencies. 35 FCC 2d at 851.

With respect to orbital separations between adjacent U.S. domestic satellites, we decided to adopt the staff's recommendation¹⁴ that:

The orbital locations for satellites authorized to utilize 4 and 6 GHz frequencies, in whole or in part, will be separated by no more than 3° (or allow for intervening assignments separated by 3°) unless good cause is shown for a wider separation.¹⁴

With respect to the request of the State of Alaska for a 6° orbital separation to meet the unique requirements of that state for small, inexpensive earth states, we noted that "advances in earth station technology may shortly make it possible to meet the performance specifications needed for 3° separations with earth station antennas of smaller diameter than 30 feet." 35 FCC 2d at 859.

35. However, it did not appear that the degree of frequency and polarization coordination assumed in the Second Report and Order, *supra*, to achieve a uniform 3° satellite spacing was available, in the specific domestic satellite systems that were in fact pursued by the applicants. As a result, we found a 4° spacing guideline more reasonable under current conditions. As we stated in *Western Union Telegraph Company*, 47 FCC 2d 275 (1974), authorizing the launch of the WESTAR II satellite:

4. As a preliminary matter we will address the question of orbital spacings. At the time of our various orders in Docket No. 16495 it was thought by the Commission that United States domestic satellites could be spaced three degrees apart in the geostationary orbit to prevent mutual interference and that any one of these satellites had to be five degrees

¹³ Except for two earth station applications that were not later prosecuted, all of the proposed antennas were 9 meters or more in diameter. While several of the system applicants initially proposed operations in other than the 4 and 6 GHz bands, those applications which were in fact prosecuted were later amended to propose operations only in the 4 and 6 GHz bands.

¹⁴ The staff's recommendation in this regard was based on technical advice from the National Aeronautics and Space Administration and assumes careful frequency and polarization coordination.

¹⁵ Proposed Second Report and Order Recommended by the Chief, Common Carrier Bureau, 34 FCC 2d 9 at 72 (1972).

from the Anik satellites of Telesat Canada. Based on current system characteristics and recent calculations made by system operators, the National Aeronautics and Space Administration and the Commission's staff, it appears that spacings on the order of four degrees will be required between most of the domestic satellites, and that five degree spacing from the Anik satellites will be satisfactory only if certain of the R.F. carriers are not on the same frequency as the susceptible carriers in the Canadian system. Such frequency coordination with Canada, in our view, will be practicable and is justified in the interest of keeping the satellite spacings as small as possible. In the event that smaller earth station antennas should be authorized, wider spacings may be required.

5. For these reasons, satellite spacings of four degrees, starting five degrees from the Anik satellite location of 104° west longitude will be used by the Commission as a basis for assigning satellite longitudes in the orbital arc east of the Canadian locations. These spacings are still only a guide. Spacings slightly smaller may be possible in some cases, and larger ones may be required in others, based on actual experience and measurements of satellites as they are manufactured and placed in orbit. Among the uncertainties at this time are the isolation that can be achieved by cross-polarization, the sidelobe levels of earth stations, and the use of small terminals.

These conclusions were based on technical analyses assuming the use of 10 meter or larger antennas and did not consider the potential impact of smaller diameter antennas.

36. To date, the Commission has authorized earth stations with antennas less than 9 meters in diameter for regular operations only under exceptional circumstances involving essential communications services where no other feasible alternative was available.¹⁵ Thus, we have considered the use of small antennas at earth stations located in the remote, largely inaccessible locations of the Alaska bush for thin-route and "lifeline" type communications, *RCA Global Communications, Inc., et al.*, 56 FCC 2d 660 (1975), and on an offshore oil drillings platform on which it is physically impossible to place a standard 9 meter antenna and which could not be served by existing terrestrial facilities, *Cities Service Oil Company, et al.*, 51 FCC 2d 653 (1975).

37. To summarize, our technical regulation of domestic satellite facilities has been based on the establishment of the minimum technical standards necessary to insure the widest possible availability of high quality, innovative domestic satellite services pursuant to the policy objectives set forth in our Second Report and Order, 35 FCC 2d at 846-847. We have sought to avoid placing a priori restrictions on the design and operations of domestic satellite facilities, relying instead on applicants to come forward with concrete proposals, together with sup-

¹⁵ Small antennas have also been authorized for developmental purposes on condition that no harmful interference be caused to other radio facilities and that operations be ceased immediately upon notification of interference.

porting technical analyses, to demonstrate the public benefits of this new communications media. We have, however, found it necessary to closely examine the question of minimizing inter-satellite orbital separations to the extent practical, including any necessary restrictions on earth station antenna size, to assure access to the geostationary orbit by present and future satellites to best serve the overall public interest.

DISCUSSION OF THE ABC PETITION

38. To briefly review, ABC is requesting the Commission to "now institute a rule making proceeding to establish a basic overall design for the development of those frequency bands allocated for domestic satellite services."¹⁶ It suggests that

• • • efficient spectrum utilization contemplates that (a) 4/6 GHz satellite bands be used only for services utilizing large, high-gain antennas (30 feet) and (b) operations unable (or unwilling) to meet this requirement be assigned elsewhere (i.e., the 12/14 GHz band) • • •¹⁷

If the Commission does not now adopt such procedures, ABC asserts that the "consequences of such a course to the broadcasting industry in the not too distant future would be to foreclose it effectively from the use of the 4/6 GHz band to satisfy basic requirements."¹⁸

39. This petition and the arguments advanced by the parties supporting the type of proceeding proposed by ABC overlook the basic regulatory framework we established for domestic satellite communications in Docket No. 16495. As explained above, we decided that the public interest would be best served by providing potential users as wide a degree of flexibility as practical to develop and utilize domestic satellite facilities for existing and new types of services. We sought to avoid imposing unnecessary *a priori* restrictions on the design and operations of domestic satellite facilities. Instead, we encouraged potential applicants to submit concrete proposals for soundly engineered facilities which we would review and approve if found to be in the public interest. Nor did we intend to restrict the flexibility of potential satellite operators to choose the frequency bands allocated for satellite communications that were best suited to satisfying their service objectives. Given the advancing state-of-the-art in satellite technology and the diversity of potential service requirements that can be satisfied by satellite communications, we found it preferable not to exclude any potential user from accessing satellites that may be constructed and operated in any of the allocated frequency bands.

To the extent that frequency bands other than 4 and 6 GHz might be superior from a technical and/or operational point of view to a particular class of user, such users would have a natural technical and economic incentive to utilize

satellite systems operating in those bands when such systems become available. However, we see no public interest to be served at this time by denying access to such users in the 4 and 6 GHz bands when satellite systems operating in other frequency bands are not presently available, provided that the design and operation of such facilities satisfy the technical criteria we have established for these bands.

40. Our primary technical objective is to insure the widest availability of domestic satellite service to potential users by requiring that domestic satellite systems be designed from the outset to achieve reasonably small orbital separations between satellites. Thus, we adopted a minimum antenna size of 9 meters as the generally applicable criterion for accomplishing this objective in view of the critical relationship between antenna size and required inter-satellite orbital separations. In doing so, however, we did not preclude the authorization of soundly engineered but smaller antennas in the 4 and 6 GHz bands, but only required that the use of such facilities would not constrain either our efforts to achieve reasonably small orbital separations or the flexibility of space segment operators to reconfigure transponder traffic assignments to best serve their customers.

41. ABC, as well as GTEC in its proposed alternatives, would have us revise our domestic satellite policies to make antenna size the primary criterion of acceptability for licensing in the 4 and 6 GHz bands. Such a myopic approach to the regulation of domestic satellite facilities was not contemplated in the proceedings in Docket No. 16495 which sought to provide as wide a degree of flexibility in the design and operation of domestic satellite facilities as was consistent with the requirement to achieve reasonably small inter-satellite orbital spacings. To the extent that this goal can be achieved with well engineered facilities using antennas less than 9 meters in diameter, precluding the use of such facilities in the manner proposed by ABC would be inconsistent with the domestic satellite policy objectives we adopted in our Second Report and Order.

42. Underlying the ABC Petition also appears to be a concern that the broadcasting industry might not be able to implement a program distribution system in the 4 and 6 GHz bands if and when they decide to do so in the future. Of course, we can not guarantee any particular user that sufficient satellite capacity in these bands will in fact be available for its specific use at some future date in view of the inherent limited nature of this orbit and spectrum resource and the growth in demand for domestic satellite services by all types of users. What we have done, however, is to establish the basic technical framework described above to achieve as large a supply of satellite capacity as practical in the 4 and 6 GHz bands by limiting orbital separations between satellites to reasonable values. In this way, we seek

to maximize the opportunities for the early acquisition of technical, operational, and marketing data and experience in the use of this technology as a new communications resource for all types of services. 35 FCC 2d at 846.

In view of this objective, we would find it incongruous to initiate a proceeding like the one proposed by ABC, which could have the effect of delaying or denying the opportunity of applicants who are presently willing and ready to construct and operate facilities in the 4 and 6 GHz bands meeting our technical requirements, in order to assure future access to domestic satellites in these bands by other potential users who have yet to decide whether or not they are interested in establishing such systems.

43. Thus, even if the available 4 and 6 GHz transponder capacity were to become fully utilized by the time ABC or other broadcasters were in fact ready to implement a program distribution network, this would not be a result of our authorization of what ABC characterizes as substandard earth stations, i.e., those with antennas less than 9 meters in diameter. Rather, it would only reflect the actual benefits of domestic satellite communications to all segments of the public demonstrated by the growth in the number of transponders in actual use to provide service to all types of users. We therefore find no public interest to be served by excluding potential users whose facilities satisfy the technical criteria set forth above from use of the 4 and 6 GHz bands solely on the basis of the size of the antennas they propose to use. Accordingly, the ABC Petition will be denied.

DISCUSSION OF THE CATA PETITION

44. CATA asks the Commission to issue a declaratory ruling or institute a rule making proceeding looking towards the authorization of antennas less than 9 meters in diameter by cable television systems for program distribution. As we have explained above, our domestic satellite policies do not preclude and have never precluded the authorization of such facilities if certain showings can be made. Thus, the authorization of such facilities does not imply a substantive change in practice requiring prior rule making as argued by ABC, GTEC and NAB. Rather, a declaratory ruling is an appropriate means pursuant to § 1.2 of our Rules and Regulations and Section 554(e) of the Administrative Procedure Act to resolve the outstanding controversies and remove uncertainties surrounding the licensing of such facilities. In issuing this decision, we are only clarifying the nature of the showings and information which we would consider to be an acceptable demonstration that proposed small earth antennas would satisfy the technical objectives we have previously set forth for domestic satellite communications.

45. In addressing this question, it must be emphasized that the desire of a potential user to utilize an earth station antenna less than 9 meters in diameter is not the sole criterion of whether such a

¹⁶ ABC Petition at page 1.

¹⁷ *id.* at page 25.

¹⁸ *id.* at page 28.

facility is acceptable for licensing in the 4 and 6 GHz bands. It is incumbent on him to demonstrate, on the basis of sound engineering analyses, that the proposed facilities will satisfy the required performance objectives of the user and would not impose additional restraints on the flexibility of satellite operators to satisfy the domestic satellite communications needs of customers using 9 meter or larger antennas. In particular, we must also be assured that our objective of achieving reasonably small inter-satellite orbital separations for earth stations with standard size antennas would not be frustrated by authorizing the use of small antennas.

46. The nature of the showings contemplated in Docket No. 16495 and our previous statements concerning this issue¹⁹ will be set forth in greater detail below. Assuming these requirements are satisfied by the applicant, we see no public interest to be generally served at this time by requiring further showings regarding the comparative quality or quantity of service obtained through such facilities relative to that obtainable from 9 meter or larger antennas. Nor do we find it essential to continue to limit the availability of small antennas that fully comply with these standards only to situations involving essential communications services. In our view, the public interest in efficient orbit and spectrum utilization would not be adversely affected by permitting the use of soundly engineered small antenna facilities that meet the performance objectives for the particular communications requirements of the user under the terms and conditions set forth below.

47. Before turning to the question of the types of showings that will be required for the licensing of small antennas, we will first address two issues raised by parties commenting on these petitions. One issue is the impact on terrestrial facilities operating in the 4 and 6 GHz bands that might result from a proliferation of small antennas. The second relates to the suggestion that licensing of receive-only stations be made optional at the sole discretion of the station operator.

IMPACT ON TERRESTRIAL FACILITIES

48. Several parties argue that the authorization of small antennas would lead to a proliferation of earth stations in the 4 and 6 GHz bands which would be detrimental to the use of these bands by terrestrial microwave systems. We find no merit in this argument. As pointed out by NCTA in its Reply Comments, these bands are shared on a co-equal basis by both the terrestrial and satellite services. Thus, we have established a prior coordination mechanism for these bands in Parts 21 and 25 of our

¹⁹ See *Second Report and Order, supra* at 859; *Cities Service Oil Company, et. al.*, 51 FCC 2d 653, 667-669 (1975); *UA-Columbia Cablevision, Inc., et. al.*, 55 FCC 2d 656, 660 (1975); and *RCA Global Communications, Inc., et. al.*, 56 FCC 2d 680, 690-691 (1975).

Rules and Regulations to assure equitable use of these frequency bands by stations in both services. The authorization of an earth station necessarily restricts the flexibility of terrestrial operators in siting point-to-point microwave facilities in the vicinity of the earth station in the same manner that our authorization of terrestrial facilities restricts flexibility in siting earth stations. However, this situation is inherent to the shared usage of these bands by terrestrial and space services and is not a sufficient reason for precluding growth in the usage of these bands by either service.²⁰

49. It should be noted that we expressed initial concern in our First Report and Order regarding the feasibility of actually implementing domestic satellite systems in the 4 and 6 GHz bands because of the terrestrial congestion that even then existed. However, the past few years have dispelled these concerns in light of the numerous earth stations that have since been successfully coordinated and placed into operation in these bands without harmful interference. Moreover, as pointed out in the comments, various techniques are available to a potential earth station operator to reduce the potential of interference under the particular circumstances encountered.²¹

50. In view of the public interest to be served by the availability of both terrestrial and earth station facilities in the 4 and 6 GHz bands, we find no reason to restrict the growth of either type in these bands. Our prior coordination procedures adequately protect existing and planned frequency usage of these bands by both services. Thus, any growth in the use of these bands by domestic satellite earth station facilities under these procedures will result in a more intensive utilization of these bands which only reflects the public demand for domestic satellite communications.

LICENSING RECEIVE-ONLY EARTH STATIONS

51. It has also been suggested in the pleadings on the CATA Petition that licensing of receive-only earth stations be made optional at the discretion of the operator. We believe it necessary to address this point here. Our decision to individually license receive-only earth stations was set forth in our First Report and Order, *supra* where we stated:

We think that receive/only stations must be licensed by the Commission if they are to be protected from interference, and also to assure the quality of service intended for use by the public.

²⁰ It should be noted that while the authorization of one terrestrial station may preclude the authorization of another terrestrial station nearby because of interference between the two, an earth station can not interfere with another except indirectly through adjacent satellite interference. This is because the earth stations transmit in one band (6 GHz) and receive in a different one (4 GHz). Thus, earth stations can be sited directly adjacent to each other without interference.

²¹ This includes artificial site shielding and interference cancelling techniques.

While neither our power to require licensing of these types of receive-only earth stations, nor the need for a licensing procedure to provide protection from interference is at issue here, questions were raised concerning the desirability of continuing to require earth station operators to obtain protection from interference.

52. As noted above, receive-only earth stations are subject to harmful interference from terrestrial transmitters in the 4 GHz band. If receive-only earth stations are placed into operation in a manner that does not insure freedom from interference at the outset, users would come to rely on the availability of facilities whose usefulness can be suddenly terminated due to harmful interference. We are not convinced that the public interest would be served by allowing such situations to arise when our present prior coordination and licensing procedures are available to prevent such occurrences from arising in the future. This is particularly true when the earth stations is being used to receive program material to be distributed to end viewers by terrestrial means such as cable television systems. We do not see how the earth station operator can fulfill his public service responsibilities in such cases by placing himself in a position where his ability to serve the public can be jeopardized by harmful interference to his earth station facilities. Therefore, as we previously stated, we will require receive-only earth station operators to follow our prior coordination and licensing procedures.

53. We recognize, however, that some degree of flexibility should be provided to potential earth station operators to exercise sound engineering judgment in assessing the acceptability of particular interference conflicts or in choosing among available alternatives to eliminate such conflicts.²² An additional measure of flexibility to choose among available types of well engineered earth station facilities that satisfy the licensee's service requirements is also consistent with our domestic satellite policies. However, this flexibility to the licensee to exercise his own engineering judgment in specific and isolated cases can not be extended without limit to the overall design of domestic satellite facilities or the licensee's basis ability to meet his public service responsibilities through the proposed facilities.

DECLARATORY RULING

54. As we have previously explained above, our domestic satellite policies do not necessarily preclude the authorization of earth station antennas less than 9 meters in diameter in the 4 and 6 GHz bands. What is necessary is to clarify this matter by setting forth the general types of technical information and showings that are required before such facilities can be authorized by the Commission. In the next section, we will apply these

²² As an example of this flexibility, see § 25.252(c) of the Rules and Regulations.

general considerations to the specific case of small antennas to be used for the reception of program material to be distributed to end viewers by cable television systems within the 48 contiguous states.

55. As stated above, it is our intent to avoid imposing unnecessary *a priori* technical constraints on the design and operation of high quality domestic satellite facilities and communications links available to potential users. In this way, we seek to provide the opportunity to potential licensees to develop innovative and well engineered facilities and services that can demonstrate in practice the unique potential of domestic satellite communications to better serve the public interest in efficient and economical telecommunications. On the other hand, this flexibility must be constrained by the need to design and operate these domestic satellite facilities in a manner that insures as great an availability of domestic satellite capacity as practical to potential users by multiple suppliers by achieving reasonably small inter-satellite orbital separations. Moreover, in view of the dynamic nature of domestic nature of domestic satellite communications, flexibility must be retained to relocate satellites from their initial orbital locations as required in the public interest and to reconfigure transponder traffic assignments as required by the satellite operator to best serve the public. This overall flexibility in space segment operations should not be limited by constraints imposed by individual earth stations.

56. The 9 meter minimum size criterion²⁴ for domestic satellite earth station antennas set forth in Appendix D to the First Report and Order is intended to insure that domestic satellite systems operating in the 4 and 6 GHz bands will be designed from the outset in a manner that reasonably achieves these objectives without requiring excessively high cost facilities. While we initially sought to achieve a satellite spacing no greater than 5 degrees in our First Report and Order, a 3 degree spacing was found to be achievable in our Second Report and Order, if careful frequency and polarization coordination were performed between adjacent satellites. Since such careful coordination was not possible between the first generation of domestic satellites, we later found that the actual satellites, utilizing only 9 meter or larger earth station antennas, could be spaced 4 degrees apart provided that a limited degree of frequency coordination is performed by satellite operators to avoid

²⁴ Although Appendix D is phrased in terms of directivity, we find it appropriate to apply this 9 meter standard in terms of physical aperture in light of the subsequently adopted sidelobe performance requirements set forth in Section 25.209 of the Rules and Regulations. However, it was announced as and has remained a comparability standard rather than an absolute size limitation (see Para. 32).

certain worst case situations.²⁵ Given the present state-of-the-art in satellite and earth station technology, the 9 meter and larger earth station antennas authorized to date have achieved to the extent practical the technical objectives set forth above.

57. We recognized that there are applications of domestic satellite communications in the 4 and 6 GHz bands which can be implemented with earth station antennas less than 9 meters in diameter. Of particular concern here are those cases where the user's primary objective is to minimize the cost of earth station facilities by using a smaller antenna and foregoing the higher signal quality and reliability available with a conventional 9 meter antenna.²⁶ We do not believe that the public interest would be served by denying the user the opportunity of making such a choice. But before granting a license to operate such earth station facilities, we must first be assured that the station will be designed and operated in a manner that will achieve the applicant's stated service objectives and that the use of such a small antenna would in no case be the limiting factor in achieving small inter-satellite orbital spacings or impose additional constraints on flexibility of transponder usage.

58. In making such a showing, the applicant must clearly state the overall performance objectives to be achieved for each type of communications link to be operated through the proposed facilities. The overall performance objectives must then be broken down into the objectives to be met for each source of signal degradation to be encountered (e.g. uplink and downlink thermal noise, intermodulation noise, intra-satellite interference, terrestrial interference, inter-satellite interference, etc.), together with the necessary technical calculations demonstrating that each of these individual objectives will be satisfied by the proposed facilities. We do not believe it necessary or desirable for the Commission to prescribe specific performance objectives at this stage in the development of domestic satellite communications. Applicants may rely on

²⁵ In particular, transmission of an analog television signal over one satellite on the same frequency transponder that an adjacent satellite is carrying single channel per carrier or other multiple access transmissions.

²⁶ It should also be recognized that domestic satellite facilities are subject to interference from radio facilities operated in other countries, and additional constraints might be necessary in particular cases to avoid interference between radio stations operated by U.S. entities and those of other administrations. However, such conditions will be resolved on a case-by-case basis pursuant to existing international coordination procedures.

²⁷ Of course, a licensee's objective to minimize earth station costs does not in itself override a licensee's common carrier or other public service obligations that are to be satisfied by the proposed facilities.

relevant CCIR reports and recommendations and on other recognized industry standards or where such standards are either not existent or inapplicable, alternative performance objectives can be advanced by the applicant. Sound engineering practices must be demonstrated to insure that the facilities will provide the quality of service required.

59. With respect to potential inter-satellite interference, the applicant must examine each type of existing or planned r.f. carrier transmitted over any type of authorized or proposed domestic satellite at an orbital separation of 4 degrees to insure that the proposed small antenna will neither receive nor cause unacceptable levels of interference assuming co-channel operations. Calculated interference levels may be expressed in whatever terms (e.g. carrier-to-interference ratios, picowatts, etc.) are most appropriate to the circumstances under consideration. However, the relationship between these levels and the output signal quality of the channel from the earth station must be clearly stated. Advantages due to cross-polarization between adjacent satellites may be used where available.²⁷ Until a greater degree of experience is available, we believe it preferable not to specify at this time further details on the precise assumptions and methodology to be employed in making such analyses, except to require that the best available engineering information and procedures be employed in the particular circumstances.

60. We will not require that a detailed showing be made for each individual small earth station antenna, but will entertain prototype comprehensive analyses for a specific type of operation anywhere within the coverage area of a satellite. However, in such cases, the technical analysis must clearly identify the range of performance obtained within the coverage area from best to worst case conditions. Our determination of the general acceptability for licensing of small antennas in such cases will be based on the nominal case conditions if it is shown that suitable arrangements can be made for acceptable operations under worst case conditions. Having accepted a showing in the general case, we would then routinely process applications meeting the underlying technical assumptions on which the prototype showing was made. However, applicants encountering worst case conditions would be required to adopt appropriate measures, based upon their own engineering judgment, to ensure that their proposed facilities will in fact produce a level of performance which is acceptable.

61. The Commission will review such showings and request such additional information as necessary to insure that the

²⁷ Until measured data is available, values for cross-polarization discrimination should not exceed 4 dB for the RCA SATCOM satellite and 6 dB for the ANIK, COMSTAR and WESTAR satellites.

proposed operations satisfy the objectives we have set forth above. In issuing authorizations for small antenna earth station facilities, the Commission will limit the operations of the station to only those specifically addressed in the technical analysis. Additional terms and conditions may be imposed as required to further these objectives. The Commission will endeavor to maintain a current compilation of the technical data needed to perform the type of analyses described above and will require domestic satellite licensees to submit any data regarding their satellite operations required in this regard. It is anticipated that these procedures will be further refined as experience is gained in the future.²³

AUTHORIZATION OF SMALL ANTENNAS FOR CABLE TELEVISION SYSTEMS

62. Several parties supporting the CATA Petition have submitted technical analyses purporting to demonstrate that antennas as small as 4.5 meters are acceptable for use by cable television systems within the 48 contiguous states²⁴ for reception of program material distributed by domestic satellite. None of the parties opposing the CATA Petition have raised any objections to the technical details of the analyses presented by the parties supporting the CATA Petition. Since we have already disposed of their other objections, the remaining issue to be decided is whether an adequate showing has been made to satisfy the technical criteria and objectives set forth above.

63. We have reviewed the various technical information and analyses submitted by various parties in support of the CATA Petition and, in the attached Appendix, we present our assessment of the acceptability of antennas as small as 4.5 meters for cable television systems in a form that is consistent with the guidelines set forth above. For this purpose, we have assumed nominal performance and interference objectives which HBO and others suggest would provide acceptable signal quality for cable television systems. Specifically, we consider the feasibility of employing 4.5 meter antennas to achieve a 14 dB carrier-to-noise ratio,²⁵ which provides a 3 dB margin over the 11 dB FM threshold of conventional receivers, and an 18 dB carrier-to-interference ratio with 4 degree satellite sep-

arations.²⁶ It is not our intent, however, that these particular values be established as concrete standards that must be met by each individual earth station. Rather, these values are used in our analyses as being representative of the type of good engineering design practices on which our general evaluation of such proposals must be based. It is particularly difficult to establish concrete performance objectives for television signals because of the highly subjective nature of the perceived effects of thermal noise and interference.

64. The carrier-to-noise ratio achievable by a given size of earth station antenna depends primarily on the receiver noise temperature²⁷ and the radiated power of the satellite towards the earth station. With the domestic satellites currently in operation, achieving a 14 dB carrier-to-noise ratio with a 4.5 meter antenna at many, if not most, locations in the 48 contiguous states is technically feasible if a sufficiently low noise receiver is employed at the earth station. However, the technical analyses submitted in support of the CATA Petition overestimate the performance that can actually be achieved in practice by 4.5 meter antennas due to their exclusion of various types of miscellaneous losses and variations between the radiated powers of different satellites. These variations can in some circumstances exceed the assumed margin above FM threshold if the low noise receiver were selected only on the basis of the highest power satellite and free space propagation loss, and it is agreed that unacceptable performance will result when the received carrier-to-noise ratio falls below FM threshold. In some cases, receivers with FM thresholds extended down to an 8.5 dB carrier-to-noise ratio might be used, although the resulting signal-to-weighted noise ratio will be less than that achieved by receivers with 11 dB FM thresholds. However, the carrier-to-noise ratio actually received at the earth station (including miscellaneous losses and variations in satellite power) should exceed the FM threshold of the earth station receiver by at least 1 to 2 dB, and simultaneously furnish a minimum 36 dB S/N ratio at the subscriber terminals as specified in § 76.605(a)(9) of the Rules and Regulations.

65. In analyzing the effects of intersatellite interference, most of the parties calculate received interference levels on the basis of an assumed model consisting of five specific satellites to compute an aggregate intersatellite interference level. However, use of such a model may overlook other particular configurations of satellites which could cause the interference levels to be exceeded in those cases. It is therefore necessary that intersatellite interference be calculated on

a single entry basis for each possible pair of desired and interfering satellites, with a suitable adjustment to convert the carrier-to-total interference objective identified above into a single entry criterion. When this analysis is performed, it appears that the carrier-to-interference objective will be satisfied for present domestic satellites if the earth station sidelobe levels do not exceed the envelope defined in § 25.209 of the Rules and Regulations.

66. In review, it does not appear that the stated nominal objectives will in fact be satisfied under all worst case conditions by 4.5 meter antennas. Careful engineering consideration will have to be given by the licensee to the specific circumstances existing at his particular location, particularly with respect to the choice of antenna size and the low noise receiver to be employed at his station. Moreover, he will also have to assess the various tradeoffs in his particular case between antenna size, receiver noise temperature, FM threshold, desired performance and the cost of his facilities. However, it appears that the required performance and interference objectives can generally be met for many, if not most, locations within the 48 contiguous states by antennas as small as 4.5 meters in diameter with an appropriately chosen low noise receiver. This assumes that the licensee will exercise good engineering judgment in the selection of the appropriate type of facilities required in his particular circumstances.

67. It therefore appears that the use of 4.5 meter antennas for reception of programming material by cable television operators within the 48 contiguous states will not in general adversely affect required satellite orbital spacings and the quality of service generally offered to the public served via such earth stations facilities. We cannot, however, make at this time any findings that this will in fact be the case for any particular earth station. Each potential earth station operator must evaluate the precise circumstances that exist in his location and employ sound engineering judgment in selecting the type of facilities best suited for his application. In order to demonstrate the acceptability of a receive-only earth station antenna between 4.5²⁸ and 9 meters in diameter for cable television use, an applicant for such facilities will have to include certain supplemental information in its application to demonstrate that acceptable performance objectives can in fact be achieved by their proposed facilities under their particular circumstances. At a minimum, this should include (a) the make, model number, noise temperature and FM threshold of the receiving equipment to be employed, (b) a detailed calculation of the overall receiving system noise temperature identifying all relevant noise contributions, (c) for each satellite from which signals are to be received at the

²³In particular, some variation in the methods employed in performing such analyses [e.g. use of additional discrimination due to frequency interleaving between r.f. carriers] may be warranted in cases involving essential communications that can be provided only by means of small antennas.

²⁴Since the offshore areas of Alaska, Hawaii and Puerto Rico may be served by different satellite antenna feeds, additional analyses are required in this regard before the determinations reached below can be extended to these points.

²⁵If this carrier-to-noise ratio is in fact achieved under actual operating conditions, a 52 dB signal-to-weighted noise ratio will result with the type of modulation parameters currently employed to distribute programming by domestic satellite.

²⁶According to some subjective evaluations, the effects of interference were first detectable at this carrier-to-interference level.

²⁷In the general sense, the received carrier-to-noise ratio is proportional to the ratio between the antenna gain (i.e. size) and the receiving system system noise temperature.

²⁸With respect to horn antennas, such types of antennas with apertures as small as 14 feet will be considered to fall within this range for routine processing.

station, a detailed link calculation of the video and audio signal-to-noise ratios to be achieved assuming appropriate values of miscellaneous losses in addition to free space propagation loss and (d) a statement of the licensee's desired carrier-to-interference ratio objectives for terrestrial and inter-satellite interference. Assuming cable television operators exercise sound engineering judgment in the selection of the equipment to be used at proposed receive-only earth stations, we can, however, conclude that such use of earth station antennas as small as 4.5 meters in diameter can generally be expected to satisfy the technical criteria established for domestic satellites and that no public interest would be served by denying potential licensees from availing themselves of the use of such facilities under these circumstances.

ORDER

68. Accordingly, for the reasons set forth above, *It is ordered* That the petition (RM-2614) of the American Broadcasting Companies captioned above is denied.

69. *It is further ordered* That the request of the Community Antenna Television Association (RM-2725) captioned above is granted to the extent set forth above.

70. *It is further ordered* That applications filed by cable television system operators proposing the use of 4.5 meter or larger antennas within the 48 contiguous states for reception of television programming material distributed by domestic satellites will be routinely processed in the future in accordance with the conditions set forth above.

FEDERAL COMMUNICATIONS
COMMISSION,²⁴

VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1074 Filed 1-11-77;8:45 am]

FEDERAL MARITIME COMMISSION

BOARD OF TRUSTEES OF THE GALVESTON WHARVES COOK TERMINAL COMPANY, INC. AND COOK INDUSTRIES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., 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, Fed-

²⁴ See separate statement of Commissioner Washburn and Appendix filed with original document.

eral Maritime Commission, Washington, D. C. 20573, on or before January 24, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Carl S. Parker, Jr., Traffic Manager, Board of Trustees of the Galveston Wharves, 802 Rosenberg, P.O. Box 328, Galveston, Texas 77550

Agreement No. T-2814-3/T-2814-A-3/T-2814-B-2 (hereinafter referred to as "Amendment") is a single document which modifies three separate agreements relating to the construction, lease and guarantee of a materials handling facility at Galveston, Texas: (1) Agreement No. T-2814, which is between the Board of Trustees of the Galveston Wharves (Galveston) and Cook Terminal Company, Inc., (Cook), and provides for Galveston's construction of a materials handling facility to Cook's specifications for the warehousing, storage, conditioning and shipping of bulk commodities; (2) Agreement No. T-2814-A, which is also between Galveston and Cook and provides for the lease of this facility to Cook; and (3) Agreement No. T-2814-B, which is between Galveston and Cook's parent company, Cook Industries, and provides for the guarantee of Cook's obligations to Galveston under Agreement No. T-2814-A, above.

The purpose of the Amendment is to take formal note of certain events which have occurred since the original execution of Agreements Nos. T-2814, T-2814-A and T-2814-B and of facts which now exist. To accomplish this, the Amendment: (a) deletes the third sentence of Paragraph III of Agreement No. T-2814, and all of Paragraphs VII through XI of Agreement No. T-2814; (b) amends the first sentence of Agreement No. T-2814 to provide that Galveston's financing of its acquisition of the facility, the payment of any remaining costs of constructing the facility and the payment of costs associated with the issuance of bonds shall be accomplished through Galveston's prompt issuance and sale of its City of Galveston, Texas, Special Contract Revenue Bonds, Series 1976; (c) amends Paragraph XIV of Agreement No. T-2814 to provide for the amounts payable by Cook in the event of the agreement's termination; and (d) amends all references in Agreements Nos. T-2814-A and T-2814-B to "City of Gal-

veston, Texas, Special Contract Revenue Bonds, Series 1975", to refer to "City of Galveston, Texas, Special Contract Revenue Bonds, Series 1976."

By order of the Federal Maritime Commission.

Dated: January 7, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-1079 Filed 1-11-77;8:45 am]

CERES, INC. AND TRI-STATE TERMINALS, INC.

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements 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 February 1, 1977. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Robert Stack, President, Ceres, Incorporated, 12800 Butler Drive, Chicago, Illinois 60633.

Agreement No. T-3397, between Ceres, Incorporated (Ceres) and Tri-State Terminals, Inc., (Tri-State), provides for the sublease to Tri-State of those premises leased by the Indiana Port Commission (Port) to Ceres in FMC Agreement No. T-3310. The premises to be subleased to Tri-State include Transit Shed No. 2 at Burns Waterway Harbor together with the free, unimpeded and exclusive use of the wharfage and trucking concourse adjacent to the leased premises. The facility is to be operated as a ship, barge, railroad and truck terminal and warehouse. As compensation, the Port is to receive \$100,000 annually. Tri-State is also required to collect and

pay to Port all dockage and wharfage charges and harbor dues as set forth in the Port's tariff.

Agreement No. T-3398, also between Ceres and Tri-State, provides for the sublease to Tri-State of those premises leased by the Port to Ceres in FMC Agreement No. T-3311. The premises to be subleased to Tri-State include Outside Storage Area No. 2 (comprising 4.36 acres) at Burns Waterway Harbor, together with the free, unimpeded and exclusive use of the wharfage and trucking concourse adjacent to the leased premises. The facility is to be operated as a ship, barge, railroad and truck terminal and storage facility. As compensation, the Port is to receive \$20,000 annually. Tri-State is also required to collect and pay to the Port all dockage and wharfage charges and harbor dues as set forth in the Port's tariff.

Dated: January 7, 1977.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-1078 Filed 1-11-77; 8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. CS77-179, et al]

PALEO, INC., ET AL

Applications for "Small Producer" Certificates¹

JANUARY 4, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 28, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.2 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Filing date	Applicant
CS77-179..	Dec. 17, 1976	Paleo, Inc., Suite 205, May-Ex Bldg., 3022 Northwest Expressway, Oklahoma City, Okla. 73112.
CS77-195.....	do.....	Lynn D. Miller, 1720 Eye St. NW., Suite 400, Washington, D.C. 20006.
CS77-196..	Dec. 20, 1976	Ann S. Wallbaum, P.O. Drawer B, Shreveport, La. 71161.
CS77-197..	Dec. 17, 1976	L. Marie Jarratt, P.O. Drawer B, Shreveport, La. 71161.
CS77-198.....	do.....	R. R. Ebarb, P.O. Drawer B, Shreveport, La. 71161.
CS77-199.....	do.....	A. T. Dickerson, P. O. Drawer B, Shreveport, La. 71161.
CS77-200.....	do.....	R. & H. Account, P.O. Drawer B, Shreveport, La. 71161.
CS77-201.....	do.....	Lena A. Funderburk, P.O. Drawer B, Shreveport, La. 71161.
CS77-202.....	do.....	LBJ Petroleum, Inc., P.O. Drawer B, Shreveport, La. 71161.
CS77-203.....	do.....	Hugh Wells, P.O. Drawer B, Shreveport, La. 71161.
CS77-204.....	do.....	Charlie Hairston, P.O. Drawer B, Shreveport, La. 71161.
CS77-205.....	do.....	Melda B. Webb, P.O. Drawer B, Shreveport, La. 71161.
CS77-206.....	do.....	E. R. Musgrave, P.O. Drawer B, Shreveport, La. 71161.
CS77-207.....	do.....	Ray P. Oden, Sr., P.O. Drawer B, Shreveport, La. 71161.
CS77-208.....	do.....	Martin B. Seretean, P.O. Box 1248, Dalton, Ga. 30720.
CS77-209.....	do.....	Ray B. Vaughters, 3453 Knollwood Dr. NW., Atlanta, Ga. 30305.
CS77-210.....	do.....	Harriet J. Catron, 190 Farm Rd., Woodside, Calif. 94062.
CS77-211.....	do.....	The Grayrock Corp., 606 Mercantile Dallas Bld., Dallas, Tex. 75201.
CS77-212.....	do.....	Robert J. Sullivan, Jr., 2446 East 46th Pl., Tulsa, Okla. 74105.
CS77-213.....	do.....	Clifton Loudia Oil & Gas Co., R. 2, Box 2-A, Harrisville, W. Va. 26362.
CS77-214.....	do.....	Ross & Wharton Gas Co., P.O. Box 173, Coalton, W. Va. 26257.
CS77-215.....	do.....	Robert E. Litman, P.O. Box, New Martinsville, W. Va. 26155.
CS77-216.....	do.....	Ben P. McCarley, 7239 Elmridge, Dallas, Tex. 75240.
CS77-217.....	do.....	R. J. Sullivan and Theresa M. Sullivan, 2118 East 29th St., Tulsa, Okla. 74114.
CS77-218.....	do.....	Frayley Oil Co., Inc., 300 South Main St., Borger, Tex. 79007.
CS77-219.....	do.....	Harlow Sprouse, P.O. Box 9158, Amarillo, Tex. 79106.
CS77-220..	Dec. 20, 1976	Edward H. Hill, P.O. Box 9158, Amarillo, Tex. 79106.

Docket No.	Filing date	Applicant
CS77-221.....	do.....	Jerry F. Lyons, P.O. Box 9158, Amarillo, Tex. 79106.
CS77-222.....	do.....	Winston R. Smith, P.O. Box 9158, Amarillo, Tex. 79106.
CS77-224.....	do.....	Lenore M. Deem, Agent, 101 East Main St., Harrisville, W. Va. 26362.
CS77-225.....	do.....	Do.
CS77-226.....	do.....	W. A. Deem, R.F.D. 2, Harrisville, W. Va. 26362.
CS77-227.....	do.....	Tracey H. McCarley, Jr., 333 Bentel Ave., Los Angeles, Calif. 90049.
CS77-228.....	do.....	James F. Scott, P.O. Box 112 Salem, W. Va. 26426.
CS77-229.....	do.....	Theodore J. Manchak, 1775 The Exchange, Suite 360, Atlanta, Ga. 30539.
CS77-230.....	do.....	The Lavelle Webster Trust, 12334 Overcup, Houston, Tex. 77024.
CS77-231.....	do.....	Frank Taylor Webster, 12334 Overcup, Houston, Tex. 77024.

[FR Doc.77-853 Filed 1-11-77; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Meeting Correction

In FR Doc. 76-36753 appearing at page 54815 in the issue of Wednesday, December 15, 1976, the time for the January 24-26 meeting of the National Advisory Mental Health Council should be changed from 9:30 a.m. to 9:00 a.m.

Dated: January 6, 1977.

CAROLYN T. EVANS,
Committee Management Officer,
Alcohol, Drug Abuse, and
Mental Health Administration.

[FR Doc.77-1045 Filed 1-11-77; 8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Agency: National Advisory Council on Indian Education.

Action: Notice.

Summary: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Indian Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

Dates: Meetings: January 27, 28, and 29, 1977, 9:00 am to 5:00 pm.
Address: Marriott Hotel, 180 West Broadway, Tucson, Arizona 85701.

For further information contact: William Floyd, Office of Education, Department of Health, Education, and Welfare, FOB 6, Room 4047, 400 Maryland Ave. SW., Washington, D.C. 20202 (202-245-8060).

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of P.L. 92-318, (20 U.S.C. 1221g).

The Council is directed to:

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, Title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 874, Eighty-first Congress), as added by this Act, section 810 of Title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Advisory Council's recommendations to the Commissioner with respect to the funding of any such programs.

The Council, pursuant to the authority contained in section 441(a) of P.L. 92-318, (20 U.S.C. 1221f), shall submit a list of nominees from which the Commissioner of Education shall appoint a Deputy Commissioner of Indian Education.

The meeting on January 27, 28, and 29, 1977, will be open to the public beginning at 9:00 a.m. and ending 5:00 p.m. each day, except as otherwise noted in the next paragraph of this notice. This meeting will be held at the Marriott Hotel, Tucson, Arizona.

The Proposed agenda includes:

- (1) Executive Director's Report
- (2) Action on previous meeting minutes
- (3) Executive Committee Report
- (4) Committee discussions and reports
- (5) Plans for NACIE IV Annual Report
- (6) Review NACIE FY '77 Budget
- (7) Special Reports
- (8) Plans for future NACIE activities
- (9) Regular Council Business

The sessions on Thursday, January 27, 1977 from 9:00 a.m. to 12:00 p.m. and Saturday, January 29, 1977 from 9:00 a.m. to 3:00 p.m. will be closed to the public to review applications for the position of Deputy Commissioner of the Of-

fice of Indian Education that must be held in confidence, under the authority of Section 10(d) of the Federal Advisory Committee Act (P.L. 92-463) and under the exemptions contained in the Freedom of Information Act, Section 552(b) (2) and (6) of Title 5 U.S.C., (P.L. 90-23), 45 CFR § 5.71(a) and § 5.71(c). Discussion of the applications will include consideration of the qualifications and fitness of the candidates and will touch upon many matters which would constitute a serious invasion of privacy if conducted in an open session.

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Room 326, Washington, D.C., 20004.

Signed at Washington, D.C. on December 21, 1976.

STUART A. TONEMAH,
Acting Executive Director, National Advisory Council on Indian Education.

[FR Doc. 77-1032 Filed 1-11-77; 8:45 am]

TEACHER CORPS

Closing Date for Receipt of Applications

Correction

In FR Doc. 77-419, appearing at page 1306 in the issue for Thursday, January 6, 1977, the figure in the last line of the first paragraph, now reading "\$235,000,000," should read "\$235,000".

POSTSECONDARY EDUCATION AMENDMENTS OF 1976

Intent To Issue Regulations: Corrections

In FR Doc. 76-37592 appearing at page 55749 in the issue of Wednesday, December 22, 1976 on page 55750 in the first column, line 1 January 1977 is corrected to read January 31, 1977.

Dated: January 7, 1977.

EDWARD AGUIRRE,
United States Commissioner of Education.

[FR Doc. 77-1070 Filed 1-11-77; 8:45 am]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Notice of Closing Date for Receipt of Applications for Determining Expected Family Contribution

Pursuant to the authority contained in Section 411(b) of Title IV, Part A, Subpart 1 of the Higher Education Act of 1965 as amended, (20 U.S.C. 1070a (b) (1)), notice is hereby given that the United States Commissioner of Education has established a final cutoff date for the receipt of applications for the determination of expected family contributions (student eligibility index) un-

der the Basic Educational Opportunity Grant Program. Under this program the calculation of an expected family contribution is a prerequisite to receiving a Basic Educational Opportunity Grant.

1. In order to be eligible to receive a Basic Educational Opportunity Grant for the academic year ending June 30, 1977, applications for determining expected family contributions for the academic year 1976-77 must be submitted to BEOG, P.O. Box P, Iowa City, Iowa 52240, on or before March 15, 1977.

An application will be considered submitted on time if the application was received at P.O. Box P, Iowa City, Iowa no later than March 25, 1977.

2. Applicants may request a recomputation of their expected family contribution (student eligibility index) pursuant to § 190.39 and § 190.48 of the Basic Educational Opportunity Grant Program Regulations (45 CFR 190.39 and 190.48) because of extraordinary circumstances affecting the expected family contribution determination. Requests for such a recomputation shall be made by submitting the Supplemental Form for the 1976-77 academic year together with a new regular application form to BEOG, P.O. Box S, Iowa City, Iowa 52240. In order to be processed such application must be submitted on or before March 15, 1977.

An application and Supplemental Form will be considered submitted on time if they were received at P.O. Box S, Iowa City, Iowa no later than March 25, 1977.

3. Applicants may request a recomputation of their expected family contribution (student eligibility index) pursuant to § 190.15 of the Basic Educational Opportunity Grant Program Regulations (45 CFR 190.15) because of clerical or arithmetic error. Such requests must be submitted to BEOG, P.O. Box H, Iowa City, Iowa 52240 and must be received at that address on or before May 10, 1977 in order to be processed.

4. Applicants whose applications were submitted on a timely basis but were returned because of incomplete or inconsistent information must submit their corrected applications to BEOG, P.O. Box H, Iowa City, Iowa. Such corrected applications must be received on or before May 10, 1977 in order to be processed.

5. Information and application forms may be obtained at institutions of higher education, high schools, or from the Office of Education at the following address: BEOG, P.O. Box 84, Washington, D.C. 20044.

6. It should be noted that in order to receive a Basic Grant for an academic year a student must apply for such a grant by submitting an original copy of his Student Eligibility Report to the institution in which he is enrolled no later than May 31, 1977, or the end of his academic year, whichever comes first; except that if a student begins his enrollment after May 1, 1977, he must submit his Student Eligibility Report to the institution in which he is enrolled no later than June 30, 1977 (45 CFR 190.76). If a stu-

dent does not have the original copy of his Student Eligibility Report, he may request a duplicate Student Eligibility Report by writing to BEOG, P.O. Box H, Iowa City, Iowa 52240. However, please be advised that the processing time for such requests is generally four weeks. Furthermore, in no event will a request for a duplicate copy of the Student Eligibility Report for the academic year 1976-77 be processed if it is received after June 15, 1977.

(20 U.S.C. 1070a.)

(Catalog of Federal Domestic Assistance No. 13.539 Basic Educational Opportunity Grant Program.)

Dated: January 6, 1977.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.77-1069 Filed 1-11-77;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: January 24, 1977 (10:00 a.m. to 5:00 p.m.); January 25, 1977 (9:00 a.m. to 1:00 p.m.).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, SW., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Quality Standards, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: December 20, 1976.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.77-1039 Filed 1-11-77;8:45 am]

**Office of the Secretary
NATIONAL INSTITUTE OF EDUCATION
Statement of Organization, Functions, and Delegations of Authority**

The Functional Statements for the Office of Governmental and External Relations (Section 12.20, C) and the Office of Public Affairs (Section 12.20, D) as published in the FEDERAL REGISTER (40 FR 37071, August 25, 1975) are deleted, and the Functional Statement for a new Office of Government and Public Affairs is substituted in their place. The new Functional Statement should be inserted as a new Section EN.20, C, and should read as follows:

C. Office of Government and Public Affairs: Responsible for planning, developing, and implementing a coordinated communications program to inform the Congress, State, and local governments, education associations, minority communities, special interest groups, and the public of NIE activities and the policies of the National Council on Educational Research. The Office is also responsible for the development and coordination of comprehensive internal communications and publications program for the Institute.

Subsequent Sections, currently lettered E. through M., are relettered D. through L.

Dated: January 5, 1977.

JOHN OTTINA,
*Assistant Secretary for
Administration and Management.*

[FR Doc.77-1040 Filed 1-11-77;8:45 am]

Public Health Service

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Date: January 14, 1977.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333.

Time: 1:00-4:30 p.m.

Type of Meeting: Open.

Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2118, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333. Phone: AC/404 633-3311, Extension 3701. FTS: 236-3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will review the information on the association of Guillain-Barre syndrome and influenza vaccination.

The usual requirement for 15 days' advance notice of this emergency meeting is impossible to meet due to recent developments in the influenza immunization program.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 6, 1977.

DAVID J. SENCER, M.D.,
*Director,
Center for Disease Control.*

[FR Doc.77-1208 Filed 1-11-77;10:19 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SAC 054898]

CALIFORNIA

**Partial Termination of Proposed
Withdrawal and Reservation of Lands**

Correction

In FR Doc. 76-34601, appearing at page 51661, in the issue for Tuesday, November 23, 1976, change the number in the third line of the first paragraph, which now reads "954898" to read "054898".

[Oregon 012268]

OREGON

**Termination of Proposed Withdrawal and
Reservation of Lands**

JANUARY 4, 1977.

Notice of an application filed by the United States Department of Agriculture on behalf of the Forest Service, Oregon 012268, for withdrawal and reservation of lands within the Siuslaw National Forest as the Oregon Dunes Recreation Area was published as FEDERAL REGISTER Document No. FR 62-7027 on pages 6904 and 6905 of the issue of July 20, 1962 and as FEDERAL REGISTER Document No. 62-8704 on pages 8681 and 8682 of the issue of August 30, 1962. The applicant agency has cancelled its application involving the lands described in the FEDERAL REGISTER publications referred to above. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1) such lands will be at 10:00 a.m. on February 9, 1977, relieved of the segregative effect of the above-mentioned application.

With the enactment of Public Law 92-260 on March 23, 1972, all the lands are now included within the Oregon Dunes National Recreation Area.

HAROLD A. BERENDS,
*Chief, Branch of
Lands and Minerals Operations.*

[FR Doc.77-1061 Filed 1-11-77;8:45 am]

LEGAL SERVICES CORPORATION

**BAYOU LA FOURCHE LEGAL SERVICE,
INC. ET AL.**

Notice of Grants and Contracts

JANUARY 7, 1977.

The Legal Services Corporation was established pursuant to the Legal Serv-

NOTICES

ices Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Bayou LaFourche Legal Service, Inc. for Ascension, Assumption, LaFourche, St. James and Terrebonne Parishes, Louisiana.
2. North Louisiana Legal Assistance Corporation for Ouachita, Morehouse, Richland and West Carroll Parishes, Louisiana.
3. Legal Services of Upper East Tennessee, Inc. for Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi and Washington Counties, Tennessee.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Atlanta Regional Office, 615 Peachtree Street, N.E., Room 503, Atlanta, Georgia 30308.

THOMAS EHRlich,
President.

[FR Doc.77-1072 Filed 1-11-77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science Engineering and Technology Advisory Panel, Problem Identification Task Force.

Date: January 28, 1977.

Time: 10:00 a.m.-4:30 p.m.

Place: Airport Hilton Inn, Detroit Metropolitan Airport, Michigan.

Type of meeting: Open.

Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President, Washington, D.C. 20500. Telephone 202-395-4931. Anyone who plans to attend should contact Mr. Blair by January 25, 1977.

Summary minutes: May be obtained from the Executive Secretary of the Intergovernmental Science, Engineering and Technology Advisory Panel, New Executive Office Building, 726 Jackson Place N.W., Washington, D.C. 20500.

Purpose of the Panel: The Panel is to identify state, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings. The Problem Identification Task Force is to make recommendations to the Panel on the state, regional and local government problems where additional Federally-sponsored research or science and technology applications are most needed.

TENTATIVE AGENDA

Organization of the Task Force.
Discussion of future Task Force Activities.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of
Science and Technology Policy.

JANUARY 6, 1977.

[FR Doc.77-1055 Filed 1-11-77;8:45 am]

OHIO RIVER BASIN COMMISSION

MUSKINGUM RIVER BASIN COMPREHENSIVE COORDINATED JOINT PLAN

Availability of Adopted Plan

Pursuant to Section 204(3) of the Water Resources Planning Act of 1965 (PL 89-80), the Ohio River Basin Commission has adopted the Muskingum River Basin Comprehensive Coordinated Joint Plan for transmittal to the President and the Congress through the Water Resources Council.

Copies are available on request to the Ohio River Basin Commission, 36 East Fourth Street, Cincinnati, Ohio 45202.

FRED E. MORR,
Chairman.

[FR Doc.77-1063 Filed 1-11-77;8:45 am]

POSTAL RATE COMMISSION

NOTICE OF VISIT TO MAIL FACILITIES

JANUARY 6, 1977.

Notice is hereby given that employees of the Postal Rate Commission will visit mail facilities on the dates indicated for the purpose of observing the operations of these facilities relating to use of U.S. mail service.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed. A report of the visits will be on file in the Commission's docket room.

Place of visit	Date of visit
Radnor, Pa., Chilton Co.	Jan. 11, 1977.
Cleveland, Ohio, Pen- ton-I.P.C.	Jan. 12, 1977.
Milwaukee, Wisc., Mc- Graw-Hill	Jan. 13, 1977.

By direction of the Commission.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.77-1064 Filed 1-11-77;8:45 am]

PRESIDENT'S COMMITTEE ON SCIENCE AND TECHNOLOGY

MEETING

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the President's Committee on Science and Technology announces the following meeting:

Name: President's Committee on Science and Technology.

Date and time: February 1, 1977 (9:00 to 5:30), February 2, 1977 (8:30 to 3:30).

Place: New Executive Office Building, 726 Jackson Place, N.W., Room 2008, Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Philip E. Culbertson, Executive Director, President's Committee on Science & Technology, Executive Office of the President, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20500, Telephone 202-395-4596. Anyone who plans to attend should contact Mr. Culbertson by January 28, 1977.

Summary minutes: May be obtained from the Executive Director, President's Committee on Science and Technology.

Purpose of the committee: The President's Committee on Science and Technology was established on October 29, 1976, to survey, examine, and analyze the overall context of Federal science, engineering and technology.

TENTATIVE AGENDA

FEBRUARY 1

- 9:00 a.m.--- Discussion of Priorities and Scheduling of Committee Effort.
- 10:30 a.m.--- Report on the President's Biomedical Research Panel, Dr. Franklin Murphy.
- 12:00 p.m.--- Lunch.
- 1:00 p.m.--- Scientific and Technical Information Handling and Dissemination—Lee Burchinal, NSF; William Knox, NTIS; David Hersey, SSIE.
- 4:00 p.m.--- Committee discussion of above topics.
- 5:30 p.m.--- Adjourn.

FEBRUARY 2

- 8:30 a.m.--- Review of Committee Project Efforts.
- 9:00 a.m.--- Considerations on Organizational Reform—Dr. Robert C. Seamans, Administrator, ERDA.
- 10:30 a.m.--- Considerations on Organizational Reform—Dr. James C. Fletcher, Administrator, NASA.
- 12:00 p.m.--- Lunch.
- 1:00 p.m.--- Committee Considerations of Pros and Cons of Organizational Reform Options.
- 3:15 p.m.--- Plans for April Meeting.
- 3:30 p.m.--- Adjourn.

P. E. CULBERTSON,
Executive Director.

JANUARY 7, 1977.

[FR Doc.77-1062 Filed 1-11-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-0230]

MDC CAPITAL CORP.

Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), has been filed by MDC Capital Corporation (the Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976).

The Applicant with its principal place of business at 26 Springdale Road, Cherry Hill, New Jersey 08003, will begin operations with \$1,000,000 private capital. All the stock of the Applicant will be sold to MDC Financial Corporation (Financial). Financial has one

shareholder MDC Corporation (MDC). MDC and Financial have their principal offices at the same location as the Applicant. MDC's shares are traded on the American Stock Exchange and it has approximately 1,900 shareholders. Assuming that securities of the Applicant are issued for a \$1,000,000 capital contribution, such securities would constitute approximately 3.6 percent of the gross assets of MDC.

The Applicant recognizes the need for establishment of a broad financing policy to meet the needs of small business concerns. The Applicant expects a major portion of its portfolio will consist of collateralized loans; however, the Applicant will be receptive to equity type investments including those utilizing convertible debentures. The Applicant intends to render management consulting services to clients when so requested.

The proposed officers and directors of the Applicant are as follows:

Name and Title

Gilbert N. Zitin, Chairman and Chief Executive Officer; Director, 110 Uxbridge, Cherry Hill, New Jersey 08034.
 Bernard J. Greenspan, President and Chief Administrative Officer; Director, 4 Withington Road, Scarsdale, New York 10583.
 Joseph F. Morgan, Vice President; Director, 97 Cariton Avenue, Marlton, New Jersey 08053.
 Frank J. Damico, Vice President, 3466 New Jersey Avenue, Pennsauken, New Jersey 08109.
 Charles R. Mannella, Treasurer, 104 Quince Drive, Hatboro, Pennsylvania 19040.
 Wayne G. Trego, Controller, 29 Potter Lane, Willingboro, New Jersey 08046.
 E. Clinton Swift, Jr., Secretary, 711 Old Lancaster Road, Bryn Mawr, Pennsylvania 19010.

Matters involved in SBA's consideration of the Applicant include general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Regulations.

Any person may, on or before January 27, 1977, submit to SBA written comments on the proposed Applicant. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A similar copy of this notice shall be published in a newspaper of general circulation in Cherry Hill, New Jersey.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: December 29, 1976.

PETER F. McNEISH,
*Deputy Associate
 Administrator for Investment.*

[FR Doc. 77-1067 Filed 1-11-77; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 302]

ASSIGNMENT OF HEARINGS

JANUARY 7, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 67866 (Sub-No. 31), Film Transit, Inc., now assigned January 18, 1977, at Memphis, Tenn., will be held at the Travelodge at Perimeter Park, 2490 Mt. Moriah Road instead of Room 396, Federal Building, 167 North Main Street.

MC-C-8995, Dugan Truck Lines, Inc.—Investigation and Revocation of Certificates and Certificates of Registration and MC 120657 (Sub-No. 6), Dugan Truck Line, Inc., now being assigned for continued hearing on January 10, 1977, at Wichita, Kans.

MC 141114 (Sub-No. 1), Retailers Delivery Facility Co., Inc., now assigned January 25, 1977, at Washington, D.C., is canceled and application dismissed.

F.D. 28250, New York Dock Railway—Control—Brooklyn Eastern District Terminal and F.D. 28294, New York Dock Railway, now assigned February 7, 1977, at New York, N.Y. (2 weeks), will be held in Room F-2220, Federal Bldg., 26 Federal Plaza.

MC 113908, Sub 241, Erickson Transport Corp., now assigned February 23, 1977, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 140361, Sub 4, Columbus Parcel Service, Inc., now assigned January 18, 1977, at days), at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.
 MC 117940, Sub 179, Nationwide Carriers, Inc., now assigned January 18, 1977, at New York, N.Y., is canceled and application dismissed.

MC C9106, Freightways Express, Inc. - v. Seco Trucking, Inc., now assigned January 13, 1977, Little Rock, Ark., has been postponed indefinitely.

MC 110144 (Subs-17 and 18), Jack C. Robinson, d/b/a Robinson Freight Lines, now assigned February 7, 1977, at Morristown, Tennessee, has been transferred to February 7, 1977 (1 week), at Cleveland, Tennessee, in the Holiday Inn—Downtown, Highways 11 and 64.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-1081 Filed 1-11-77; 8:45 am]

[Amdt. No. 2 to Exemption No. 127]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

Upon further consideration of Exemption No. 127 issued June 29, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 127 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire February 23, 1977.

This amendment shall become effective December 31, 1976.

Issued at Washington, D.C., December 23, 1976.

INTERSTATE COMMERCE COMMISSION,
 LEWIS R. TEEPLE,
Agent.

[FR Doc. 77-1085 Filed 1-11-77; 8:45 am]

[AB 43 (Sub-Nos. 13, 18, 19)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Services

DECEMBER 23, 1976.

Illinois Central Gulf Railroad Company abandonment between Croft and Sherman in Sangamon and Menard Counties, Illinois; abandonment between San Jose and Croft in Menard and Logan Counties, Illinois; and abandonment between Grove and San Jose, in Mason and Tazewell Counties, Illinois.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceedings in which it was concluded that the proceedings do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq. 2. A notice setting forth this conclusion was served November 9, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. These proceedings are now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-1082 Filed 1-11-77; 8:45 am]

[AB 43 (Sub-No. 22)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Yazoo Junction and Belzoni in Yazoo and Humphreys Counties, Mississippi

DECEMBER 23, 1976.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the

meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.* 2. A notice setting forth this conclusion was served November 8, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-1087 Filed 1-11-77; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 7, 1977.

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 on or before January 22, 1977. 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 46990 (Sub-No. E42), filed June 4, 1974. Applicant: TRANS-COUNTRY VAN LINES, INC., 3300 Veteran Highway, Bohemia, N.Y. 11716. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Ohio and points in Pennsylvania in and west of Potter, Clinton, Centre, Huntingdon and Fulton Counties. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 46990 (Sub-No. E52), filed June 4, 1974. Applicant: TRANS-COUNTRY VAN LINES, INC., 3300 Veteran Highway, Bohemia, N.Y. 11716. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as de-

finied by the Commission, between points in New Castle County, Del., on the one hand, and, on the other, points in Tennessee, Texas, and West Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 46990 (Sub-No. E53), filed June 4, 1974. Applicant: TRANS-COUNTRY VAN LINES, INC., 3300 Veteran Highway, Bohemia, N.Y. 11716. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, 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 the District of Columbia, on the one hand, and, on the other, points in Connecticut, Kansas, and points in Arkansas on and west of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 67 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 46990 (Sub-No. E60), filed June 4, 1974. Applicant: TRANS-COUNTRY VAN LINES, INC., 3300 Veteran Highway, Bohemia, N.Y. 11716. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, 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 the City of Baltimore and Baltimore County, on the one hand, and, on the other, points in Tennessee on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 92983 (Sub-No. E21) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of December 23, 1975, and republished as partially corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 2508 Kansas City, Mo. 64142. Applicant's representative: Sheldon Silverman, Suite 550 Federal Bar Building West, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (H) *Acids and chemicals* (except petroleum chemicals from within 150 miles of Henderson, Tex., and except liquid petroleum gases and except oakite compound from Baton Rouge and except anhydrous ammonia, nitrogen solutions and nitric acid from Luling, La.), in bulk, in tank vehicles, (1) From points in Louisiana, to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming; (2) from points in Louisiana, located in and west of Union, Lincoln, Jackson, Caldwell, La Salle, Avoyelles, Pointe Coupee, Iberville, Assumption, and Terrebonne Parishes to points in California located in and north of Marin, Napa, Solano, Sacramento, Amador, and Alpine Counties, to points in Nevada located in and north of Doug-

las, Lyon, Churchill, Lander, Eureka, and White Pine Counties, to points in Oregon and points in Utah, located in and north of Juab, Utah, Carbon and Uintah Counties; * * * (H) (5) From points in Louisiana located in and west of Caddo, Red River, Natchitoches, Vernon, Allen, Evangeline, Acadia, Lafayette and Vermilion Parishes to points in Iowa and to points in Missouri located in and west of Cass, Johnson, Saline, Chariton, Macon, Knox and Clark Counties; (5) (A) from points in Louisiana located in and west of Union, Lincoln, Jackson, Winn, Grant, Rapides, Evangeline, Acadia and Vermilion Parishes to points in Colorado located in and north of Garfield, Eagle, Summit, Clear Creek, Jefferson, Douglas, and Kit Carson Counties and points in Elbert and Lincoln Counties located on and north of U.S. Highway 24, to points in Kansas located in and north of Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Mitchell, Ottawa, Clay, Geary, Wabunsee, Shawnee, Douglas, and Johnson Counties and to points in Nebraska, * * * (J) (3) *Vegetable Oil and vegetable oil products*, in bulk in tank vehicles, from points in Louisiana located in and west of Union, Ouachita, Caldwell, La Salle, Rapides, Evangeline, Acadia, and Vermilion Parishes (except those points in Louisiana described in (2) above) to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, North Carolina, and Ohio, to points in South Carolina (except Jasper County) and to points in Virginia, and West Virginia; * * *

(K) (2) *Soybean oil, corn oil and salad oil*, in bulk, in tank vehicles, from points in Louisiana located in Morehouse, Ouachita, Caldwell, La Salle, Avoyelles, St. Landry, Lafayette, Iberia, St. Mary, St. Martin, Iberville, Pointe Coupee, West Feliciana, Concordia, Catahoula, Tensas, Franklin, Madison, Richland, West Carroll, and East Carroll Parishes to points in North Dakota to points in South Dakota located in and north of Brookings, Kingsbury, Beadle, Hand, Hyde, Hughes, Stanley, and Haakon counties and points in Pennington County located on west and north of a line extending from the southern border along the Cheyenne River to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the eastern border; (3) from points in Louisiana located in and east of East Feliciana, East Baton Rouge, West Baton Rouge, Ascension, Assumption, and Terrebonne Parishes to points in North Dakota and South Dakota; * * * (Q) (1) *Acetic acid*, in bulk, in tank vehicles, from points in Louisiana (except Cotton Valley) located in and north and west of Morehouse, Ouachita, Jackson, Winn, Natchitoches, and Sabine Parishes to points in Georgia located in and north of Chatham, Effingham, Jenkins, Burke, Jefferson, Washington, Hancock, Putnam, Jasper, Newton, Rockdale, De Kalb, Douglas, Paulding, and Polk Counties and points in Alabama located in Cherokee, Etowah, De Kalb, Jackson, Marshall,

Madison, Morgan, Limestone, Lawrence, Lauderdale, and Colbert Counties; * * * (T) (5) *Acids and chemicals*, in bulk, from points in Louisiana located in and east of Webster, Bienville, Red River, Natchitoches, Rapides, Evangeline, Acadia, and Vermillion Parishes (except Plaquemines and 10 miles thereof and except the plant of the Monsanto Chemical Co. New Luling, La.) to points in California located in San Mateo, Alameda, Stanislaus Merced, Mariposa, Madera, Santa Clara and Santa Cruz Counties; * * * The purpose of this filing is to eliminate the gateways: (R) (5) Missouri and Champaign, Ill., (6) Missouri and Kansas; * * *

NOTE.—The purpose of this partial republication is to correct the following: (H) (2) correct spelling of NAPA; (H) (5) renumber paragraphs to read 5 and 5A respectively; (J) (3) add destination state of New Jersey, previously omitted; (K) (2) correct spelling of Haakon instead of Kaakon; (Q) (1) correct spelling of De Kalb instead of De Kald; (T) (5) correct territorial description; (R) (5) (6) correct the gateway. The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E22) (Partial correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of December 4, 1975, and republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Avenue, 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: (G) (4) *Vegetable oils and vegetable oil products*, (except soap products and paint), in bulk, in tank vehicles, from points in Kentucky located on and north of Jefferson, Spencer, Anderson, Woodford, Fayette, Bourbon, Montgomery, Bath, Rowan, Elliott, and Lawrence Counties, to points in Alabama located in Mobile and Baldwin Counties and to points in Mississippi located in, south and west of Marshall, Lafayette, Calhoun, Webster, Oktibbeha, Winston, Neshoba, and Lauderdale Counties (except those points in Mississippi and described in (3) above); In the footnote to the notice of gateways to be eliminated (which were omitted on initial publication) are Items (B) (4) to (B) (7) Olanthe, Kans. (a point in the Kansas City, Mo.-Kansas Commercial Zone); gateway to be eliminated for (J) (7) is Saginaw, Mo., and points within 15 miles thereof, and (M) (21) should be corrected to read (M) (2). The purpose of this partial republication is to correct the commodity description in (G) (4) and to complete the footnote notice of elimination of gateways. The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E69) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of June 23, 1976, and republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative:

Sheldon Silverman, Suite 550, Federal Bar Building West, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (M) *Such fats and grease* (as are embraced within acids and chemicals) in bulk, in tank vehicles, from points in Utah to points in Maine, New Hampshire, and Vermont; (N) *Such fats and oils and blends and products thereof* (as are embraced within acids and chemicals) except fats oils and blends, and products thereof derived from petroleum, soap products, and paints) in bulk, in tank vehicles, from points in Utah to points in Florida; (O) *acids and chemicals*, in bulk, in tank or hopper vehicles from points in Utah to points in the upper peninsula of Michigan located in and east and south of a line extending from the Michigan-Wisconsin State line along Michigan Highway 95, including the Iron Mountain, Mich. Commercial Zone, to the junction of unnumbered highway at Sagola, Mich., thence along unnumbered highway through Ralph, Mich., to the junction of Michigan Highway 35, thence along Michigan Highway 35 to the junction of unnumbered highway at Forsyth, Mich., thence along unnumbered highway through Carlshend, Mich., to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the western border of Alger County; (W) (1) *Malt syrup* for use as feed, in bulk, in tank vehicles (1) from points in Utah to points in Indiana (except those located west of United States Highway 41 from the Ohio River to the Wabash River but not including the Evansville or Vincennes, Ind. Commercial zones), Michigan, and Ohio. The purpose of this partial republication is to correct the commodity descriptions. The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E80) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 14, 1976, and partially republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: Sheldon Silverman, Suite 550, Federal Bar Building West, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (W) (4) *Molasses*, in bulk, in tank vehicles, from points in Washington located in and west of Whatcom, Skagit, Snohomish, King, Kittitas, Yakima, and Klickitat Counties to points in Wisconsin located in Crawford, Richland, Vernon, LaCrosse, Monroe, Juneau, Adams, Marquette, Waushara, Portage, Waupaca, Outagamie, Shawano, and Menominee Counties, and that portion of Oconto and Marquette Counties on and south of Wisconsin Highway 64 including Marinette. The purpose of this partial republication is to correct the commodity description and add counties in Wisconsin previously omitted. The re-

mainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E81) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 14, 1976, partially republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: Sheldon Silverman, Suite 550, Federal Bar Building West, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) (1) *Animal fats and oils*, in bulk, in tank vehicles: (1) from points in Washington to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois except Chicago, Chicago Heights, East St. Louis, Decatur, and Rockford, Indiana, Kentucky, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, except New York City and Port Ivory, North Carolina, Ohio, except Cincinnati and Ivorydale, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia. The purpose of this partial republication is to correct the spelling of destination state, North Carolina. The remainder of this letter-notice remains as previously published.

No. MC 95540 (Sub-No. E45) (Correction), filed April 15, 1974, published in the FEDERAL REGISTER issue of May 13, 1974 and October 14, 1976, and December 1, 1976, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in North Carolina on and west of a line beginning at Corncake Inlet on the Atlantic Ocean, thence north along U.S. Highway 421 to the Wilmington, N.C., thence along U.S. Highway 17 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction North Carolina Highway 32, thence along North Carolina Highway 32 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 32, thence along North Carolina Highway 32 to junction U.S. Highway 17, thence along U.S. Highway 17 to Elizabeth City, thence along North Carolina Highway 168 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E509) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER issue of August 6, 1974, October 14, 1976, and Decem-

ber 1, 1976, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts and pineapples*, when moving in the same vehicle and at the same time with bananas, from points in Georgia on or east of U.S. Highway 301 (except points on U.S. Highway 1), to points in Florida on or south of a line beginning at Cedar Key and extending along Florida Highway 24 to junction Florida Highway 345, thence along Florida Highway 345 to Chiefland, thence along U.S. Highway 129 to junction Florida Highway 26, thence along Florida Highway 26 to Gainesville, thence along Florida Highway 24 to Waldo, thence along U.S. Highway 301 to junction Florida Highway 16, thence along Florida Highway 16 to junction Florida Highway 215, thence along Florida Highway 215, to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 90, thence along U.S. Highway 90 to Jacksonville Beach. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E711) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER issue of April 3, 1975, and republished, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, not canned and not frozen, from those points in Florida on or east of U.S. Highway 231, to points in Missouri. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

NOTE.—The purpose of this correction is to state the correct commodity description.

No. MC 105045 (Sub-No. E155), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe except the string-

ing or picking up of pipe in connection with main or trunk pipe lines, between points in Georgia, Florida, Alabama, Ohio and Tennessee, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway from the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105045 (Sub-No. E156), filed November 28, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Texas on and north and west of a line beginning at the Texas-Louisiana State line, and extending along Texas Highway 21 to junction Interstate Highway 35, thence along Interstate Highway 35 to the International Boundary between United States and Mexico, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway from the facilities of Amax Aluminum Mill Products, Inc., in Grundy County, Ill.

No. MC 105813 (Sub-No. E51), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen foods*, except commodities in bulk, from the facilities of Kitchens of Sara Lee at New Hampton, Iowa, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named origin. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 10583 (Sub-No. E52), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South

Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Pana, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 594 to junction Mississippi Highway 63, thence west along Mississippi Highway 63 to junction Mississippi Highway 57, thence west along Mississippi Highway 57 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 170, thence west along South Carolina Highway 170 to junction U.S. Highway 278, thence north along U.S. Highway 278 to junction South Carolina Highway 336, thence west along South Carolina Highway 336 to junction U.S. Highway 321-601, thence south along U.S. Highway 321-601 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E53), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of M & M/Mars, a division of Mars, Incorporated at Albany, Ga., to points in Arkansas, Connecticut, Delaware, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-named facilities. (2) *Confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of M & M/Mars, a division of Mars, Incorporated at Atlanta, Decatur, and Doraville, Ga., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 45 to junction U.S. Highway 84, thence west along U.S. Highway 84 to the Louisiana-Mississippi State line, and to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending west along Texas Highway 77 to junction U.S. Highway 67,

thence west along U.S. Highway 67 to junction U.S. Highway 271, thence north along U.S. Highway 271 to the Oklahoma-Texas State line, and to those points in Oklahoma on, west, and south of a line beginning at the Oklahoma-Texas State line and extending north along U.S. Highway 271 to junction U.S. Highway 70, thence west along U.S. Highway 70 to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction Oklahoma Highway 7.

Thence north and west along Oklahoma Highway 7 to junction U.S. Highway 62, thence west along U.S. Highway 62 to the Oklahoma-Texas State line; and to those points in Texas on and south, and west of a line beginning at the Oklahoma-Texas State line and extending west along U.S. Highway 62 to junction U.S. Highway 83, thence north along U.S. Highway 83 to the Oklahoma-Texas State line, and to those points in Oklahoma on and west of a line beginning at the Oklahoma-Texas State line and extending north along U.S. Highway 83 to the Kansas-Oklahoma State line, and to those points in Nebraska on and west of a line beginning at the Colorado-Nebraska State line and extending north along Nebraska Highway 19 to junction U.S. Highway 385, thence north along U.S. Highway 385 to junction Nebraska Highway 87, thence north along Nebraska Highway 87 to junction U.S. Highway 20, thence west along U.S. Highway 20 to the Nebraska-Wyoming State line. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-named facilities. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E54), filed December 19, 1975. Applicant: BEEFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, except commodities in bulk, from Naugatuck, Conn., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to the Louisiana-Mississippi State line, and to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending west along U.S. Highway 84 to junction U.S. Highway 67, thence west along U.S. Highway 67 to junction U.S. Highway 87, thence west along U.S. Highway 87 to junction U.S. Highway 80, thence west along U.S. Highway 80 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC 105813 (Sub-No. E55), filed December 19, 1975. Applicant: BEEFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common car-*

rier, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products and edible meat by-products, and edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities in bulk, from New York, N.Y., and points in New York, and New Jersey, within 15 miles of New York, N.Y., to those points in that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 82 to junction Mississippi Highway 9, thence north along Mississippi Highway 9 to junction Mississippi Highway 8, thence west along Mississippi Highway 8 to the Arkansas-Mississippi State line, and points in that part of Arkansas on and south of a line beginning at the Arkansas-Mississippi State line and extending west along Arkansas Highway 4 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the Arkansas-Oklahoma State line, and to those points in Oklahoma on and south of a line beginning at Arkansas-Oklahoma State line and extending west along U.S. Highway 70 to the Oklahoma-Texas State line, and to those points in Texas beginning at the Oklahoma-Texas State line and extending south and west along U.S. Highway 70 to junction U.S. Highway 287 to junction U.S. Highway 66, thence west along U.S. Highway 66 to the New Mexico-Texas State line, and those points in California on and south and west of a line beginning at the Arizona-California State line and extending west along U.S. Highway 40 to junction with California Highway 58, thence west along California Highway 58 to junction California Highway 65, thence north along California Highway 65 to junction California Highway 198, thence west along California Highway 198 to junction California Highway 99, thence north along California Highway 99 to junction California Highway 17, thence west along California Highway 17 to junction California Highway 1, thence west along California Highway 1 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and points in Florida.

No. MC 105813 (Sub-No. E56), filed December 19, 1975. Applicant: BEEFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, and Packing House Products*, except in bulk, in tank vehicles, (a) from Philadelphia, Pa., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 18 to junction U.S. Highway 80, thence west along U.S. Highway 80 to the Louisiana-Mississippi State line, and those points in Texas on and south of a line beginning at

the Arkansas-Texas State line and extending west along Texas Highway 77 to junction U.S. Highway 67, thence west along U.S. Highway 67 to junction U.S. Highway 380, thence west along U.S. Highway 380 to junction U.S. Highway 83, thence north along U.S. Highway 83 to junction U.S. Highway 82, thence west along U.S. Highway 82 to junction Texas Highway 70, thence north along Texas Highway 70 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the New Mexico-Texas State line, (b) from Philadelphia, Pa., to those points in California on and west of a line beginning at the Arizona-California State line and extending west along Interstate Highway 8 to junction Interstate Highway 5, thence north along Interstate Highway 5 to junction U.S. Highway 101, thence north along U.S. Highway 101 to junction California Highway 68, thence west along California Highway 68 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and points in Florida.

No. MC 105813 (Sub-No. E57), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and pineapples*, in mixed loads with bananas, except commodities in bulk, from points in Florida to points in Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Charleston, S.C.

No. MC 105813 (Sub-No. E58), filed December 19, 1975. Applicant: BEEFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products, and dairy products, and edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), (a) from those points in Iowa, on and north of a line beginning at the Nebraska-Iowa State line and extending along Interstate Highway 80 to the Illinois-Iowa State line, those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 42, thence west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to

the Louisiana-Mississippi State line, (b) from those points in Iowa, on and south of a line beginning at the Nebraska-Iowa State line and extending along Interstate Highway 80 to the Illinois-Iowa State line, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E59), filed December 5, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, except commodities in bulk, (a) from Chicago, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 18 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to junction U.S. Highway 84, thence west along U.S. Highway 84 to the Mississippi-Louisiana State line and those points in Texas on and south of a line beginning at the Gulf of Mexico and extending west along Texas Highway 35 to junction Texas Highway 44, thence west along Texas Highway 44 to junction U.S. Highway 59, thence west along U.S. Highway 59 to the Texas-Mexico State line; (b) from St. Louis, Mo., and East St. Louis, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 98 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to the Mississippi-Louisiana State line and those points in South Carolina on and south of a line beginning at the Georgia-South Carolina State line at or near Robertsville and extending east along South Carolina Highway 462 to junction U.S. Highway 17, thence east along U.S. Highway 17 to the Atlantic Ocean; (c) from Peoria, Ill., to those points in Mississippi on and south of a line beginning at the Atlanta-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 27, thence south along Mississippi Highway 27 to the Mississippi-Louisiana State line, and those points in South Carolina, on and south of a line beginning at the Georgia-South Carolina State line and extending east along South Carolina Highway 3 to junction South Carolina Highway 641, thence east along South Carolina Highway 641 to junction South Carolina Highway 641 to junction South Carolina Highway 64, thence east along South Carolina Highway 64 to junction U.S. Highway 17,

thence east along U.S. Highway 17 to the Atlantic Ocean;

(d) From Indianapolis, Ind., to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending west along U.S. Highway 10 to junction U.S. Highway 77, thence south along U.S. Highway 77 to junction Alternate Highway 77, thence south along Alternate Highway 77 to junction U.S. Highway 87, thence west along U.S. Highway 87 to junction Texas Highway 97, thence west along Texas Highway 97 to junction Texas Highway 173, thence west along Texas Highway 173 to junction U.S. Highway 81, thence west along U.S. Highway 81 to junction U.S. Highway 57, thence west along U.S. Highway 57 to the International Boundary line between United States and Mexico and those points in that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 27, thence south along Mississippi Highway 27 to the Mississippi-Louisiana State line; (e) from Cedar Rapids, Iowa, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction U.S. Highway 17, thence south along U.S. Highway 17 to junction South Carolina Highway 462, thence west on South Carolina Highway 462 to junction U.S. Highway 321, thence north along U.S. Highway 321 to junction South Carolina Highway 119, thence south along South Carolina Highway 119 to the Georgia-South Carolina State line; (f) from Kansas City, Kans., and Kansas City, Mo., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction U.S. Highway 17, thence south along U.S. Highway 17 to junction South Carolina Highway 462, thence west along South Carolina Highway 462 to junction U.S. Highway 321, thence northwest along U.S. Highway 321 to junction South Carolina Highway 119, thence south along South Carolina Highway 119 to the Georgia-South Carolina State line.

(g) From St. Joseph, Mo., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction Mississippi Highway 29, thence south along

Mississippi Highway 29 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction U.S. Highway 17, thence south along U.S. Highway 17 to junction South Carolina Highway 462, thence west along South Carolina Highway 462 to junction U.S. Highway 321, thence northwest along U.S. Highway 321 to junction South Carolina Highway 119, thence south along South Carolina Highway 119 to the Georgia-South Carolina State line; (h) from Madison, Wis., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 42, thence west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 170, thence west along South Carolina Highway 170 to junction U.S. Highway 278, thence north on U.S. Highway 278 to junction South Carolina Highway 336, thence west on South Carolina Highway 336 to junction U.S. Highway 321-601, thence south along U.S. Highway 321-601 to the Georgia-South Carolina State line; and

(i) from Milwaukee, Wis., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 63, thence west along Mississippi Highway 63 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south on Mississippi Highway 35 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 170, thence west along South Carolina Highway 170 to junction U.S. Highway 278, thence north along U.S. Highway 278 to junction South Carolina Highway 336, thence west on South Carolina Highway 336 to junction U.S. Highway 321-601, thence south along U.S. Highways 321-601 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E60), filed December 5, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, as described in Paragraph A, B, and C, in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, (b) *frozen food*, (c) *processed or preserved fish*, and (d) *compressed yeast*, other than dry, except commodities in bulk, from New York, N.Y., and points in New York, and New Jersey, within 15 miles of New York, N.Y., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 82 to junction Mississippi Highway 9, thence north along Mississippi Highway 9 to junction Mississippi Highway 8, thence west along Mississippi Highway 8, thence to the Arkansas-Mississippi State line, and to those points in Arkansas on and south of a line beginning at the Arkansas-Mississippi State line and extending west along Arkansas Highway 4 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the Arkansas-Oklahoma State line, and to those points in Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line and extending west along U.S. Highway 70 to the Oklahoma-Texas State line, and to those points in Texas beginning at the Oklahoma-Texas State line and extending south and west along U.S. Highway 70 to junction U.S. Highway 287 to junction U.S. Highway 66, thence west along U.S. Highway 66 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E61), filed December 5, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Rd., Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products, and edible articles distributed by meat-packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company near Sterling, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line, and to those points in Texas on and south of a line beginning at the Gulf of Mexico and extending west along Texas Highway 4 to junction U.S. Highway 83, thence northwest along U.S. Highway 83 to

junction Texas Highway 336, thence south along Texas Highway 336 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E66), filed December 5, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products, dairy products, and edible articles distributed by meat packinghouses*, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities in bulk, from Joliet, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and to those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 170, thence west along South Carolina Highway 170 to junction U.S. Highway 278, thence north along U.S. Highway 278 to junction South Carolina Highway 278 to junction South Carolina Highway 336, thence west along South Carolina Highway 336 to junction U.S. Highway 321-601, thence south along U.S. Highway 321-601 to the Georgia-South Carolina State line. Restriction: The authority granted above is restricted against traffic originating or destined to points in New York and Pennsylvania, on and east of U.S. Highway 11, and points in Maryland, Virginia, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New Jersey, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E67), filed May 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products, and edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except in bulk, in tank vehicles), from the plant site of Armour & Company, at or near Worthington, Minn., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 42, thence west along Mississippi Highway 42 to junction U.S. Highway

11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35 thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line. Restriction: Carrier is precluded from interlining traffic with other carriers or from combining the authority granted herein with any authority now held by carrier for the purpose of providing service from and to points other than those authorized herein. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 109637 (Sub-No. E93), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson, vice president (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except dry petrochemicals to points in Illinois), in bulk, in tank vehicles, from Covington and Louisville, Ky., to points in Illinois. The purpose of this filing is to eliminate the gateway of the Petroleum Products Terminal of the La Gloria Oil & Gas Company near Seymour, Ind.

No. MC 109637 (Sub-No. E94), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson, vice president (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except dry petrochemicals to points in Illinois) from Indianapolis, Ind., and The Petroleum Products terminal of the La Gloria Oil & Gas Co., near Seymour, Ind., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 109637 (Sub-No. E95), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson, vice president (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except dry petrochemicals to points in Illinois), in bulk, in tank vehicles, from the terminal site of the Texas Eastern Transmission Corp. at or near Princeton, Gibson County, Ind., to those points in Tennessee on and east of a line beginning at the Georgia-Tennessee State line and extending along Tennessee Highway 56 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 109637 (Sub-No. E96), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore

Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson, vice president (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue, fly ash, plastic granules, and resin powder*, in bulk, in tank vehicles, from Louisville, Ky., to points in Kansas, Louisiana, Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of Robertson County, Tenn., and Calvert City, Ky.

No. MC 114552 (Sub-No. E3) (Correction), filed April 26, 1974, published in the FEDERAL REGISTER issue of August 19, 1974, and republished partially, as corrected, this issue. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* (except plywood and veneer), (A) from points in Alabama to points in Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Massachusetts, Vermont, New Hampshire, Maine, the District of Columbia and Michigan. The purpose of this partial republication is to correct the territorial description by adding the destination state of Michigan. The remainder of this letter-notice remains as previously published.

No. MC 114868 (Sub-No. E21), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson Street, Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, 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 Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Ohio-Michigan State line, on the one hand, and, on the other, points in North Carolina on and east of Interstate Highway 95, (2) between Raleigh, N.C., on the one hand, and, on the other, Bryan, Ohio, (3) between Winston-Salem, N.C., on the one hand, and, on the other, Ashtabula, Ohio, (4) between Elizabeth City, N.C., on the one hand, and, on the other, Bryan, Ohio, (5) between Columbus, Ohio, on the one hand, and, on the other, Elizabeth City, N.C., (6) between Raleigh, N.C., on the one hand, and, on the other, Mansfield, Ohio, and (7) between Youngstown, Ohio, on the one hand, and, on the other, Charlotte, N.C. The purpose of this filing

is to eliminate the gateway of Washington, D.C.

No. MC 119767 (Sub-No. E49), filed June 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 425 Thirteenth Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and prepared foodstuffs* (except frozen), from Roscoe, Ill., to points in North Dakota and points in South Dakota on, north, and west of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Somers, Wis.

No. MC 119767 (Sub-No. E55), filed June 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 425 Thirteenth Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, frozen foods and meats and meat products), from Coloma, Mich., to points in Iowa on, north, and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 59 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Watertown, Wis.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1088 Filed 1-11-77;8:45 am]

[Amtd. No. 1; I.C.C. Order No. 10; SO No. 1252]

REROUTING TRAFFIC

Upon further consideration of I.C.C. Order No. 10 (San Diego & Arizona Eastern Railway Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 10 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed

with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 27, 1976.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-1084 Filed 1-11-77;8:45 am]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Butte Creek and Stirling City in Butte County, California

DECEMBER 23, 1976.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.* 2. A notice setting forth this conclusion was served November 8, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1086 Filed 1-11-77;8:45 am]

[AB 33 (Sub-No. 11)]

UNION PACIFIC RAILROAD CO.

Abandonment Between Tonganoxie and Lawrence in Leavenworth and Douglas Counties, Kansas

DECEMBER 23, 1976.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.* 2. A notice setting forth this conclusion was served November 8, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1083 Filed 1-11-77;8:45 am]