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highlights

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-860]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
•	•	•	•	•	•
Arkansas	Baxter	Gassville, city of	Jan. 26, 1976, emergency	Feb. 21, 1975	050243
New York	Chautauqua	Chautauqua, town of	do	Jan. 24, 1975	361071
Do	do	Mina, town of	do	Jan. 3, 1975	361371
Do	Wayne	Rose, town of	do	June 28, 1974	360897
Do	Alleghany	Wellsville, town of	do	Dec. 20, 1974	360035
Ohio	Erie	Castalia, village of	do	Mar. 29, 1974	390653
Pennsylvania	Sullivan	Cherry, township of	do	Dec. 20, 1974	422058
Do	Susquehanna	Choconut, township of	do	Jan. 10, 1975	422076
Do	do	New Milford, township of	do	Apr. 4, 1975	422089
Do	do	Rush, township of	do	Sept. 20, 1974	422090
Do	do	Thompson, borough of	do	Jan. 24, 1975	422582
•	•	•	•	•	•
Iowa	Wapello	Eldon, town of	January 27, 1976, emergency	Dec. 17, 1973	190271
New Hampshire	Merrimack	Pittsfield, town of	do	Mar. 15, 1974	330120
New York	Columbia	Canaan, town of	January 21, 1976, emergency	Nov. 1, 1974	361313
Do	Otsego	Laurens, village of	January 27, 1976, emergency	Nov. 15, 1974	361351
Do	Essex	Schroon, town of	do	Dec. 20, 1974	361158
North Carolina	Lincoln	Unincorporated areas	do	Dec. 27, 1974	370146
Pennsylvania	Erie	Concord, township of	do	Jan. 17, 1975	422410
Do	Greene	Cumberland, township of	do	Aug. 30, 1974	421188
Do	Elk	Jones, township of	do	Feb. 21, 1975	421612
Do	Lycoming	Jordan, township of	do	Jan. 24, 1975	422596
Do	York	Lewisberry, borough of	do	Aug. 2, 1974	420929
Do	Wayne	Scott, township of	do	Nov. 22, 1974	423173
Vermont	Franklin	Highgate, town of	do	May 31, 1974	500055
Illinois	Effingham	Altamont, city of	Jan. 28, 1976, emergency	Mar. 22, 1974	170228
Iowa	Keokuk	What Cheer, city of	do	Jan. 9, 1974	190179
Maine	Lincoln	Boothbay Harbor, town of	do	Feb. 14, 1975	230213
New Jersey	Morris	Chester, township of	do	Dec. 6, 1974	340555
New York	Franklin	Burke, village of	do	Jan. 3, 1975	361479
Do	Fulton	Northville, village of	do	Jan. 10, 1975	361484
North Dakota	Cass	Kindred, city of	do	Feb. 21, 1975	380182
Pennsylvania	Perry	Jackson, township of	do	Dec. 27, 1974	421952
Do	Crawford	Randolph, township of	do	Jan. 10, 1975	422393
Do	Cambria	Wilmore, borough of	do	Aug. 9, 1974	420244
Tennessee	Fayette	Gallaway, city of	do	Dec. 13, 1974	470048

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
•	•	•	•	•	•
Indiana	Jackson	Brownstown, town of	Jan. 29, 1976, emergency	Nov. 23, 1973	180317
Kentucky	Webster	Clay, city of	do	Feb. 1, 1974	210222
Maine	Cumberland	Otisfield, town of	do	Jan. 31, 1975	230203
Do	Kennebec	Windsor, town of	do	Jan. 17, 1975	230251
Missouri	Pulaski	Richland, city of	do	Jan. 31, 1975	290656
New York	Seneca	Romulus, town of	do	July 26, 1974	360755
Ohio	Brown	Higginsport, village of	do	Feb. 7, 1975	390677
Pennsylvania	Clearfield	Burnside, township of	do	Jan. 24, 1975	421518
Do	Elk	Highland, township of	do	Jan. 10, 1975	421609
Do	Crawford	Pine, township of	do	Apr. 11, 1975	422392
Texas	Travis	Unincorporated areas	do		481626
Vermont	Orleans	North Troy, village of	do	Aug. 2, 1974	500087
•	•	•	•	•	•
Minnesota	Lyon	Russell, city of	Jan. 30, 1976, emergency	Dec. 13, 1974	270600
New York	Franklin	Brandon, town of	do	Jan. 17, 1975	361393
Texas	McMullen	Unincorporated areas	do	Dec. 27, 1974	480463
Indiana	Brown	Nashville, town of	Oct. 22, 1971, emergency Jan. 24, 1976, regular	May 31, 1974	180018

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

Issued: January 22, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-3233 Filed 2-3-76;8:45 am]

[Docket No. FI-861]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Administrative Withdrawal of Special Flood Hazard Maps

The purpose of this notice is to amend Part 1915 of Title 24 of the Code of Federal Regulations to indicate periods in which the insurance purchase requirement under the National Flood Insurance Program, authorized by the National Flood Insurance Act of 1968 (Pub. L. 90–448) as amended; and the Flood Disaster Protection Act of 1973 (Pub. L. 92–234, December 31, 1973), 42 U.S.C. 4001–4128, was suspended.

The Flood Disaster Protection Act requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally-related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that are located within any community currently participating in the program.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official flood maps, the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is designated by the letter "H" preceding the map number and a FIRM by the letter "I" preceding the map number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in identified special flood hazard areas, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR Part 1909 et seq.)

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective February 4, 1975. Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

Present § 1915.6 is revised to read as follows:

§ 1915.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).*

The following is a cumulative list of withdrawals pursuant to this Part: 40 FR 5149, 40 FR 17015, 40 FR 20798, 40 FR 46102, 40 FR 53579, 40 FR 56672, 41 FR 1478, 41 FR 5090.

(b) *Flood Insurance Rate Maps (FIRM's).*

The following is a cumulative list of withdrawals pursuant to this Part: 40 FR 17015, 41 FR 1478.

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 1915.6:

State	County	Location	Map Number and FEDERAL REGISTER Citation	Effective date of withdrawal
Minnesota	Rice	Faribault, city of [2]	H 270669A 01-04; vol. 40, No. 183, P. 43222.	Dec. 16, 1975
Do	Fillmore	Rushford, city of [2]	H 270130A 01; vol. 40, No. 183, P. 4322.	Do.
Mississippi	Oktibbeha	Starkville, city of [2]	H 280126A 01-04; vol. 40, No. 162, P. 36322.	Dec. 15, 1975
Missouri	St. Louis	Bella Villa, town of [2]	H 290329; vol. 39, No. 152, P. 28237	Dec. 1, 1975
New York	Schoharie	Jefferson, town of [2]	H 361196 01-05; vol. 40, No. 18, P. 3988.	Dec. 3, 1975
North Dakota	Richland	Great Bend, city of [1]	H 380099 01; vol. 39, No. 238, P. 43083.	Dec. 16, 1975
Pennsylvania	Cambria	Portage, township of [2]	H 420236 01-08; vol. 40, No. 7, P. 2187.	Dec. 12, 1975

Reasons for withdrawal:
[2] The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
[1] The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: January 23, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-3234 Filed 2-3-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76–EA–6; Amdt. 39–2504]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 75–26–18 applicable to Piper PA–31 type airplanes.

AD 75–26–18 requires amendment to add serial numbers of the PA–31P and PA–31T series, and extend one block of serial numbers.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to he authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 75–26–18 as follows:

a. Revise the applicability paragraph to read:

Applies to PA–31–310 and PA–31–325 airplanes, S/Ns 31–7300950 to 31–7612017 inclusive; PA–31–350 airplanes, S/Ns 31–7305048, 31–7305049 and 31–7305052 to 31–7652032 inclusive; PA–31–31P airplanes, S/Ns 31P–7300128 to 31P–7630005 inclusive; and PA–31–31T airplanes, S/Ns 31T–7400002 to 31T–76220013 inclusive.

This amendment is effective February 9, 1976.

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

Issued in Jamaica, N.Y., on January 23, 1976.

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

[FR Doc. 76–3268 Filed 2–3–76;8:45 am]

[FR Doc.76–3268 Filed 2–3–76;8:45 am]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA–31T type airplanes.

There have been reports of excessive play in the trim tab. It has been determined that this resulted from marginal bearing area which allowed excessive wear at some joints.

Since this deficiency can exist or develop in similar type airplanes, an airworthiness directive is being issued which will require inspection and part replacement.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

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

PIPER: Applies to Model PA–31T, Serial Numbers 31T–7400002 through 31T–7620012 certificated in all categories.

To prevent possible hazards in flight associated with excessive play in the elevator trim tab control system and damage to the elevator support structure, accomplish the following within the next fifty hours in service from the effective date of this AD unless previously accomplished.

(a) On Serial Numbers 31T–7400002 through 31T–7620007, Install Piper Kit No. 760989, Elevator Control Tube and Trim Tab System Modification, or equivalent.

(b) On Serial Numbers 31T–7400002 through 31T–7520020, 31T–7520022 through 31T–7520038, and 31T–7520040 through 31T–7620012, Inspect and alter the elevator support structure in accordance with paragraphs one through six of the "Instructions" section of Piper Service Bulletin No. 481A or equivalent.

(c) All defective parts found during inspections in paragraphs three through five of Piper Service Bulletin No. 481A must be replaced prior to further flight except that the airplane may be flown in accordance with FAR 21.197 to a base where a repair can be made.

(d) Equivalent parts and inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. (Piper Service Bulletins Numbers 477A and 481A refer to this subject.)

This amendment is effective February 9, 1976.

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

Issued in Jamaica, N.Y., on January 23, 1976.

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

[FR Doc.76–3269 Filed 2–3–76;8:45 am]

[Docket No. 75–NE–24; Amdt. 39–2507]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S–61L, S–61N, S–61NM, and S–61R Helicopters Certified in All Categories Including Military Types

Amendment 39–2202 (40 FR 24355), AD 75–12–13, effective June 18, 1975, requires a repetitive bolt torque inspection to detect possible cracks in the NAS 577 barrel nuts which attach the transmission main gearbox to the fuselage on S–61 series helicopters and replacement of these nuts when minimum torque requirements cannot be met.

After issuing Amendment 39–2202, the agency determined that the cause of the cracks would be eliminated by replacing the existing NAS 577–10 or NAS 577–10A barrel nuts with RMLH 2577–108 barrel nuts. Therefore, the AD is being superseded by a new AD that requires replacement of the existing nuts with RMLH 2577–108 barrel nuts.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY AIRCRAFT. Applies to S–61L, S–61N, S–61NM, and S–61R helicopters certified in all categories including Military CH–3C, NH–3C, CH–3E, and NH–3E helicopters using NAS 577–10 or NAS 577–10A barrel nuts for attaching the transmission main gearbox to the fuselage structure.

Compliance required as indicated.

To prevent fractures in the attaching nuts accomplish the following:

Remove the NAS 577–10 or NAS 577–10A bareri nuts and replace with RMLH 2577–108 barrel nuts within the next 30 days after the effective date of this AD, unless already accomplished.

(NOTES: Sikorsky Service Bulletin No. 61835–36B covers this subject.)

This supersedes Amendment 39–2202 (40 FR 24355), AD 75–12–13.

This amendment becomes effective February 17, 1976.

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

Issued in Burlington, Massachusetts, on January 27, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76–3271 Filed 2–3–76;8:45 am]

[Airspace Docket No. 75–NE–36]

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

Alteration of Control Zone and Transition Area

On Page 56919 of the FEDERAL REGISTER dated December 5, 1975 (40 FR 56919), the Federal Aviation Administration published a Notice of Proposed Rule Making which would alter the Danbury, Connecticut, Control Zone and the Danbury, Connecticut, 700-foot Transition Area.

Interested parties were given thirty (30) days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 25, 1976.

(Sec. 307(a), Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348]; sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Burlington, Massachusetts, on January 14, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Danbury, Connecticut, adopts the airspace action hereinafter set forth:

§ 71.171 [Amended]

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Danbury, Connecticut, Control Zone by inserting after the words "5-mile radius area to the Carmel Vortac" the following:

Within 2.4 statute miles each side of a 262° magnetic bearing from a point 41°25'05" N, 73°18'45" W, extending from the 5 statute mile radius zone to 3 statute miles west of said point; within 2.5 statute miles each side of a 082° magnetic bearing from a point 40°19'22" N, 73°39'19" W, extending from the 5 statute mile radius zone to 3 statute miles east of said point.

1. Amend the control zone effective hours to: 0700 to 2300 local time.

§ 71.181 [Amended]

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Danbury, Connecticut, 700-foot Transition Area by inserting after the words "11.5 miles southwest of the Carmel Vortac" the following:

Within 2.5 statute miles each side of a 262° magnetic bearing from a point 41°25'05" N, 73°18'45" W, extending from 1 statute mile west of said point to 9 statute miles west of said point; within 2.5 statute miles each side of a 082° magnetic bearing from a point 41°19'22" N, 73°39'19" W, extending from 1 statute mile east of said point to 9 statute miles east of said point.

[FR Doc.76-3270 Filed 2-3-76;8:45 am]

[Docket No. 15360; Amdt. No. 1006]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective March 25, 1976.*

Sacramento, CA—Sacramento Metro. Arpt., VOR/DME-B, Original, cancelled
Waco, TX—Waco-Madison Cooper Arpt., VOR Rwy 14, Amdt. 16
Waco, TX—Waco-Madison Cooper Arpt., VOR/DME Rwy 32, Amdt. 8

* * * *effective March 18, 1976*

Effingham, IL—Effingham County Memorial Arpt., VOR Rwy 1, Original
Effingham, IL—Effingham County Memorial Arpt., VOR/DME-A, Amdt. 1, cancelled
Grayslake, IL—Campbell Arpt., VOR-A, Original
Grayslake, IL—Campbell Arpt., VOR/DME-A, Amdt. 1, cancelled
Fort Wayne, IN—Fort Wayne Muni. Arpt. (Baer Field), VOR Rwy 4 (TAC), Amdt. 12
Fort Wayne, IN—Fort Wayne Muni. Arpt. (Baer Field), VOR Rwy 9, Amdt. 7
Marshfield, MA—Marshfield Arpt., VOR-A, Amdt. 1
Rolla/Vichy, MO—Rolla National Arpt., VOR Rwy 22, Amdt. 4
Rolla/Vichy, MO—Rolla National Arpt., VOR/DME Rwy 4, Original, cancelled
Rolla/Vichy, MO—Rolla National Arpt., VORTAC Rwy 4, Original

* * * *effective February 19, 1976*

Dillon, SC—Dillon County Arpt., VOR/DME Rwy 6, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective March 25, 1976.*

Waco, TX—Waco-Madison Cooper Arpt., LOC(BC) Rwy 1, Amdt. 6

* * * *effective February 19, 1976*

Philadelphia, PA—Philadelphia Int'l Arpt., LOC Rwy 27R, Original, cancelled

* * * *effective February 12, 1976*

Greer, SC—Greenville-Spartanburg Arpt., LOC Rwy 21, Original

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective March 25, 1976.*

Meade, KS—Meade Muni. Arpt., NDB Rwy 17, Original
Waco, TX—Waco-Madison Cooper Arpt., NDB Rwy 19, Amdt. 11
St. George, UT—Saint George Muni. Arpt., NDB-A, Amdt. 2

* * * *effective March 18, 1976*

McRae, GA—Telfair-Wheeler Arpt., NDB Rwy 20, Amdt. 3, cancelled
St. Joseph, MO—Rosecrans Memorial Arpt., NDB Rwy 35, Amdt. 23
Columbus, OH—Ohio State University Arpt., NDB Rwy 27L, Amdt. 3
Columbus, OH—Ohio State University Arpt., NDB-A, Amdt. 6
Philipsburg, PA—Mid-State Arpt., NDB Rwy 16, Amdt. 2

* * * *effective February 26, 1976*

Bastrop, LA—Moorehouse Memorial Arpt., NDB Rwy 34, Original
Big Sandy, TX—Ambassador Field, NDB Rwy 8, Original

* * * *effective February 19, 1976*

Dillon, SC—Dillon County Arpt., NDB Rwy 6, Original

* * * *effective February 12, 1976*

Greer, SC—Greenville-Spartanburg Arpt., NDB Rwy 3, Amdt. 8
Christiansted, St. Croix, VI—Alexander Hamilton Arpt., NDB Rwy 9, Amdt. 6

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective March 25, 1976.*

Waco, TX—Waco-Madison Cooper Arpt., ILS Rwy 19, Amdt. 8

* * * *effective March 18, 1976*

Fort Wayne, IN—Fort Wayne Muni. Arpt. (Baer Field), ILS Rwy 4, Amdt. 2
St. Joseph MO—Rosecrans Memorial Arpt., ILS Rwy 35, Amdt. 24
Cleveland, OH—Cleveland Hopkins Int'l Arpt., ILS Rwy 5R, Amdt. 2
Philipsburg, PA—Mid-State Arpt., ILS Rwy 16, Amdt. 2

* * * *effective February 19, 1976*

Philadelphia, PA—Philadelphia Int'l Arpt., ILS Rwy 27R, Original
Charlotte Amalie, St. Thomas, VI—Harry S. Truman Arpt., ILS Rwy 9, Original

* * * *effective February 12, 1976*

Greer, SC—Greenville-Spartanburg Arpt., ILS Rwy 3, Amdt. 11
Jackson, WY—Jackson Hole Arpt., ILS Rwy 18, Amdt. 1

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective March 18, 1976.*

Fort Wayne, IN—Fort Wayne Muni. Arpt. (Baer Field), RADAR-1, Amdt. 12
Buffalo, NY—Greater Buffalo Int'l Arpt., RADAR-1, Amdt. 10

Correction

In Docket Number 15336, Amendment 1004, to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated January 21, 1976, on page 3075 * * * under § 97.27, effective March 4, 1976, Staunton-Waynesboro-Harrisonburg, VA—Shenandoah Valley Arpt., NDB Rwy 4, Amdt. 3, is rescinded and Amdt. 2 remains in effect. * * * under

§ 97.29, effective March 4, 1976, Staunton-Waynesboro-Harrisonburg, VA—Shenandoah Valley Arpt., ILS Rwy 4, Amdt. 1, is rescinded and original procedure remains in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 29, 1976.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.76-3267 Filed 2-3-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

Subpart G—Sponsors of Approved Applications

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (101-905V) filed by Waterloo Mills Co., 2050 Mitchell Ave., Waterloo, IA 50704, proposing safe and effective use of a tylosin premix for the manufacture of swine feed. The application is approved, effective February 4, 1976.

The Commissioner is amending Parts 510 and 558 (21 CFR Parts 510 and 558) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 510 and 558 are amended as follows:

1. In Part 510 by adding to § 510.600 a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
Waterloo Mills Co., 2050 Mitchell Ave., Waterloo, Iowa 50704----	017139
* * * * *	

(2) * * *

Drug listing No.	*Firm name and address*
* * * * *	
017139----------	Waterloo Mills Co., 2050 Mitchell Ave., Waterloo, Iowa 50704.
* * * * *	

2. In Part 558 by adding to § 558.625 new paragraph (b)(45) to read as follows:

§ 558.625 Tylosin.

* * * * * *

(b) * * *

(45) To 017139: 4 and 10 grams per pound, paragraph (f)(1)(vi)(*a*) of this section.

* * * * * *

Effective date. This regulation shall be effective February 4, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 27, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-3289 Filed 2-3-76;8:45 am]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Amoxicillin Tablets

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-078V) filed by Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, proposing safe and effective use of amoxicillin tablets in dogs for treating certain bacterial infections of the respiratory tract, genitourinary tract, gastrointestinal tract, and skin and soft tissues. The application is approved, effective February 4, 1976.

The Commissioner is amending Part 540 (21 CFR Part 540) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 540 is amended by adding new §§ 540.103 and 540.103a to read as follows:

§ 540.103 Amoxicillin oral dosage forms.

§ 540.103a Amoxicillin trihydrate film-coated tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Amoxicillin trihydrate film-coated tablets are film-coated tablets composed of amoxicillin trihydrate with one or more suitable and harmless lubricants, diluents, binders, and colorings. Each tablet contains amoxicillin trihydrate equivalent to 50, 100, or 200 milligrams of amoxicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the amount of amoxicillin that it is represented to contain. The moisture content is not more than 7 percent. Tablets shall disintegrate within 30 minutes. They pass the identity test. The amoxicillin trihydrate used conforms to the requirements of § 440.3(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter; in addition, this drug shall be labeled "amoxicillin tablets".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each request shall contain:

(i) Results of tests and assays on:

(*a*) The amoxicillin trihydrate used in making the batch for potency, safety, moisture, pH, amoxicillin content, concordance crystallinity, and identity.

(*b*) The batch for potency, moisture, disintegration time, and identity.

(ii) Sample required for:

(*a*) The amoxicillin trihydrate used in making the batch: 12 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of approximately 0.1 microgram of amoxicillin per milliliter.

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place the contents of a representative number of tablets into a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section.

(4) *Identity.* Proceed as directed in § 436.311 of this chapter, preparing the sample solution as follows: Dissolve an accurately weighed portion of the amoxicillin tablet contents in 0.1*N* hydrochloric acid to give a solution containing 4 milligrams of amoxicillin per milliliter.

(c) *Conditions of marketing*—(1) *Specifications.* The drug conforms to the requirements of paragraph (a) of this section.

(2) *Sponsor.* No. 000029 in § 510.600(c) of this chapter.

(3) *Conditions of use.* (i) Dogs: The drug is used for the treatment of infections of the respiratory tract (tonsillitis, tracheobronchitis), genitourinary tract (cystitis), gastrointestinal tract (bacterial gastroenteritis), and soft tissues (abscesses, lacerations, wounds), caused by susceptible strains of *Staphylococcus aureus, Streptococcus spp., Escherichia coli,* and *Proteus mirabilis,* and bacterial dermatitis caused by *Staphylococcus aureus, Streptococcus spp.,* and *Proteus mirabilis.*

(ii) It is administered as follows: 5 milligrams per pound of body weight administered twice a day, continued for 5 to 7 days or 48 hours after all symptoms have subsided.

(iii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation shall be effective February 4, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b (i)).)

Dated: January 27, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-3287 Filed 2-3-76;8:45 am]

PART 121—FOOD ADDITIVES

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Erythromycin Thiocyanate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41-955V) filed by Agricultural and Veterinary Products Division, Abbott Laboratories, Abbott Park, North Chicago, IL 60064, proposing that the manufacture of swine starter feeds containing 10 to 70 grams per ton erythromycin thiocyanate (9.25 to 64.75 grams erythromycin) and swine grower finisher feeds containing 10 grams per ton erythromycin thiocyanate (9.25 grams erythromycin) not be required to comply with the requirements of section 512(m) of the act when processed from premixes containing 2.2 percent (10 grams per pound) erythromycin thiocyanate. The supplemental application is approved, effective February 4, 1976.

The Commissioner is deleting from Part 121 (21 CFR Part 121) the portion of the regulation concerning the use of erythromycin in swine feeds and recodifying it by amending Part 558 (21 CFR Part 558) to provide for its use and to reflect this approval.

The current regulation as published June 19, 1971 (36 FR 11811), inadcertently indicates the amount of erythromycin thiocyanate rather than erythromycin. The recodified regulation is amended to provide for the amount of erythromycin permitted.

Erythromycin as the sole drug premix meets the uniform criteria set forth in 1971 Bureau of Veterinary Medicine memoranda for administrative waiver of the ministerial requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(m)). The pertinent provisions of the memoranda indicate that waiver is appropriate if:

(1) The feeding of 1.5*X* to 2*X* the level of the product in the complete feed does not have an impact on the tissue residue picture, i.e., an impact on an existing withdrawal period or a tolerance.

(2) The product is not a known carcinogen or is not classed with a family of known carcinogens.

(3) Appropriate documentation covering animal safety is on file. This will not require additional generation of data in that this documentation is by definition a part of the new animal drug application (NADA).

(4) The margin of safety to the animal and safety to the consumer is such that the product label does not have to contain a statement such as "use as the sole source of * * *."

(5) Data are on file to demonstrate that the product is efficacious over the approved range. This data should generally satisfy current standards for the demonstration of efficacy.

(6) Except under special circumstances, the product has been used at least 3 years in the target species without significant complaints related to or associated with it. Applications of this criterion require a review of the available drug experience reports.

The 1971 memoranda go on to make explicit that because waiver of the ministerial requirements of section 512(m) is only permitted for specific efficacy claims or at specific levels of the drugs, distinct products with corresponding labeling for those claims or levels should exist. This is necessary to cover those premixes that can be made into finished feeds with various concentrations of drugs.

The foregoing criteria established in the 1971 memoranda constitute an interim agency policy, which is under review. The Bureau of Veterinary Medicine is preparing a proposed regulation, based on the criteria listed in the memoranda, governing waiver of the registration of the facility that prepares the finished feed. This proposed regulation will be published in the FEDERAL REGISTER for comment in the near future. In waiving the ministerial requirements of section 512(m), the agency has not waived the current good manufacturing practice requirements under 21 CFR Part 225 for feed mills mixing such feeds.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), in accordance with § 510.6, and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 558 are amended as follows:

§ 121.292 [Amended]

1. In Part 121, Subpart C, by deleting item 6.1 from the table in paragraph (d) of § 121.292 *Erythromycin thiocyanate* and marking it "[Reserved]."

2. In Part 558, by adding new § 558.248 to read as follows:

§ 558.248 Erythromycin.

(a) *Specifications.* Erythromycin is the antibiotic substance produced by the growth of *Streptomyces erythreus* or the same antibiotic substance produced by any other means, and for the purposes of this section refers to erythromycin as a specified salt. The quantity of antibiotic listed refers to the weight of erythromycin master standard. For erythromycin thiocyanate, 1 gram is equivalent to 0.925 gram of erythromycin master standard.

(b) *Approval.* Premix level of 2.2 percent erythromycin thiocyanate granted to No. 043731 in § 510.600(c) of this chapter.

(c) *Assay limits.* Complete feed must contain not less than 75 percent nor more than 125 percent of the labeled amount of the drug.

(d) *Special considerations.* Complete swine feeds processed from premixes that contain not more than 10 grams of erythromycin thiocyanate (9.25 grams of erythromycin) per pound and conform to the requirements of this section are not required to comply with the provisions of section 512(m) of the act (21 U.S.C. 360b(m)).

(e) *Related tolerances.* See § 556.230 of this chapter.

(f) *Conditions of use.* It is used in complete swine feed as follows:

(1) *Amount per ton.* Swine starter feed, 9.25 to 64.75 grams of erythromycin per ton; swine grower-finishing feed, 9.25 grams of erythromycin per ton.

(2) *Indications for use.* For increase in rate of weight gain and improved feed efficiency in starter and grower-finishing pigs.

(3) *Limitations.* Swine starter ration for animals up to 35 pounds of body weight.

Effective date. This regulation shall be effective February 4, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 27, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-3288 Filed 2-3-76;8:45 am]

Title 32—National Defense

CHAPTER XIV—THE RENEGOTIATION BOARD

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS

PART 1481—REGULATIONS PERTAINING TO THE PRIVACY OF INDIVIDUALS AND SYSTEMS OF RECORDS MAINTAINED BY THE BOARD

On September 17, 1975, the Renegotiation Board issued a notice of proposed rule making, proposing to establish a new Part 1481 to implement provisions of the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93-579, 88 Stat. 1896). Among other things, the proposed rules specified (1) the procedures whereby an individual can be advised whether the Board maintains any systems of records which contain records pertaining to him; (2) the procedures for gaining access to those records; and (3) the procedures whereby an individual can seek to amend the contents of records that pertain to him.

The Board invited any persons interested in the proposed regulations to submit their views and comments to the Board on or before October 14, 1975. No comments were received. The Board has considered the rules as proposed and has decided to adopt the rules as published in the FEDERAL REGISTER (40 FR 42997-43000), subject to some technical changes.

Accordingly, the new Part 1481, as adopted, reads as set forth below.

Dated January 29, 1976.

R. C. HOLMQUIST,
Chairman.

Chapter XIV of Title 32 of the Code of Federal Regulations is amended by adding a new Part 1481, reading as follows:

Sec.

AUTHORITY: The provisions of this Part 1481 issued under sec. 109, 65 Stat. 22; 50 U.S.C. App. 1219; 88 Stat. 1896, 5 U.S.C. 552a.

§ 1481.1 Purpose and scope.

(a) This Part is promulgated to implement the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) by establishing procedures whereby an individual can, as to all systems of records maintained by the Board except those set forth in § 1481.10 as exempt from disclosure: (1) Request notification of whether the Board maintains a record pertaining to him in any system of records; (2) request access to such a record or to an accounting of its disclosure; (3) request that the record be amended or corrected; and (4) appeal an initial adverse determination of any such request. This part also establishes those systems of records that are specifically exempt from disclosure and from other requirements.

(b) The procedures of this Part apply only to requests by an individual as defined in § 1481.2. Except as otherwise provided, they govern only records containing personal information in systems of records for which notice has been published by the Board in the FEDERAL REGISTER pursuant to section 3(e)(4) of the Privacy Act of 1974 (5 U.S.C. 552a (e)(4)) and which are neither exempt from the provisions of this section nor contained in government-wide systems of personnel records for which notice has been published in the FEDERAL REGISTER by the Civil Service Commission. Requests for notification, access, and amendment of personnel records which are contained in a system of records for which notice has been given by the Civil Service Commission are governed by the Civil Service Commission's notices, 5 CFR Part 297. Access to records which are not subject to the requirements of the Privacy Act are governed by Part 1480 of this subchapter.

§ 1481.2 Definitions.

(a) "Agency" means each authority of the government of the United States as defined in 5 U.S.C. 551(1) and shall include any executive department, military department, government corporation, government controlled corporation or other establishment in the executive branch of government or any independent regulatory agency.

(b) "Board" means the Renegotiation Board.

(c) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence to whom a record pertains.

(d) "Maintain" includes maintain, collect, use, or disseminate.

(e) "Record" means any item of personal information relating to an individual as opposed to information concerning a business entity or activity.

(f) "Routine use" means (with respect to the disclosure of a record), the use of such record for a purpose which is compatible with the purpose for which it was collected.

(g) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.

(h) "System of records" means a group of any records under the control of the Board from which information is received by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

§ 1481.3 Procedures for requests pertaining to individual records in a record system.

The Renegotiation Board may not disclose any record to any person or other agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, provided the record under the control of the Board is maintained in a system of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other particular assigned to such individual. Written consent is not required if the disclosure is: (a) To officers or employees of the Renegotiation Board who require the information in the official performance of their duties; (b) required under 5 U.S.C. 552, Freedom of Information Act; (c) for a routine use compatible with the purpose for which it was collected; (d) to the Bureau of the Census for uses pursuant to Title 13, U.S. Code; (e) to a recipient who has provided the Board with advance adequate assurance that the record will be used solely as a statistical research or reporting record and that it is to be transferred in a form not identifiable; or (f) pursuant to the order of a court of competent jurisdiction.

§ 1481.4 Times, places, and requirements for identification of individuals making requests.

(a) All requests for access to records must reasonably describe the system of records and the individual's record within the system of records in sufficient detail to permit identification of the requested record. Specific information regarding the system name (the Office of the Federal Register has compiled the system names by agencies), the individual's full name, and other information helpful in identifying the records shall be included.

(b) All requests for access to records shall be made in writing addressed to the Director, Office of Administration, Renegotiation Board, 2000 M Street, N.W., Washington, D.C. 20446. The request shall clearly state on the envelope and in the letter that it is a "Privacy Act Request." Actual receipt by the Director, Office of Administration, or his designee, shall constitute receipt.

(c) The requester's identity must be verified before the release of any record except as exempted under the Freedom of Information Act. An individual who files a request through the mails shall

accompany such request with a certificate of a notary public or equivalent officer empowered to administer oaths.

(d) A requester may wish to have a person of his choice accompany him to review the requested record. Prior to the release of the record, the Board will require the requester to furnish the Director, Office of Administration, or his designee, with a written statement authorizing disclosure of the record in the accompanying person's presence.

§ 1481.5 Disclosure of requested information to individuals.

(a) Responses to requests pursuant to § 1481.3 will be made by the Director, Office of Administration, or his designee, with reasonable dispatch. An acknowledgement of the request will normally be sent within 10 days (excluding Saturdays, Sundays and legal public holidays) of its receipt and will indicate when the requested notification or disclosure will be sent, when and where the records will be available for personal inspection, and if a copy of a record has been requested, the number of pages the Board will copy to comply with the individual's request and that the copy will be mailed to the individual or held at the Board for the individual upon receipt of a check or money order payable to the Board for any sum that may be due for copying these documents.

(b) The Director, Office of Administration, or his designee, shall notify the individual in writing with respect to any adverse determination of a request pursuant to § 1481.3, shall specify the reasons therefor, and shall advise of the procedure for appealing such adverse determination to the General Counsel as specified in § 1481.9.

§ 1481.6 Accounting for disclosure, and requests for such accountings.

(a) The Director, Office of Administration, shall establish a system of accounting for all disclosures of information or records concerning individuals and contained in the system of records, made outside the Board. Accounting procedures may be established in the least expensive and most convenient form that will permit the Director to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed. However, no accounting need be made for disclosures to officers or employees of the agency that maintains the record who have a need for the information in the official performance of their duties, and no accounting need be made if disclosure is required under the provisions of the Freedom of Information Act (5 U.S.C. 552).

(b) Accounting records, at a minimum, shall include the identification of the particular record or information disclosed, the name and address of the person or agency to whom disclosure was made, and the date of the disclosure. When records are transferred to the National Archives and Records Service for storage in records centers, the accounting pertaining to those records shall be transferred with the records themselves.

(c) Any accounting made under this section shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(d) At the time of his request for access or correction or at any other time, an individual may request an accounting of disclosures made of his record outside the Board. Requests for accounting shall be directed to the Director, Office of Administration. Any available accounting, whether kept in accordance with the requirements of the Privacy Act or under procedures established prior to September 27, 1975, shall be made available to the individual except that an accounting need not be made available if it relates to: (1) A disclosure made pursuant to the Freedom of Information Act, 5 U.S.C. 552; (2) a disclosure made within the Board; (3) a disclosure made to a law enforcement agency pursuant to 5 U.S.C. 552a(b)(7); (4) a disclosure which has been exempted from the provisions of 5 U.S.C. 552a(c)(3) pursuant to 5 U.S.C. 552a (j) or (k).

§ 1481.7 Request for correction or amendment to record.

An individual may request amendment of a record pertaining to him in a system of records subject to this part by mailing or delivering to the Director, Office of Administration, a written request concerning such system of records maintained by the Board. Such written request shall conform to the requirements of § 1481.3 and shall also state the nature of the information in the record the individual believes to be inaccurate or incomplete and the amendment desired, and shall state concisely the reasons therefor.

§ 1481.8 Agency review of request for correction or amendment to record.

(a) Not later than 10 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of a request to amend a record, the Director, Office of Administration, shall acknowledge in writing such receipt and, if a determination has not been made, inform the individual when he may expect to be advised of action taken on the request.

(b) If the Director, Office of Administration, determines not to grant all or any portion of the request to amend a record, he shall notify the individual in writing and shall specify the reasons therefor, and shall advise of the procedure for appealing such adverse determination to the General Counsel, as specified in § 1481.9 or to the appropriate Civil Service Commission official.

§ 1481.9 Appeal of initial adverse agency determination on correction, or amendment or other request.

(a) Not more than 10 days (excluding Saturdays, Sundays and legal public holidays) after receipt by an individual of an adverse determination by the Director, Office of Administration, concerning any request made under this Part which is subject to appeal within the Board, the individual may appeal to the General Counsel who has been delegated authority by the Chairman to make determinations on such appeals. The appeal shall be by letter, mailed or delivered to the General Counsel, the Renegotiation Board, 2000 M Street, N.W., Washington, D.C. 20446. The letter shall identify the records involved in the same manner as they were identified to the Director, Office of Administration, shall indicate the dates of the request and adverse determination, and shall indicate the expressed basis for that determination. In addition, the letter of appeal shall state briefly and succinctly the reasons why the adverse determination should be reversed.

(b) The General Counsel shall determine the appeal. Such determination shall be made not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date the individual's letter of appeal is received, unless the Board, for good cause shown, extends such 30-day period. If the 30-day period is so extended, the individual shall be notified of the reasons for the extension and the date on which a final determination may be expected.

(c) If the General Counsel determines that the adverse determination will not be reversed, the individual shall be notified in writing of that determination, the reasons therefor, and of his right to seek judicial review of the decision pursuant to section 3(g) of the Privacy Act [5 U.S.C. 552a(g)]. If the adverse determination sustained by the General Counsel denies a request to amend a record, the individual shall also be advised of his right to file a concise statement of his reasons for disagreeing with the refusal to amend which may contain information which the individual believes should be substituted. Statements of disagreements shall ordinarily not exceed one page. Such statements shall be filed with the Director, Office of Administration, within 30 days (excluding Saturdays, Sundays and legal public holidays) of notification of the refusal to amend a record.

(d) A decision by the General Counsel pursuant to paragraph (c) of this section is final and will not be subject to petition for reconsideration. It is subject to judicial review in the district court of the United States in which the complainant resides, or has his principal place of business, or in which the Board records are situated, or in the District of Columbia.

(e) The record about which a statement of disagreement has been filed will clearly note which part of the record is disputed and the Board will provide copies of the statement of disagreement and, if the Board deems it appropriate, provide a concise statement of its reasons for refusing to amend or correct the record, to persons or other agencies to whom the record has been or will be disclosed.

§ 1481.10 Exemptions.

The Board reserves the right, pursuant to section 3(k) of the Privacy Act [5

U.S.C. 552a(k)], to promulgate rules to exempt any system of records maintained by the Board.

§ 1481.11 [Reserved.]

§ 1481.12 Fees.

No fees shall be charged for providing the first copy of a record or any portion thereof to individuals to whom the record pertains. The fee for additional copies is the same as that appearing in § 1480.12 of this subchapter.

§ 1481.13 Penalties.

Section 3(i)(3) of the Privacy Act [5 U.S.C. 552a(i)(3)], makes it a misdemeanor, subject to a maximum fine of $5,000, to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Section 3(i)(1) and (2) of the Privacy Act [5 U.S.C. 552a(i)(1) and (2)], provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder. Title 18 U.S.C. 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

[FR Doc.76-3345 Filed 2-3-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-10—BONDS AND INSURANCE

Revocation

Chapter 8, Title 41, Code of Federal Regulations, is amended as set forth below.

In Subpart 8-10.1, Bonds, §§ 8-10.103-1, 8-10.103-3 and 8-10.104-1 are revoked. Material formerly contained in these sections can be found in §§ 1-18.1001 and 1-10.104-1 of the Federal Procurement Regulations and in the instructions on Standard Form 24, Bid Bond.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rule making process (§ 1.12, Title 38, Code of Federal Regulations). However, the amendments herein concern agency procedure and practices. Therefore, the public rule making process is deemed unnecessary in this instance.

§§ 8-10.103-1 and 8-10.103-3 [Revoked]

1. Sections 8-10.103-1 and 8-10.103-3 are revoked.

§ 8-10.104-1 [Revoked]

2. Section 8-10.104-1 is revoked.

Effective date. These revocations are effective February 4, 1976.

Approved: January 28, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-3298 Filed 2-3-76;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[Temp. Reg. E-44]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Revised Procedures for Reporting Quality Deficiencies

Correction

In FR Doc. 76-1771 appearing on page 3293 in the issue of Thursday, January 22, 1976, make the following changes:

On page 3298 in the table in the middle of the page; the entry following "Classified" in line 1 should have read "RUEBHGB". The entry following "Classified" in line 6 should have read "RUEBHGG".

[FPMR Amdt. H-95]

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Sales of Special Classes of Property

This regulation amends instructions for the sale of explosives and adds instructions for the sale of ammunition components, safes, and locking file cabinets.

The table of contents for Part 101-45 is amended by adding the following new entry:

Sec.
101-45.309-10 Safes and locking file cabinets.

Subpart 101-45.3—Sale of Personal Property

1. Section 101-45.309-2 is amended by revising paragraph (a), amending paragraph (b), and adding paragraph (c), as follows:

§ 101-45.309-2 Dangerous property.

(a) *General.* No property shall be disposed of that is dangerous to public health or safety without rendering innocuous such property or providing adequate safeguards therefor.

(b) *Explosives.* For the purpose of this section, the term "explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters, and any other items appearing in the Explosives List promulgated by the Secretary of the Treasury (18 U.S.C. 841(d)). The Explosives List is published and revised at least annually in the FEDERAL REGISTER by the Director, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, pursuant to 27 CFR 181.23. The following procedures shall apply in any disposal of explosives:

(c) *Ammunition components.* The term "ammunition components" means ammunition or cartridge cases, primers, bullets, or propellent powder designed for use in any firearm.

(1) *Usable ammunition components.* Ammunition components sold as usable property fall under the Gun Control Act of 1968, which requires that purchasers be licensed to handle such property. So that bidders will be notified of the special requirements concerning the purchase and transportation of usable ammunition components, the following statements shall be included in the invitation for bid and shall be made a part of the contract by including in it the bid form to be submitted by the bidder:

(i) Item No. _____ containing ammunition components offered for sale in this invitation is subject to the requirements of the Gun Control Act of 1968 (18 U.S.C. 921 et seq.) and any regulations issued pursuant to such act. The undersigned represents, warrants, and certifies that he will comply with such act and all other applicable local, State, and Federal laws and regulations. His license(s) number(s) is/are _____.

(ii) The transportation of hazardous materials (primers or propellent powder) is governed by the Hazardous Materials Regulations (49 CFR 170-189) promulgated by the Department of Transportation. Purchasers of such materials are responsible to certify, based on their own examination, that the materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation in accordance with the Hazardous Materials Regulations. Hazardous materials sold by the Department of Defense (DOD) in packings not marked in accordance with the Hazardous Materials Regulations may be shipped from DOD installations, provided DOD certifies that the packing is equal to or greater in strength and efficiency than the packing prescribed in the above regulations.

(2) *Scrap ammunition components.* Ammunition components not usable or suitable for reuse as components of ammunition which are reported and sold as scrap (for basic material content) do not fall under the Gun Control Act of 1968. With regard to the sale of ammunition components as scrap, the following statement shall be included in the invitation for bid and shall be made a part of the contract:

I, _____, certify that ammunition components purchased by me as Item No. _____ will not be used for the original manufactured purpose.

2. Section 101-45.309-10 is added as follows:

§ 101-45.309-10 Safes and locking file cabinets.

Safes and locking file cabinets shall not be accepted for sale in a locked con-

dition, and no safe or locking file cabinet shall be offered for sale pursuant to this Part 101–45 unless empty and unlocked. When available, combinations should be taped and/or keys strapped to the outside front of the safe or cabinet.

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

Effective date. This regulation is effective February 4, 1976.

Dated: January 26, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–3316 Filed 2–3–76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Disclosures Regarding Real Estate Settlement Procedure, Disclosure of Closing Costs; Rescission

Pursuant to its obligations under the Real Estate Settlement Procedures Act of 1974 (RESPA), Pub. L. 93–533, the Office of the Secretary of the Department of Housing and Urban Development published on May 22, 1975, in FR Doc. 75–13260 at Vol. 40, No. 100 of the FEDERAL REGISTER, beginning on page 22448, Regulation X, including a form (designated HUD 1) to be used to disclose real estate closing costs. As part of that form (Exhibit B on page 22457) a Truth in Lending Statement was prescribed pursuant to section 4 of RESPA. On May 16, 1975, by FR Doc. 75–12895 in Vol. 40, No. 96 of the FEDERAL REGISTER, beginning at page 21470, the Board of Governors of the Federal Reserve System (Board) published, as an interpretation of Regulation Z, § 226.102, which was designed to eliminate confusion concerning the use of the Truth in Lending form prescribed in Regulation X and to clarify the interrelationship between the Truth in Lending Act and RESPA. On January 2, 1976, Pub. L. 94–205 became effective. This law amends section 4 of RESPA in such a way as to no longer require the use of the Truth in Lending statement prescribed by Regulation X. Accordingly, the Board finds that § 226.102 is not necessary and hereby rescinds it effective June 30, 1976. The Board understands that HUD will require the use of the first two pages of the HUD 1 form for transactions subject to RESPA until June 30, 1976. It is the Board's purpose in rescinding § 226.102 effective June 30, 1976, to enable creditors to use, on a permissive basis, the Truth in Lending disclosure statement as prescribed by Regulation X prior to January 2, 1976. Although the use of the Truth in Lending disclosure statement formerly prescribed by Regulation X is not required, Truth in Lending disclosures as prescribed by Regulation Z must be made. Until June 30, 1976, § 226.102 applies only to the Truth in Lending statement (as provided in the above referenced Exhibit B) when used in conjunction with the Settlement Statement required by the Department of Housing and Urban Development under Regulation X. If Truth in Lending disclosures are made in this manner, they must be made in accordance with the time requirements of Regulation Z. If some other method of making Truth in Lending disclosures is used by the creditor, § 226.102 has no applicability.

On October 30, 1975, (40 FR 50507), the Board published amendments to Regulation Z designed to provide disclosure of closing costs in certain real estate transactions. These amendments were adopted in order to implement the provisions of section 121(c) of the Act which were added by section 409 of Title IV of Pub. L. 93–495. On January 2, 1976, section 121(c) was repealed by the passage of Pub. L. 94–205. Accordingly, the Board finds that the amendments to Regulation Z enacted to implement section 409 are unnecessary and are hereby rescinded.

Pursuant to 5 U.S.C. 533, the Board finds that prior notice of this rulemaking is unnecessary and that public participation is impractical since, in its view, time is of the essence in rescinding the regulations following the repeal of their statutory authority.

In consideration of the foregoing:

§§ 226.2 and 226.8 [Amended]

1. 12 CFR 226.2 (mm), (nn), (oo), (pp) and (qq), and 226.8(r) are hereby rescinded.

§ 226.102 [Removed]

2. 12 CFR 226.102 is rescinded effective June 30, 1976.

§ 226.8 [Amended]

3. 12 CFR 226.8(a) is amended by deleting "Except as provided in paragraph (r) of this section," from the fourth sentence thereof and by capitalizing the letter "a" in the word "all" immediately following the deleted matter, so that the fourth sentence of § 226.8(a), through the colon, reads "All of the disclosures shall be made together on either:".

Except as otherwise provided herein, the effective date of these changes is January 21, 1976.

By order of the Board of Governors, January 21, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76–3305 Filed 2–3–76;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Fair Credit Billing, Description of Transactions; Correction

In FR Doc. 75–24962 appearing at page 43200 in the FEDERAL REGISTER of September 19, 1975, paragraph (e) of § 226.14 appearing on page 43210 is corrected in the nineteenth line of that paragraph by adding the words "to pay" immediately following the words "the same number of days thereafter" and immediately before the word "as".

Pursuant to 5 U.S.C. 533, the Board finds that prior notice of this rulemaking is unnecessary and that public participation is impractical since, in its view, the change is in the nature of a correction. These words were inadvertently omitted from the final regulation as published on September 19. No substantive change is made hereby.

By order of the Board of Governors, January 21, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76–3306 Filed 2–3–76;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER Y—INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT PROGRAMS

CONTRACTS AND GRANTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT; EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

Revocation, Redesignation and Issuance of Regulations; Correction

JANUARY 27, 1976.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commission of Indian affairs by 230 DM 2.

In FR Doc. 75–29301 appearing at page 51282 in the FEDERAL REGISTER of Tuesday, November 4, 1975, the following changes should be made:

1. On page 51288, in the fourth line of § 271.2(s), the word "on" is corrected to read "in".

2. On page 51288, in the second and third lines of § 271.2(t), the words "the retect" are corrected to read "to protect".

3. On page 51289, in the fifth and tenth lines of § 271.14(m), the phrase "Appendix B of Part 276" is corrected to read "§ 276.7".

4. On page 51290, in the fourth line of § 271.16(b)(3), the word "a" is inserted after the words "*Provided,* That".

5. On page 51292, in the third line of § 271.26, the phrase "Board of Indian Appeals" is corrected to read "Director, Office of Hearings and Appeals".

6. On page 51299, in the seventh line of § 271.75(e), a semicolon and the phrase "notice that the tribal organization will be given at least" are inserted after the word "provide".

7. On page 51304, in the last line of § 273.2(h), the words "in paragraph (u)" are corrected to read "in paragraph (v)".

8. On page 51305, in the third line of § 273.11(c)(4), the reference "through 273.39" is corrected to read "through 273.38".

9. On page 51312, in the fourth line of § 274.13(j)(4)(v), the word "arrangtment" is corrected to read "arrangement".

10. On page 51316, in the first line of § 275.3(a), the word "Iidian" is corrected to read "Indian".

11. On page 51319, in the sixth line of § 276.10(a)(1), the amount of "$250,000" is corrected to read "$120,000".

12. On page 51327, in the fifth and sixth lines of section C.1.a.(1) of Appendix B of Part 276, the phrase "have the bursement (paragraph 2 a)" is corrected to read "have the option of not requiring a Financial Status Report when a request for advance or reimbursement (paragraph 2 a)".

13. On page 51328, in the fourth line and last line of § 277.12(c), the word "representatives" is corrected to read "representative".

14. On page 51328, in the last line of § 277.13(b), the word "includes" is corrected to read "include".

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-3318 Filed 2-3-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7399]

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

Deductions From Gross Income

By notices of proposed rule making appearing in the FEDERAL REGISTER for May 6, 1972 (37 FR 9295), February 21, 1975 (40 FR 7661), April 30, 1975 (40 FR 18798) and October 31, 1975 (40 FR 50720) amendments to the Income Tax Regulations (26 CFR Part 1) under section 62 of the Internal Revenue Code of 1954 were proposed in order to conform the regulations to section 531(b) of the Tax Reform Act of 1969 (83 Stat. 655), sections 2002(a)(2) and 2005(c)(9) of the Employee Retirement Income Security Act of 1974 (88 Stat. 859 and 992) and section 6 of the Act of October 26, 1974 (88 Stat. 1458).

The purpose of these amendments is to provide certain deductions from gross income with respect to pension, etc., plans of electing small business corporations, retirement savings, certain portion of lump sum distributions for pension plans under section 402(e), and penalties forfeited because of premature withdrawal of funds from time savings accounts on deposit.

There were no written comments received in response to those proposed amendments and no public hearings were held.

Adoption of amendments to regulations. Amendments to § 1.62 and § 1.62–1(c) of the Income Tax Regulations (26 CFR Part 1) as proposed by paragraphs (1) and (2) of notices of proposed rule making for May 6, 1972 (37 FR 9295), February 21, 1975 (40 F.R. 7661), April 30, 1975 (40 FR 18798), and October 31, 1975 (40 FR 50720) are hereby adopted.

The remaining paragraphs contained in the appendices of the notices of proposed rule making for May 6, 1972, February 21, 1975 and April 30, 1975 are to remain outstanding.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805)).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 29, 1976.

DAVID F. BRADFORD,
Acting Assistant Secretary of the Treasury.

Paragraph 1. Section 1.62 is amended by adding paragraphs (9), (10), (11), and (11) [(12)] and by revising the historical note. These added and revised provisions read as follows:

§ 1.62 Statutory provisions; deductions from adjusted gross income.

Sec. 62. *Adjusted gross income defined.* For purposes of this subtitle, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

* * * * * *

(9) *Pension, etc., plans of electing small business corporations.* The deduction allowed by section 1379(b)(3).

(10) *Retirement savings.* The deduction allowed by section 219 (relating to deduction for certain retirement savings).

(11) *Certain portion of lump-sum distributions from pension plans taxed under section 402(e).* The deduction allowed by section 402(e)(3).

(11) [(12)] *Penalties forfeited because of premature withdrawal of funds from time savings accounts or deposits.* The deductions allowed by section 165 for losses incurred in any transaction entered into for profit, though not connected with a trade or business [,] to the extent that such losses include amounts forfeited to a bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank or homestead association as a penalty for premature withdrawal of funds from a time savings account, certificate of deposit, or similar class of deposit.

[Sec. 62 as amended by sec. 7(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828); sec. 213(b), Rev. Act 1964 (78 Stat. 52); sec. 531(b) Tax Reform Act 1969 (83 Stat. 655); secs. 2002(a)(2) and 2005(c)(9), Employee Retirement Income Security Act 1974 (88 Stat. 959, 992); sec. 6(a) Act of Oct. 26, 1974 (Pub. L. 93-483, 88 Stat. 1458)]

Par. 2. Section 1.62–1(c) is amended by adding at the end thereof paragraphs (12), (13), (14) and (15). The added provisions to read as follows:

§ 1.62–1 Deductions from adjusted gross income.

* * * * * *

(c) * * *

(12) The deduction allowed by section 1379(b)(3) to an individual or his beneficiaries upon the termination of rights to receive benefits prior to excludable recovery of amounts which were included in the gross income of a shareholder-employee as excess employer contributions to a pension, etc., plan of an electing small business corporation;

(13) The deduction allowed by section 219 for contributions to an individual retirement account described in section 408(a), for an individual retirement annuity described in section 408(b), or for a retirement bond described in section 409.

(14) The deduction allowed by section 402(e)(3) for the ordinary income portion of a lump sum distribution.

(15) For taxable years beginning after December 31, 1972, the deduction allowed by section 165 for losses incurred in any transaction entered into for profit though not connected with a trade or business, to the extent that such losses include amounts forfeited to a bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank or homestead association as a penalty for premature withdrawal of funds from a time savings account, certificate of deposit or similar class of deposit.

[FR Doc.76-3346 Filed 2-3-76;8:45 am]

[T.D. 7401]

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

Reinsurance Transactions

By a notice of proposed rule making appearing in the FEDERAL REGISTER for August 14, 1975 (40 FR 34128), an amendment to the Income Tax Regulations (26 CFR Part 1) was proposed in order to modify example (1) as set forth in § 1.817–4(d)(3) relating to reinsurance transactions, to revise § 1.817–4(d)(2) and to add a new example (3) under § 1.817–4(d)(3) in order to clarify the change made in example (1).

Several comments were received on the proposed regulations and a public hearing was held on November 6, 1975.

Adoption of amendments to the regulations. On August 14, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 34128), relating to deductions made pursuant to reinsurance transactions by life insurance companies. After consideration of all relevant matter presented by interested persons regarding the proposed rules, the proposed amendment of the regulations is hereby adopted as proposed.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 17, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

By a notice of proposed rule making appearing in the FEDERAL REGISTER for August 14, 1975 (40 FR 34128), an amendment to the Income Tax Regulations (26 CFR Part 1) was proposed in order to modify example (1) as set forth in § 1.817–4(d)(3) relating to reinsurance transactions, to revise § 1.817–4(d)(2) and to add a new example (3) under § 1.817–4(d)(3) in order to clarify the change made in example (1).

Several comments were received on the proposed regulations and a public hearing was held on November 6, 1975.

Adoption of amendments to the regulations. On August 14, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 34128), relating to deductions made pursuant to reinsurance transactions by life insurance companies. After consideration of all relevant matter presented by interested persons regarding the proposed rules, the proposed amendment of the regulations is hereby adopted as proposed.

Paragraph 1. Paragraph (d) of § 1.817–4 is amended as follows: Paragraph (d)(2) is revised by redesignating (iii) as (iv), amending (ii) and adding a new (iii); paragraph (d)(3) is revised by redesignating examples (3) and (4) as examples (4) and (5), respectively, revising example (1), and adding a new example (3). The revised and added provisions read as follows:

§ 1.817–4 Special rules.

* * * * * *

(d) *Certain other reinsurance transactions.* * * *

(2) * * *

(ii) In connection with an assumption reinsurance (as defined in paragraph (a)(7)(ii) of § 1.809–5) transaction, a reinsurer shall in any taxable year beginning after December 31, 1957—

(A) Treat the consideration received from the reinsured in any such taxable year as an item of gross amount under section 809(c)(1), and

(B) Treat any amount paid to the reinsured for the purchase of such contracts, to the extent such amount meets the requirements of section 162, as a deferred expense that may be amortized over the reasonably estimated life (as defined in paragraph (d)(2)(iv) of this section) of the contracts reinsured and treat the portion of the expense so amortized in each taxable year as a deduction under section 809(d)(12) irrespective of the taxable year in which such amount was paid to the reinsured.

(iii) For purposes of paragraph (d)(2)(ii) of this section where the reinsured transfers to the reinsurer in connection with the assumption reinsurance transaction a net amount which is less than the increase in the reinsurer's reserves resulting from the transaction, the reinsurer shall be treated as—

(A) Having received from the reinsured consideration in an amount equal to the net amount of the increase in the reinsurer's reserves resulting from the transaction, and

(B) Having paid the reinsured an amount for the purchase of the contracts equal to the excess of the amount of such increase in the reinsurer's reserves over the net amount received from the reinsured.

* * * * * *

(3) * * *

Example (1). On June 30, 1959, X, a life insurance company, reinsured a portion of its insurance contracts with Y, a life insurance company, under an agreement whereby Y agreed to assume and to become solely liable under the contracts reinsured. The reserves on the contracts reinsured by X were $100,000. Under the reinsurance agreement X agreed to pay Y $100,000 for assuming such contracts and Y agreed to pay X $17,000 for the right to receive future premium payments under this block of contracts. Rather than exchange payments of money, X agreed to pay Y a net amount of $83,000 in cash. Assuming that the reasonably estimated life of the contracts reinsured is 17 years, that there are no other insurance transactions by X or Y during the taxable year, and assuming that X and Y compute the reserves on the contracts reinsured on the same basis, X has income of $100,000 under section 809(c)(2) as a result of the net decrease in its reserves. X has a net deduction of $83,000 ($100,000—$17,000) under section 809(d)(7). For the taxable year 1959, Y has income of $100,000 under section 809(c)(1) as a result of the consideration received from X and a deduction of $100,000 under section 809(d)(2) for the net increase in reserves and $1,000 ($17,000 divided by 17, the reasonably estimated life of the contracts reinsured), under section 809(d)(12). The remaining $16,000 shall be amortized over the next 16 succeeding taxable years (16×$1,000=$16,000) under section 809(d)(12) at the rate of $1,000 for each such taxable year.

* * * * *

Example (3). The facts are the same as in Example (1), except that the reinsurance agreement does not specifically provide that X agreed to pay Y $100,000 for assuming the contracts reinsured and Y agreed to pay X $17,000 for the right to receive future premium payments under such contracts. Instead, X agreed to pay Y a net amount of $83,000 in cash for assuming such contracts. Nevertheless, Y is treated as having received from X consideration equal to $100,000, the amount of the increase in Y's reserves, and as having paid $17,000 ($100,000 less $83,000) for the purchase of such contracts. Therefore, for the taxable year 1959, Y has income of $100,000 under section 809(c)(1). Y also has a deduction of $100,000 under section 809(d)(2) for the net increase in its reserves and an amortization deduction under section 809(d)(12) of $1,000 ($17,000 divided by 17, the reasonably estimated life of the contracts reinsured). The remaining $16,000 shall be amortized by Y over the next 16 succeeding years at the rate of $1,000 for each such year. For 1959, X has income of $100,000 under section 809(c)(2) as a result of the net decrease in its reserves and a deduction of $83,000 under section 809(d)(7) for the net amount of consideration paid to Y for assuming the contracts reinsured.

[FR Doc.76–3347 Filed 2–3–76;8:45 am]

[T.D. 7400]

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

Disposition of Qualified Low-Income Housing

Preamble. By notice of proposed rule making published in the FEDERAL REGISTER for June 20, 1975 (40 FR 26040), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform such regulations to the provisions of section 910(b) of the Tax Reform Act of 1969, relating to gain from dispositions of certain qualified low-income housing projects. A notice of correction appeared in the FEDERAL REGISTER for July 2, 1975 (40 FR 27943), correcting two typographical errors in the proposed amendments.

Section 910(b) of the Act amends section 1250 of the Internal Revenue Code to provide that if qualified low-income housing is disposed of and gain is not recognized in whole or in part under section 1039 of the Code (relating to certain sales of low-income housing projects), then the amount of gain recognized under section 1250(a) is limited to the greater of (1) the amount of gain recognized on the disposition (determined without regard to section 1250), or (2) the excess of the amount of gain that would be taken into account under section 1250(a) over the cost of the section 1250 property acquired in the transaction.

Section 1039 of the Code, which was added by section 910(a) of the Act, limits the amount of gain (if the taxpayer so elects) recognized from certain sales of low-income housing projects to the tenants of such projects, provided that the taxpayer constructs, reconstructs, or acquires another qualified housing project within a specified period. Regulations under section 1039 have already been promulgated.

The amendments to the regulations set forth the statutory requirements and give several examples of how the statute applies in particular factual situations.

Section 1.1250–3(h)(3)(i) of the proposed amendments, relating to the determination of the basis of the replacement housing project, has been revised. The revision makes it clear that the basis of the replacement property that is not section 1250 property is not reduced below zero by certain gain not recognized in the disposition of the first housing project, and that the basis of the "additional cost element" (as defined in § 1.1250–3(h)(2)) of the replacement property is determined by taking into account the remaining amount (if any) of nonrecognized gain. A conforming change is made to example (3) in § 1.1250–3(h)(3)(ii).

Adoption of amendments to the regulations. On June 20, 1975, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform the regulations to the provisions of section 910(b) of the Tax Reform Act of 1969 (83 Stat. 720), relating to gain from dispositions of certain low-income housing projects, was published in the FEDERAL REGISTER (40 FR 26040). A notice of correction with respect to two typographical errors in the proposed amendments was published in the FEDERAL REGISTER for July 2, 1975 (40 FR 27943). No written comments were received with respect to the proposed regulations and no public hearing was held. The amendments as proposed are hereby adopted, subject to the following changes:

Section 1.1250–3(h)(3) is amended by revising the third, fourth, and fifth sentences of subdivision (i), and by adding a new sentence at the end of example (3) in subdivision (ii). The revision and

the additional sentence read as set forth below:

(Secs. 1250(d)(8)(F)(ii) and 7805 of the Internal Revenue Code of 1954 (83 Stat. 721, 68A. Stat. 917; 26 U.S.C. 1250(d)(8)(F)(ii), 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 28, 1976.

WILLIAM M. GOLDSTEIN,
Acting Assistant
Secretary of the Treasury.

1. Section 1.1039–1(a) is amended by adding two new sentences immediately before the last sentence, to read as follows:

§ 1.1039–1 Certain sales of low-income housing projects.

(a) *Nonrecognition of gain.* * * * However, notwithstanding section 1039, gain may be recognized by reason of the application of section 1245 or 1250 to the sale or disposition. (See § 1.1245–6(b) and § 1.1250–3(h).) * * *

* * * * *

2. Section 1.1245–6(b) is amended by revising the first sentence to read as follows:

§ 1.1245–6 Relation of section 1245 to other sections.

* * * * * *

(b) *Nonrecognition sections overridden.* The nonrecognition provisions of subtitle A of the Code which section 1245 overrides include, but are not limited to, sections 267(d), 311(a), 336, 337, 501(a), 512(b)(5), and 1039. * * *

* * * * *

3. Section 1.1250–3 is amended by adding the following new paragraph (h) at the end thereof:

§ 1.1250–3 Exceptions and limitations.

* * * * *

(h) *Limitation for disposition of qualified low-income housing*—(1) *Limitation on gain.* (i) Under section 1250(d)(8)(A), if section 1250 property is disposed of and gain (determined without regard to section 1250) is not recognized in whole or in part under section 1039 (relating to certain sales of low-income housing projects), then the amount of gain recognized by the transferor under section 1250 (a) shall not exceed the greater of—

(*a*) The amount of gain recognized under section 1039 (determined without regard to section 1250), or

(*b*) The excess, if any, of the amount of gain which would, but for section 1250(d)(8)(A), be taken into account under section 1250(a), over the cost of the section 1250 property acquired in the transaction.

For purposes of this paragraph the term "qualified housing project", "approved disposition", "reinvestment period", and "net amount realized" shall have the same meaning as in section 1039 and § 1.1039–1.

(ii) The principles of this subparagraph may be illustrated by the following examples:

Example (1). (i) Taxpayer A owns a qualified housing project and makes an approved disposition of the project on January 1, 1971. The net amount realized upon the disposition is $550,000, of which $475,000 is attributable to section 1250 property. The adjusted basis of the section 1250 property is $250,000 and the gain realized on the disposition of section 1250 property is $225,000. The additional depreciation for the property is $100,000, the applicable percentage is 48 percent, and if section 1250(d)(8)(A) did not apply to the disposition, $48,000 of gain would be recognized under section 1250(a). Within the reinvestment period, A purchases a replacement qualified housing project at a cost of $525,000, of which $425,000 is attributable to section 1250 property. A properly elects under section 1039(a) and the regulations thereunder to limit the recognition of gain (determined without regard to section 1250) to $25,000, that is, the excess of the net amount realized ($550,000) over the cost of the replacement housing project ($525,000).

(ii) The amount of gain recognized under section 1250(a) is limited to $25,000, that is, the greater of (*a*) the amount of gain recognized without regard to section 1250(a) ($25,000), or (*b*) the excess of (*1*) the amount of gain which would be taken into account under section 1250(a) if section 1250(d)(8)(A) did not apply ($225,000), over (*2*) the cost of the replacement section 1250 property ($425,000), or zero.

Example (2). The facts are the same as in example (1) except that only $180,000 of the cost of the replacement housing project is attributable to section 1250 property. Thus, the gain recognized under section 1250(a) is limited to $45,000, the greater of (*a*) the excess of (*1*) the amount of gain which would be taken into account under section 1250(a) if section 1250(d)(8)(A) did not apply ($225,000), over (*2*) the cost of the replacement section 1250 property ($180,000), or (*b*) the amount of gain recognized without regard to section 1250 ($25,000).

(2) *Replacement project consisting of more than one element.* (i) If [(h)(1)(i)](*a*) section 1250 property is disposed of, [(h)(1)(i)](*b*) any portion of the gain which would have been recognized under section 1250(a) is not recognized by reason of section 1250(d)(8)(A), and (*c*) the cost of the replacement section 1250 property constructed, reconstructed, or acquired during the reinvestment period exceeds the net amount realized attributable to the section 1250 property disposed of, then the section 1250 property shall consist of two elements. For purposes of this paragraph, the "reinvestment element" is that portion of the section 1250 property constructed, reconstructed, or acquired during the reinvestment period the cost of which does not exceed the net amount realized attributable to the section 1250 property disposed of, reduced by any gain recognized with respect to such property. The "additional cost element" is that portion of the section 1250 property constructed, reconstructed, or acquired during the reinvestment period whose cost exceeds the net amount realized attributable to the section 1250 property disposed of.

(ii) The principles of this subparagraph may be illustrated by the following example:

Example. (1)(i) Taxpayer B disposes of a qualified housing project consisting of section 1250 property with an adjusted basis of $500,000 and land with a basis of $100,000. The amount realized on the disposition is $750,000 of which $650,000 is attributable to the section 1250 property. B constructs a replacement housing project at a cost of $1,000,000 of which $850,000 is attributable to section 1250 property. B elects in accordance with the provisions of section 1039(a) and the regulations thereunder not to recognize the $150,000 gain realized.

(ii) Under section 1250(d)(8)(A) no gain is recognized under section 1250(a). The replacement section 1250 property consists of the two elements. The reinvestment element has a cost of $650,000, *i.e.*, that portion of the replacement section 1250 property the cost of which does not exceed the amount realized attributable to the section 1250 property disposed of ($650,000), reduced by any gain recognized with respect to such property (zero). The additional cost element has a cost of $200,000, that is, the excess of the cost of the replacement section 1250 property ($850,000) over the amount realized attributable to the section 1250 property disposed of ($650,000).

(3) *Basis of property acquired.* (i) If section 1250 property is disposed of and gain (determined without regard to section 1250) is not recognized in whole or in part under section 1039 (relating to certain sales of low-income housing projects), then the basis of the section 1250 property and other property acquired in the transaction shall be determined in accordance with the rules of this subparagraph. Generally, the basis of the property acquired in a transaction to which section 1039(a) applies is its cost reduced by the amount of any gain not recognized attributable to the property disposed of (see section 1039(d)). In a case where the replacement section 1250 property constructed, reconstructed, or acquired within the reinvestment period is treated as consisting of more than one element under section 1250(d)(8)(E), the aggregate basis of the property determined under section 1039(d) shall be allocated as follows: first, to the reinvestment element of the section 1250 property, in an amount equal to the amount determined under section 1250(d)(8)(E)(i) reduced by the amount of any gain not recognized attributable to the section 1250 property disposed of; second, to the other replacement property (other than section 1250 property) in an amount equal to the amount of its cost reduced (but not below zero) by any remaining amount of gain not recognized; and finally, to the additional cost element of the section 1250 property, in an amount equal to the amount determined under section 1250(d)(8)(E)(ii) reduced by any amount of gain not recognized which has not been taken into account in determining the basis of the reinvestment element and the other replacement property that is not section 1250 property. See paragraph (h)(2) of this section for definition of the terms "reinvestment element" and "additional cost element".

(ii) The principles of this subparagraph may be illustrated by the following examples:

Example (1). The facts are the same as in example (1) of subparagraph (1)(ii) of this paragraph. The basis of the replacement

section 1250 property is $225,000, the amount of the reinvestment element ($425,000) minus the gain not recognized attributable to the section 1250 property disposed of ($200,000).

Example (2). Taxpayer C disposes of a qualified housing project on January 1, 1971. The adjusted basis for the project is $3,800,000, of which $3,000,000 is attributable to section 1250 property and $800,000 is attributable to land. The amount realized on the disposition is $5,000,000, of which $4,000,000 is attributable to the section 1250 property and $1,000,000 is attributable to the land. The gain realized upon the disposition is $1,200,000, that is, amount realized ($5,000,000) minus adjusted basis ($3,800,000), of which $1,000,000 is attributable to the section 1250 property disposed of. Within the reinvestment period, C purchases another qualified housing project at a cost of $5,500,000, of which $4,000,000 is attributable to section 1250 property and $1,500,000 is attributable to other property. C makes an election under section 1039(a) and the regulations thereunder and none of the $1,200,000 gain realized on the disposition is recognized (determined without regard to section 1250). Under section 1250(d)(8)(A), none of the gain realized is recognized under section 1250(a). The basis of the replacement section 1250 property is $3,000,000, that is, the amount of the reinvestment element ($4,000,000) less the amount of gain not recognized attributable to section 1250 property disposed of ($1,000,000). The basis of the other property acquired is $1,300,000, that is, its cost ($1,500,000) reduced by the remaining gain not recognized ($200,000).

Example (3). The facts are the same as in example (2) except that the cost of the replacement section 1250 property is $4,500,000 and the cost of the other property is $1,000,000. Thus, the replacement section 1250 property consists of two elements under section 1250(d)(8)(E). The reinvestment element (section 1250(d)(8)(E)(i)) has a basis of $3,000,000, that is, $4,000,000 (that portion of the section 1250 property acquired the cost of which does not exceed the net amount realized attributable to the section 1250 property disposed of. This amount ($500,000) is not reduced by any amount of gain not recognized because all of the gain not recognized has already been taken into account in determining the basis of the reinvestment element and the other replacement property that is not section 1250 property.

(4) *Additional depreciation for property acquired.* (i) If a qualified housing project is disposed of in a transaction to which section 1039(a) applies, the additional depreciation for the replacement property immediately after the transaction shall be an amount equal to (*a*) the amount of additional depreciation for the property disposed of, minus (*b*) the amount of additional depreciation necessary to produce the amount of gain recognized under section 1250(a). Thus, if no gain is recognized upon a disposition of a qualified housing project, the additional depreciation for the property acquired will be the same as for the property disposed of. On the other hand, if upon disposition of a project, gain of $40,000 was recognized under section 1250(a), and if the additional depreciation for the project and the applicable percentage were $100,000 and 80 percent, respectively, the additional depreciation for the replacement housing project would be $50,000, that is, $100,000 minus $50,000, the amount of additional depreciation necessary to produce $40,000 of recognized gain where the applicable percentage is 80 percent.

(ii) If the property acquired in the transaction consists of more than one element of section 1250 property by reason of section 1250(d)(8)(E), the additional depreciation under subdivision (i) of this subparagraph shall be allocated solely to the reinvestment element.

(5) *Additional limitation.* If, in a transaction to which section 1039(a) applies, gain is recognized by the taxpayer, the amount of gain recognized which is attributable to section 1250 property disposed of is, under section 1250(d)(8)(F)(i), limited to an amount equal to the net amount realized attributable to the section 1250 property disposed of reduced by the greater of (i) the adjusted basis of the section 1250 property disposed of, or (ii) the cost of the section 1250 property acquired. The limitation of section 1250(d)(8)(F)(i) may be illustrated by the following example:

Example. Taxpayer D owns property constituting a qualified housing project under section 1039(b)(1). In an approved disposition, the project is sold for $225,000. The net amount realized on the disposition is $225,000 of which $175,000 is attributable to the section 1250 property disposed of. The adjusted basis of such property is $150,000 and thus the gain realized upon the disposition of the section 1250 property is $25,000. Assume that the total gain realized upon disposition of the project is $45,000. Within the reinvestment period, D purchases another qualified housing project at a cost of $200,000, of which $160,000 is attributable to section 1250 property. D elects, in accordance with section 1039(a) and the regulations thereunder, to limit the recognition of gain to $25,000, that is, the net amount realized ($225,000), minus the cost of the replacement housing project ($200,000). Under this subparagraph, $15,000 of the $25,000 gain recognized is attributable to the section 1250 property disposed of, that is, the net amount realized attributable to the section 1250 property disposed of ($175,000), reduced by $160,000, the greater of the adjusted basis of the section 1250 property disposed of ($150,000) or the cost of the section 1250 property acquired ($160,000).

(6) *Allocation rule.* (i) If, in a transaction to which paragraph (h)(1) of this section applies, the section 1250 property disposed of is treated as consisting of more than one element by reason of the application of section 1250(d)(8)(E) with respect to a prior transaction, then the amount of gain recognized, the net amount realized, and the additional depreciation with respect to each such element shall be allocated to the elements of the replacement section 1250 property in accordance with the provisions of this subparagraph.

(ii) The portion of the net amount realized upon such a disposition which shall be allocated to each element of the section 1250 property disposed of is that amount which bears the same ratio to the net amount realized attributable to all the section 1250 property disposed of in the transaction as the additional depreciation for that element bears to the total additional depreciation for all elements disposed of. If any gain is recognized upon disposition of the section 1250 property, such gain shall be allocated to each element in the same proportion as the gain realized for that element bears to the gain realized for all elements disposed of. The additional depreciation for each reinvestment element of the replacement section 1250 property shall be the same as for the corresponding element of the property disposed of, decreased by the amount of additional depreciation necessary to produce the amount of gain recognized for such element. The additional depreciation for any additional cost element shall be zero.

(iii) The principles of this subparagraph may be illustrated by the following example:

Example. Taxpayer E disposes of a qualified housing project in an approved disposition. The net amount realized is $1,090,000 of which $900,000 is attributable to section 1250 property. The section 1250 property consists of (1) a reinvestment element with an adjusted basis of $300,000, additional depreciation of $100,000, and an applicable percentage of 50 percent, and (2) an additional cost element with an adjusted basis of $200,000, additional depreciation of $50,000, and an applicable percentage of 80 percent. Gain of $400,000 is realized on the disposition of the section 1250 property, that is, amount realized ($900,000) minus adjusted basis ($500,000). Within the reinvestment period, E purchases another qualified housing project at a cost of $1,000,000 of which $840,000 is attributable to section 1250 property. E elects, in accordance with section 1039 and the regulations thereunder, to limit recognition of gain (determined without regard to section 1250) to $90,000, that is, the excess of the net amount realized ($1,090,000) over the cost of the replacement project ($1,000,000). Under section 1250(d)(8)(A), the amount of gain recognized under section 1250(a) is limited to $90,000 (see subparagraph (1) of this paragraph). Under section 1250(d)(8)(F)(ii) and this subparagraph, $600,000 of the $900,000 net amount realized attributable to the section 1250 property is allocated to the reinvestment element, that is, additional depreciation for the element ($100,000) over total additional depreciation ($150,000) times the net amount realized ($900,000). The remaining $300,000 is allocated to the additional cost element. Thus, the gain realized attributable to the reinvestment element is $300,000, that is, net amount realized ($600,000) minus adjusted basis ($300,000). The gain realized attributable to the additional cost element is $100,000, that is, net amount realized ($300,000) minus adjusted basis ($200,000). Under subparagraph (5) of this paragraph, the gain recognized attributable to the section 1250 property is limited to $60,000, that is, the net amount realized attributable to the section 1250 property disposed of ($900,000) minus the greater of the adjusted basis of such property ($500,000) or the cost of the section 1250 property acquired in the transaction ($840,000). Under section 1250(d)(8)(F)(ii) and this subparagraph, $45,000 of the $60,000 gain recognized is attributable to the reinvestment element, that is, $60,000 multiplied by a fraction whose numerator is the gain realized attributable to the reinvestment element ($300,000) and whose denominator is the total gain realized attributable to all the section 1250 property ($400,000). The remaining $15,000 of the

gain recognized is attributable to the additional cost element. The new property acquired has no additional cost element. The reinvestment element of the new property acquired consists of 2 subelements corresponding to the reinvestment element and additional cost element of the property disposed of. The subelement corresponding to the reinvestment element has additional depreciation of $10,000, that is, its additional depreciation immediately before the disposition ($100,000), minus $90,000, the amount of additional depreciation necessary to produce $45,000 of section 1250(a) gain where the applicable percentage is 50 percent. The subelement corresponding to the additional cost element has additional depreciation of $31,250, that is, its additional depreciation immediately before the disposition ($50,000), minus $18,750, the amount of additional depreciation necessary to produce $15,000 of section 1250(a) gain where the applicable percentage is 80 percent.

4. Section 1.1250–4 is amended by adding a new paragraph (f) to read as follows:

§ 1.1250–4 Holding period.

* * * * *

(f) *Qualified low-income housing project acquired in certain transactions.* The holding period of a "reinvestment element" (and of subelements thereof) of section 1250 property (as defined in paragraph (h)(2) of § 1.1250–3) acquired in a transaction to which sections 1039(a) and 1250(d)(8)(A) apply includes the holding period of the corresponding element of the section 1250 property disposed of. See section 1250(e)(4). The holding period of the "additional cost element" (as defined in paragraph (h)(2) of § 1.1250–3) begins on the date the replacement project is acquired. The holding period of a "reinvestment element" of section 1250 property does not include the period beginning on the day after the date of the disposition and ending (1) on the date of the acquisition of the replacement housing project, or (2) on the date the replacement housing project constructed or reconstructed by the taxpayer is placed in service.

* * * * *

5. Section 1.1250–5 is amended by revising paragraph (c)(1) and by redesignating paragraph (c)(6) as (c)(7) and adding a new paragraph (c)(6). These revised and added provisions read as follows:

§ 1.1250–5 Property with two or more elements.

* * * * *

(c) *Element*—(1) *General.* For purposes of this section, in the case of section 1250 property there shall be treated as separate elements the separate improvements, units, remaining property, special elements, and low-income housing elements which are respectively referred to in paragraphs (c) (2), (3), (4), (5), and (6) of this section.

* * * * *

(6) *Low-income housing elements.* If, in an approved disposition of a qualified housing project, a replacement qualified housing project is treated as consisting of more than one element of section 1250 property by reason of section 1250(d)(8)(E) (see paragraph (h)(2) of § 1.1250–3), the elements determined under such section shall be treated as elements for purposes of this section. For definition of the terms "qualified housing project" and "approved disposition", see section 1039(b) and the regulations thereunder.

* * * * *

[FR Doc.76–3348 Filed 2–3–76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

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

[T.D. ATF–24]

PART 194—LIQUOR DEALERS

Adjusted Rate of Interest

Under Public Law 93–625, effective July 1, 1975, a new rate of interest on taxpayment deficiencies and excesses of 9% was established. Further, the Public Law provided for future adjusted rates of interest to be established by the Secretary of the Treasury or his delegate.

In the November 10, 1975, issue of the Internal Revenue Bulletin, there was published Revenue Ruling 75–487, which established an adjusted rate of interest of 7% effective February 1, 1976. This rate will remain in effect until at least January 31, 1978. As prescribed by law, the new rate is equal to the adjusted prime rate charged by banks (rounded to the nearest full percent) in September, 1975.

The purpose of the amendments made by this Treasury decision is to implement the new adjusted interest rate. Accordingly, 27 CFR 194.110 is revised to reflect the new 7 percent interest rate. As revised, § 194.110 reads as follows:

§ 194.110 Interest on unpaid tax.

(a) *General.* Interest is due on delinquent special tax from the date the tax is required to be paid to the date paid.

(b) *Rates of interest.* (1) An annual rate of 6 percent shall apply to interest accruing before July 1, 1975.

(2) An annual rate of 9 percent shall apply to interest accruing within the period commencing July 1, 1975, through January 31, 1976.

(3) An annual rate of 7 percent shall apply to interest accruing on or after February 1, 1976. This rate shall apply to interest accruing up to the effective date of any future adjusted rate of interest established under 26 U.S.C. 6621(a).

(c) *Example.* A retail liquor dealer fails to pay its $54.00 special tax for the period July 1, 1974, through June 30, 1975. If the retailer pays the delinquent special tax on January 1, 1977, interest would be computed as follows:

(1) The 6 percent rate would be assessed on $54.00 from the date the special tax was due, July 1, 1974, to the effective date of the 9 percent rate, July 1, 1975.

(3) The 7 percent rate would be assesed on $54.00 from July 1, 1975, to the effective date of the 7 percent rate, February 1, 1976.

(2) The 9 percent rate would be assessed on $54.00 from February 1, 1976 to the date the tax was paid, January 1, 1977.

In this example, the retail liquor dealer would pay a total of $9.54 in interest: 6 percent of $54.00 for one year ($3.24) plus 9 percent of $54.00 for seven months ($2.84) plus 7 percent of $54.00 for eleven months ($3.46).

(Sec. 7, Pub. L. 93–625, 88 Stat. 2114 (26 U.S.C. 6621); 68A Stat. 817 (26 U.S.C. 6601))

Because this Treasury decision merely implements the interest rate adjustment prescribed in accordance with statutory provisions, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitations of 5 U.S.C. 553(d).

Accordingly, this Treasury decision shall become effective on February 1, 1976, which is the date on which the adjusted interest rate is to take effect.

This Treasury decision is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Signed: January 20, 1976.

REX D. DAVIS,
Director.

Approved: January 30, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–3410 Filed 2–3–76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Secretary and Confidential Assistant to the U.S. Attorney is reestablished under Schedule C.

Effective February 4, 1976, § 213.3310 (o)(1) is amended as set forth below:

§ 213.3310 Department of Justice.

* * * * *

(o) *Office of the U.S. Attorney.*

(1) Secretary and Confidential Assistant to the U.S. Attorney (24 positions).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–3299 Filed 2–3–76;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR COTTON CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on September 29, 1975 (40 FR 44539–44540), which were designated for cotton crop insurance for the 1976 crop year pursuant to the authority contained in 7 CFR § 401.101 of the above identified regulations.

LOUISIANA

East Carroll	Red River

NORTH CAROLINA

Cleveland	Lincoln

TEXAS

Culberson

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.76-3279 Filed 2-3-76;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR SOYBEAN CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on November 11, 1975 (40 F.R. 52589), which were designated for soybean crop insurance for the 1976 crop year pursuant to the authority contained in 7 C.F.R. § 401.101 of the above identified regulations.

LOUISIANA

East Carroll	Red River

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.76-3280 Filed 2-3-76;8:45 am]

[Amdt. No. 72]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years; Sunflowers

Pursuant to the Authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1976 crop year in the following respects:

§ 401.103 [Amended]

1. The list of closing dates contained in § 401.103(a) is amended by adding at the end thereof the following:

* * * * *

SUNFLOWERS

Minnesota and North Dakota..... April 30

2. The following section is added:

§ 401.152 The Sunflower Endorsement.

The provisions of this endorsement, which shall be applicable for the 1976 and Succeeding Crop Years, are as follows:

1. *Insured Crop.* The insured crop shall be sunflower seed (hereinafter referred to as "sunflowers") planted for harvest as sunflowers, as determined by the Corporation, except any varieties of such seed shown as uninsurable on the county actuarial table (hereinafter called "actuarial table"). Insurance shall not attach on (1) acreage planted in rows not far enough apart to permit cultivation with a row cultivator, as determined by the Corporation, or (2) acreage to which sunflowers, potatoes, or dry beans have been planted in either of the preceding two crop years or upon which soybeans, rape, mustard, or red clover have been grown the preceding crop year.

Insurance shall not attach to any unit if the acreage of insurable sunflowers thereon is less than 20 acres.

2. *Production guarantee.* The production guarantee per acre shown on the actuarial table shall be increased by 100 pounds for any harvested acreage from which the amount harvested is 100 pounds or more per acre.

3. *Insurance period.* Insurance on any insured acreage shall attach at the time the sunflowers are planted and shall cease upon final adjustment of a loss or harvest, whichever occurs first; but in no event shall insurance remain in effect later than November 30 of the calendar year in which the sunflowers are normally harvested.

4. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of sunflowers on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided,* That if for the unit the insured fails to report all of his insurable acreage or interest, the amount of loss shall be determined with respect to all of his insurable acreage and interest; but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

(d) The total production to be counted for a unit shall be determined by the corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the written consent of the Corporation: *Provided,* That the total production to be counted on any acreage of sunflowers which is unharvested or from which the production harvested is less than 100 pounds per acre shall be the appraised production and the harvested production in excess of 100 pounds per acre, except that, as to acreage which is abandoned or put to another use without prior written consent of the Corporation, or which is damaged solely by an uninsured cause, the production to be counted shall be not less than the production guarantee provided for such acreage. The total production to be counted shall include any harvested production from acreage initially planted for purposes other than for harvest as sunflowers, as determined by the Corporation. The Corporation reserves the right to determine the amount of production of unharvested sunflowers standing in the field on the basis of a field appraisal immediately after the end of the insurance period.

(e) Notwithstanding any other provision of this section for determining production to be counted, the production to be counted of any harvested sunflowers which do not grade No. 2 or better, as defined by the North Dakota Grain Inspection Service Incorporated, on the basis of test weight or seed damage, due to insurable causes occurring within the insurance period shall be adjusted by (1) dividing the value per pound of the damaged sunflowers as determined by the Corporation, by the market price per pound at the local market for sunflowers grading No. 2 at the time the loss is adjusted, or if the damaged sunflowers have been sold, by dividing the price per pound received by the insured, by the applicable No. 2 price on the date of sale at the local market, or, if the damaged sunflowers were grown and have been or will be delivered under contract, by dividing the price per pound provided under the contract for such damaged sunflowers by the No. 2 contract price, and (2) multiplying the result thus obtained by the number of pounds of such damaged sunflowers. If the sunflowers grade No. 2 or better on the basis of test weight and damaged seed and it is determined that the production contains a moisture content of 13 percent or more such production shall be reduced 1 percent for each whole percent of moisture above 12 percent.

5. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

6. *Meaning of terms.* For purposes of insurance on sunflowers the term:

(a) "Harvest" means the mechanical severance from the land of mature sunflowers for combining or threshing.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A–107.

Coverage under the proposed endorsement will be in the terms of pounds per acre of sunflower seeds planted for sunflowers with a production guarantee of 100 pounds increase per acre for any harvested acreage from which the amount harvested is 100 pounds or more per acre. The adjustment formula is based on Grade No. 2 Sunflower seed, as determined by the North Dakota Grain Inspection Service Incorporated, a private organization licensed by the State of North Dakota on behalf of producer associations in both Minnesota and North Dakota to set the standards for the industry. Such determination is to be used in the absence of similar grading standards for sunflowers by the U.S. Department of Agriculture. It is contemplated that sunflower crop insurance under this endorsement will be offered beginning with the 1976 crop year in a few selected counties and applications will be taken in the near future. Upon approval of the proposed amendment there is additional and lengthy administrative detail work to be accomplished prior to the acceptance of applications, all of which must be completed by April 15, 1976, the date upon which changes must be on file in the office for the county.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on January 21, 1976.

[SEAL] PETER F. COLE,
Secretary,
Federal Crop Insurance Corporation.

Approved on January 29, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-3341 Filed 2-3-76;8:45 am]

[Amdt. No. 73]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Policy

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1977 crop year in the following respects:

1. Section 6 of the policy as shown in § 401.111 is amended to read as follows:

§ 401.111 The Policy.

* * * * *

6. *Annual Premium.* (a) The annual premium for an insured crop shall be earned and payable when the crop is planted.

(b) Except as otherwise provided in this subsection, the total annual premium for an insured crop on all insurance units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any insurance unit (hereinafter called "unit"), immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction:	*Consecutive years with no loss*
5 after	1
Do	2
10 after	3
Do	4
15 after	5
20 after	6
25 after	[1] 7

[1] 7 yr. or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

Except on crops in counties where the county actuarial table provides for adjustments in coverage based on contract experience of each insured crop, if at any time the cumulative indemnities paid on a crop exceed the cumulative premiums earned from the start of the insuring experience through the previous crop year, the 5, 10, and 15 percent premium discounts in this section shall not thereafter be applicable until such cumulative premiums equal or exceed the cumulative indemnities. (Premiums and indemnities used for this determination shall be in bushels for wheat and in dollars for all other crops.)

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county, or who changes to a separate crop contract from a combined crop contract.

(c) Any unpaid amount due the Corporation by the insured may be deducted from any indemnity payable to the insured by the Corporation, or from any loan or payment to the insured under any act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

2. Section 19(e) of the policy as shown in § 401.111 is amended to read as follows:

(e) "Insurance unit" means all the insurable acreage of the insured crop in the county at the time of planting (1) in which the insured has a 100 percent interest, (2) which is owned by one person and operated by the insured as a tenant, or (3) which is owned by the insured and rented to one tenant. Land rented for cash or for a fixed commodity payment or for any consideration other than a share in the crop on such land only shall be considered as owned by the lessee.

The Corporation and insured may agree in writing before the date established by the Corporation in section 3 hereof, in any crop year, to divide the insured's insurable acreage of the insured crop in the county into two or more units.

The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and reserves the right to consider any acreage and interest reported by or for the insured's spouse, child, or any member of his household, to be the bona fide interest of the insured or any other person having the bona fide interest.

3. Section 19(i) of the policy as shown in § 401.111 is amended to read as follows:

(i) "Time of loss" means the earlier of (1) the date harvest is completed on the unit (2) the calendar date for the end of the insurance period or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment incorporates three changes in the policy for crop insurance and is applicable for all crops effective beginning with the 1977 crop year. Under the terms of the current Standard Policy, premium discounts of 5, 10, and 15 percent are allowable even though cumulative indemnities may exceed cumulative premiums earned. It is felt that the practice of allowing such premium discounts under these conditions is not justifiable. The proposed amendment would make these premium discounts non-applicable in such cases where the cumulative indemnities exceed the cumulative premiums earned from the start of the insuring experience through the previous crop year, yet would permit such premium discount benefits for those insureds who continue to have good insuring experience. The other changes proposed by the foregoing amendment merely clarify the language for determining a time in which the insured and the Corporation can agree to divide the insurable acreage into two or more units, and further, clarifies the meaning of the term "Time of Loss."

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget.

It is desirable that this amendment become effective with the 1977 crop year. Notice of changes must be given to present insureds as early as March 1, 1976, and some applications have already been accepted for the 1977 crop year winter wheat crops. It would therefore be impossible to follow both the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective on the earliest date of March 1, 1976. Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed

July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on January 21, 1976.

[SEAL] PETER F. COLE,
Secretary,
Federal Crop Insurance Corporation.

Approved on January 29, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-3342 Filed 2-3-76;8:45 am]

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1976 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Florida Citrus Crop Insurance Regulations for the 1970 and Succeeding Crop Years which shall remain in full force and effect for the 1975 crop year, are hereby superseded for the 1976 and Succeeding Crop Years by the regulations set forth below. The provisions of this subpart shall apply until amended or superseded to all continuous Florida citrus crop insurance contracts as they relate to the 1976 and Succeeding Crop Years.

Subpart—Regulations for the 1976 and Succeeding Crop Years

Sec.
410.1 Availability of Florida citrus crop insurance.
410.2 Premium rates and amounts of insurance.
410.3 Application for insurance.
410.4 Public notice of indemnities paid.
410.5 Creditors.
410.6 The Application and the Policy.

AUTHORITY: Secs 506, 516, 52 Stat. 73, as amended; 77, as amended; 7 U.S.C. 1506, 1516.

§ 410.1 Availability of Florida Citrus Crop Insurance.

Citrus crop insurance shall be offered for the 1976 and Succeeding Crop Years under the provisions of § 410.1 through § 410.6 in counties in Florida within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for citrus crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 410.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 410.6 if the insured is a partnership, Corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 410.3 Application for insurance.

Application for insurance may be submitted, as provided in § 410.6 at the office for the county for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive or limit the amount of insurance prior to the closing date for the filing of applications. Such closing date shall be August 15 of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period the Corporation will discontinue acceptance of applications.

§ 410.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 410.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the Application and Policy set forth in § 410.6.

§ 410.6 The Application and the Policy.

The provisions of the Application and Policy for Florida Citrus Crop Insurance for the 1976 and Succeeding Crop Years are as follows:

Application and Policy

Form FCI-812-Florida Citrus

UNITED STATES DEPARTMENT OF AGRICULTURE
Federal Crop Insurance Corporation

APPLICATION AND POLICY FOR FLORIDA CITRUS CROP INSURANCE

(For 19____ and Succeeding Crop Years)

(Name of Insured)

(Contract Number)

(Address of Insured) (Zip Code)

(County)

(Identification Number)

1. The undersigned applicant (herein also called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest as a producer in citrus crops of the insurable types designated below (hereinafter called the "insured crop") located in the above identified county (hereinafter called "the county"). The applicant applies for the amount of insurance for the applicable type shown below which shall be an amount shown on the county actuarial table (hereinafter called the "actuarial table"). The amounts of insurance available each crop year and prescribed premium rates for each crop year are shown by types on the actuarial table from year to year. The insured may with the consent of the Corporation change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the office for the county in writing prior to the date insurance attaches for the crop year for which the change is to become effective. The amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose but the amount of insurance shall not exceed the maximum dollar amount per acre shown on the actuarial table for such crop year. The insured hereby elects the respective amounts of insurance entered below for the type of citrus on which insurance is applied for:

Type	Crop(s)	Amount per acre (dollars)
I	Early and midseason oranges	
II	Late oranges	
III	Grapefruit	
IV	Navel oranges, tangelos, and tangerines [1]	
V	Murcott honey oranges and temple oranges	
VI	Lemons	

[1] I hereby elect to exclude from insurance Robinson tangerines by checking this box. ☐

This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership or other entity.

2. *Causes of loss insured against.* The insurance provided is against unavoidable loss resulting from freeze, hail, hurricane, or tornado occurring within the insurance period. No insurance is provided against loss or damage to blossoms or trees.

3. *Insured crop.* (a) Unless otherwise provided on the county actuarial table, application for insurance may be made with respect to any one or more types of citrus, as defined in section 22 hereof, produced by the insured on trees that have reached at least the tenth growing season after being set out. Citrus produced on trees that have not reached the 10th growing season will be insured only if so provided on the county actuarial table, unless the acreage of such citrus is excluded because of risk as hereinafter provided. The insured may, subject to the approval of the Corporation, elect to insure or exclude from insurance for any crop year any definitely described and designated insurable acreage having a potential of less than 100 standard field boxes per acre. Acreage so excluded with approval of the Corporation shall be disregarded for all purposes of this contract for the crop year involved. If the insured fails to report, elect, and designate any defined acreage, the Corporation will disregard such acreage if the minimum potential is not produced thereon. However, if the production meets the minimum, the Corporation shall determine the percent of damage on all of the insurable acreage for the insurance unit (hereinafter called "unit") but will not permit the percent of damage for the unit to be increased by reason of the use of such undesignated acreage. The potential to be used to determine the percent of damage for a unit under section 14 shall never be less than 100 standard field boxes per acre. Except as otherwise provided herein, the insured acreage for each crop year shall be all that acreage in the county of the type(s) of citrus for which the insured has applied for insurance, which is shown on the actuarial table and not excluded otherwise because of risk, and in which the insured has an interest on the date insurance attaches.

(b) Insurance for each crop year of the contract shall cover only citrus fruit which can be expected to mature in the normal maturity period for the variety for such crop year.

4. *Responsibility of insured to report acreage and interest.* The insured at the time of filing his application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of citrus which is uninsurable or any acreage not insured under the provisions of the preceding section. This report shall be revised for any crop year before insurance attaches if the acreage to be insured, or interest therein, has changed and the latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation, whichever the Corporation may elect.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the actuarial table for each crop year shall constitute the contract for citrus insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance shall attach on the first May 1 of the crop year, except that for the first crop year if the application is submitted to the office for the county after that date and is accepted by the Corporation, insurance shall attach on the tenth day after the submission of the application, and as to any portion of the citrus crop shall cease upon harvest but in no event shall the insurance remain in effect later than June 30 (January 31 for tangerines and navel oranges) of the calendar year following the calendar year in which the insurance period begins.

7. *Annual premium.* (a) The annual premium shall be considered as earned on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage on the unit by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches.

(b) The insured's annual premium shall be adjusted as provided on the county actuarial table, if such provision is made on the actuarial table. If no such provision is made on the actuarial table, the total annual premium for the contract shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction:	*Consecutive years with no loss*
5 after	1
Do	2
10 after	3
Do	4
15 after	5
20 after	6
25 after	7

If an insured has a loss on a crop for which an indemnity is paid, the number of consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

(c) If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in cooperating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

(Code No.) (Witness to Signature) 19__ (Date) (Signature of Applicant)

9. Recommended for acceptance by:

(Corporation Representative) (Date) 19__

10.

ADDRESS OF OFFICE FOR COUNTY	LOCATION OF HEADQUARTERS
PHONE:	PHONE:

11. *Life of contract.* The contract is noncancelable for the first crop year and shall continue in effect for each succeeding crop year until either the insured or Corporation cancels the contract by giving written notice to the other by the April 30 immediately preceding the beginning of the crop year for which the cancellation is to become effective. If, however, the Corporation limits the amount of insurance, or any acreage is excluded from insurance under the contract by the Corporation because of the risk involved, after the April 15 immediately preceding the beginning of the crop year for which such limitation or exclusion is to become effective, the insured shall have the right to cancel the contract within 15 days after notice thereof is mailed to the insured by the Corporation. If the premium is not paid by the April 30 of the crop year in which the premium was earned, the contract shall terminate for nonpayment of premium effective beginning with the next crop year.

12. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Any such amendment or change shall be mailed to the insured or made available at the office for the county by the April 15 immediately preceding the beginning of the crop year for which such amendment or change is to become effective. Acceptance of such amendment or change will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 11 hereof.

13. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any unit hereunder that the insured report in writing each damage to the insured crop from an insured cause to the office for the county immediately after such damage becomes apparent, giving the date of such damage. If not so reported within 7 days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in paragraph (b) of this section.

(b) If damage occurs within the 7 day period before the beginning of harvest, or dur-

ing harvest, and a loss is to be claimed, written notice shall be given immediately to the office for the county.

14. *Amount of loss and proof of loss.* (a) Any claim for any loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 60 days after harvesting of the insured crop is completed on the unit, but not later than 60 days after the applicable calendar date for the end of the insurance period shown in section 6. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of citrus on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the average percent of damage (determined in accordance with subsections (c), (d), and (e) of this section) in excess of 10 percent (i.e., average damage 45%—10%=35% payable) and (3) multiplying the result by the insured interest.

(c) Subject to the provisions of subsections (d) and (e) of this section, the average percent of damage to the insured crop on any unit shall be the ratio of the number of standard field boxes of the crop lost from an insured cause to the total number of standard field boxes which otherwise would have been produced (herein called the "potential"). The potential for the unit shall not be less than the product of 100 standard field boxes multiplied by the number of acres in the unit and shall include citrus which (1) was picked before the insured damage occurred, (2) remained on the trees after the damage occurred, (3) was lost from an insured cause, and (4) any other citrus covered by insurance not included in items (1) through (3), including citrus lost from causes not insured against other than normal dropping but not including citrus lost before insurance attached or any tangerines the Corporation determines normally would not meet the 246 pack size under U.S. Standards (2⅜6 inches minimum diameter) by the end of the insurance period for tangerines.

(d) As determined by the Corporation, citrus lost from an insured cause shall include any citrus which is unmarketable either as fresh fruit or for juice due to an insurable cause, and any citrus which is partially damaged by freeze as provided in subsection (e).

If any portion of the insured crop on any unit is seriously damaged by freeze as determined under the applicable provisions of the Florida Citrus Code and could not be marketed as fresh fruit within the prescribed tolerance for freeze damage (including adulteration) such portion of the crop shall be deemed to be unmarketable as fresh fruit.

If any portion of the insured crop on any unit is damaged by any insured cause to the extent that it could not be marketed either as fresh fruit or for juice because it is immature, unwholesome, decomposed, adulterated, or otherwise unfit for human consumption, that portion of the crop shall be deemed to be unmarketable as fresh fruit or for juice.

Any portion of the insured crop harvested prior to inspection by the Coropration or which is or could be marketed as fresh fruit shall be considered undamaged.

Any citrus harvested within 7 days after a freeze will not be considered damaged by freeze.

Any fruit on the ground as a result of an insured cause of loss which is not picked up and marketed shall be deemed to be 90 percent lost if due to freeze and totally lost if due to an insured cause other than freeze.

If unmarketable as fresh fruit due to freeze damage, pink and red grapefruit of citrus Type III and citrus of Types IV and V shall be deemed to have 50 percent damage unless the Corporation determines by the same cut method as used under subsection 14(e)(4) that the juice loss has been greater than 50 percent, except that damage in excess of 50 percent for tangerines of Type IV shall be the actual percent of damaged fruit above 50 percent determined by a fresh fruit cut.

(e) If any portion of the insured citrus crop of Types I, II. III (excluding pink and red grapefruit), and VI is unmarketable as fresh fruit due to freeze but may be processed by the canning or processing plants, it shall be considered as marketable for juice and the extent of damage, whether partial or total, shall be determined as follows subject to the applicable provisions of the preceding section:

(1) From the 8th through the 30th day after the freeze, any portion of the insured crop which has a sufficient number of freeze damaged fruits therein to make it unmarketable as fresh fruit under the provisions of the Florida Citrus Code shall, if marketed for juice, be considered damaged the smaller of 30 percent or the actual percent of freeze damaged fruit as determined by the Corporation by sampling representative fruits by a fresh fruit cut method. (In the event there are successive freezes, the 30-day period shall be considered to have its beginning from the date of the freeze that results in the citrus becoming unmarketable as fresh fruit as determined by the Corporation.)

(2) Beginning with the 31st day after the freeze, citrus lost from freeze shall include any citrus which is unmarketable, either as fresh fruit or for juice due to freeze and any citrus which is partially damaged by freeze.

(3) Citrus shall be considered as having been partially damaged from an insured cause only if the cause of such damage is freeze and then only if the citrus is not harvested within 30 days after the partial damage, and if before harvest the citrus has dried to the extent that the amount of damage can be determined.

(4) The percent of damage due to a freeze in an individual fruit sampled by a cut method shall be determined by the Corporation as follows: (a) If the Corporation determines that there is less than 16 percent juice loss, the fruit shall be considered undamaged, (b) If the Corporation determines that as much as 16 percent, but less than 50 percent of the juice has been lost due to freeze, the fruit shall be considered as 40 percent damaged, or (c) if the Corporation determines that 50 percent but less than 75 percent of the juice has been lost due to freeze, the fruit shall be considered as 70 percent damaged.

If the Corporation determines by the cut method that 75 percent or more of the juice has been lost due to freeze, the fruit shall be considered as totally lost.

(f) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the action must be brought within one year after the date notice of denial is mailed to and received by the insured.

15. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation: *Provided*, That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an entity other than an individual and is dissolved or is an individual who dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of dissolution, death, or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(c) For the purposes of subsection (b) hereof, death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the parties shall terminate the contract.

16. *Insured interest.* For the purpose of determining the amount of indemnity, the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

17. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which any such act or omission occurred.

19. *Collateral assignment*—Transfer of Interest. The right to an indemnity in any crop year may be assigned by the insured only as security upon prior approval by the Corporation. If the insured transfers his interest in the insured crop in any crop year, he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

22. *Meaning of terms.* For purposes of insurance on citrus the terms:

(a) "County actuarial table" means the actuarial forms and related material (including the crop insurance maps where applicable) which are approved by the Corporation, which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information with respect to citrus crop insurance for the crop year in the county.

(b) "Office for the county" means the Corporation's office serving the county shown in this application and policy, or such office as may be designated by the Corporation from time to time, and may serve more than one county.

(c) "County" means the area shown on the actuarial table which may include insurable

acreage located in a local producing area bordering on the county.

(d) "Crop year" means the period beginning May 1 and extending through June 30 of the following calendar year and shall be designated by reference to the calendar year in which the insurance period begins.

(e) "Harvest" means any severance of citrus from the tree either by pulling or picking, or picking the marketable fruit from the ground.

(f) "Insurance unit" means all insurable acreage in the county of any one of the six citrus types (see (g) below) (1) in which type of citrus the insured has 100 percent interest on the date insurance attaches for the crop year and which is located on contiguous land under the same ownership, or (2) in which type of citrus two or more persons have 100 percent interest on the date insurance attaches for the crop year and which type is located on contiguous land under the same ownership, excluding any other acreage of such type of citrus in which such persons do not have 100 percent interest in such citrus on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

(g) "Types of citrus" means any of the six types of fruit as follows: Type I, Early and midseason oranges; Type II, Late oranges; Type III, Grapefruit; Type IV, Navel oranges, tangelos, and tangerines; Type V, Murcott honey oranges (also known as Honey tangerines) and Temple oranges; and Type VI Lemons. Oranges commonly known as "Sour oranges" and "Clementines" shall not be deemed to be included in any of the insurable types of citrus.

(h) "Standard field box" means a standard field box as prescribed in the Florida Citrus Code.

23. *Access to insured acreage.* Any persons designated by the Corporation shall have access to the insured acreage for purposes relating to the contract.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

NOTE. The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The proposed amendment to revise the Florida Citrus Crop Insurance Regulations is intended to incorporate three previous amendments, add another type of citrus to the coverage being offered, provide for a premium adjustment table, and provide for access to the insured acreage.

The previous amendments are (a) Amendment No. 1 which provides that all claims must be submitted to the Corporation within 60 days after harvesting but not later than 60 days after the final calendar date for the end of the insurance period (35 FR 9998), (b) Amendment No. 2 which provides for a reduction in the amount pink and red grapefruit is considered damaged if unmarketable as fresh fruit from 70 to 50 percent and changes minimum insurable age of trees from 6 to 10 years (37 FR 6565), and (c) Amendment No. 3 which provides that insureds may insure citrus produced on trees that have reached the 7th growing season in those counties where so provided on the actuarial table, and makes provision that any pink or red grapefruit, or citrus of Types IV (except tangerines) and V which is unmarketable as fresh fruit will be considered damaged 50 percent unless percent of juice loss is greater.

In addition to the above, the proposed amendment would add Type VI Lemons in response to requests from growers as an insurable crop, make provisions for Corporation personnel to have access to insured acreage for purposes that relate to the contract, and provide for a premium adjustment table which would establish the insured's premium payments based on the individual grove insurance experience.

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

It is desirable that the above regulations become effective with the 1976 crop year. Notice of changes must be given insureds by April 15, 1976, and applications for insurance will be taken in the near future. In addition, considerable administrative detail must be effected in those counties where citrus insurance is offered before such changes may go into effect.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on January 21, 1976.

[SEAL] PETER F. COLE,
Secretary,
Federal Crop Insurance Corporation.

Approved on January 29, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-3343 Filed 2-3-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Ins. 442.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Community Facility Loans; Correction

FR Doc. 75-18015 appearing at pages 29263-29264 in the issue for Friday, July 11, 1975, is corrected by the following editorial change: Page 29263, in the fourth sentence of the preamble, by changing "paragraphs (h) through (g) without change." to read "paragraphs (d) through (g) without change."

Dated: January 29, 1976.

FRANK B. ELLIOTT,
Administrator,
Farms Home Administration.

[FR Doc.76-3254 Filed 2-3-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Public Law 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 100, 103, 214, 238, and 336 of Chapter I of Title 8 of the Code of Federal Regulations.

A new position of Assistant Commissioner for Information Services has been established under the Associate Commissioner for Management. Accordingly, in Parts 100 and 103, §§ 100.2(a) and 103.1 (c) are amended to include a reference thereto.

Existing § 214.2(f)(6) provides, in part, that if a nonimmigrant student requests permission to accept part-time employment because of economic necessity, he must establish that the necessity is due to unforeseen circumstances arising subsequent to entry, or subsequent to change to student classification. Since the term "subsequent to entry" would include the last entry of a nonimmigrant student who had been granted permission to accept part-time employment and had thereafter been absent from the United States for a short period of time, and could result in a miscarriage of justice, § 214.2(f)(6) is being amended to provide that a nonimmigrant student's application for permission to continue previously authorized part-time employment may be adjudicated without regard to any short absence from the United States intervening since the original employment authorization.

An agreement for preinspection at Victoria, B.C., Canada, of voyages of British Columbia Steamship Company (1975) Ltd. destined to the United States, has been entered into between that line and the Commissioner of Immigration and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. Accordingly, § 238.4 is amended by adding "British Columbia Steamship Company (1975) Ltd." to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crewmen at the designated places outside the United States.

In Part 238, § 238.4 is further amended by deleting "Wardair Canada Ltd." from the listing of transportation lines which have entered into agreements for preinspection of their passengers and crews at Vancouver, B.C., Canada, since the agreement authorized preinspection for a single flight only and was not subject to listing in 8 CFR 238.4.

Current § 336.11 provides that final naturalization hearings or other naturalization proceedings shall, whenever practicable, be atttended by naturalization examiners or other members of the Service. Section 336.11 is being amended to

clarify that naturalization examiners or other Service officers shall personally attend all final naturalization hearings and other naturalization proceedings.

In light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

In § 100.2(a), the third and fourth sentences are amended. As amended, § 100.2(a) reads as follows:

§ 100.2 Organization and delegations.

(a) The Attorney General has delegated to the Commissioner, the principal officer of the Immigration and Naturalization Service, authority to direct the administration of the Service and enforce the Act and all other laws relating to immigration and naturalization, except the authority delegated to the Board of Immigration Appeals. The Deputy Commissioner is authorized to exercise all power and authority of the Commissioner unless any such power or authority is required to be exercised by the Commissioner personally or has been exclusively delegated to another immigration official or class of immigration officer. Subject to the general supervision of the Commissioner and the direction of the Deputy Commissioner, the Associate Commissioners have responsibility for Service program development, coordination, evaluation and counseling relating to Service policy and recommendations within their program areas of activity and general direction of the Assistant Commissioners with technical responsibility for each of the program areas as follows: The Associate Commissioner, Examinations, the Adjudication and Inspection programs and general direction of the Assistant Commissioners for Adjudication and Inspection; the Associate Commissioner, Enforcement, the Border Patrol, Investigations, and Detention and Deportation programs and general direction of the Assistant Commissioners for Border Patrol, Investigations, and Detention and Deportation; the Associate Commissioner, Management, the Administrative, Records and Information, Personnel, and Citizenship and Naturalization programs and general direction of the Assistant Commissioners for Administration, Information Services, Personnel, and Naturalization. The Assistant Commissioners have responsibility for planning, coordinating, evaluating, and technical counseling relating to their program areas as follows: The Assistant Commissioner for Adjudications, the Adjudicative programs; and the Assistant Commissioner for Inspections, the Inspection programs; the Assistant Commissioner for Border Patrol, the Border Patrol programs; the Assistant Commissioner for Investigations, the Investigations programs; the Assistant Commissioner for Detention and Deportation, the Detention and Deportation programs; the Assistant Commissioner for Administration, the Administrative programs; the Assistant Commissioner for Information Services, the Records Administration and Information, Statistics, and Automated Data Processing programs; the Assistant Commissioner for Personnel, the Personnel programs; the Assistant Commissioner for Naturalization, the Citizenship and Naturalization programs.

* * * * *

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Section 103.1(c) is amended in the following respects: paragraph (c) is amended to include a reference to the Assistant Commissioner for Information Services; subparagraph (c)(1) is amended by deleting the reference to "statistics" and "records" activities; a new subparagraph (c)(2) is added; and existing subparagraphs (c)(2) and (c)(3) are redesignated (c)(3) and (c)(4), respectively. As amended, § 103.1(c) reads as follows:

§ 103.1 Delegations of authority.

* * * * *

(c) *Associate Commissioner, Management.* The Administrative, Records and Information, Personnel, and Citizenship and Naturalization programs and general direction of the Assistant Commissioners for Administration, Information Services, Personnel, and Naturalization.

(1) *Assistant Commissioner for Administration.* The fiscal, procurement, communication, and engineering activities.

(2) *Assistant Commissioner for Information Services.* The Records Administration and Information, Statistics, and Automated Data Processing programs.

(3) *Assistant Commissioner for Personnel.* The Personnel programs.

(4) *Assistant Commissioner for Naturalization.* The Citizenship and Naturalization programs.

* * * * *

PART 214—NONIMMIGRANT CLASSES

In § 214.2(f)(6), the existing third sentence is revised and a new sentence added between the revised third sentence and the existing fourth sentence to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Student.* * * *

(6) *Employment.* * * * If a student requests permission to accept part-time employment because of economic necessity, he must establish that the necessity is due to unforeseen circumstances arising subsequent to entry, or subsequent to change to student classification; if his request is for permission to continue previously authorized part-time employment, his application may be adjudicated without regard to any short absence from the United States intervening since the original grant of permission. In either case, an authorized school official must certify that part-time employment will not interfere with the student's ability to carry successfully a full course of study. * * *

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

In § 238.4 *Preinspection outside the United States,* the listing of transportation lines under "At Victoria" is amended by adding thereto in alphabetical sequence the following transportation line: "British Columbia Steamship Company (1975) Ltd.", and the listing of transportation lines under "At Vancouver" is amended by deleting therefrom the following transportation line: "Wardair Canada Ltd.".

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

In § 336.11, the title and the existing third sentence are revised, and the existing fourth sentence is deleted. As amended, § 336.11 reads as follows:

§ 336.11 Personal representation of Government at naturalization proceedings.

At least 30 days prior to the holding of any naturalization proceedings referred to in section 336(d) of the Act, the clerk of the naturalization court shall give written notice to the appropriate district director of the time, date, and place of such proceedings. Such notice may be waived by the district director. Final naturalization hearings and other naturalization proceedings shall be attended personally by naturalization examiners or other officers of the Service, who shall interrogate each petitioner or applicant regarding pertinent developments occurring subsequent to the date of filing of the petition or application, and shall, if not affected by the interrogation, present to the court the views and recommendations of the designated examiner and the regional commissioner, as appropriate. If the recommendation of the regional commissioner does not agree with that of the designated examiner, a member of the Service other than the person who conducted the preliminary examination shall, whenever practicable, represent the Service before the court. Such a representative may cross-examine the petitioner and his witnesses and may call other witnesses and produce evidence concerning any matter affecting the petitioner's eligibility for naturalization. When necessary, the representative in attendance shall have a stenographic report made of the testimony.

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

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 100.2(a) and 103.1(c) relate to agency organization and management; the amendment to § 214.2(f)(6) is clarifying in nature and confers a benefit on the persons affected thereby; the amendments to § 238.4 adds and de-

letes a transportation line from the listing and the amendment to § 336.11 is clarifying in nature and relates to agency procedure.

Effective date. The amendments made in this order shall become effective February 4, 1976.

Dated: January 30, 1976.

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

[FR Doc.76-3349 Filed 2-3-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Banked Costs, Proportionate Allocation of Costs, and Passthrough of Cost Decreases; Implementation of the Energy Policy and Conservation Act

I. BACKGROUND

On January 7, 1976, the Federal Energy Administration ("FEA") issued a Notice of Proposed Rulemaking and Public Hearing (41 FR 1680, January 9, 1976) containing proposed revisions to the regulations in 10 CFR Part 212 applicable to refiners, resellers, and retailers in order to reflect the pricing policies of sections 401 and 402 of the Energy Policy and Conservation Act (Pub. L. 94-163, "EPCA"). The EPCA requires that these revisions be effective as of February 1, 1976.

Section 401 of the EPCA amends the Emergency Petroleum Allocation Act of 1973 ("EPAA") by adding a new section 9, which makes explicit FEA's current implicit requirements for the dollar-for-dollar passthrough of any decreases in the costs of crude oil, residual fuel oil, and refined petroleum products. Section 402 of the EPCA amends section 4(b) of the EPAA by adding certain limitations with respect to the time allowed for recoupment of net crude oil cost increases and the amounts of any unrecouped or "banked" costs which may be passed through in prices charged by refiners. Section 402 further requires the "proportionate distribution" of the increased costs of crude oil incurred by refiners to prices for aviation fuel of a kerosene or naphtha type, propane refined from crude oil, and No. 2 oils.

On January 26, 1976 a public hearing was held. Oral statements were made by 16 persons, and 45 written comments were submitted. FEA has carefully considered those comments in developing the regulations adopted today.

II. PASSTHROUGH OF COST DECREASES

Section 401(a) of the EPCA amends the EPAA by adding a new section 9 as follows:

> Not later than the first day of the second full calendar month following the date of enactment of this section, the regulation under section 4(a) shall provide for a dollar-for-dollar passthrough in prices at all levels of distribution from the producer through the retail level of decreases in the costs of crude oil, residual fuel oil, and refined petroleum products (including decreases in costs which result from a reduction in the price of crude oil produced in the United States because of the amendment to such regulation required under section 8(a)).

The conference Report on the EPCA states with respect to this provision:

> Under current regulations, the opportunity is provided for a refiner or marketer to pass through its increased crude oil or product costs. This is done by allowing the maximum lawfull selling price of each seller to be increased upward to reflect increases incurred in the cost of crude oil or products purchased. The Conference Substitute requires that *decreases* in a firm's cost of crude oil, residual fuel oil, or refined petroleum products be fully taken into account in computing that firm's maximum lawful selling prices.
>
> Until now such a provision has been unnecessary because few, if any, firms have enjoyed a reduction in their input costs. The pricing provisions contained in the Conference Substitute and the removal of import fees should, however, result initially in a significant reduction in the actual weighted average first sale price of domestic crude oil. This provision of the Conference Substitute will help to assure that as much of the crude oil price reduction as is possible will be passed through the various levels of refining and distribution to the consumer level. Of course, it cannot realistically result in a full and immediate dollar-for-dollar reduction of any seller's current selling price if that seller is already below its maximum lawful prices and if the Federal Energy Administration does not alter the rules regarding so-called "banked costs". *Conf. Rep. No. 94-516, 94th Cong., 1st Sess. (1976) p. 195.*

As the Conference Report states, implementation of the new domestic crude oil price regulations adopted today in a concurrent rulemaking will result in an overall decrease in the weighted average first sale price of domestic crude oil. However, the result of such decrease in the cost of crude oil to refiners, in terms of the prices which may be charged under FEA price regulations for residual fuel oil and refined petroleum products, depends in part on the extent to which previously incurred higher costs of crude oil or purchased petroleum products (*i.e.*, higher product costs) have already been passed through in prices charged for products.

As discussed in the January 7, 1976 notice of proposed rulemaking, to the extent that refiners, resellers, or retailers have charged prices for products that have been less than those that would have resulted from passing through all of their increased product costs, they have unrecovered increased product costs. Those unrecovered increased product costs may be carried forward pursuant to §§ 212.83 or 212.93 of the regulations and, subject to certain limitations, passed through in future prices. Although amendments to the provisions on the carryforward of unrecovered increased product costs (or "banked" costs) by refiners are also adopted in this rulemaking, the carryforward rules will continue to permit refiners that do not pass through all their increased product costs on a current basis to carry forward unrecovered increased product costs for recovery in a future period, subject to certain limitations. Thus, the existence of the carryforward rules and the amounts carried forward by each particular firm will necessarily affect how soon decreases in the cost of crude oil and purchased products will be passed through as reductions in the selling prices of products by each firm.

The resellers' and retailers' regulations already explicitly require that decreases in costs be passed through. *See* § 212.93 (c)(1). Moreover, current FEA refiner price regulations operate so as to automatically provide for the dollar-for-dollar passthrough of decreases in costs of crude oil in prices allowed to be charged for products, except to the extent that unrecovered increased product costs are used to offset those decreases. Although as noted in the Conference Report, FEA refiner price pregulations expressly only provide for a dollar-for-dollar passthrough of *increased* product costs, and are silent with respect to *decreased* product costs, increased product costs are generally defined in the regulations as the difference between current costs and May 1973 costs. Thus, any reduction in current cost levels from the cost levels of the preceding month automatically results in a reduction in the amount of increased costs available for passthrough and, hence, in a reduction in a firm's maximum lawful prices. In other words, although the term "reduced product cost" does not appear in the refiners' regulations, any reduction in product costs automatically constitutes a lesser amount of "increased product costs" (since such increases are measured from May 1973 levels), except in the unlikely event a firm were to incur costs currently that were below May 1973 levels.

FEA, nevertheless, proposed to add an express provision to its price regulations stating that current decreases in the cost of crude oil, residual fuel oil, or refined petroleum products (*i.e.*, reductions in the amount of increased costs—over May 1973 levels—in a current month from the amount of increased costs—over May 1973 levels—for the prior month) automatically result in a reduction in the amount of increased costs available for passthrough.

No further amendments to implement this aspect of the EPCA were proposed in the oral or written comments received by FEA, nor were any persuasive reasons for not adopting the proposed amendment advanced. It should be noted, however, that, as discussed more fully below, one of the amendments to the previous regulations on the carryforward of unrecovered increased costs of crude oil that is being made today (deletion of the provision permitting use of such costs to maintain prices at their levels in the previous month) will further assure that crude oil cost decreases are passed through.

FEA therefore adopts as proposed the amendments to its refiners', resellers',

and retailers' price regulations which state that current decreases in the cost of crude oil, residual fuel oil, or refined petroleum products automatically result in a reduction in the amount of increased costs available for passthrough.

III. Limitations on Refiners' Use of "Banked" Costs

Section 402 of the EPCA amends section 4(b)(2) of the EPAA to read, in pertinent part, as follows:

(2) In specifying prices (or prescribing the manner for determining them), the regulation under subsection (a)—

* * * * *

(B)(i) shall not permit any net crude oil cost increases—

(I) which are incurred by a refiner during the calendar month immediately preceding the effective date of this paragraph, or in any month thereafter, and

(II) which are not passed through in prices charged pursuant to such regulation in the 2 calendar months following the calendar month in which such crude oil cost increases were incurred,

to be passed through by such refiner in any month subsequent to the 2 calendar months following the calendar month in which such crude oil cost increases were incurred, unless the President makes the findings specified in clause (ii)(II)(aa), and such passthrough is consistent with the requirements specified in clause (ii)(II)(bb).

(ii) shall not permit the passthrough in any month of—

(I) any net crude oil cost increases incurred by a refiner not later than the last day of the calendar month which begins two months prior to the effective date of this paragraph and not passed through by the end of the last calendar month prior to the effective date of this paragraph unless such passthrough is not in excess of 10 percent of the total amount of such increased crude oil costs not passed through as of the last day of the last calendar month prior to the effective date of the amendment promulgated under section 8(a);

(II) any net crude oil cost increases incurred by a refiner after the effective date of this paragraph, which net crude oil cost increases were not passed through within the 2 calendar months following the calendar month in which such crude oil cost increases were incurred, unless—

(aa) the President finds, and reports to the Congress with respect to such finding, that a passthrough of such crude oil increases is necessary to alleviate the impact on refiners, marketers, or consumers of significant increases in costs, to provide for equitable cost recovery consistent with the attainment, to the maximum extent practicable, of the objective specified in paragraph (1), or to avoid competitive disadvantage; and

(bb) such passthrough in any month of such crude oil cost increases is not in excess of 10 percent of the total amount of such crude oil cost increases as of the end of the calendar month in which the effective date of this paragraph occurs or any month thereafter;

The pricing policy set forth in section 4(b)(2)(B) of the EPAA imposes certain statutory requirements with respect to the carryforward of unrecovered or "banked" increased costs of crude oil by refiners. FEA's analysis of the comments on the implementation of this provision focused on the following issues:

A. extension of the EPCA limitations on the passthrough by refiners of "crude oil costs increases" to the passthrough of increased costs of purchased products,

B. modification of the EPCA two-month limitation on the passthrough of crude oil cost increases by appropriate findings,

C. application of the EPCA ten percent limitation on the passthrough of crude oil cost increases not recovered within two months, and

D. the order of recoupment of increased costs.

Each of those issues is discussed separately below.

A. Extension of the EPCA limitations on the passthrough by refiners of "crude oil cost increases" to the passthrough of increased costs of purchased products

The EPCA distinguishes in its requirements between the treatment of increased costs of crude oil incurred through December 31, 1975, and not recovered in prices charged through January 31, 1976, and the treatment of increased costs of crude oil incurred in January 1976, and thereafter. Essentially, the differing treatment is for unrecovered increased costs accumulated prior to the effective date of this aspect of the EPCA, and such costs as may accumulate after the effective date. The amendments adopted today reflect this distinction.

First, with respect to increased costs of crude oil incurred through December 31, 1975, and not recovered in prices charged through January 31, 1976 (*i.e.*, that portion of a refiner's total "banked" costs as of January 31, 1976 which is attributable to increased costs of crude oil but not to increased costs of purchased products), section 4(b)(2)(B)(ii)(I) of the EPAA provides that the passthrough of such unrecouped increased costs in any month beginning with February 1976 shall not exceed 10 percent of the total January 31, 1976 amount.

FEA proposed that the limitation be applied to the entire amount of "banked" costs as of January 31, 1976, including the portion, if any, attributable to increased costs of purchased products. Although the proposed amendment was therefore more restrictive than the statutory requirement, the comments received confirmed FEA's initial view that great administrative complexities would be introduced in attempting to segregate unrecouped increased costs as of January 31, 1976 attributable to increased costs of crude oil from those attributable to increased costs of products purchased for resale. The amendment is, therefore, adopted as proposed in this respect, and applies to *all* "banked" costs computed as of January 31, 1976.

Second, with respect to increased costs of crude oil incurred during January 1976 or any month thereafter, section 4(b)(2)(B)(i) of the EPAA provides that net crude oil cost increases which are not passed through in prices charged in the two calendar months following the calendar month in which they were incurred may not be passed through in any month following the two calendar months in which they were incurred, *unless* certain findings are made pursuant to section 4(b)(2)(B)(ii)(II)(aa) of the EPAA and subject to the limitations on the amount of such later passthrough of section 4(b)(2)(B)(ii)(II)(bb) of the EPAA.

As to this limitation on costs incurred beginning in January 1976, FEA also proposed that it be applied to the entire amount of unrecouped or "banked" costs, whether attributable to crude oil or purchased products. The proposal was made in that form, although more restrictive than the statutory requirement, for purposes of administrative simplicity, but comments were requested as to whether increased costs of crude oil should be segregated from increased costs of purchased products for purposes of complying with this aspect of the EPCA limitation on the carryforward of unrecovered increased costs of crude oil. On the basis of the comments received, FEA has concluded that it is not only possible, but necessary to maximize future equity in pricing, to segregate unrecouped increased costs of crude oil from the unrecouped costs attributable to purchased products.

The original FEA proposal is, therefore, not adopted in this respect. FEA instead hereby adopts certain modifications to the definitions of "increased cost of . . . products . . . purchased or landed" (represented by the letter "B" in the refiners' price formulae) and the definition of the so-called "banked costs" (represented by the letter "G" in the refiners' price formulae) contained in § 212.83(c) and to the related portions of § 212.83(e). These modifications serve prospectively to distinguish the treatment of crude oil costs from the treatment of costs of purchased products for the purpose of computing separately unrecouped amounts of each to be carried forward.

It should be noted that these amendments do not affect the use of the term "increased product costs" as defined in § 212.83(b) to include both increased crude oil costs and increased costs of purchased products.

B. Modification of the EPCA two-month limitation on the passthrough of crude oil cost increases by appropriate findings

In order to permit passthrough of increased crude oil costs which are not recovered within two months of the month in which they were incurred, section 4(b)(2)(B)(ii)(II)(aa) of the EPCA requires findings to be made that such passthrough "is necessary to alleviate the impact on refiners, marketers, or consumers, of significant increases in costs, to provide for equitable cost recovery . . ., or to avoid competitive disadvantage . . ." This requirement is stated in the alternative, and making any one of the three findings is sufficient to support permitting such passthroughs. After analysis of all written comments and oral presentations at the hearing,

FEA has concluded that all three consequences would result if crude oil cost increases were required to be recouped, if at all, within two months, and therefore has made the necessary findings. These findings are attached to this rulemaking and are simultaneously being submitted by FEA to the Congress as required in section 402 of the EPCA.

Although the required findings are being made, section 4(b)(2)(B)(ii)(II)(bb) of the EPAA further limits the amount of any passthrough of banked costs so that it cannot exceed, in any month, ten percent of the highest total amount of such unrecovered crude oil cost increases measured as of the end of any month beginning with February 1976, through the month for which the computation is being made. In conjunction with the findings, therefore, amendments to § 212.83(e) limiting in this manner the passthroughs of increased costs of crude oil more than two months after they were incurred are adopted.

In this regard, it should be noted that a number of the comments referred to § 212.83(c)(5) of the regulations then in effect, which generally limited the amount of "banked" costs which could be used in any month to: (1) The amount needed to maintain the previous month's prices, plus (2) ten percent of the highest amount of "banked" costs in any month since October 1974. Those comments noted that the FEA proposed to implement the EPCA restrictions on the use of "banked" costs by omitting the first provision, which permitted use of "banks" in whatever amounts needed to maintain prices. However, this "price maintenance" provision is no longer permissible under the new limitations imposed by the EPCA and is therefore purposely revoked.

C. APPLICATION OF THE EPCA TEN PERCENT LIMITATION ON THE PASSTHROUGH OF CRUDE OIL COST INCREASES NOT RECOVERED WITHIN TWO MONTHS

FEA proposed to apply the statutory ten percent limitation on use of unrecovered costs on a product category basis, although not required to do so by the EPCA. FEA's notice stated that refiners had been, in effect, required to compute "banks" for each of the products or product categories represented by the symbol "I" in the § 212.83(c) refiners' formulae—at that time gasoline, No. 2 oils, and general refinery products—and that the ten percent limitation was proposed to be applied so that no more than ten percent of any of the separate "banks" attributable to individual product categories could be used in any one month. Comments were requested, however, on whether the ten percent limitation should be applied only to the aggregate amount of unrecovered increased crude oil costs, rather than to individual product categories.

The amendment adopted today restricts the application of the limitation to the total amount of all such unrecovered net crude oil cost increases in accordance with the statutory language, rather than applying the limitation on a product category basis. Comments received in this proceeding indicated that this approach was necessary to provide added pricing flexibility which, in turn, would help serve to alleviate serious disincentives to normal build-up of inventory for seasonal products, such as No. 2 oils. Thus, any or all of each particular product's or product category's "banks," (*i.e.*, (1) unrecouped increased costs attributable to crude oil and purchased product computed as of January 31, 1976 or (2) costs of crude oil not recouped within two months of the month in which incurred) may be used in a month, provided only that ten percent of each refiner's total amount of all such "banked" costs may be used in one month.

D. THE ORDER OF RECOUPMENT OF INCREASED COSTS

Many of the comments received by FEA pointed out that the proposed regulations were silent as to the order in which the various categories of increased costs would be deemed to have been recouped by refiners in their prices for covered products. A new § 212.85 is therefore being adopted, stating the order in which increased costs will be deemed to have been recouped.

Under FEA price regulations (both prior to today's amendment and as amended), refiners determine their "increased product costs" (composed of increased crude oil and purchased product costs) on a calendar month basis, by taking the difference between their May 1973 weighted average crude oil (and product) cost per barrel and their weighted average crude oil (and product) cost per barrel for the month for which increased costs are being measured, and then multiplying each per barrel amount by the number of barrels of crude oil (and product) purchased in that month (exclusive of certain amounts, such as crude oil and other covered products to be used as refinery fuel). The total dollar amount of increased crude oil (and product) costs which is thus determined for a calendar month may not be passed through in prices for products which are above a refiner's May 15, 1973 prices until the calendar month following the month in which they were incurred and measured.

To the extent that the total amount of a refiner's increased costs of crude oil incurred in one calendar month (the "month of measurement") is not recovered in prices charged during the following calendar month (the "current month"), such increased costs may be carried forward or "banked" and passed through in prices charged in subsequent months, subject to certain limitations. Non-product costs may not be "banked" and are therefore considered to be recouped only after all available "increased product costs" (increased costs of crude oil and of purchased products) have been applied to establish "base prices."

Many refiners commented on the necessary interaction of the permitted order of recoupment of the categories of increased costs with the EPCA provision that increased costs of crude oil incurred as of January 1976 and thereafter may only be recouped without limitation during the first two months after the month in which they were incurred. If FEA were not to distinguish the one-month-old-costs "bank" from other "banks," and simply required that month of measurement costs be recouped before one-month-old "banked" costs attributable to crude oil, the comments correctly expressed concern that the two-month limitation of the EPCA would be effectively converted to a one-month limit on recoupment of costs. FEA therefore has, in the amendments adopted today, distinguished among the various categories of unrecovered increased costs, and specified the required order of recoupment.

Except for the complexities introduced by the statutory two-month and ten percent limitations, the order specified in the new § 212.85 is the same as that under the regulations previously in effect. The month for which prices are being determined is referred to in the refiner's price regulations as the "current month" or "u;" the prior month is referred to as the "month of measurement" or "t." For purposes of the new regulations, the month two months prior to the current month is now referred to as "t–1." Increased costs will be considered to be recouped in the current month as follows:

First. All increased costs of crude oil incurred during the month two months before the current month ("t–1") and not passed through in the immediately preceding month ("t"),

Second. All increased costs of crude oil incurred in the month of measurement ("t"),

Third. (a) Increased costs of crude oil incurred after December 31, 1975 and three or more months before the current month and not previously passed through, provided that the amount passed through in the current month does not exceed ten percent of the highest total such amount as of the end of any month after February 1976 (no such costs will exist until March 31, 1976),

(b) Increased product costs (crude oil or purchased products) incurred through December 31, 1975 and not passed through as of January 31, 1976, and not passed through in any subsequent month through the immediately preceding month ("t"), *Provided,* That the amount passed through in the current month does not exceed ten percent of the total such amount as of January 31, 1976,

Fourth. Increased costs attributable to purchased products incurred in January 1976 or thereafter, and represented by the revised symbol "B" in the formulae in § 212.83(c), may be passed through in any month after the month in which they were incurred, and

Fifth. Increased non-product costs, which must be recouped last.

Refiners are required to calculate, as of the last day of each month, for each product or group of products represented by the symbol "I" in the § 212.83(c)

formulae, the amount of each of the five types of costs used in computing prices for that month and the extent to which they were recouped. Records of such computations must be maintained and kept available for use by FEA auditors.

E. SUMMARY OF AMENDMENTS TO REFLECT THE EPCA LIMITATIONS ON THE CARRY-FORWARD OF UNRECOUPED INCREASED CRUDE OIL COST

Pursuant to the amendments adopted today, the following requirements are made effective:

First, refiners are required to compute unrecouped increased costs of crude oil and costs of purchased products, as of January 31, 1976 and unrecouped increased costs of crude oil as of the end of every month thereafter.

Second, refiners are permitted to use "increased product costs" (whether attributable to crude oil or purchased product) in computing prices only subject to the following limitations:

(a) Increased *crude oil* costs incurred in any month beginning as of January 1976 (and thereafter) may be recouped without limitation during the two immediate subsequent months:

(b) Increased *crude oil* costs incurred during January 1976 or any month thereafter and not recouped within two months after the month in which they were incurred may be recouped in any month after those two months, provided that the portion recouped in any such following month is not more than ten percent of the highest total amount of all of such unrecouped increased crude oil costs computed as of the end of any month;

(c) Increased *purchased product* costs incurred during January 1976 or any month thereafter may be recouped without limitation during any subsequent month; and

(d) Not more than ten percent of all unrecouped increased *crude oil and purchased product* costs (which have under previous regulations been computed as a single amount) computed as of January 31, 1976 may be recouped in product prices in any future month.

IV. PROPORTIONATE ALLOCATION OF COSTS

Section 402 of the EPCA also amends section 4(b)(2) of the EPAA to include the following new provision with respect to the distribution of increased costs:

(2) In specifying prices (or prescribing the manner for determining them), the regulation under subsection (a)—

(D) shall not permit more than a direct proportionate distribution (by volume) to Number 2 oils (Number 2 heating oil and Number 2-D diesel fuel), aviation fuel of a kerosene or naphtha type, and propane produced from crude oil, of any increased costs of crude oil incurred by a refiner; except that the President may, by amendment to the regulation under subsection (a) or by order, permit deviation from such proportionate distribution of costs, if the President finds that refinery operations justify such deviation and further finds that to permit such deviation is consistent with the attainment of the objectives in paragraph (1) and would not result in inequitable prices for any class of users of such product.

Under FEA regulations in effect until these amendments, refiners allocated increased crude oil costs to three categories of products: No. 2 oils, gasoline, and general refinery products (which includes all covered products other than gasoline and No. 2 oils). No more than a proportionate allocation of costs could be attributed to the categories of No. 2 oils and general refinery products, as well as the product propane which was included in the category of general refinery products but subject to a "special rule." Gasoline, however, could receive a disproportionate share of increased crude oil costs which would otherwise be attributed on a proportionate basis to the categories of No. 2 oils or general refinery products. Similarly, within the general refinery products category, all products except propane could receive a disproportionate share of the costs attributed to that product category.

With respect to the new EPAA provision on proportionate pricing, it should be noted first that the Conference Committee, as stated in the Conference Report, fully intended to preserve the existing flexibility to assign less than a proportionate amount of increased costs to propane or home heating oil, as for example, in the existing regulations, which permit more than proportionate amounts of increased costs to be assigned to gasoline. See: Conf. Rep. No. 94-516, 94th Cong., 1st Sess., (1975), p. 198.

It should also be noted that FEA has concluded that the new provision is satisfied by a price rule which measures the proportionality of increased crude oil costs apportioned to a particular product category on an annual basis, as has been required under the provisions of the special propane rule (See discussion under "Propane Refined from Crude Oil," below). This new provision of the EPAA merely adds "aviation fuel of a kerosene or naphtha type" to the products or product categories to which not more than a proportionate amount of increased crude oil costs may be assigned, and elevates the current regulatory requirement with respect to No. 2 oils and propane produced from crude oil to the level of a statutory requirement.

The proposed amendments regarding proportionate pricing of aviation jet fuel and propane refined from crude oil, and the method for allocating increased crude oil costs among product categories are discussed separately.

A. AVIATION JET FUEL

Under the refiner price regulations in effect at the time of the proposed amendments, aviation fuels constituted one of the several products or product categories within the category of "general refinery products". Refiners are permitted under § 212.83(c)(1)(ii) to apportion the total amount of increased product costs attributable on a volumetric basis to the category of general refinery products among particular products (except propane) within that category in whatever amounts they deem appropriate.

To implement the proportionate pricing provision of section 4(b)(2)(D) of the EPAA, FEA adopts essentially as proposed the amendments to §§ 212.31 and 212.83 of the regulations applicable to aviation fuels of a kerosene or naphtha type, as follows:

First, a new defined term, "aviation jet fuel," is adopted, to mean "aviation fuel (kerosene-type) and aviation fuel (naphtha-type)."

Second, the same proportionate pricing provisions as are now applicable to No. 2 oils are made applicable to "aviation jet fuel," with "aviation gasoline" to remain a general refinery product.

Third, with respect to unrecovered increased product costs attributable to general refinery products which have been incurred through December 31, 1975 and not recovered in prices charged through January 31, 1976, not more than a proportionate amount will be permitted to be carried forward for application to prices for the new category of aviation jet fuel. The proportion of such costs which may be applied to aviation jet fuel prices will be not more than the ratio which a refiner's total dollar sales of aviation jet fuel bore to its total dollar sales of all products in the general refinery products category during calendar year 1975. The portion of a refiner's January 31, 1976 "banked" costs which may be applied to future prices of aviation jet fuel is to be determined according to 1975 dollar sales, rather than by reference to 1975 sales by volume, in order to simplify the calculation of this amount. Also, the amendment makes clear that the amount of the January 31, 1976 "bank" allocable to aviation jet fuel is a maximum, and need not be applied to aviation jet fuel if the refiner decides, instead, to apply some or all of that amount to general refinery products.

A separate amount of unrecouped increased crude oil and purchased product costs, as of January 31, 1976 and of unrecouped increased crude oil costs for each month thereafter, will be computed for aviation jet fuel, just as is now and was previously required with respect to No. 2 oils.

It should be noted that the new definition of "aviation jet fuel" does not affect the use of the term "aviation fuels," as it appears in § 212.93(b) of the regulations, pertaining to increases in prices by resellers and retailers to reflect nonproduct cost increases for all aviation fuels including aviation gasoline.

Fourth, a clarifying amendment has been made in the price rule for aviation jet fuel. The word "item" has been deleted, since comments received by FEA suggested that that word had been misunderstood by refiners after its introduction in April 1974. (39 FR 12995, April 10, 1974). The term "covered product" has been used in this rule to clarify that

no distinction in the application of increased product costs is permitted to be made between the two types of jet fuels.

B. PROPANE REFINED FROM CRUDE OIL

1. *FEA Proposal.* In order to implement the proportionate pricing provision of section 4(b)(2)(D) of the EPAA, FEA proposed amendments to § 212.83 of the regulations applicable to propane pricing as follows. For purposes of Subpart E of Part 212, propane refined from crude oil was proposed to be treated separately from propane purchased or recovered from natural gas or natural gas liquids by the same firm. In general, the same proportionate pricing provisions as were applicable to No. 2 oils (and which have been made applicable to aviation jet fuel) were proposed to be made applicable to propane refined from crude oil, with all other propane to remain a general refinery product.

In order to accomplish this change, that portion of a refiner's unrecovered increased costs of crude oil attributable to general refinery products which were incurred through December 31, 1975 and not recovered in prices charged through January 31, 1976, which could be applied to propane refined from crude oil was proposed to be calculated in the same way as the portion of the general refinery products "bank" which is determined to be attributable to aviation jet fuel.

Propane recovered from natural gas or natural gas liquids would have continued to be a general refinery product. It would also have continued to be subject to the provisions of the current annually-measured "special propane rule." Under former FEA regulations regarding the pricing of propane, including § 212.83(c)(1)(iii), the "special propane rule," and § 212.167(c) as those regulations have been proposed to be extended (*see* 40 FR 49122, October 21, 1975), no more than a proportionate amount of increased costs was permitted to be apportioned to propane during a twelve-month period from August through July, whether the propane was purchased, recovered from natural gas, or refined from crude oil.

2. *Special Propane Rule.* After further consideration, FEA has concluded that the provisions of the special propane rule comport with the requirements of § 4(b)(2) of the EPAA as amended by section 402 of the EPCA. In explaining the "proportionate pricing" requirement, the Conference Report states:

> This provision also prohibits the distribution by volume any increase in the cost of crude oil to Number 2 oils, aviation fuel, and propane produced from crude oil in greater than a directly porportionate amount. Under current regulations, refiners are not permitted to pass-through crude oil cost increases on a greater than directly proportionate by volume basis to Number 2 oils, heating oil and diesel fuel and propane. This provision adds aviation fuel to this proportionate pricing formula and elevates the regulatory scheme to statutory status. (Emphasis added.) *Conf. Rep. No. 94-516, 94th Cong., 1st Sess. (1975), p. 198.*

It should, however, be noted that, following the paragraph quoted above, the conferees included a further statement which might be construed as requiring a more complex method of measuring proportionality than that required under FEA's annualized special propane rule:

> Such proportionality in cost passthroughs pertaining to these three categories of refined petroleum products applies to all net increases in the cost of crude oil, including those incurred in the month preceding the effective date of the conference substitute's pricing formula and passed through within the allowable 60 days, those incurred in the month preceding the effective date and passed through after the 60 day limitation, pursuant to the appropriate Presidential findings, and the ten percent limitation, and all such costs incurred before the effective date of the Act's pricing program and subject to the appropriate ten percent passthrough limitations. *Conf. Rep.*, p. 198.

FEA believes that this paragraph describes three generic categories of increased crude oil costs as to which proportionate passthrough is required; that is, that the paragraph states that the various kinds of "banks" are not reallocable among products to avoid the proportionate pricing restraint, but that the paragraph does not set forth any particular time period over which proportionality is to be measured. A possible construction of the paragraph, however, might be that the "proportionate pricing" requirements of the EPCA be measured with respect to each product for each of the three time periods described. However, the meaning of the paragraph is ambiguous, at best, and there is nothing in the text of the EPCA to indicate that the proportionate pricing requirement is not met by the existing "special propane" rule requiring proportionality on an annual basis. Nevertheless, if a contrary construction were to prevail, an annual special propane rule would not be sufficient to comply with the statutory requirements.

However, even if section 4(b)(2) of the EPAA were construed as requiring a regulation measuring the proportionate passthrough of the increased costs of crude oil over some period shorter than the annual period referenced in the special propane rule, section 4(b)(2)(D) of the EPAA permits the regulation required under section 4(a) of the EPAA to deviate from the proportionate distribution of costs requirement of section 4(b)(2) of that Act upon a finding that: (1) Such deviation is justified by refinery operations; (2) the deviation adopted is consistent with the attainment of the objectives of section 4(b)(1) of the EPAA; and (3) the deviation will not result in inequitable prices for any class of user of the product.

FEA requested specific comments in this rulemaking proceeding that would tend to support the findings required under section 4(b)(2)(D) of the EPAA, particularly with respect to propane. Upon analysis of the comments submitted in this proceeding and other available data, the FEA has determined that its current special propane rule, which requires proportionate pricing on an annual basis, should be maintained. Further, to the extent that continuation of this rule might be construed as inconsistent with the proportionate pricing requirement of section 4(b)(2) of the EPAA, FEA has made the following findings necessary to permit deviation from the requirement of that section.

(A) JUSTIFICATION OF DEVIATION FROM PROPORTIONATE PRICING REQUIREMENT BASED ON REFINERY OPERATIONS

The demand for propane fluctuates widely on a seasonal basis. The period of November through February has historically represented the peak demand period for this fuel. Overall demand for propane during each of the past three winter seasons has exceeded the total of U.S. production and imports of the fuel during the same time periods by millions of barrels. This is due in large measure to the fact that refinery and gas plant production of propane remains relatively stable throughout the year. In order to meet demand during the winter, refiners have stored large volumes of propane produced during the off-season, when demand is less than U.S. production and imports. This inventory build-up has not been discouraged under prior FEA price regulations, in part because increased product costs (including the increased cost of crude oil attributable on a volumetric basis to propane refined from crude oil which remain unrecovered in prices charged during the off-season) were permitted to be carried forward for recovery in propane prices charged during the peak season. In addition, by placing propane in the category of general refinery products, prior regulations permitted increased product costs to be disproportionately applied to propane prices during the winter, provided that no more than a directly proportionate amount by volume of such costs was applied to propane prices on an annual basis.

The limitations now placed by the EPCA upon the carryforward of unrecovered increased crude oil costs could operate as a disincentive for refiners to continue inventory build-ups of propane during the off-season, if applied so that refiners were not assured that the entire amount of costs attributable to such inventory would be permitted to be recovered during the peak demand period. The limitation on the apportionment of increased crude oil costs to propane prices, if applied on a monthly basis, would operate as a further disincentive in this regard.

The proposed monthly proportionate pricing provision for propane refined from crude oil, when coupled with the cost carryforward limitation, would operate as an incentive to maintain high propane prices during the off-season to ensure recovery by refiners of as great an amount as possible of their increased crude oil costs attributable to propane. Such prices would, in turn, operate as a

disincentive to propane marketers to increase their propane stocks during the off-season. The probable result would be that inventory levels during the winter would be insufficient to compensate for the excess of demand over production, from refinery and gas plant operations, during the peak season. Thus, the impact of the proposed monthly proportionate limitation on the apportionment of increased crude costs to propane would be twofold: jeopardy for refiners in their efforts to recover the entire amount of their increased costs attributable to propane; and dislocation of the historical supply pattern for propane during the peak season. By extending the special propane rule, which measures proportionate distribution of costs on an annual basis, the FEA intends to provide refiners the necessary flexibility to vary propane prices to reflect seasonal demand fluctuations and thereby to continue current price incentives for the build-up and maintenance of inventories sufficient to meet demand during the winter.

(B) ATTAINMENT OF THE OBJECTIVES SPECIFIED IN SECTION 4(b)(1) OF THE EPAA.

The objectives of the EPAA listed in section 4(b)(1) require, in part, that FEA regulations shall, to the maximum extent practicable, provide for:

(A) protection of public health, safety, and welfare (including maintenance of residential heating, such as individual homes, apartments, and similar occupied dwelling units), and the national defense;

* * * * *

(C) maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petro-chemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

* * * * *

(F) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

* * * * *

(H) economic efficiency; and

(I) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

In light of the circumstances described in section (a) above, the FEA has found that requiring the proportionate allocation to propane of the increased costs of crude oil to be measured on a monthly basis would impair the attainment of each of the EPAA section 4(b)(1) objectives listed above. Preservation of an economically sound and competitive petroleum industry, the promotion of economic efficiency, the minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms would necessarily be impaired whenever the recovery of a substantial amount of increased costs is jeopardized.

Moreover, the maintenance of residential heating and agricultural operations during the heating and crop drying seasons, as well as the equitable distribution of propane, would be impaired by the possibility of supply dislocations, resulting from a decline of historic propane inventory levels. Accordingly, the FEA has determined that extension of the special propane rule in its prior form is both consistent with and necessary to the attaiment of the 4(b)(1) objectives.

(C) EQUITABLE PRICES TO ALL USERS OF PROPANE

The "special propane rule" extended today deviates from the rule proposed in FEA's January 7, 1976 Notice only in the period over which the measurement of the proportionate distribution of increased costs is to be made. Proportionate distribution of increased product costs to prices charged for propane is a primary requirement of the propane price rule. Moreover, the rule requires that all increased product costs attributable to propane, including crude oil costs, natural gas shrinkage costs, natural gas liquids costs, and purchased propane costs, be aggregated for apportionment to a refiner's propane prices to all classes of purchaser. Thus, the rule adopted today permits no deviation from the prior price rules respecting allocation of costs to prices charged to various classes of purchaser of propane. It should also be noted that during the long course of the operation of the special propane rule, FEA has never had reason to conclude that it in any manner permitted inequitable prices to be charged to users of propane.

3. *Amendments adopted.* Although FEA hereby adopts the annual "special propane rule" essentially as first proposed in its October 21, 1975 Notice of Proposed Rulemaking, FEA has not yet completed that rulemaking proceeding. The various issues raised in the October 1975 proceeding will continue to be considered by FEA. Specifically, the use of August 1 as the beginning of the annual period, and the requirement (in paragraph (d) below) that refiners not carry over unrecovered increased costs from one annual period into the next will be further considered. Since refiners are required under the EPCA and the regulations adopted today to compute "banks" as of January 31, 1976 and recoup each month only up to ten percent of such "banks," some modifications in the provision described in paragraph (d) below may be required.

Under § 212.83(c)(1)(iii), as proposed in October 1975 to be extended and adopted today, a refiner in computing prices for propane, on an annual basis for prices set from August 1 through July 31:

(a) may not apportion to propane prices a greater percentage of the increased costs of crude oil incurred during July 1 through June 30 than the percentage that the volume of propane sold during August 1 through July 31 which is produced from crude oil is to the total volume of all products produced from crude oil and sold by that refiner during August 1 through July 31,

(b) may apportion to propane the increased cost of propane purchased, during July 1 through June 30,

(c) may apportion to propane the increased product costs of propane produced from natural gas, during July 1 through June 30,

(d) may not include in propane prices any increased product costs incurred prior to July 1 and not recovered by July 31.

As stated in Section III above, FEA hereby adopts a new § 212.85, to specify the order in which various categories of increased costs will be deemed to have been recovered. Paragraph (b) of § 212.85 specifies that firms that are both refiners of propane from crude oil and processors of propane recovered from natural gas will be deemed to have recovered increased costs attributable to propane in the following manner.

Refiner/processors are required to combine and recoup all "increased product costs" calculated pursuant to Subparts E and K, before recouping any increased non-product costs pursuant to either Subpart. Refiner/processors are also required as of the last day of each month to calculate and keep records of what amounts of each of the various categories of costs were used in computing prices for that month and what amounts of each category were recouped.

C. INCREASED CRUDE OIL COST ALLOCATOR

FEA also proposed to modify the method whereby the proportionate amount of increased costs of crude oil attributable to particular products is derived. Under the regulations then in effect, the proportion was derived, in essence, by multiplying a refiner's total amount of increased cost of crude oil for a month by the ratio that the volume of the product in question estimated to be sold in the current month hears to the volume of all covered products estimated to be sold in the current month. This ratio was set forth in the price formulae of § 212.83(c)(2) as the term "V_i^s/V^s."

The estimated sales volumes expressed, in both the numerator of the fraction (V_i^s) and the denominaotr (V^s) include (except with respect to propane), sales attributable to products which are purchased and resold by a refiner, as well as the sales attributable to products refined by that refiner. Although use of total sales for the purpose of allocating the increased cost of crude oil simplifies the regulations—refiners are not required to compute subtotals of their sales according to whether the product

was purchased or refined—and does not, in most cases, make any significant difference in the ratio that is used, it nevertheless introduces a certain amount of distortion into the allocation of increased costs of crude oil among products, particularly for certain small refiners with large volumes of purchased product. Increasing both the numerator and the denominator of the fraction, by the amount of product purchased for resale, has the effect of allocating a greater proportion of increased crude oil costs to those products where a refiner supplemented its production with product purchased for resale than would be allocable if the refiner made no such purchases.

Accordingly, in order to assure a more representative volumetric allocation of the increased cost of crude oil, FEA proposed to amend the definitions of the allocator factor of the § 212.83(c)(2) price formulae to be "R_i^u/R^u", defined to include only the estimated sales volumes of products refined by the refiner concerned, and to exclude sales volumes attributable to products purchased by the refiner.

A number of comments were received from refiners objecting to the proposed mandatory use of the "R_i^u/R^u" term. Those refiners opposed the added complexity the new term would introduce, stated that the difference between the terms was negligible, or maintained that it was not possible to segregate sales volumes in a particular month according to source—whether refined or purchased. Other refiners reiterated the negative impact of the current "V_i^u/V^u" allocator on their pricing policies. FEA, therefore, proposes to permit each refiner, as of February 1, 1976, to choose one allocator or the other. Once an allocator fraction is chosen, no other may be chosen except as discussed in paragraph B of section V. below.

On the basis of the comments received, FEA has determined that the allocator factor initially proposed is, however, too imprecise. Thus a factor "R_i^t/R^t" is adopted, but is defined as the volume of the covered product or products of the type "i" refined by or on behalf of the refiner during the period "t" divided by the total volume of products refined during the period "t."

V. MISCELLANEOUS AMENDMENTS

A. *Assignment of costs as units are refined.* A number or refiners commented that the FEA regulations (as they existed prior to this amendment and as amended) distribute crude oil costs incurred both to product produced and sold and to product produced and placed in inventory. Amounts not recouped because product produced and sold is priced at less than base prices, as well as amounts not recouped because some production is placed in inventory, are currently included in the computations of "banks." Refiners commented that unrecouped increased costs of crude oil purchased and held in inventory before refining are also currently included in the computation of "banks." FEA believes that the unrecouped increased costs or "banks" associated with crude oil held in inventory and with production placed in inventory are distinguishable from underrecoupments because of selling prices set below base prices and need not be subjected to the carryforward limitations contained in Section 402 of the EPCA. Adoption of changes to the regulations which would permit maintaining such distinctions in computations under the formulae in § 212.83(c) are very complex, however, and are still being considered for possible proposal by FEA in a subsequent rulemaking proceeding.

B. *Definitions of "Cost of Crude Oil" and "Unfinished Oils."* The definition of the "cost of crude oil" in § 212.83(b) is revised to reflect the amendments to the domestic crude oil price regulations issued today and to delete increased costs of natural gas liquids as an element of the increased cost of crude oil. Increased costs of natural gas liquids are not subject to the EPCA carryforward limitations. To the extent that natural gas liquids are processed in a crude oil refinery, their increased costs are to be treated as an increased cost of purchased product pursuant to the "B" factor of the refiners' price formulae. Increased costs of natural gas liquids processed in a gas plant are calculated pursuant to Subpart K.

The definition of unfinished oils is revised to substitute the more precise term "refining" for "processing."

C. *Non-product costs.* FEA is considering issuing a notice of proposed rulemaking and public hearing to address a number of the issues regarding non-product costs raised in comments during this rulemaking. Those issues include the definition of "non-product costs" and whether such costs should also be subject to the carryforward of unrecouped increased costs provisions of the regulations.

D. *Disproportionate allocation of increased crude oil costs to gasoline.* Substantial complexities are introduced by the limitations imposed with respect to the increased cost of crude oil (represented by the symbol "A" in the refiners' price formulae in § 212.83), the definition of increased cost of purchased products (represented by the symbol "B" in the refiners' price formulae in § 212.83), and the provisions relating to the carryforward of unrecouped increased costs of crude oil. Because of those complexities, the optional disproportionate allocation of "increased product costs" to gasoline has been revised to permit only the optional disproportionate allocation of increased crude oil costs to gasoline.

VI. FURTHER COMMENTS

FEA recognizes that the statutory time requirements of the EPCA have necessitated an expedited rulemaking proceeding on new and more complex price regulations while additional time for public consideration and comment would have been desirable. Therefore, FEA welcomes any further comments with respect to improvements respecting FEA's price rules that may be submitted in connection with the public hearings during February on the Reevaluation of the Mandatory Petroleum Allocation and Price Regulations (Notice issued January 28, 1976, 41 FR 4727, January 30, 1976).

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Policy and Conservation Act, Pub. L. 94-163; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 212 of Chapter II, Title 10 Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., February 1, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.31 is amended to revise the definition of "unfinished oils" and to add a definition of "aviation jet fuel" as follows:

§ 212.31 Definitions.

* * * * *

"Aviation jet fuel" means aviation fuel (kerosene-type) and aviation fuel (naphtha-type).

* * * * *

"Unfinished oils" means all oils requiring further refining *i.e.*, any operation except mechanical blending or use as an additive.

* * * * *

2. Section 212.82 is amended by revising paragraph (b) (1) and (3) as follows:

§ 212.82 Price rule.

* * * * *

(b) *Base price*—(1) *Definition.* The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 212.83. (Decreases in product costs in successive months of measurement are reflected in reductions in the amount of increased product costs incurred in such months of measurement.) In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

* * * * *

(3) *Aviation jet fuel.* For purposes of computing the base price pursuant to this paragraph, aviation jet fuel shall be treated as a single covered product.

* * * * *

§ 212.83 [Amended]

3. Section 212.83 is amended in paragraph (b) by revising the definition of "cost of crude oil" to read as follows:

(b) *Definitions.* For purposes of this section—"Cost of crude oil" means (1)

For purposes of domestic crude oil, the first sale price or the purchase price if the transaction occurs after the first sale, provided that the first sale price or purchase price conforms with the requirements of Part 212, plus the cost of transportation. The cost of domestic crude oil also includes the cost of unfinished oils which are used in refining and are further refined and which are covered products. (2) For purposes of imported crude oil, the landed cost.

* * * * *

4. Section 212.83 is amended by revising paragraphs (c)(1)(i), (c)(1)(ii)(B), (c)(1)(iii)(A), (c)(1)(iv), (c)(2)(i) and (ii), and portions of (c)(2)(iii) to read as follows:

(c) *Allocation of increased product cost*—(1) *General rule*—(i) *No. 2 oils, aviation jet fuel, and gasoline.* In computing base prices for sales of No. 2 oils, aviation jet fuel, and gasoline, a refiner may increase its May 15, 1973 selling price to each class of purchaser each calendar month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of that covered product using the differential between the month of measurement and the month of May 1973 provided that the amount of increased costs used in computing a base price is calculated by use of the formula set forth in paragraph (c)(2)(i) of this section, and that the formula of paragraph (c)(2)(i) of this section is computed separately for No. 2 oils, for aviation jet fuel, and for gasoline, and that the amount of increased product costs included in computing base prices of No. 2 oils, of aviation jet fuel, and of gasoline is equally applied to each class of purchaser.

(ii) *General refinery products.* * * *

(B) For purposes of this section, each of the following products or product categories shall constitute "a particular general refinery product": aviation gasoline, benzene, butane, gas oil, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 1 heating oil and No. 1-D diesel fuel, No. 4 fuel oil and No. 4-D diesel fuel, propane, residual fuel oil, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

* * * * *

(iii) *Propane*—(A) *Special Propane Rule.* Notwithstanding the provisions of paragraph (c)(1)(ii) of this section and in addition to the requirements of paragraph (e) of this section, a refiner in computing base prices of propane for each twelve-month period of August 1 through July 31:

(*i*) may not apportion to propane a greater percentage of increased cost of crude oil purchased or landed in the corresponding twelve-month period July 1 through June 30 than the percentage that the volume of propane sold during the twelve-month period August 1 through July 31 that was produced by that refiner from crude oil is of the total volume of all products (including other than covered products) sold by it during the same twelve-month period that were produced by that refiner from crude oil; and

(*ii*) may apportion to propane the increased cost of propane purchased or landed in the corresponding twelve-month period of July 1 through June 30; and

(*iii*) may apportion to propane the increased product costs attributable to propane produced from natural gas during the corresponding twelve-month period July 1 through June 30, as determined pursuant to the provisions of § 212.166; and

(*iv*) may not apportion to propane any increased product costs incurred prior to July 1 of any year and not recovered through July 31 of that year.

* * * * *

(iv) *Reallocation of increased costs of crude oil among product categories, as of February 1, 1976.* Increased costs of crude oil allocable to No. 2 oils, aviation jet fuel, and gasoline pursuant to paragraph (c)(1)(i) of this section and to general refinery products pursuant to paragraph (c)(1)(ii) of this section or carried forward pursuant to paragraph (e) of this section may be reallocated among product categories each month only as follows:

(A) *General refinery products.* To the extent that a refiner does not allocate its increased costs of crude oil for general refinery products to base prices for such products, it may instead allocate that part of its increased costs of crude oil for general refinery products only to base prices for gasoline. No increased costs of crude oil for general refinery products may be reallocated to base prices for No. 2 oils or aviation jet fuel.

(B) *No. 2 oils.* To the extent that a refiner does not allocate its increased costs of crude oil for No. 2 oils to base prices for No. 2 oils, it may instead allocate that part of its increased costs of crude oil for No. 2 oils only to base prices for gasoline. No increased costs of crude oil for No. 2 oils may be reallocated to base prices for general refinery products or aviation jet fuel.

(C) *Aviation jet fuel.* To the extent that a refiner does not allocate its increased costs of crude oil for aviation jet fuel to base prices for aviation jet fuel, it may instead allocate that part of its increased costs of crude oil for aviation jet fuel only to base prices for gasoline. No increased costs of crude oil for aviation jet fuel may be reallocated to base prices for No. 2 oils or general refinery products.

(D) *Gasoline.* No increased costs of crude oil for gasoline may be reallocated to base prices for general refinery products, aviation jet fuel, or No. 2 oils.

(2) *Formulae*—(i) *No. 2 oils, aviation jet fuel, and gasoline.*

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

$$d_i^u = \frac{A^t\left(\frac{V_i^u}{V^u}\right) + B_i + G_i^t \pm H_i^u}{V_i^u}$$

or

$$d_i^u = \frac{A^t\left(\frac{R_i^t}{R^t}\right) + B_i + G_i^t \pm H_i^u}{V_i^u}$$

Provided, That the formula elected to be used, once elected, shall continue to be used.

(ii) *General refinery products.*

For general refinery products (i=4):

$$D_i^u = A^t\left(\frac{V_i^u}{V^u}\right) + B_i + G_i^t - H_i^u$$

or

$$D_i^u = A^t\left(\frac{R_i^t}{R^t}\right) + B_i + G_i^t - H_i^u$$

Provided, That the formula elected to be used, once elected, shall continue to be used.

(iii) *Definitions.* For purpose of paragraphs (c)(2)(i) and (c)(2)(ii) of this section:

d_i^u=The dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of the covered product or products of the type "i" to each class of purchaser to compute the base price to each class of purchaser, except that the dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of gasoline to compute the base prices to the classes of purchaser that purchase gasoline at retail from a refiner at any service station operated by employees of the refiner may be "d_i^u" plus a maximum of $.03 per gallon of gasoline provided that, in computing "d_i^u" for gasoline, the numerator of the formula in clause (1) of this subparagraph is reduced by an amount equal to the product of the actual amount of cents per gallon increase added to "d_i^u" above multiplied by the estimated number of gallons of gasoline to be sold during the period "u" at retail through service stations operated by employees of the refiner. The formula for "d_i^u" must be computed separately for i=1, for i=2, and for i=3.

D_i^u=The total dollar amount a refiner may apportion in the period "u" to general refinery products (i=4) in whatever amounts it deems appropriate to each particular general refinery product, provided that the total dollar amount for i=4 shall be reduced by an amount equal to the total number of gallons of benzene and toluene sold by the refiner during the month of May 1973 multiplied by $.20 and further multiplied by an amount equal to the total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6-1300-M divided by the total number of such barrels processed during the month of May 1973. The formula for "D_i^u" must be computed only once for i=4 (all general refinery products).

V^u=The total volume of all covered products (other than propane, which shall be included to the extent that it was refined by the refiner from crude oil) and all products refined from crude oil other than covered products estimated to be sold in the period "u."

V_i^u=The total volume of a specific covered product or products of the type "i" (other than propane, which shall be included to the extent that it was refined by the refiner from crude oil) estimated to be sold in the period "u."

R^t=The total volume of all covered products refined by the refiner from crude oil and all products refined by the refiner from crude oil other than covered products in the period "t."

R_i^t=The total volume of a specific covered product or products of the type "i" refined by the refiner from crude oil in the period "t."

* * * * *

$$B_i = B_i^t + B_i^{t-n}$$

"B_i" is, for i=1, i=2, i=3, and i=4, the sum of the increased costs of the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 and prior to or during the period "t−1" and not recovered in sales of that product through the period "t" and the increased costs of the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 in the period "t."

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

"B_i^t" is the total increased cost of the specific covered product or products of the type "i" purchased or landed in the period "t," provided such cost is not included in computing "A^t". The cost of a specific covered product or products of the type "i" shall include the cost of a specific covered product or products not of the type "i" that are purchased and refined or blended and that are attributable to the production of the covered product or products of the type "i". The cost and quantity of covered products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

c_i^o=The total cost of a covered product or products of the type "i" purchased or landed in the period "o".

c_i^t=The total cost of a covered product or products of the type "i" purchased or landed in the period "t".

q_i^o=The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "o".

q_i^t=The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "t".

Y_i=The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, the month next preceding May 1973 in which such transactions occurred.

Alternatively, the cost of the covered product or products concerned during the month of May 1973 may be used if computed by the use of accounting procedures generally accepted and consistently and historically applied by the firm concerned, and provided that the FEA has approved in writing of the cost figures used.

"B_i^{t-n}" is the total increased cost of the specific covered product or products of the type "i" computed under "B_i^t" for all months through the month preceding the month of measurement "t−1" beginning on or after January 1, 1976 but not recovered in sales of that product through the period "t."

$$G_i^t = J_i^t - K_i^t + L_i^t$$

"G_i^t" is, as of February 1, 1976, either: (i) the total dollar amount of increased costs of crude oil attributable to the covered product or products of the type "i" to the period "t" not recovered in sales of that product through the period "t", that have been carried forward pursuant to paragraph (e) of this section; or (ii) the total dollar amount by which increased costs of crude oil attributable to the covered product or products of the type "i" to the period "t" have been over-recovered in sales of that product through the period "t", that must be subtracted pursuant to paragraph (e) of this section.

Where:

J_i^t=The total dollar amount of increased costs of crude oil attributable to the covered product or products of the type "i" from January 1, 1976 to the period "t".

K_i^t=The total dollar amount of increased costs of crude oil attributable to the covered product or products of the type "i" and recovered by sales, from February 1, 1976 through the period "t" by adjusting the May 15, 1973 selling prices pursuant to the provisions of this subpart.

L_i^t=The total dollar amount of non-product costs attributable to includable amounts of commissions incurred during the period "t" beginning with January 1, 1976 with respect to sales through consignee-agents of the covered product or products of the type "i". The includable amount of commission incurred with respect to each item sold through each consignee-agent is the dollar amount per unit of volume by which the commission in the period "t" exceeds the commission in effect on May 15, 1973, provided that the includable amount shall be an amount reasonably intended to cover increased non-product costs of the consignee-agent, and that it shall not exceed the amount of the non-product cost price increase that would be permitted if the consignee-agent took title to the product it distributes and were a seller subject to § 212.93 (b) of this part.

And where:

H_i^u=For i=1, i=2, and i=4, the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to the product of the type "i" that pursuant to paragraphs (c)(1)(iv) or (e) of this section the refiner elects to include in prices of gasoline for the period "u" (in which case "H_i^u" shall be subtracted); for i=3, the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to No. 2 oils, aviation jet fuel, or general refinery products that pursuant to paragraphs (c)(1)(iv) or (e) of this section the refiner elects to include in the price of gasoline for the period "u" (in which case "H_i^u" shall be added).

The type of covered product or products is referenced by the subscript i:

i=1 represents No. 2 oils.

i=2 represents aviation jet fuel.

i=3 represents gasoline.

i=4 represents all general refinery products.

The time period for measurement is referenced by the superscript; where:

o=the month of May 1973.

t=the month of measurement (the month of measurement is the month preceding the current month).

t−1=the month preceding the month of measurement.

t−n=all months preceding the month of measurement.

u=the current month. Quantities calculated for the current month will be estimates, which shall be based on the best available data.

5. Section 212.83 is amended by redesignating paragraph (e)(3) as paragraph (e)(8), by redesignating paragraph (e)(6) as paragraph (e)(9), by adopting new paragraphs (e)(3) and (e)(6), and by revising paragraphs (e)(1), (e)(2), (e)(4), (e)(5), and (e)(7) to read as follows:

* * * * *

(e) *Carryover of costs*—(1) *Computation of amounts of increased product costs carried over as of January 31, 1976*—(i) *For No. 2 oils and gasoline.* For purposes of calculating the total amount of unrecouped increased product costs of covered products of the type i=1 and i=3 that may be added to May 15, 1973 selling prices under the "G_i^t" factor of the general formulae of paragraph (c)(2) of this section, subject to the limitations of paragraph (e)(4) of this section, as of January 31, 1976 (for t=January, 1976), each firm shall calculate the total amount of unrecouped increased product costs of covered products of the type i=1 and i=2 as defined in paragraph (c) of this section as that section existed on January 31, 1976. The total amounts of unrecouped increased product costs so calculated shall be attributed to the product or products of the type i=1 and i=3, respectively, as defined in paragraph (c) of this section as amended on February 1, 1976.

(ii) *For general refinery products.* For purposes of calculating the total amount of unrecouped increased product costs of covered products of the type i=4 that may be added to May 15, 1973 selling prices under the "G_i^t" factor of the general formulae of paragraph (c)(2) of this section, subject to the limitations of paragraph (e)(4) of this section, as of January 31, 1976 (for t=January 1976), each firm shall calculate the total amount of unrecouped increased product costs of covered products of the type i=3 as defined in paragraph (c) of this section as that section existed on January 31, 1976. The firm shall then subtract that amount of unrecouped increased product costs attributed to aviation jet fuel (i=2) pursuant to paragraph (e)(1)(iii) of this section as amended on February 1, 1976. The total amount of remaining unrecouped increased product costs so calculated shall be attributed to the product or products of the type i=4 as defined in § 212.83(c) as amended on February 1, 1976.

(iii) *For aviation jet fuel.* For purposes of calculating the total amount of unrecouped increased product costs of covered products of the type i=2 that may be added to May 15, 1973 selling prices under the "G_i^t" factor of the general formulae of paragraph (c)(2) of this section, subject to the limitations of paragraph (e)(4) of this section, as of January 31, 1976 (for t=January 1976), a firm shall (A) calculate the total amount of unrecouped increased product costs of covered products of the type i=3 pursuant to § 212.83(e) as that section existed on January 31, 1976 and then (B) multiply by a fraction, the numerator of which shall be the dollar volume of aviation jet fuel sold during 1975, and the denominator of which shall be the dollar volume of all general refinery products sold during 1975. Not more than the total amount of unrecouped increased product costs so calculated may be attributed to the product of the type i=2 as defined in paragraph (c) of this section as amended on February 1, 1976.

(2) *Computation of amounts of increased costs of crude oil carried over as of February 29, 1976 and thereafter.* Beginning with February 29, 1976 (for t=February 1976) and at the end of each month thereafter, each refiner shall calculate the total amount of unrecouped increased costs of crude oil incurred in January 1976 or any month thereafter attributable to the covered product or products of the type "i" that may be added to May 15, 1973 selling prices for such products of the type "i" under the "G_i^t" factor of the general formula of paragraph (c)(2) of this section as follows:

(i) If in any month a refiner charges prices for the covered product or products of the type "i" that result in the recoupment of less than the total dollar amount of increased costs of crude oil calculated for such products of the type "i" pursuant to the "A^t" factor of the general formulae of paragraph (c)(2) of this section, the unrecouped amount of increased costs of crude oil for the covered product or products of the type "i" may be added to the May 15, 1973 selling prices for such products of the type "i" to compute base prices for that covered product or products for the immediately subsequent month, and

(ii) any remaining amount of such unrecouped increased costs of crude oil computed for the covered product or products of the type "i" for such month that is not recovered in the immediately subsequent month may be added to May 15, 1973 selling prices to compute the base prices for that covered product for any month after such immediately subsequent month, subject to the limitations of paragraph (e)(5) of this section.

(3) *Computation of amounts of increased costs of purchased products carried over as of February 29, 1976 and thereafter.* The total amount of unrecouped increased cost of purchased product incurred beginning on January 1, 1976 (t=January 1976), shall be calculated pursuant to the "B" factor of the general formulae of paragraph (c)(2) of this section.

(4) *Limitation on use of amounts carried over pursuant to paragraph (e)(1).* Beginning February 1, 1976 the portion of the total amount of unrecouped increased product costs calculated as of January 31, 1976 pursuant to paragraph (e)(1) of this section and not recouped through the period "t" which may be added to the May 15, 1973 selling prices to compute the base prices for the covered product or products of the type "i" for any month shall not exceed in any month, ten percent of the total such amount calculated as of January 31, 1976 for all covered products.

(5) *Limitation on use of amounts carried over pursuant to paragraph (e)(2)(ii).* Beginning February 1, 1976 the total amount of unrecouped increased crude oil costs calculated pursuant to paragraph (e)(2)(ii) of this section which may be added to the May 15, 1973 selling prices to compute the base prices for all covered products of the type "T" for any month shall not exceed in any month, ten percent of the highest amount calculated pursuant to paragraph (e)(2)(ii) of this section for all covered products as of the end of any month on or after March 31, 1976.

(6) *Corrections for over-recoupment.* If in any month beginning with February 1976 a firm charges prices for No. 2 oils, aviation jet fuel, gasoline, or for general refinery products that result in the recoupment of more than the total dollar amount of increased product costs calculated for that covered product pursuant to the general formula and allowable under paragraphs (c)(1) and (c)(2) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for that covered product in a subsequent month.

(7) *Reallocation of increased product costs and amounts carried over.* (i) All or any portion of the unrecouped amount of increase product costs or increased costs of crude oil carried over pursuant to paragraphs (e)(1) or (e)(2) of this section may be reallocated from the covered product or products of the type i=1, i=2, or i=4, to the covered product of the type i=3.

(ii) The total amount allowable under this paragraph for No. 2 oils (i=1), aviation jet fuel (i=2), or general refinery products (i=4) may not include any amount represented by the symbol "H" in the formulae in paragraph (c)(2) of this section that the refiner has elected to include in a prior month in the calculation of the maximum permissible amount that may be used to adjust base prices of gasoline (i=3) pursuant to paragraph (c)(1)(iv) of this section.

* * * * * *

6. A new § 212.85 is added to read as follows:

§ 212.85 Sequence of recoupment of costs.

(a) *Refiners subject only to Subpart E.* For purposes of calculating recoupment of increased costs under § 212.83, costs shall be deemed to have been recovered in prices charged in any current month "u" only in the following sequence:

(1) All increased costs of crude oil incurred during the month two months before the current month ("t=1") and not passed through in the immediately preceding month ("t"),

(2) All increased costs of crude oil incurred in the month of measurement ("t"),

(3)(i) Increased costs of crude oil incurred three or more months before the current month ("u") and not passed through by the immediately preceding month ("t"), *Provided,* That the portion of such amount deemed to have been recovered in the current month ("u") shall not exceed 10 percent of the highest total such amount as of the end of any month prior to the current month "u" (no such costs will exist until March 31, 1976), and

(ii) Increased costs of crude oil incurred through December 31, 1975 and not passed through as of January 31, 1976, and not passed through by the immediately preceding month ("t"), *Provided,* That the portion of such amount deemed to have been passed through in the current month "u" shall not exceed 10 percent of the total such amount as of January 31, 1976,

(4) The amount of increased costs attributable to products purchased after December 31, 1975 and not recovered through the month of measurement ("t"), represented by the symbol "B" in the formulae in § 212.83(c), and

(5) Increased non-product costs.

(b) *Refiners subject to Subparts E and K in sales of propane.* For purposes of calculating recoupment of increased costs under § 212.83, costs shall be deemed to have been recovered in any current month "u" only in the following sequence:

(1) Increased costs of crude oil apportioned to propane pursuant to the provisions of Subpart E; and increased product costs attributable to propane pursuant to the provisions of Subpart K and increased costs attributable to products purchased for resale or blending, represented by the revised symbol "B" in the formulae in § 212.83(c); and

(2) Increased non-product costs.

7. § 212.92 is amended to read as follows:

§ 212.92 Definitions.

"Increased costs" means the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973. (Decreases in the weighted average unit cost of a product in inventory in successive months of measurement are reflected in reductions in the amount of increased costs incurred in such month of measurement.) If a particular product was not in inventory on May 15, 1973, the date for computing the cost is the most recent day preceding May 15, 1973, when the seller had the product in inventory.

8. A new § 212.132 is added to read as follows:

§ 212.132 Records on Sequence of Cost Recoupments.

(a) *Refiners.* Refiners are required to calculate and keep records as of the last day of each calendar month for each product or group of products represented by the symbol "i" in the formulae contained in § 212.83(c) of what amount of each of the five types of costs set forth in § 212.85(a) were used in computing prices for that month, and of the allocation of increased product costs to propane pursuant to § 212.83(c)(1)(iii)(A).

(b) *Refiners that are also processors of natural gas.* Refiner processors are required to calculate and keep records as of the last day of each calendar month of what amount of each of the types of costs set forth in §212.85(b) were used in computing prices for that month, and of the allocation of increased product costs to propane pursuant to § 212.83(c)(1)(iii)(A).

FINDINGS

ENERGY POLICY AND CONSERVATION ACT, SECTION 402 (a) LIMITATIONS ON PRICING POLICY

LIMITATIONS ON THE CARRYFORWARD OF UNRECOUPED INCREASED PRODUCT COSTS, SECTION 4(b)(2)(b)(u)(II)(aa) AND (bb)

Section 402 of the Energy Policy and Conservation Act ("EPCA") amends section 4(b)(2) of the Emergency Petroleum Allocation Act of 1973 ("EPAA") to read, in pertinent part, as follows:

(2) In specifying prices (or prescribing the manner for determining them), the regulation under subsection (a)—

* * * * *

(B)(i) shall not permit any net crude oil cost increases—

(I) which are incurred by a refiner during the calendar month immediately preceding the effective date of this paragraph, or in any month thereafter, and

(II) which are not passed through in prices charged pursuant to such regulation in the 2 calendar months following the calendar month in which such crude oil cost increases were incurred,

to be passed through by such refiner in any month subsequent to the 2 calendar months following the calendar month in which such crude oil cost increases were incurred, unless the President makes the findings specified in clause (ii)(II)(aa), and such passthrough is consistent with the requirements specified in clause (ii)(II)(bb).

(ii) shall not permit the passthrough in any month of—

* * * * *

(II) any net crude oil cost increases incurred by a refiner after the effective date of this paragraph, which net crude oil cost increases were not passed through within the 2 calendar months following the calendar month in which such crude oil cost increases were incurred, unless—

(aa) the President finds, and reports to the Congress with respect to such finding, that a passthrough of such crude oil increases is necessary to alleviate the impact on refiners, marketers, or consumers of significant increases in costs, to provide for equitable cost recovery consistent with the attainment, to the maximum extent practicable, of the objectives specified in paragraph (1), or to avoid competitive disadvantage; and

(bb) such passthrough in any month of such crude oil cost increases is not in excess of 10 percent of the total amount of such crude oil cost increases as of the end of the calendar month in which the effective date of this paragraph occurs or any month thereafter.

The provisions of section 4(b)(2)(B)(i) would, if implemented by regulation, prohibit the recovery of increased crude oil costs incurred by a refiner but not recovered within two months of the month in which incurred. The findings required to be made under section 4(b)(2)(B)(ii)(II)(aa) in order to permit any such passthrough after two months are that such passthrough "is necessary to alleviate the impact on refiners, marketers, or consumers, of significant increases in costs, to provide for equitable cost recovery . . ., or to avoid competitive disadvantage . . ." It should be noted that the required findings are stated in the alternative; therefore, if FEA makes any one of the three findings, FEA may permit unrecouped increased costs of crude oil to be passed through subject to the 10 percent limitation described in section 4(b)(2)(B)(ii)(II)(bb).

The FEA solicited advice as to whether such findings could be made from all parties interested in this rulemaking proceeding by both submission of written comments and participation in a public hearing held on January 26, 1976. Forty-five written comments were received and sixteen people made oral statements at the public hearing. Comments were submitted by major and small refiners, several major national airlines, and airline trade associations. FEA had requested comments as to whether there are any reasons to find that a later passthrough of net crude oil cost increases (beyond the sixty day passthrough period) was warranted. FEA also reviewed the results of a prior rulemaking proceeding in September 1974 which dealt in part with the issue of the carryforward of unrecovered increased product costs (39 F.R. 39259, November 6, 1974).

After carefully reviewing all written and oral comments from all groups that addressed the impact of a two month "use or lose" rule, FEA is persuaded that significant adverse effects on all marketing levels for petroleum products would result from imposition of such a rule and that the rule should be modified as permitted in section 4(b)(2)(B)(ii)(II)(bb), which permits carryforward of unrecouped costs after two months with certain limitations.

FEA finds that a later passthrough of crude oil cost increases not recouped within two months is necessary in order to alleviate the impact on refiners, marketers, or consumers of significant increases in costs, to provide for equitable cost recovery consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1) of the EPAA, and to avoid competitive disadvantage to refiners and marketers.

FEA has concluded, on the basis of the comments received during the rulemaking, that the impact, on refiners, marketers and consumers of imposing the refiners' two month "use or lose" rule would:

(1) Pressure refiners to raise prices to the maximum levels to reflect fully and on a current basis all increased costs of crude oil incurred;

(2) Produce fluctuations in prices within each "cycle" of two months' costs incurred and then lost;

(3) Cause fluctuations in prices between sequential two-month "cycles";

(4) Cause price disparities among competing refiners and among marketers;

(5) Pressure refiners to recover at least part of the increased crude oil costs attributable to products placed into inventory, by selling these products at distress prices and, ultimately, create disincentives to build such inventories for later use during peak demand for seasonal product;

(6) Discourage refiners, particularly small refiners, from supplementing stable customary crude oil supplies with spot purchases of crude oil unless the spot shipments can be timed precisely;

(7) Impose unreasonable, unavoidable losses on refiners' recoupment of costs associated with product inventories accumulated to offset shutdowns, either unexpected or for planned maintenance; and

(8) Work unfair disadvantage upon refiners with limited product purchases, to the competitive benefit of refiners whose main source of a product is purchases.

The findings described in section 4(b)(2)(B)(ii)(II)(aa) of the EPCA are discussed individually below.

A. ALLEVIATING THE IMPACT ON REFINERS, MARKETERS, OR CONSUMERS OF SIGNIFICANT INCREASES IN COST

The FEA has determined that the two-month limitation would provide undesirable inflationary effects by creating pressure on refiners to recover crude oil costs at the earliest possible time after they are incurred. This pressure on refiners quickly to recoup, or lose, crude oil cost increases would create wide price disparities among refining competitors and result in rapid price increases to marketers and consumers. Thus, the ten percent passthrough provision available under section 4(b)(2)(B)(ii)(II)(bb) implemented in the regulations permits a more steady and predictable pricing pattern by refiners.

This determination is consistent with an earlier FEA conclusion that "the regulations on carryforward of unrecovered increased product costs should be retained in essentially their [then] existing form, but with a limitation imposed on the amount of such increased costs which could be passed through in a single month."

One of the reasons FEA stated in arriving at that earlier conclusion was that to require increased costs to be passed through on a current basis, or not at all, would have given sellers an incentive to recover the maximum amount of increased product costs as soon as possible, thus encouraging higher prices. FEA concluded that such a requirement would also have made product costs recovery impracticable for those refiners that had large fluctuations in the costs incurred from month to month, or that had significant disparities between the volumes of products for which costs were incurred and the volumes of product sold. (39 FR 39259, November 6, 1974.) These same conclusions continue to be valid now.

Many refiners commented that they increase inventories of such seasonal products as propane, middle distillates, and residual fuel oil in the summer and fall, and increase inventories of gasoline in the late winter and spring, in order to have adequate supplies available for the peak-use season of the particular product.

Table I shows the high and low inventories (stated as supply available to meet demand during the months) for major categories of petroleum products, and the month in which the high and low occurred. The figures show actual in-

ventory levels during the calendar year 1974 and are derived from the FEA *Monthly Energy Review* for November 1975.

TABLE I

	Days
Distillate:	
Low (April)	47
High (August)	95
Natural gas liquids (including propane):	
Low (February)	57
High (September)	98
Residual fuel oil:	
Low (February)	15
High (December)	25
Aviation jet fuel:	
Low (November)	29
High (May)	31
Gasoline:	
Low (June)	31
High (September)	36

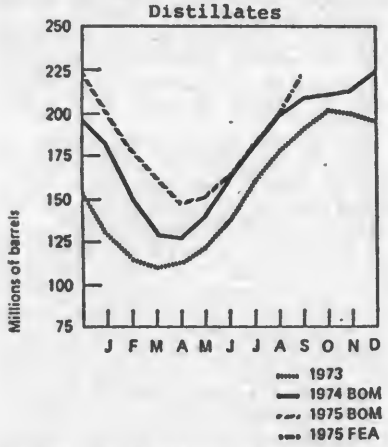
Table II shows the change between low and high inventories, expressed as a percentage of the high inventory, for selected products for the years 1972–1975.

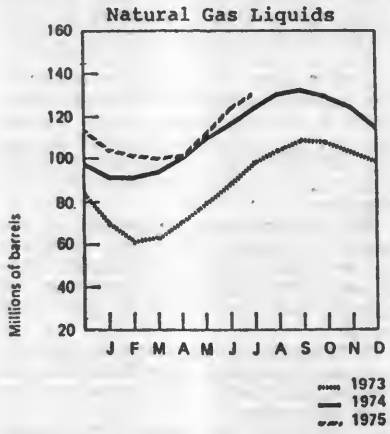
TABLE II

[In percent]

	1972	1973	1974	1975
Distillate	49.7	45.2	43.9	34.3
Natural gas liquids	37.0	44.9	32.3	24.5
Residual fuel oil	22.5	21.8	30.9	23.3
Aviation jet fuel	20.3	13.1	8.4	8.9
Gasoline	22.9	6.6	4.3	18.1

Distillate fuel oils and natural gas liquids, as may be expected, show the greatest variation in inventory levels because of their seasonal use as heating fuels. Inventories of gasoline and aviation jet fuel tend to remain more stable because of their non-seasonal nature and of the comparatively constant demand patterns.





For gasoline, aviation jet fuel, and to a lesser extent, residual fuel oil, inventories are maintained that may last one full month or more. Maintaining these inventories, would have the effect of deferring recoupment of the associated costs of crude oil for from 15 to 98 days. This would reduce, by the same number of days, the time available for the refiner to recover its increased cost of crude oil attributable to the product at the time the product enters inventory. For those products where more than two months' supply is normally kept in inventory, imposition of the two-month limitation would be punitive.

An overwhelming majority of refiners who submitted comments to FEA during the rulemaking process stated that they anticipate customer needs by building up inventory of No. 2 oils and propane during the summer and early fall in anticipation of recovering their increased costs in sales of these fuels during the winter months. Information available to FEA verifies these statements. Distillate fuel oil and propane stocks build steadily during the spring through fall and then drop dramatically during the winter heating season. The following FEA charts indicate this seasonal stockpiling:

These charts demonstrate that inventories are at their height just prior to the seasonal demand surge, when product must be available to satisfy peak needs during a period which may exceed three months.

If the two-month limitation were applied to these products, costs of crude oil associated with these seasonal product build-ups could never be recovered. One company estimated that the impact of this provision, measured on propane alone for five months during 1975 would result in its being unable to recoup actual crude oil costs of more than $5 million.

In addition, without the passthrough, refiners producing a full line of products might well attempt to recoup these increased costs associated with products placed in inventory from current sales of other products, or might refrain from building inventory for a seasonal product's peak season.

The only alternative to building domestic inventories is to meet seasonal demand by importing refined petroleum products with corresponding reductions in domestic refinery runs over the year.

The adoption of the modification to the two-month rule would, therefore, serve the vital function of permitting an eventual recovery, although at a rate limited by the ten percent provision, of increased crude oil costs on product stored for months past the two-month recoupment period.

The amount of unrecouped increased costs attributable to inventories and lost because of the two-month limitation can be reduced principally by two methods, each of which creates serious consequences. One is by recouping these costs in sales of other products during the period of seasonal build-up described. This is difficult to accomplish because:

(1) Many small refiners do not produce an array of products to afford such flexible distribution of costs;

(2) Proportionate cost distribution is now required for a variety of products, reducing the refiner's choice of products to bear the inventoried products' costs; and

(3) Costs cannot necessarily be recouped in gasoline sales. During the period when fuel inventories are increasing, gasoline sales are declining.

Moreover, even if the refiner has some ability to redistribute such costs, two months is insufficient time to recoup them.

A second method to reduce "lost" costs is to decrease inventories by reducing refinery runs. This will create shortages, force the market to bear the costs of crude oil incurred on a current basis, and reduce consumption of domestically-produced petroleum products at the "high" points of their seasonal demand. Since demand will exceed domestic refining capability, imports of refined petroleum products would be increased above current levels.

By waiving the two-month rule, subject to the ten percent limitation, some of these adverse effects on product inventories will be eliminated. Without such relief, however, inventories will decrease, prices of other products will rise, as will prices of the product being stored, and shortages will occur in periods of high demand.

A further impact on refiners is caused by their inability to control delivery on purchases of foreign crude oil. Several comments, particularly of small refiners, noted that crude oil purchased abroad often takes 30 days or more merely to arrive in the United States and is loaded and shipped under conditions not within the company's control. FEA regulations provide that the costs are incurred at the time the crude oil is purchased. During this time, part or all of the two-month limitation on such crude oil cost recoveries may have lapsed, and yet the crude oil has not yet been received and refined by the company.

If faced with company-wide losses, refiners might ultimately consider unrecovered costs as a factor which would discourage or eliminate investment to increase refinery capacity.

Resellers would also be harmed by imposition of the two-month limitation. These marketers depend on steady and adequate supplies of seasonal products at predictable prices. Decreased inventory buildups of seasonal products by refiners prior to the high use season, resulting

from their inability to recover ultimately all increased product costs, would prevent resellers from meeting demand during peak-season use through normal supply channels. These shortages would cause prices to rise. The customers of these resellers, the consumers of seasonally-priced products, would be victims of such marketing disruptions—deprived of needed products and charged higher prices.

Since the two-month limitation applies only to refiners, desire to avoid unrecouped costs will create a tremendous incentive to transfer refined products to resellers, not on the basis of the resellers' need for the product at that time but on the basis of the refiners' need to time recoupment of increased costs.

FEA has concluded that, in the face of this inability to recover costs of crude oil associated with inventory build-up for seasonal and other products, refiners would take steps either to avoid the incurring of such costs or to recover those costs in current market sales of other products. Refiners that reduce crude oil purchases, would of course, reduce their crude oil costs, but as noted, this reduces the quantity of domestically refined products that will thereafter be available and leads to increased product imports.

Efforts to recover such costs in current market sales will have the obvious effect of driving up product costs to marketers and consumers. FEA data, gathered from its cost reporting system, show that about $1.4 billion of refiners' costs (crude oil and purchased product) were "banked" at the start of 1976. This is approximately five percent of the increased cost of crude oil incurred in 1975. Pressure to immediately recover corresponding amounts of costs during 1976 would induce substantial and immediate price increases at all downstream marketing and consuming levels. By modifying the two-month rule, subject to the ten percent limitation, FEA may stem these upward price pressures and reasonably assure continued inventory build-up during the off-season.

B. PROVIDING EQUITABLE COST RECOVERY CONSISTENT WITH THE ATTAINMENT OF THE OBJECTIVES SPECIFIED IN SECTION 4(b)(1) OF THE EPAA

The multiple objectives of the EPAA, listed at § 4(b)(1) state, in part, that FEA regulations, shall, to the maximum extent practicable, provide for:

* * * * *

(D) preservation of an economically sound and competitive petroleum industry; including the priority needs . . . to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

* * * * *

(F) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

* * * * *

(H) economic efficiency; and

(I) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

As described above in section A, the restrictions imposed upon the recovery of increased crude oil costs by application of the two-month rule would have an adverse impact upon inventory supplies and upon refiners' overall ability to recover such costs. The particular impact of these restrictions in creating market distortions was suggested in a number of comments received in the rulemaking. These comments observed that, under the two-month rule, wide fluctuations in prices of products would occur as costs of crude oil build, are all or in part passed through during any two-month period, and then are suddenly unavailable to be passed through. The adoption of a ten percent permitted passthrough of these crude oil costs, under similar market situations, would, at least, offer a stabilizing factor in recovery of crude oil costs through prices charged in sales beyond any 60-day "cycle."

Particularly for small and independent refiners, this stability is vital. Since small and independent refiners are often highly dependent upon purchased crude oil (while major refiners produce much of the crude oil they require) the impact of crude oil price increases is more severe on small and independent refiners. Any inability to recoup amounts of increased crude oil costs would seriously jeopardize the competitive posture of these historically valuable entities.

FEA received many recommendations to modify the two-month rule because return on refinery operations is already steadily decreasing. These comments pointed out that FEA regulations and market conditions presently cause an inability to recover refining expenses (*e.g.*, certain increased non-product costs cannot be recouped under present regulations). If crude oil costs not recovered fully within two months can never be recovered, refinery operating costs cannot be met. FEA has already noted that full recovery cannot reasonably be expected on two-month cycles because of inventory practices, crude oil availability, and market conditions. If market restrictions on product cost recovery and existing FEA restrictions on non-product cost passthrough were to be further compounded by application of the two-month rule, refinery revenues may not be sufficient to justify continued refinery operations and expansion.

Refinery operations are also periodically stopped to provide for regular maintenance work. Often shut-downs occur for unplanned reasons such as physical breakdown. During the rulemaking, refiners commented that planned down time often lasts for up to six weeks. Product inventories are normally accumulated over several months in anticipation of shutdowns. During this accumulation period, the costs of crude oil would be subject to the two-month limitation, effectively depriving the refiner of the opportunity to recover these costs. Although some refiners may have the ability to refine increased amounts of crude oil at other plants while one is shut down, there is little protection against such loss of crude oil costs for small and independent refiners with a single refinery or major refiners having one refinery much larger than the rest.

C. AVOIDING COMPETITIVE DISADVANTAGE

Under current regulations and market conditions, refiners are unable to recover fully the increased costs of crude oil and of purchased products. Small refiners, whose dependence on crude oil sources other than their own is greatest, would be discouraged from engaging in purchases of crude oil (for current or later use) if recoupment of the increased costs attributable to that crude oil within two months was uncertain. This would severely disadvantage the independent refiner's ability to compete in product sales with other refiners.

In addition, the two-month rule would penalize the refiner that produces its own crude oil, and purchases minimum quantities of refined products. This refiner would be competitively disadvantaged compared to the refiner that has purchased greater volumes of refined products to meet demand. The refiner purchasing more refined products would be able to carry forward more of its unrecovered product costs without fear of losing them, while the refiner relying on crude oil refining for its products would be compelled to forego crude oil costs not recovered within two months.

D. CONCLUSION

For the foregoing reasons, FEA is adopting a regulation pursuant to section 4(b)(2(B)(ii)(II)(aa) and (bb) of the EPAA, which would permit the passthrough of crude oil costs for more than two months after the month in which they were incurred, subject to the ten percent monthly limitation of clause (ii)(II)(bb). Adopting such regulation is necessary to alleviate the impact on refiners, marketers, or consumers of significant increases in costs, to provide for equitable cost recovery consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1), of the EPAA, and to avoid competitive disadvantage to refiners and marketers.

[FR Doc.76-3370 Filed 2-2-76;9:01 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 9]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Government Subcontractors

On December 1, 1975, there was published in the FEDERAL REGISTER (40 FR 55680) a notice that the Small Business Administration proposed to amend the definitions of small business subcontractors (§ 121.3-12 of Part 121, Chapter I, Title 13 of the Code of Federal Regulations), by substituting the figure $10,000 for the $2,500 figure currently set forth

therein to distinguish the small subcontracts to which a 500-employee standard applies regardless of the industry involved. Interested parties were given 30 days in which to comment thereon.

No significant objection was received with respect to the proposal and, therefore, we have determined that the proposal should be adopted. Accordingly, § 121.3–12 of Part 121, Chapter I, Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $10,000 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $10,000 which relate to Government procurements will be considered a small business concern if it qualifies as such under Section 121.3–8: *Provided, however,* That a nonmanufacturer is considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

Effective date: This amendment shall become effective April 5, 1976.

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

Dated: January 26, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76–3325 Filed 2–3–76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2772]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Main Street Furniture, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10–1 Availability of merchandise and/or facilities; § 13.15 Business status, advantages or connections; 13.15–20 Business methods and policies; 13.15–70 Financing activities; § 13.70 Fictitious or misleading guarantees; § 13.71 Financing; § 13.73 Formal regulatory and statutory requirements; 13.73–92 Truth in Lending Act; § 13.125 Limited offers or supply; § 13.115 Prices; 13.155–5 Additional charges unmentioned; 13.155–10 Bait; 13.155–15 Comparative; 13.155–35 Discount savings; 13.155–70 Percentage savings; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170–30 Durability or permanence; § 13.180 Quantity; 13.180–30 In stock; 13.180–35 Offered; § 13.205 Scientific or other relevant facts; § 13.235 Source or origin; 13.235–60 Place; 13.235–60(a) Domestic products as imported; § 13.240 Special or limited offers; § 13.255 Surveys; § 13.272 Type or variety; § 13.285 Value. Subpart—Contractin for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–25 Displays, inhouse; 13.533–40 Furnishing information to media; 13.533–55 Refunds, rebates and/or credits. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 Enforcing dealings or payments wrongfully. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate. Subpart—Misbranding or mislabeling: § 13.1325 Source or origin; 13.1325–70 Place; 13.1325–70(a) Domestic product as imported. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 Connections and arrangements with others; § 13.1417 Financing activities; § 13.1490 Nature; § 13.1520 Personnel or staff; § 13.1553 Services. —Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1623 Formal regulatory and statutory requirements; 13.1623–95 Truth in Lending Act; § 13.1647 Guarantees; § 13.1685 Nature; § 13.1715 Quality; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts; § 13.1745 Source or origin; 13.1745–70 Place; 13.1745–70(a) Domestic products as imported; § 13.1747 Special or limited offers; § 13.1760 Terms and conditions; 13.1760–50 Sales contract. —Prices: § 13.1778 Additional costs unmentioned; § 13.1779 Bait; § 13.1785 Comparative; § 13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act.—Promotional sales plans: § 13.1830 Promotional sales plans.—Services § 13.1843 Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1855 Identity; § 13.1857 Instruments' sale to finance companies; § 13.1863 Limitations of product; § 13.1870 Nature; § 13.1876 Notice of third party sale of contract; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1886 Quality, grade or type; § 13.1892 Sales contract, right-to-cancel provisions; § 13.1895 Scientific or other relevant facts; § 13.1900 Source or origin; § 13.1905 Terms and conditions; 13.1905–50 Sales contract; 13.1905–60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2000 Limited offers or supply; § 13.2063 Scientific or other relevant facts. Subpart—Securing signatures wrongfully: § 13.2175 Securing signatures wrongfully. Subpart—Simulating another or product thereof: § 13.2208 Court documents. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising. Subpart—Using misleading name—Goods: § 13.2280 Composition. —Vendor: § 13.2435 Personnel or staff.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Main Street Furniture, Inc., a Corporation, and Samuel Goldstein, Raymond Goldstein, and Chester E. Brost, individually and as Officers of said Corporation

Consent order requiring a South Bend, Ind., furniture retailer, among other things to cease using bait and switch tactics; making price and/or savings misrepresentations; misrepresenting guarantees, furniture and service nature and quality, time limitations on offers to sell, and foreign origin; making false pictorial representations; failing to disclose additional charges and material facts and failing to make credit cost disclosures required by Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER I

It is ordered, That respondents Main Street Furniture, Inc., a corporation, its successors and assigns, and its officers, and Samuel Goldstein, Raymond Goldstein and Chester E. Brost, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or any other device in connection with the purchasing, advertising, offering for sale, sale and distribution of furniture and appliances, or any other products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise.

2. Making representations, directly or indirectly, orally or in writing, purporting to offer merchandise or services for sale when the purpose of the representation is not to sell the offered merchandise or services but to obtain leads or prospects for the sale of other merchandise or services at higher prices.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

3. Discouraging in any manner the purchase of any merchandise or services which are advertised or offered for sale.

4. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sales of each advertised product or service at the advertised price.

5. Using the words "Sale", "Savings Fantastic", "Spectacular Value", or any other words of similar import or meaning not set forth specifically herein, unless the immediately preceding price at which bona fide sales have been made of the merchandise being offered for sale is disclosed or can be readily ascertained by disclosure of the stated dollar or percentage price and the price of said merchandise constitutes a recent reduction, in an amount not so insignificant as to be meaningless, from the immediately preceding price or unless a disclosure is made that such merchandise was offered for sale at the immediately preceding price in the recent regular course of respondents' business, and that no sales were made at that price or at any other price in the recent past.

6. (a) Representing, directly or indirectly, orally or in writing, that by purchasing any of respondents' merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless the former price is respondents' immediately preceding price for the advertised merchandise and bona fide sales have been made by respondents at that price in the recent past or unless a disclosure is made that said merchandise was offered for sale at the former price for a reasonably substantial period of time in the recent regular course of respondents' business and that no sales were made at that price or at any other price in the recent past.

(b) Representing, directly or indirectly, orally or in writing that by purchasing any of respondents' merchandise, customers are afforded savings between respondents' stated price and a compared price for said merchandise in respondents' trade area unless respondents' merchandise and the nature of the compared price are explicitly identified in advertising and at the point of sale through the use of shelf tags or similar means and a substantial number of the principal retail outlets in the trade area regularly sell such merchandise at the compared price or some higher price in the regular course of their business.

(c) Representing, directly or indirectly, orally or in writing, that by purchasing any of respondents' merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise unless the compared value price is explicitly identified in advertising and at the point of sale through the use of shelf tags or similar means and respondents have in good faith conducted a market survey or obtained a similar representative sample of prices for comparable merchandise of like grade and quality in their trade area to establish that a substantial number of the principal retail outlets in the trade area regularly sell comparable merchandise of like grade and quality at the compared value price in the regular course of their business.

7. Failing to maintain and produce for inspection or copying, for a period of three years, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations as set forth in Paragraphs Five and Six of this order are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

8. Representing, directly or indirectly, orally or in writing, that respondents have "HUNDREDS" or any other given number of furniture suites in stock unless respondents have the stated number of furniture suites available for immediate sale and delivery; or misrepresenting in any manner the colors, style, kind or quantity of furniture in stock and available for sale or delivery.

9. Failing to make full disclosure either in its advertising or at the time of sale and prior to consummation of the sale that in addition to the price quoted in respondents' advertising, certain other charges, as applicable, are made, such as, delivery, set-up or assembly, service, and warranty charges.

10. Failing to disclose clearly and conspicuously within each advertisement for an advertised product each reservation, if any, as to suitability or durability of such advertised product for normal usage by the customers who may buy such product or service.

11. Representing, directly or indirectly, that any of respondents' products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and unless respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of each such guarantee.

12. Representing, directly or by implication, that any of respondents' offers to sell merchandise are limited as to time or restricted or limited in any other manner, unless such represented limitations or restrictions are actually in force and in good faith adhered to.

13. Using the terms "Italian", "French" or "Spanish", or any other unqualified terms of similar import or meaning not set forth specifically herein, orally or in writing, to describe respondents' furniture when such furniture is of domestic origin, unless a clear and conspicuous disclosure is made in advertising and on the furniture that such furniture was manufactured in the United States by means of such statements as "Made in U.S.A." or "manufactured by" followed by the name and address of the domestic manufacturer.

14. Representing, directly or indirectly, orally or in writing, that purchasers of respondents' merchandise are granted easy or asured credit terms, by respondents; or misrepresenting in any manner, the amount, type, extent of any other facet of the credit terms respondents arrange or may arrange for their purchasers.

15. Representing, directly or indirectly, orally or in writing, that respondents' merchandise is "walnut finished", or using any other terms of comparable import or meaning not set forth specifically herein, to describe respondents' furniture, unless a clear and conspicuous disclosure is made in advertising and on the furniture that such terms are merely descriptive of the color and/or grain design or other simulated finish that is applied to the exposed surfaces of such furniture.

16. Using any wood names or any names that suggest wood, orally or in writing, to describe any materials, simulating wood in respondents' furniture, unless a clear and conspicuous disclosure is made in advertising and on the furniture that such wood names are merely descriptive of the color and/or grain design or other simulated finish that is applied to the exposed surfaces of such furniture.

17. Using pictorial representations of two or more items of furniture in conjunction with a stated price when all of the furniture in the pictorial representations is not being offered at the stated price, unless a disclosure is made in immediate conjunction and with equal prominence that all of the illustrated furniture is not being offered at the stated price and that an additional charge is made for certain items that are clearly identified in the illustrations.

18. Offering merchandise for sale by means of any form of pictorial advertisement when such merchandise is not in stock and available in quantities sufficient to meet reasonably anticipated demands for sale to the public at or below the advertised price for the period in which the prices are advertised to be effective.

19. Failing to inform, orally, all customers at the time of sale and provide in writing on the face of all order forms, sales contracts and invoices executed by customers, with such conspicuousness and clarity as is likely to be read and understood, that the customer has the right and option to cancel the contract and obtain a refund of all monies, by notifying respondents, in writing, within ten (10) days from the date of actual

delivery of the merchandise, where furniture and/or appliances are delivered in a defective or damaged condition; *Provided, however*, That the provisions of Paragraphs 19 and 20 of the order shall not apply to merchandise sold "as is", conspicuously designated as such on order forms, sales contracts and invoices executed by the customers who have knowledge of damage to, or defects in, particular merchandise and have given written consent to purchasing same in its stated condition.

20. Failing to refund immediately all monies to customers who have requested contract cancellation in writing within ten (10) days from the date of actual delivery of defective or damaged merchandise; *Provided however*, That, in lieu of making such a refund, respondents may, with the written consent of, and with no additional cost to the customer replace or repair defective or damaged merchandise, such replacement or repair to be fully, satisfactorily and promptly performed, in accordance with Paragraph 21 of this Order I. In such a case, the customer who consents to accept replacement or repair in lieu of a refund, may cancel the contract with the refund of all monies by notification to respondents in writing within ten (10) days from the date of actual delivery or redelivery of any replacement or repaired merchandise that is itself defective or damaged.

21. Failing to make all refunds or to obtain the voluntary written consent of the customer for replacement or repair, as provided for in this order, within one (1) week of the receipt of the customer's request for cancellation; or to complete all repairs, pursuant to a written consent for repairs, within two (2) weeks from the date of such written consent, or to make full replacements, pursuant to a written consent for replacement, within thirty (30) days from the date of such written consent. In all other instances, where a customer has requested repairs or replacements, orally or in writing, within ten days following the delivery of defective, damaged or nonconforming merchandise, respondents shall investigate such complaints forthwith and complete repairs within three (3) weeks and replacements within forty (40) days of the receipt of such request.

22. Failing to notify the customer, orally and in writing, and at least five (5) business days prior to the scheduled completion date, that respondents are unable to complete repairs or replacement within the time specified by this order and to cancel the contract with a full refund of all monies to the customer within one week, or in lieu thereof and at the option of the customer, to obtain the customer's voluntary written consent for an extension of the date set for completion, setting forth a date certain for completion, which shall be a date by which respondents actually expect to complete performance.

23. Failing to maintain and produce for inspection or copying, for a period of two (2) years, adequate records which disclose the facts pertaining to the receipt, handling and disposition of each and every communication from a customer, oral or written, requesting contract cancellation, refund, replacement or repair.

24. Failing to make a clear and conspicuous disclosure on furniture, or a tag or label prominently attached thereto, that veneers, plastics or other materials having the appearance of wood, leather, slate or marble have been used in the manufacture of such merchandise; or failing to make a clear and conspicuous disclosure of any material facts relating to the true composition of furniture where materials or products that simulate other materials or products are used in the manufacture of such furniture.

25. Inducing or causing purchasers or prospective purchasers of respondents' products, installations or services to sign blank or partially filled in completion certificates or other legal instruments or documents; or misrepresenting, in any manner, the true nature or effect of such legal instruments or documents.

26. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

27. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, *e.g.*, Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of ten (10) points, a statement in substantially the following form: "YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT."

28. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form, in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, *e.g.*, Spanish, as that used in the contract:

NOTICE OF CANCELLATION

(Enter date of transaction)

(Date)

YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN THREE BUSINESS DAYS FROM THE ABOVE DATE.

IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE, AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELLED.

IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE; OR YOU MAY IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK.

IF YOU DO MAKE THE GOODS AVAILABLE TO THE SELLER AND THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION. IF YOU FAIL TO MAKE THE GOODS AVAILABLE TO THE SELLER, OR IF YOU AGREE TO RETURN THE GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR PERFORMANCE OF ALL OBLIGATIONS UNDER THE CONTRACT.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM, TO (name of seller), AT (address of seller's place of business), NOT LATER THAN MIDNIGHT OF (Date).

I HERBY CANCEL THIS TRANSACTION.

(Date)

(Buyer's Signature)

29. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to compete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

30. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

31. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

32. Failing or refusing to honor any valid notice of cancellation by a buyer and within ten (10) business days after the receipt of such notice, to (a) refund all payments made under the contract of sale; (b) return any goods or property traded in, in substantially as good condition as when received by the seller; (c) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interested created in the transaction.

33. Negotiating, transferring, selling, or assigning any note or other evidence of indebtednes to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

34. Failing, within ten (10) business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to reposssess or to abandon any shipped or delivered goods.

35. Assigning, selling or otherwise transferring respondents' notes, contracts or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents are preserved and may be asserted against any assignee or subsequent holder of such note, contract or other document evidencing the indebtedness.

36. Failing to include the following statement clearly and conspicuously on the face of any note, contract or other instrument of indebtedness executed by or on behalf of respondents' customers:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

ORDER II

It is further ordered, That respondents Main Street Furniture, Inc., a corporation, its successors and assigns, and its officers, and Samuel Goldstein, Raymond Goldstein and Chester E. Brost, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the collection of, or attempt to collect, accounts in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing or causing to be represented by any means, directly or indirectly, that respondents have instructed, are instructing, or will instruct an attorney to file suit against an alleged debtor unless the alleged debt is immediately paid in full or a specified amount is paid thereon unless the respondents have already instituted the aforesaid suit.

2. Representing by any means, directly or indirectly, that:

(a) Legal action has been taken against the debtor; or

(b) Legal action is being taken against the debtor; or

(c) Legal action will be taken against the debtor unless the respondents have already instituted said legal action.

3. Representing by any means, directly or indirectly, that the post judgment rights of a creditor to attach property or garnish wages of a debtor are as specifically represented unless such is the fact in the jurisdiction in which collection is sought.

4. Informing a debtor of a creditor's right after judgment without disclosing at the same time that no judgment may be entered against the debtor unless the debtor has first been given notice and an opportunity to appear and defend himself in a court of law.

5. Representing, directly or indirectly, by any means to a debtor that it is impossible to escape a judgment.

6. Using fictitious job titles or organizational designations or descriptions by any means in connection with respondents' business or misrepresenting in any manner any departmentalization of respondents' business.

7. Using fictitious official titles or designations or descriptions by any means in connection with the repossession of furniture and/or appliances from delinquent accounts.

8. Representing by any means, directly or indirectly, that the repossession of furniture and/or appliances is being accomplished pursuant to a court order, unless a court order was lawfully obtained from the local court in the area and the delinquent account had first been given notice and an opportunity to appear and defend himself prior to the issuance of such court order; or misrepresenting, in any manner, respondents' repossession procedures.

9. Using any unofficial or unauthorized document which simulates or is represented by any means to be a document authorized, issued, or approved by a court of law or any other official or legally constituted or authorized authority, or misrepresenting, in any manner, the source, authorization, or approval of any document.

10. Failing to give notification of the commencement of legal action by respondents against a customer by mailing a summons and complaint to such customer's last known address, and failing to obtain from the post office a certificate of such mailing. Such notice shall be in addition to any other notification or service required by law, practice or custom. Such summons and complaint to be sent by first class mail by respondents or their attorney with instructions on the face of the envelope "Do not forward. Address Correction Requested". In the event that such mail is returned as undeliverable by the Post Office or if the residence address of the defendant is unknown, the summons is to be mailed to the customer, care of the employer or place of employment of the customer, if known, in a sealed envelope not indicating on the outside thereof, directly or indirectly by the return address or otherwise, that the communication is from an attorney or concerns an alleged debt.

ORDER III

It is further ordered, That respondents Main Street Furniture, Inc., a corporation, its successors and assigns, and its officers, and Samuel Goldstein, Raymond Goldstein and Chester E. Brost, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, or any advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601, et seq.), do forthwith cease and desist from:

1. Failing to furnish to the customer, before the transaction is consummated, a duplicate of the instrument or other statement containing the disclosures required by § 226.8 of Regulation Z, as required by § 226.8(a) of Regulation Z.

2. Failing to disclose the conditions entitling a customer to a partial refund of the finance charges as required by § 226.8(b)(7) of Regulation Z.

3. Failing to accurately disclose the date on which the finance charge begins to accrue, as prescribed by § 226.8(b)(1) of Regulation Z.

4. Failing to accurately state the "annual percentage rate", as prescribed by § 226.8(b)(2) of Regulation Z.

5. Failing to disclose the "total of payments", as prescribed by § 226.8(b)(3) of Regulation Z.

6. Failing to accurately disclose the number, amount, and due dates, or periods of payment, scheduled to repay the indebtedness, as prescribed by § 226.8(b)(3) of Regulation Z.

7. Failing to state the "unpaid balance of cash price", as prescribed by § 226.8(c)(3) of Regulation Z.

8. Failing to disclose the "amount financed", as prescribed by § 226.8(c)(7) of Regulation Z.

9. Failing to disclose the "deferred payment price", as prescribed by § 226.8(c)(8)(ii) of Regulation Z.

10. Failing to itemize and include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any and all charges for risk of loss insurance unless the customer was given a clear, conspicuous and specific written indication of the cost of such insurance coverage from respondents and stating that the customer may choose the source through which the insurance is to be obtained as prescribed by § 226.4(a)(6) of Regulation Z.

11. Failing to itemize and include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any and all charges or premiums for credit life, accident, or health insurance unless respondents have obtained a specific dated and separately signed affirmative written indication of the customer's desire for such insurance coverage as prescribed by § 226.4(a)(5)(ii) of Regulation Z.

12. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount re-

quired by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That for a period of one year respondents post in a prominent place in each salesroom or other area wherein respondents sell furniture or other products and services and a copy of this cease and desist order with a notice that any customer or prospective customer may receive a copy on demand.

It is further ordered, That respondents forthwith distribute a copy of this order to each of their operating divisions or departments.

It is further ordered, That respondents prominently display the following notice in two or more locations in that portion of respondents' business premises most frequented by prospective customers, and in each location where customers normally sign consumer credit documents or other binding instruments. Such notice shall be considered prominently displayed only if so positioned as to be easily observed and read by the intended individuals:

NOTICE TO CREDIT CUSTOMERS

IF THE DEALER IS FINANCING OR ARRANGING THE FINANCING OF YOUR PURCHASE, YOU ARE ENTITLED TO CONSUMER CREDIT COST DISCLOSURES AS REQUIRED BY THE FEDERAL TRUTH IN LENDING ACT. THESE MUST BE PROVIDED TO YOU IN WRITING BEFORE YOU ARE ASKED TO SIGN ANY DOCUMENT OR OTHER PAPERS WHICH WOULD BIND YOU TO SUCH A PURCHASE.

This notice required by order of the Federal Trade Commission.

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by, the Federal Trade Commission.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any consumer credit transaction or in any aspect of preparation, creation or placing of advertising, and to all personnel of respondents responsible for the sale or offering for sale of all products covered by this order, and that respondents secure a signed statement acknowledging receipt of said order from each person.

It is further ordered, That respondents, for a period of one year from the effective date of this order, shall furnish each newspaper or other advertising medium which is utilized by the respondents to obtain leads for the sale of merchandise, or to advertise, promote, or sell merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondents shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order; *Provided,* That if said respondents wish to present to the Commission any reasons why said order should not apply in its present form to said successor or transferee, they shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission December 23, 1975.

VERGINIA M. HARDING,
Acting Secretary.

[FR Doc.76-3315 Filed 2-3-76;8:45 am]

proposed rules

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

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR 207]

ST. MARYS FALLS CANAL AND LOCKS, MICHIGAN

Navigation Regulations

Notice is hereby given that pursuant to Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to govern the use, administration and navigation of the St. Marys Falls Canal and Locks, Michigan. It is proposed to amend the present regulations with respect only to paragraph (v) in 33 CFR 207.440 to permit the transit of vessels of a length up to 767 feet through the MacArthur Lock for the period March 1, 1976 through April 4, 1976.

For a number of years the Department of the Army, acting through the Chief of Engineers, has worked as the lead agency with other Federal agencies, state agencies, industry organizations and others in conducting an Extended Navigation Season Demonstration Program on the Great Lakes. A major element of Corps of Engineers participation has been to provide for lockage through the St. Marys Falls Locks during a period extending beyond the normal navigation season which is from April 1, to mid-December. Due to improved fleet operation techniques, increased structural stability of vessels and favorable weather, it has been possible to sail without interruption all of last winter and, to date, this winter.

The Great Lakes fleet has been dedicated to continue operations throughout the winter provided the Government will continue to provide passage through the locks at the St. Marys Falls Canal. Two of the ships involved in the program are 767 ft. long and the others are less than 730 ft. long.

In the past this fleet has been accommodated at the Poe Lock chamber which is presently authorized to transit vessels up to 1,000 ft. in length. The Poe Lock must be closed for repairs from March 1, 1976 through April 4, 1976 to assure that it will be in condition for full operation during the spring through fall months. The only other lock in the St. Marys Falls complex capable of handling ships of the necessary draft is the MacArthur Lock whose chamber is 80 ft. wide by 870 ft. long measured from the upper gate to the lower downstream gate. However, 33 CFR, 207.440 (v), restricts the maximum size vessel in the MacArthur chamber to 730 ft. in length.

Maintenance of a channel through the ice is dependent in large measure on the number of vessels plying the channel and the vessel horsepower. As traffic declines, maintenance becomes progressively more difficult. The number of low horsepower vessels that can move is directly correlated to the number of high horsepower vessels available to lead the traffic. In the Great Lakes dedicated fleet, only the two 767 ft. vessels are of sufficient horsepower to lead the traffic, so that it becomes essential to the continuation of the Demonstration Program that special arrangements be made to transit the 767 ft. vessels through the MacArthur chamber.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-M on or before March 5, 1976.

Section 207.440 is amended by revising paragraph (v) as follows:

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

* * * * *

(v) The maximum overall dimensions of vessels that will be permitted to transit MacArthur Lock are 730 feet in length and 75 feet in width; provided, however, that subject to a final decision by the Lock Master, vessels having an overall length up to a maximum of 767 feet will be permitted to transit the MacArthur Lock during the period March 1, 1976 through April 4, 1976 using special procedures to be posted at the lock. Further, any vessel of greater length than 660 feet must be equipped with deck winches adequate to safely control the vessel in the lock under all conditions including that of power failure.

* * * * *

Dated: January 30, 1976.

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

[FR Doc.76-3408 Filed 2-2-76;1:35 pm]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 60, 104]

PER CAPITA PAYMENT ASPECTS OF INDIAN JUDGMENT FUNDS

Protection of Shares of Minors, Legal Incompetents, and Deceased Beneficiaries; Extension of Comment Period

JANUARY 27, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The deadline for comments on the proposed revisions to 25 CFR Part 60 and 104 relating to the per capita payment aspects of Indian Judgment Funds published at 40 FR 53593-53594 on November 19, 1975, is hereby extended to April 5, 1976.

Requests for an extension of time have been made by a number of tribal delegations because the time limitation established has not allowed the tribal officials to consult with their respective tribal members regarding the impact of the proposed revisions. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed revisions to the Commissioner of Indian Affairs, Washington, D.C. 20245, no later than April 5, 1976.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-3319 Filed 2-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1823]

[FmHA Instruction 442.1]

ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT CONSERVATION, UTILIZATION

Proposed Miscellaneous Amendments

Notice is hereby given that the Farmers Home Administration has under consideration proposed amendments of §§ 1823.7, 1823.23, 1823.26, 1823.27, 1823.29, 1823.30, 1823.32, and 1823.33 of Subpart A of Part 1823, Title 7, Code of Federal Regulations (38 FR 29025; 39 FR 12728; 39 FR 41830; 40 FR 29263). As proposed, the changes to incorporate certain editorial and procedural changes read as follows:

1. Section 1823.7(a)(1)(ii) is amended and subdivisions (A), (B), (C), and (D) are added to provide that individual vacant property owners may be considered in certain instances when determining project feasibility.

2. Section 1823.7(a)(1)(iii) is added to provide that income from vacant property owners other than as authorized in § 1823.7(a)(1)(ii) will be considered only as extra income.

3. Section 1823.7(b)(2) is amended to provide that an escrowed security deposit may be used to assure loan repayment in certain instances for service to new or developing communities or areas.

4. Section 1823.23 is amended by adding reference to meeting Federal requirements when applicable.

5. Section 1823.23(e)(2) is amended to require that each system will be in com-

pliance with appropriate health department or environmental quality requirements.

6. Section 1823.26 is amended to include reference to community facility guides.

7. Section 1823.27 is revised and expanded to further explain the use of construction contract forms and to include names and addresses of associations from which contract documents may be obtained.

8. Section 1823.29(b)(2) is amended and expanded to further explain procurement transaction proceedings.

9. Section 1823.29(d)(3) is amended to require that FmHA be named as co-obligee on performance and payment bonds unless prohibited by state law.

10. Section 1823.29(d)(9) is added to explain that supplemental general conditions will be used for contracts in excess of $2,500.

11. Section 1823.30 is amended to include reference to the resident inspector at the preconstruction conference.

12. Section 1823.32 is amended to further explain the requirements concerning the resident inspector.

13. Section 1823.32(a)(5) is added to explain an additional use of the inspector's daily diary including its availability to FmHA personnel.

14. A new § 1823.32(b) has been added to provide for prefinal inspection in order to list items necessary for project completion. The former § 1823.32(b) has been redesignated § 1832.32(c) without change.

15. Section 1823.33 has been revised and expanded to further explain the requirements concerning changes in development plans.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before March 1, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Chief, Directives Management Branch during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, the various amendments and additions read as follows:

1. Section 1823.7 is amended by adding paragraph (a)(1)(ii)(A), (B), (C), (D), and (iii) and by revising paragraph (b)(2) as follows:

§ 1823.7 Economic feasibility requirements.

* * * * *

(a) * * *

(1) * * *

(ii) User agreements from individual vacant property owners will not be considered when determining project feasibility unless:

(A) The owner has plans to develop the property in a reasonable period of time and become a user of the facility; and

(B) The owner agrees in writing to make a monthly payment at least equal to the proportionate share of debt service attributable to the vacant property until the property is developed and the facility is utilized on a regular basis; and

(C) A bond or escrowed security deposit is provided to guarantee the monthly payment required by paragraph (a)(1)(ii)(B) of this section and to guarantee an amount at least equal to the owners proportionate share of construction costs. If a bond is provided, it must be executed by a surety company that appears on the Treasury Department's most current list (circular 570, as amended) and be authorized to transact business in the State where the project is located. The guarantee shall be payable jointly to the borrower and the Farmers Home Administration; and

(D) Such guarantees will mature not later than 4 years from date of execution and will be finally due and payable upon default of a monthly payment or at maturity, unless the property covered by the guarantee has been developed and the facility is being utilized on a regular basis.

(iii) Income from vacant property owners other than those authorized by paragraph (a)(1)(ii) of this section will be considered only as extra income.

* * * * *

(b) * * *

(2) Developers providing a bond or escrowed security deposit in accordance with paragraph (a)(1)(ii) of this section sufficient to meet expenses attributable to the area in question until a sufficient number of the building sites are occupied and connected to the facility to provide enough revenue to meet operating, maintenance, debt service and reserve requirements; or

* * * * *

2. Section 1823.23 is amended by revising the introductory text and paragraph (e)(2) as follows:

§ 1823.23 Design policies.

Facilities financed by the Farmers Home Administration (FmHA) will be designed and constructed in accordance with sound engineering and architectural practices, and meet the requirements of applicable Federal, State and local agencies having jurisdiction in such matters.

* * * * *

(e) * * *

(2) Each system will be in compliance with appropriate State and local Department of Health or environmental quality requirements.

* * * * *

3. Section 1823.26 is revised to read as follows:

§ 1823.26 Preliminary engineering and architectural reports.

Reports shall be prepared in accordance with customary professional standards. FmHA has guides for preparing preliminary architectural/engineering reports for water, sewer, solid waste, storm sewer projects, and other community facilities.

4. Section 1823.27 is revised as follows:

§ 1823.27 Construction contract forms.

Standard contract documents prescribed for use by borrowers and grantees in Federally assisted projects may be used for all community facility projects including water and waste disposal systems and buildings, such as hospitals and nursing homes. These standard documents are published by FmHA as guide 19, "Agreement," with attachments 1 through 9. These documents may be reviewed at the local FmHA office. Applicants may obtain copies of the documents from the American Consulting Engineers Council, 1155 15th Street NW., Washington, D.C. 20005; Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006; and the National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006. When these standard contract documents are used, it will normally not be necessary to obtain prior approval of the Office of General Counsel.

(a) For those projects where a performance and payment bond is not provided, Guide 17, "Construction Contract Documents," may be used. This guide may be obtained from the local FmHA office.

(b) Contract documents of the American Institute of Architects (AIA) may be used for appropriate projects when modified to comply with this part and by including FmHA supplemental general conditions. AIA documents must be submitted for prior review and approval by the Regional Attorney.

5. Section 1823.29 is amended by revising paragraph (b)(2) and (d)(3) and by adding paragraph (d)(9) as follows:

§ 1823.29 Procurement, bidding, and contract awards.

* * * * *

(b) * * *

(2) All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The borrower should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. Performance specifications and the term "or equal" may be used for equipment and materials. In specifying pipe, however, the acceptable material(s) should be designed into the project to assure proper installation of the material chosen and to avoid uncertainty and misunderstanding. This can be done in the following ways:

(i) By reference to nationally known materials standards such as the American Standard Testing Materials (A.S.T.M.), American Water Works Association (A.W.W.A.), and Federal specifications and standards, or the standards of similar agencies. In referring to

standards, however, care must be exercised to assure that the desired type of material is selected since many standards cover two or more types.

(ii) By specifying two or more materials, any one of which is acceptable to the owner.

(iii) By specifying the particular material required for the project. In specifying materials, the owner and his consultant will consider all materials suitable for the project. Where materials which would normally be suitable are not included for bidding, the owner and his consultant must be prepared to justify the selection of the material used.

* * * * *

(d) * * *

(3) In all contracts for construction or facility improvements awarded in excess of $100,000, the borrower shall require bonds assuring performance and payments of 100 percent of the contract costs. For contracts of lesser amounts the borrower may require such bonds. When a performance and payment bond is not provided, contractors will furnish evidence of payment in full for all materials, labor, and any other items procured under the contract. Form FmHA 424–10, "Release by Claimants," and Form FmHA 424–9, "Certificate of Contractor's Release," may be obtained at the local FmHA office and used for this purpose. When a performance and payment bond is provided, the United States acting through the Farmers Home Administration will be named as co-obligee in these bonds unless prohibited by state law.

* * * * *

(9) Each contract in excess of $2,500 shall contain FmHA supplemental general conditions. These conditions are contained in the FmHA Guide 18, "Supplemental General Conditions," and may be obtained from the local FmHA office.

* * * * *

6. Section 1823.30 is revised as follows:

§ 1823.30 Preconstruction conference.

Prior to beginning construction, FmHA will review the planned development with the applicant, its engineer, resident inspector, attorney, contractors, and other interested parties. The conference will thoroughly cover the items included in Form FmHA 424–16, "Record of Preconstruction Conference," and all discussions and agreements will be documented on the form.

7. Section 1823.32 is amended by revising the introductory paragraph, adding paragraph (a)(5), redesignating the present paragraph (b) as paragraph (c) and by adding a new paragraph (b) as follows:

§ 1823.32 Resident inspection.

Full-time resident inspection is required for all construction unless a written exception is made by FmHA. Unless otherwise agreed, the resident inspector will be provided by the consulting architect/engineer. Prior to the preconstruction conference, the architect/engineer will submit a resume of qualifications of the resident inspector to the applicant and to FmHA for acceptance in writing. If the applicant provides the resident inspector, it must submit a resume of the inspector's qualifications to the project architect/engineer and FmHA for acceptance in writing prior to the preconstruction conference. The resident inspector will attend the preconstruction conference where his duties and responsibilities will be fully discussed. The resident inspector will work under the general supervision of the project architect/engineer. A guide format for preparing daily inspection reports and Form FmHA 424–18, "Partial Payment Estimate," are available on request from FmHA.

(a) * * *

(5) The daily diary will be made available to FmHA personnel and will be reviewed during project inspections.

(b) *Prefinal inspections.* A prefinal inspection will be made by the borrower, resident inspection, project architect/engineer, representatives of other agencies involved in project financing, the County Supervisor, the FmHA representative designated by the State Director to assist the County Supervisor in project development, and a member of the FmHA State Office staff, preferably the State Staff architect/engineer. A list of items necessary for project completion will be developed and agreed upon during the prefinal inspection. The inspection results will be recorded by the member of the State Office staff on Form FmHA 424–12, "Inspection Report," and a copy provided all appropriate parties.

* * * * *

8. Section 1823.33 is revised as follows:

§ 1823.33 Changes in development plans.

(a) Changes in development plans may be approved by FmHA when requested by borrowers, *Provided:*

(1) Funds are available to cover any additional costs;

(2) The change is for an authorized loan purpose; and

(3) It will not adversely affect the soundness of the facility operation or FmHA's security.

(b) Changes will be recorded on Form FmHA 424–7, "Contract Change Order." Change orders must be approved by the FmHA State Director or his designated representative.

(c) Changes should be accomplished only after FmHA approval and all changes which affect the work shall be authorized only by means of a contract change order. The change order will include items such as:

(1) Any changes in labor and materials and their respective costs.

(2) Changes in facility design.

(3) Any decrease or increase in quantities based on final measurements that are different from those shown in the bidding schedule.

(4) Any increase or decrease in the time to complete the project.

(d) All changes shall be recorded on a chronologically numbered contract change order as they occur. Change orders will not be included in payment estimates until approved by all parties.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development 7 CFR 2.70).

Dated: January 26, 1976.

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107).

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–2931 Filed 2–3–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 249]

MEDICAL ASSISTANCE PROGRAM

Proposed Prohibition Against Reassignment of Claims

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The purpose of these regulations is to clarify and expand the regulations governing prohibition against reassignment of claims to payment in the medical assistance program administered under title XIX, Social Security Act, which were published in final form on April 9, 1974, and became effective on June 24, 1974. These changes are made to provide additional safeguards against illegal payments in the Medicaid program. The basis for this proposal is the Department's belief, based on its experience in administering this provision which implements section 1902(a)(32) of the Social Security Act, that these additional safeguards are necessary to carry out the objectives of this State plan requirement.

The amendments set forth below make clear that the prohibition covers, in addition to physicians, dentists and other individual practitioners, all providers who are not reimbursed on a reasonable cost basis.

In addition, they provide that payments to such providers as specified may not be made to or through a factor or his agent. As defined in these regulations, the term "factor" does not include bona-fide business representatives, such as billing agents or accounting firms, which render statements and receive payments in the name of the individual provider.

Prior to the adoption of the proposed regulations, consideration will be given to written comments, suggestions, or objections thereto addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Wash-

ington, D.C. 20013, and received on or before March 5, 1976.

Such comments will be available for public inspection in Room 5223 of the Department's offices at 330 C Street SW., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

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

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: November 4, 1975.

JOHN A. SVAHN,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 28, 1976.

DAVID MATHEWS,
Secretary.

Section 249.31 of Part 249, Chapter II, Title 45, Code of Federal Regulations, is revised to read as follows:

§ 249.31 Prohibition against reassignment of claims to benefits.

(a) *Meaning of terms.* For purposes of this section:

(1) "Facility" is a hospital or other institution which makes provision for furnishing health care services to inpatients.

(2) "Organized health care delivery system" is a public or private organization for delivering health services which may include, but is not limited to, a clinic or a group practice prepaid capitation plan.

(3) "Factor" is an organization, i.e., collection agency or service bureau, which, or an individual who, advances money to a provider for his accounts receivable which have been assigned or sold, or otherwise transferred, to such organization or individual for an added fee or a deduction of a portion of such accounts receivable.

(b) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must provide that (1) no payment under the plan for any care or service provided to a patient by a physician, dentist, other individual practitioner, or any other provider who is not reimbursed on a reasonable cost basis, shall be made to anyone other than such patient (who is eligible to receive such payments in accordance with § 249.32) or to such physician, dentist, practitioner, or any other provider who is not reimbursed on a reasonable cost basis. However, with respect to physicians, dentists, or other individual practitioners, direct payment may be made:

(i) To the employer of the physician, dentist, or other practitioner if the practitioner is required as a condition of his employment to turn over his fees to his employer; or

(ii) Where the care or service was provided in a facility, to the facility in which the care or service was provided, if there is a contractual arrangement between the practitioner and the facility whereby the facility submits the claim for reimbursement; or

(iii) To a foundation, plan, or similar organization, including a health maintenance organization, which furnishes health care through an organized health care delivery system if there is a contractual arrangement between the organization and the person furnishing the service under which the organization bills or receives payments for such person's services; (2) payment under the plan for any care or service furnished to an individual by providers as specified in paragraph (b)(1) of this section shall not be made to or through a factor.

[FR Doc.76-3284 Filed 2-3-76;8:45 am]

[45 CFR Part 282]

SPECIAL SECTION 1115 DEMONSTRATION PROJECTS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Acting Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to special demonstration projects under Section 1115 of the Social Security Act to improve the methods and techniques for providing financial and medical assistance and related services.

The purpose of the regulations is to formalize the requirements and procedures which are now contained in the Handbook of Public Assistance Administration, Part IV 8400–8499; to add a provision (§ 282.6(e)) for carry-over of unexpended funds, a policy which has been in effect for several years; and to add (§ 282.12) general administration requirements which are applicable, pursuant to 45 CFR Part 74, to grants provided under section 1115 of the Act.

The bases for the regulations are the provisions of the Handbook and of 45 CFR Part 74, and the experience gained in the administration of section 1115.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before March 5, 1976. Comments received will be available for public inspection in Room 5324 of the Department's offices at 330 C Street, S.W., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245–0950).

(Catalog of Federal Domestic Assistance Program No. 13.766, Public Assistance Research.)

Dated: September 17, 1975.

JOHN A. SVAHN,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 28, 1976.

DAVID MATHEWS,
Secretary.

Chapter II of title 45 of the Code of Federal Regulations is amended by adding a new Part 282 as follows:

PART 282—SPECIAL SECTION 1115 DEMONSTRATION PROJECTS

Sec.

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

§ 282.1 Purpose.

The purpose of section 1115 of the Act is to promote the objectives of titles I, IV–A, X, XIV, XVI (AABD), XIX and XX through developing and improving methods and techniques providing assistance and services designed to help needy persons to achieve self-support or self-care; to maintain and strengthen family life; to remedy or prevent neglect, abuse, or exploitation of children or adults unable to protect their own interests; to prevent or reduce inappropriate institutional care by providing for community based, home-based or other forms of less intensive care; to secure referral or admission for institutional care when other forms of care are not appropriate; or to provide services to individuals in institutions.

§ 282.2 Basic provisions.

Section 1115 authorizes the Secretary to:

(a) Waive compliance with any of the requirements under sections 2, 402, 1002, 1402, 1602, 1902, 2002, 2003 or 2004 of the Act to the extent and for the purpose found necessary for the State to carry out a project. Under this authority, the Secretary will not approve requests for waiver of the provisions of section 2003 (d)(1)(A), (E), or (F).

(b) Provide Federal financial participation in the project costs (whether they involve assistance, service, training or administration) which would not otherwise be included as public assistance expenditures under the regular reimbursement formulas under sections 4, 403, 1003, 1403, 1603, 1903 or 2002 of the Act, and which are not included as part of the costs of a project under section 1110 of the Act (Cooperative Research and Demonstration Projects) to the extent and for the period prescribed by him; and

(c) Grant special Federal project funds to finance part or all of the State's share in the cost of a project not covered by payments under the titles I, IV–A, X,

XIV, XVI, XIX or XX of the Act and not included as part of the cost of a project under section 1110.

§ 282.3 Eligibility and types of projects.

(a) State agencies administering or supervising programs under State plans may submit application for demonstration projects.

(b) Projects must be of special significance to one State, a group of States, or of National importance.

(c) Projects of the following types will be considered:

(1) Pilot or experimental projects which introduce new methods or approaches to delivery of assistance and services;

(2) Demonstration projects which test whether a method successful in other fields can be applied to an assistance program or can be made more effective when used in the assistance program;

(3) Methods of reducing dependency, such as:

(i) Provision of assistance to needy people who would not otherwise be eligible;

(ii) Increase in the level of assistance payment; or

(iii) Provision of social services not otherwise available.

(4) Testing of new patterns for delivery of medical care or social services;

(5) Testing of new methods for improving administration; or

(6) Testing of new approaches to staff training.

§ 282.4 Applications.

(a) Application may be made for any or all the following:

(1) Waiver of any requirements specified in § 282.2(a);

(2) Federal financial participation in expenditures which could not otherwise be included as authorized expenditures under a State plan or under section 2002 of the Act as specified in § 282.2(b); and

(3) Special project funds as specified in § 282.2(c).

(b) Applications shall be made in the form and detail prescribed by the Administrator, and shall include:

(1) A statement of the problem or issue to be resolved;

(2) A precise description of the objectives, the concepts to be tested, a work plan with task statements and milestones and the methodology to be used in completing the tasks;

(3) A description of the methodology to be used for evaluating the project, including evaluation design, evaluation tasks, impact measures, and data collection;

(4) Provision for qualified and adequate staff, including a project director, to accomplish the purpose of the project;

(5) The proposed budget and duration of the project;

(6) A full description of any plan to use a contractor or sub-contractor to carry out any part of the project, including the scope of work, tasks, cost for each task, personnel required, and, for sole source procurements, a copy of the contract and justification;

(7) A description of the intended use of the final product and proposed methods for communicating and disseminating the findings of the project; and

(8) A statement specifying which of the items described in paragraph (a) of this section are requested.

(c) A preapplication, in the form and detail prescribed by the Administrator, may be submitted to determine if the project can compete with similar proposals from other applicants.

(d) In addition to any other requirements imposed under the Act, the applicant shall provide assurance that the State agency:

(1) Has the legal authority to conduct the project;

(2) Will be responsible for the development and execution of the demonstration project whether it is carried out by the State agency itself or by a county or local agency;

(3) Will comply with all requirements of the Act and the implementing regulations which pertain to the categorical assistance programs and are applicable to the project, except as specifically waived.

§ 282.5 Criteria for approval.

Applications will be reviewed for consistency with the purposes set forth in § 282.1. In addition, the following will be considered:

(a) The conceptual development and clarity of measurable objectives, and their relationship to a demonstration issue;

(b) Congruence with demonstration priorities articulated by the SRS, which will be included in the application kit, or can be obtained from the SRS;

(c) The relationship of the proposal to other similar demonstrations already completed or in progress;

(d) Previous experience of the applicant in conducting demonstration projects and knowledge of demonstration efforts;

(e) The consistency of the evaluation plan with the objectives;

(f) The adequacy of the work plan; and

(g) The degree of commitment to continue the successful project activities or methods after the project is terminated.

§ 282.6 Federal financial participation.

(a) *Limitations.* Federal financial participation shall be available only for those activities approved in a project grant award, in accordance with the applicable provisions of the Act and regulations and only in the total amount approved in the award.

(b) *Effective date.* Federal financial participation is available only with respect to project activities that take place after the State agency has received official notification of SRS approval of the project.

(c) *Duration of support.* Ordinarily, Federal financial participation is limited to not more than three years. Approval must be secured every 12 months.

(d) *Participation from regular public assistance grants.* When the Secretary, using the authority of section 1115(a) and (b) approves matching from regular public assistance funds, the rate of Federal financial participation in project cost is generally the same as the rate for ongoing expenditures for services, staff training, assistance, medical care, or administration under the State plan, or under section 2002 of the Act.

(e) *Special Federal project funds.* (1) Special Federal project funds shall be authorized only for the approved budget period and cannot be carried over from one budget period to another, unless authorized by the SRS in the award for a subsequent budget period;

(2) Such funds shall not be transferred from one section 1115 project to another section 1115 project;

(3) Such funds shall be available for paying part or all of the State's share of:

(i) Assistance payments;

(ii) Medical payments;

(iii) Social services;

(iv) Administrative costs which may cover salaries, fringe benefits, travel of personnel working on a project, and costs for outside consultants and contractors;

(v) Consumable supplies, such as office supplies and building maintenance materials utilized on a project;

(vi) Rental or purchase of special equipment necessary to complete a project;

(vii) Cost of rent, use allowance or depreciation, light, heat, and maintenance if additional space is required for the project and the project is to last for more than one year.

(4) Such funds shall not be available for:

(i) Purchase of motor vehicles, unless a special vehicle is required to carry out a project and the State can give assurance that the project's innovative activity will be continued when special Federal funds cease;

(ii) Construction or remodeling;

(iii) Continuation of projects previously financed from other sources, upon termination of the original financing, since they would no longer be new projects.

§ 282.7 Reports.

The State agency shall submit reports prescribed in the grant award including:

(a) Quarterly financial reports (OA.-41.13(a) and 41.13(b)—see instructions for SRS–OA–41 series).

(b) An annual Financial Status Report (HEW–601T).

(c) Periodic progress and interim evaluation reports.

(d) A final project report which shall contain at a minimum:

(1) Identification of the project director, grant number, grantee and title of the project;

(2) A complete description of the initial hypotheses and objectives, findings, and results of the evaluation including assessment of the variables;

(3) A list of and copies of publications resulting from the project;

(4) Acknowledgement of the support received from the Social and Rehabilitation Service (SRS), including a disclaimer to the effect that the findings do not necessarily reflect official policies of the SRS.

§ 282.8 Patent policy.

In accordance with Department Regulations (45 CFR Subtitle A, Parts 6 and 8), all inventions made in the course of or under any grant or contract under this part shall be promptly and fully reported to the Assistant Secretary for Health, Department of Health, Education, and Welfare. The project director and other project staff shall neither have nor make any commitments or obligations which conflict with the requirements of this policy. Determination as to ownership and disposition of rights to such inventions shall be made pursuant to 45 CFR 74.139.

§ 282.9 Publication and copyright policy.

Grantees may publish the results of any project supported by the Social and Rehabilitation Service without prior review. Such publication must acknowledge the support received under the grant including a disclaimer to the effect that the Social and Rehabilitation Service does not necessarily endorse the findings, conclusions or opinions contained therein. Copies must be furnished to the Social and Rehabilitation Service. Where a grant results in a book or other copyrightable material, the grantee is free to copyright the work, but the SRS reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant supported activity. Publications must also acknowledge such license.

§ 282.10 Project direction.

Whenever the project director designated in the grant application is no longer responsible for the conduct of the project, the State agency director shall assume that responsibility until a new director, considered qualified by the SRS, is designated.

§ 282.11 Project revisions.

(a) Prior written approval of the SRS is required for any material change in an approved project (see Subpart L of Part 74 of this Title).

(b) Project revisions may be initiated by the Administrator if on the basis of reports it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing these grants.

§ 282.12 General administrative requirements.

With the following exceptions, the provisions of Part 74 of this title, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part:

(a) 45 CFR Part 74:

(1) Subpart G, Matching and Cost Sharing:

(2) Subpart I, Financial Reporting Requirements.

[FR Doc.76-3285 Filed 2-3-76;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 402]

CONSISTENCY IN ALLOCATING COSTS INCURRED FOR THE SAME PURPOSE

Notice of Proposed Interpretation

INTERPRETATION No. 1

Notice is hereby given that the Cost Accounting Standards Board is considering the issuance of Interpretation No. 1, to Part 402, Cost Accounting Standard, Consistency in Allocating Costs Incurred for the Same Purpose (4 CFR, Part 402). Section 402.40 provides that, "All costs incurred for the same purpose, in like circumstances, are either direct costs only or indirect costs only with respect to final cost objectives." A number of questions have been raised by both the Government and contractors as to how Cost Accounting Standard 402 is to be applied to the accounting for proposal costs.

The proposed Interpretation being published today deals with the application of § 402.40 to proposal costs. The proposed Interpretation recognizes that not all costs incurred in preparing proposals are incurred for the same purpose, in like circumstances. Costs incurred in preparing proposals required by the specific provisions of an existing contract are incurred in different circumstances from the circumstances in which costs are incurred in preparing proposals which are not specifically required.

The Board has stated its willingness in an appropriate case to issue an interpretation. This proposal marks the first occasion that a question sufficiently serious and widespread has arisen which in the Board's opinion warrants issuance of an interpretation. The proposed Interpretation responds to what the Board understands to be the questions which have arisen. If anyone believes that it does not, or believes that it does not do so clearly enough, the Board would welcome comments.

Comments should be mailed to arrive at the Board's offices by April 12, 1976. After receipt of any comments submitted, the Board will take final action on this proposed Interpretation.

INTERPRETATION No. 1, PART 402, COST ACCOUNTING STANDARD, CONSISTENCY IN ALLOCATING COSTS INCURRED FOR THE SAME PURPOSE

Part 402, Cost Accounting Standard, Consistency in Allocating Costs Incurred for the Same Purpose, provides, in Section 402.40, that ". . . no final cost objective shall have allocated to it as a direct cost any cost, if other costs incurred for the same purpose, in like circumstances, have been included in any indirect cost pool to be allocated to that or any other final cost objective."

Questions have arisen with respect to the way Part 402 is to be applied to the treatment of costs incurred in preparing, submitting, and supporting proposals. In essence the questions are addressed to whether or not, under the Standard, all such costs are incurred for the same purpose, in like circumstances.

Under Part 402, costs incurred in preparing, submitting, and supporting proposals pursuant to a specific requirement of an existing contract can be considered to have been incurred in different circumstances from the circumstances under which costs are incurred in preparing proposals which do not result from such specific requirement. The contracting parties can determine that the circumstances are different because the costs of preparing a proposal specifically required by the provisions of an existing contract are deemed to relate only to that contract while proposal costs in the latter circumstances are considered to relate to all work of the contractor.

The fact that the circumstances under which proposal costs are incurred in preparing a proposal required by a specific provision of an existing contract are determined to be different from the circumstances under which costs are incurred in preparing proposals which do not result from such specific provisions does not, by itself, mean that all such costs cannot be allocated indirectly. The cost accounting practices used by the contractor, however, must be followed consistently and the allocation method used to reassign such costs, of course, must provide an equitable distribution to all final cost objectives.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.76-3310 Filed 2-3-76;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Nonbanking Activities

By notice of proposed rulemaking published in the FEDERAL REGISTER on September 19, 1974 (39 FR 33741), and revised with respect to the date and scope of the oral presentation on October 31, 1974 (39 FR 38423), the Board of Governors proposed, in connection with an application[1] filed pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to add to the list of activ-

[1] Application by First Bancorp, Inc., Corsicana, Texas, to retain First Travel Agency, Corsicana, Texas.

ities that it has determined to be closely related to banking or managing or controlling banks (§ 225.4(a) of Regulation Y), the operation of a travel agency. An oral presentation considering possible rulemaking with respect to the proposal was held on January 14, 1975.

The Board has considered all comments received prior to the oral presentation, the record of the oral presentation, and all comments submitted in connection with, and subsequent to, the oral presentation. After considering all relevant aspects of the proposal to add the operation of a travel agency to the list of closely related activities, the Board has determined not to adopt this activity as permissible for bank holding companies under § 225.4(a) of Regulation Y.

Operation of a travel agency requires the offering of a broad range of services, including but not limited to the sale of travelers checks,[3] procuring carrier passage and other travel accommodations by acting as agent for passengers and carriers, and acting as collection agent for airline, railroad, steamship or other companies. In addition, travel agents must have specialized knowledge concerning such diverse matters as passports, visas, inoculations, and taxing regulations, as well as familiarity with local and regional social customs.[5] In effect, a travel agency is "a personalized department store of travel."[4]

Before the Board may authorize a bank holding company to engage in a new activity pursuant to section 4(c)(8) of the Bank Holding Company Act, there are two major issues that must be resolved. These are whether the activity is closely related to banking or managing or controlling banks, and, if so, whether it is a proper incident thereto. It is in the second of these tests that the weighing of the public benefits is of significance.

In a recent decision by the United States Court of Appeals, for the District of Columbia, *National Courier Association v. Board*,[5] that Court commented on the kinds of connections that may qualify an activity as "closely related to banking." The Court stated there were *at least* three kinds of connections which could qualify an activity as closely related: first, that banks generally have At the present time, the number of banks currently providing travel agency services number only about 150 or less than in fact provided the proposed service; second, that banks generally provide services that are operationally or functionally so similar to the proposed services as to equip them particularly well to provide the proposed services; and third, that banks generally provide services that are so integrally related to the proposed services as to require their provision in a specialized form.

On the basis of the record in this present proceeding before the Board, it appears that the only standard under the criteria previously applied by the Board, and as set forth by the Court of Appeals in the *Courier* decision, that might be regarded as being applicable is that relating to whether banks generally have provided the proposed service. However, the character of the services offered by travel agencies, as it has evolved to the present day, has departed from that offered over a century ago to accommodate people immigrating to the United States.[6] one percent of all commercial banks in the United States, and they account for less than two percent of all travel agencies in the nation. Furthermore, nearly two-thirds of the travel agencies affiliated with banking organizations have been established within the past fifteen years.[7]

It is the Board's view, in light of the above and other facts of record, that there exists an insufficient historical relationship between the proposed activity and the general nature of banking activities to meet the closely related test of section 4(c)(8). Neither does the Board conclude that the proposed activity is functionally or integrally related to other banking activities which have been previously found to be permissible within the tests set forth in the *Courier* decision. Accordingly, the Board finds that the operation of a travel agency is not closely related to banking or managing or controlling banks. Since the Board has found that the operation of a travel agency is not closely related, the Board does not reach the further question of the potential public benefits resulting from performance of the proposed activity.[8]

By order of the Board of Governors, effective January 26, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-3307 Filed 2-3-76;8:45 am]

[3] The sale of travelers checks has been found by the Board to be a closely related activity (see Board Order of June 14, 1973, approving application of BankAmerica Corporation, San Francisco, California, to engage *de novo* in issuance and sale of travelers checks).

[4] There are certain unique licensing requirements that a travel agency must meet in order to be eligible to sell transportation tickets for member carriers of airline associations. Principal among these associations are the Air Traffic Conference (ATC) (which appoints, or licenses, travel agents to sell domestic air travel) and the International Air Transport Association (IATA).

[4] *Arnold Tours, Inc. v. Camp*, 338 F. Supp. 721, 723 (1972).

[5] 516 F. 2d 1229, 1237 (1975).

[6] *Arnold Tours, Inc. v. Camp*, 472 F. 2d 427, 434 (1972).

[7] Based on data submitted by the Association of Bank Travel Bureaus.

[8] Proponents of and opponents to adding this activity to the permissible list have presented arguments regarding the nature of the public benefits involved in approving this activity; however, as discussed above, the Board's finding that the proposed activity is not closely related to banking precludes any weighing of public benefits.

Thus, the Board has determined not to add the operation of a travel agency to the list of permissible activities in Regulation Y.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-12053; File No. S7-612]

TEMPORARY EXEMPTION FROM BROKER-DEALER REGISTRATION

Certain Exchange Members

The Commission today published for comment proposed Rule 15a-4 under Section 15(a)(2) of the Securities Exchange Act of 1934 (the "Act") which would provide a temporary exemption from the broker-dealer registration requirement contained in Section 15 of the Act for certain members of national securities exchanges.

The Securities Acts Amendments of 1975 (Pub. L. No. 94-29 (June 4, 1975)) amended Section 15 of the Act, in effect, to require by December 1, 1975, persons effecting transactions exclusively on a national securities exchange to register with the Commission as broker-dealers. Proposed Rule 15a-4 is designed to provide a temporary exemption from the broker-dealer registration requirement for a member of an exchange who becomes disassociated from a registered broker-dealer and who has filed Form BD. The exemption would permit the exchange member to continue, with the written consent of the exchange submitted to the Commission with Form BD, to transact business on the floor of the exchange prior to the time that an order granting such registration as a broker-dealer has been issued by the Commission. Such exemption would not be available to any person while there is pending before the Commission any proceeding pursuant to Section 15(b)(1)(B) involving such person.

The text of proposed Rule 15a-4 is as follows:

§ 15a-4 Forty-five day exemption from Registration for Certain Members of National Securities Exchanges.

(a) A natural person who is a member of a national securities exchange shall, upon termination of his association with a registered broker-dealer, be exempt, for a period of forty-five days after such termination from the registration requirement of Section 15(a) of the Act solely for the purpose of continuing to effect transactions on the floor of such exchange if (1) such person has filed with the Commission an application for registration as a broker-dealer and such person complies in all material respects with rules of the Commission applicable to registered brokers and dealers and (2) such exchange has filed with the Commission a statement that it has reviewed such application and that there do not appear to be grounds for its denial.

(b) The exemption from registration provided by this rule shall not be available to any person while there is pend-

ing before the Commission any proceeding involving any such person pursuant to Section 15(b)(1)(B) of the Act.

Interested persons are invited to submit written views, data and arguments concerning proposed Rule 15a–4 before March 26, 1976. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. All submissions should refer to File Number S7–612.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 27, 1976.

[FR Doc.76–3264 Filed 2–3–76;8:45 am]

notices

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

DEPARTMENT OF STATE

[Public Notice CM-6/13]

ADVISORY PANEL ON ACADEMIC MUSIC

Meeting

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Academic Music has scheduled a meeting to be held on Monday, March 1, 1976, in Room 507 at the Department of State, Annex 2, 515 22nd Street NW., Washington, D.C. The meeting hours will be from 10:00 a.m. to 12:30 p.m. and from 2:00 p.m. to 5:00 p.m.

The sessions will be open to the public. The agenda is:

(1) Review of program policies and guidelines;
(2) Review of recent overseas tours in the music field sponsored by the Department of State;
(3) Evaluation of tapes and records of academic performing arts groups which are planning tours abroad, and other college/university performing groups which wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein, by telephone before February 26; the telephone number is (area code 202) 632-2846.

The meeting room has a seating capacity of 30, so the public will be admitted on a first-come, first-served basis.

Dated: January 28, 1976.

GUY E. CORIDEN,
Director, Office of International Arts Affairs.

[FR Doc.76-3329 Filed 2-3-76;8:45 am]

[Public Notice CM-6/14]

ADVISORY PANEL ON FOLK MUSIC AND JAZZ

Meeting

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Folk Music and Jazz has scheduled a meeting to be held on Wednesday, March 3, 1976, in Room 507 at the Department of State, Annex 2, 515 22nd Street NW., Washington, D.C. The meeting hours will be from 10:00 a.m. to 12:30 p.m. and from 2:00 p.m. to 5:00 p.m.

The sessions will be open to the public. The agenda is:

(1) Review of program policies and guidelines;
(2) Review of recent overseas tours in the jazz and folk music field sponsored by the Department of State;
(3) Evaluation of tapes and records of jazz, folk and popular performing arts groups which are planning tours abroad, and other jazz and folk music groups which wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein, by telephone before March 1; the telephone number is (area code 202) 632-2846.

The meeting room has a seating capacity of 30, so the public will be admitted on a first-come, first-served basis.

Dated: January 28, 1976.

GUY E. CORIDEN,
Director, Office of International Arts Affairs.

[FR Doc.76-3330 Filed 2-3-76;8:45 am]

[Public Notice CM-6/15]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on bulk chemicals of the Subcommittee on Safety of Life as Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 10:00 a.m. on Tuesday, February 24, 1976, in Room 8332 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to discuss preparations for the First Session of the Subcommittee on Bulk Chemicals of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London May 17-21, 1976. The agenda for the First Session of the Subcommittee on Bulk Chemicals follows:

—Adoption of the agenda.
—Decisions of the Maritime Safety Committee and the Marine Environment Protection Committee.
—Consideration of terms of reference, work programme, and methods of work.
—Gas carrier codes and related matters (priority item).
—Bulk chemical code and related matters.
—Hazard evaluation of noxious substances (priority item).
—Procedures and arrangements for the discharge of noxious liquid substances (priority item).
—Reception facilities for noxious liquid substances (priority item).
—Future work programme and date of next session.
—Any other business.
—Consideration of the report of the session.

Requests for further information on the meeting should be directed to Mr. R. J. Lakey, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2170.

The Chairman will entertain comments from the public as time permits.

Dated: January 26, 1976.

SAMUEL V. SMITH,
Acting Director, Office of Maritime Affairs.

[FR Doc.76-3328 Filed 2-3-76;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1975 Rev., Supp. No. 12]

BANKERS AND SHIPPERS INSURANCE COMPANY OF NEW YORK

Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treasury to Bankers and Shippers Insurance Company of New York, Burlington, North Carolina, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated, effective this date.

The company was last listed as an acceptable surety on Federal bonds at 40 FR 29248, July 10, 1975.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by Bankers and Shippers Insurance Company of New York.

Dated: January 29, 1976.

[SEAL] DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-3332 Filed 2-3-76;8:45 am]

[Dept. Circ. 570, 1975 Rev., Supp. No. 11]

MICHIGAN MUTUAL INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation

of $4,009,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Michigan Mutual Insurance Company
Detroit, Michigan
Michigan

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operation, Audit Staff, Washington, D.C. 20226.

Dated: January 28, 1976.

[SEAL] DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-3331 Filed 2-3-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 30, 1976.

The USAF Scientific Advisory Board Scvience and Technology Advisory Group, Standing Committee on Research, will hold meetings on February 24, 1976 from 9:00 a.m. to 5:00 p.m. and February 25, 1976 from 8:00 a.m. to 4:00 p.m. at the Air Force Office of Scientific Research, Bolling AFB, Washington, D.C., Room 210, Building 410.

The Committee will receive briefings and participate in discussions relating to the review, selection, and funding processes for the Air Force Research Program for the coming year.

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

The briefings will include pre-procurement funding information which, if released to the general public, would allow potential bidders a preferential position in competing for up-coming contracts and grants.

For further informaiton contact the Scientific Advisory Board Secretariat at (202) 697-8404.

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

[FR Doc.76-3293 Filed 2-3-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 30, 1976.

The USAF Scientific Advisory Board ad hoc Committee on Advanced Composites will hold meetings on February 22-23, 1976 at Wright-Patterson AFB, Ohio. The meetings will convene at 8:00 a.m. and adjourn at 5:00 p.m. on both days.

The Committee will review the Aeronautical Systems Division/Air Force Wright Aeronautical Laboratories advanced composites program.

The meeting will be open to the public.

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

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

[FR Doc.76-3294 Filed 2-3-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 29, 1976.

The USAF Scientific Advisory Board Electronics Panel will hold meetings at the Armament Development and Test Center (ADTC), Eglin Air Force Base, Florida, on February 26-27, 1976 from 8:00 a.m. to 5:00 p.m., both days.

The Panel will receive classified briefings and hold classified discussions on the capabilities of ADTC and key Air Force munitions programs.

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

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8404.

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

[FR Doc.76-3295 Filed 2-3-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 29, 1976.

The USAF Scientific Advisory Board Aeronautical Systems Division Advisory Group will hold a meeting on February 27, 1976 from 8:30 a.m. to 5:00 p.m. in Room 316, Building 52, Area B, Wright-Patterson Air Force Base, Ohio.

The Group will receive briefings and hold discussions on the current structural status of the C-5 wing and the proposed redesign modification thereto. The meeting will be open to the public.

For further information contact the Scientific Board Secretariat at 202-697-8404.

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

[FR Doc.76-3296 Filed 2-3-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 29, 1976.

The USAF Scientific Advisory Board Armament Development and Test Center Advisory Group will hold meetings on February 26-27, 1976 from 8:00 a.m. to 5:00 p.m., both days, at Eglin AFB, Florida, in Building 1, Room 118.

The Group will receive and discuss classified matters related to Armament Management, Development and Acquisition.

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

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8404.

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

[FR Doc.76-3297 Filed 2-3-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 26, 1976.

The USAF Scientific Advisory Board TOA/DME Steering Group will hold a meeting in the Pentagon, Room 5C-1040, on March 3, 1976, from 9:30 a.m. to 5:00 p.m.

The Group will receive classified briefings and hold classified discussions on current and future ECM/ECCM and TOA/DME technology programs. The group will meet in Executive Session to discuss future efforts/tasks.

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

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

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

[FR Doc.76-3311 Filed 2-3-76;8:45 am]

Department of the Army

ARMY HISTORICAL ADVISORY COMMITTEE

Meeting

JANUARY 26, 1976.

In accordance with section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name: Department of the Army Historical Advisory Committee.
Date: 9 April 1976.
Place: Conference Room, 6A-097, Forrestal Building, Washington, DC 20314.
Time: 1000-1140, 1345-1515.
Proposed Agenda: 1000-1140—Review of historical activities, 1345-1515—Discussion of activities and executive session of the committee.

Purpose of meeting: The committee will review the past year's historical activities based on reports and manuscripts received throughout the year and formulate recommendations to the Sec-

retary of the Army for advancing the purposes of the Army Historical Program.

Meetings of the Advisory Committee are open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least five days prior to the meeting of their intention to attend the April 9 meeting.

Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentations of oral statements at the meeting.

All communications regarding this Advisory Committee should be addressed to LTC D. A. Roberts, Advisory Committee Management Officer for the Chief of Military History, Room 6B–018, Forrestal Building, Washington, DC 20314.

By authority of the Secretary of the Army:

ROBERT G. FLOWERS, Jr.,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.76–3312 Filed 2–3–76;8:45 am]

MILITARY HISTORY RESEARCH COLLECTION ADVISORY COMMITTEE

Meeting

JANUARY 26, 1976.

In accordance with section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name: U.S. Army Military History Research Collection Advisory Committee.
Date: 12–13 April 1976.
Place: Upton Hall, Carlisle Barracks, Pennsylvania.
Time: 1300–1645, 12 April 1976, 0900–1130, 13 April 1976.
Proposed Agenda: 1300–1645, 12 April 1976: Review of Military History Research Collection activities; 0900–1000, 13 April 1976: Continuation of Review; 1000–1130, 13 April 1976: Executive Session.

Purpose of Meeting: The Committee will review the activities of the US Army Military History Research Collection (MHRC) activities during the past year based on reports and records and will formulate a recommendation to the Secretary of the Army for the advancement and development of MHRC.

Meetings of the Advisory Committee are open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Advisory Committee Management Officer in writing, at least 5 days prior to the meeting of their intention to attend the April 12 or 13 meetings.

Any person may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Committee meeting should be addressed to:

LTC Charles Hanson,
Advisory Committee Management Officer for the U.S. Army Military History Research Collection, USAMHRC,
Carlisle Barracks, Pennsylvania 17013.

By Authority of the Secretary of the Army.

ROBERT G. FLOWERS, Jr.,
Lt. Colonel, U.S. Army
Chief, Plans Office, TAGO.

[FR Doc.76–3313 Filed 2–3–76;8:45 am]

WINTER NAVIGATION BOARD ON GREAT LAKES—ST. LAWRENCE SEAWAY

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given of a meeting of the Winter Navigation Board to be held on 2 March 1976 at the Host International Hotel at Detroit Metropolitan Airport in Romulus, Michigan. The meeting will be in session from 10:00 A.M. until approximately 4:00 P.M.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes-St. Lawrence Seaway navigation season extension investigations being conducted pursuant to Pub. L. 91–611 and 93–251.

The primary purpose of the meeting is to discuss future plans for the extended season program. Discussion will include the FY–76 and Transition Quarter Programs, the Demonstration Program Report to Congress, future Board activities and Interim Feasibility Study public meetings held in February 1976.

The meeting will be open to the public subject to the following limitations:

a. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

b. Written statements, to be made part of the minutes, may be submitted prior to, or up to 10 days following the meeting, but oral participation by the public is limited because of the time schedule.

Inquiries may be addressed to Mr. David Westheuser, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone (313) 226–6770.

By Authority of the Secretary of the Army.

Dated: January 28, 1976.

ROBERT G. FLOWERS, Jr.,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.76–3314 Filed 2–3–76;8:45 am]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, New York 10014 on 23 February 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems, and microelectronics. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: January 29, 1976.

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

[FR Doc.76–3338 Filed 2–3–76;8:45 am]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Meeting

Pursuant to the provisions of Public Law 92–463, notice is hereby given that a meeting of the National Crime Information Center (NCIC) Advisory Policy Board (Board) will be held on April 27, 28 and 29, 1976, at Le Downtowner Du Vieux Carre Motor Inn, New Orleans, Louisiana. The meeting will begin at 9 a.m. and conclude at 5 p.m. each day.

The purpose of this meeting will be to discuss matters relating to NCIC which are presented to the Board.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board members must file written statements or questions at least twenty-four hours prior to the inception of each meeting. These statements or questions shall be delivered to the person of the Designated Federal Employee or the Assistant Director, Computer Systems Division of the FBI.

Further information may be obtained from Mr. Frank B. Buell, Chief, NCIC Section, Computer Systems Division, FBI Headquarters, Washington, D.C. 20535, at telephone number 202/324–2606.

Minutes of the meeting will be available upon request from the above-designated FBI official.

CLARENCE M. KELLEY,
Director.

[FR Doc.76–3329 Filed 2–3–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SAMISH TRIBE OF INDIANS

Plan for the Use and Distribution of Judgment Funds

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of March 21, 1972, 86 Stat. 86, in satisfaction of the award granted to the Samish Tribe of Indians in Indian Claims Commission Docket 261. The plan for the use and distribution of the funds was submitted to Congress with a letter dated September 10, 1975, and was received (as recorded in the Congressional Record) by the Senate on September 16, 1975, and House of Representatives on September 17, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on December 10, 1975, as provided by Section 5 of the 1973 Act, *supra*.

The plan reads as follows:

The funds appropriated by the Act of March 21, 1972 (86 Stat. 86), in satisfaction of the award granted to the Samish Tribe of Indians in Docket 261 before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided.

The Secretary of the Interior (hereinafter 'Secretary') shall publish rules and regulations in the FEDERAL REGISTER governing Samish enrollment porcedures. Pursuant to such rules and regulations, the Secretary shall prepare a roll of all the lineal descendants of the Samish Tribe of Indians as it existed in 1859, born on or prior to and living on the effective date of this plan. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of all the judgment fund principal and its accrued interest, in a sum as equal as possible, to each Samish descendant on this roll.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

Minors' per capita shares, in excess of $100, including all investment income accruing thereto, will be retained in individually segregated IIM accounts and shall not be disbursed until the minor attains the age of eighteen years, or the minors' shares, including all investment income, will be placed in a private trust as approved by the Secretary. Should it be determined that the funds are to be invested pursuant to a private trust, minors who will reach the age of eighteen within six months after the establishment of such trust shall have their funds retained in IIM accounts. If the minors' shares are retained in IIM accounts, upon a minor reaching the age of eighteen, unless the beneficiary is under a legal disability, the beneficiary shall be entitled to withdraw the per capita share and accrued investment income thereon as provided in 25 CFR 104.3. If a beneficiary is under a legal disability upon attaining the age of eighteen, the per capita share and accrued investment income thereon shall be handled pursuant to 25 CFR 104.5. If a minor's per capita share is not in excess of one hundred dollars ($100.00), it may be expended for the minor's benefit as provided in 25 CFR 104.4.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76–3321 Filed 2–3–76;8:45 am]

SWINOMISH TRIBE OF INDIANS

Plan for the Use and Distribution of Judgment Funds

JANUARY 23, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of October 31, 1972, 86 Stat. 1498, in satisfaction of the award granted to the Swinomish Tribe of Indians in Indian Claims Commission Docket 233. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated September 10, 1975, and was received (as recorded in the Congressional Record) by the Senate on September 16, 1975, and by the House of Representatives on September 17, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on December 10, 1975, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of October 31, 1972 (86 Stat. 1498), in satisfaction of the award granted to the Swinomish Tribe of Indians in Docket 233 before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter "Secretary") shall publish rules and regulations in the FEDERAL REGISTER governing Swinomish enrollment procedures. Pursuant to such rules and regulations, the Secretary shall prepare a roll, based on the 1919 Roblin Roll and any other records which are acceptable to him, of all the lineal descendants of the Swinomish Tribe as it existed in 1859, born on or prior to and living on the effective date of this plan. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of the judgment fund principal and its accrued interest, in a sum as equal as possible, to each Swinomish descendant so enrolled.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of decreased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

Minors' per capita shares, in excess of $100, including all investment income accruing thereto, will be retained in individually segregated IIM accounts and shall not be disbursed until the minor attains the age of eighteen years, or the minors' shares, including all investment income, will be placed in a private trust as approved by the Secretary. Should it be determined that the funds are to be invested pursuant to a private trust, minors who will reach the age of eighteen within six months after the establishment of such trust shall have their funds retained in IIM accounts. If the minors' shares are retained in IIM accounts, upon a minor's reaching the age of eighteen, unless the beneficiary is under a legal disability, the beneficiary shall be entitled to withdraw the per capita share and accrued investment income thereon as provided in 25 CFR 104.3. If a beneficiary is under a legal disability upon attaining the age of eighteen, the per capita share and accrued investment income thereon shall be handled pursuant to 25 CFR 104.5. If a minor's per capita share is not in excess of one hundred dollars ($100.00), it may be expended for the minor's benefit as provided in 25 CFR 104.4."

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76–3320 Filed 2–3–76;8:45 am]

Bureau of Land Management

REDDING DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Redding District Multiple Use Advisory Board of the Bureau of Land Management will meet at the Hilton Inn, Redding, California, February 25 and 26, 1976. The meeting will be devoted to an explanation of the BLM planning system and the current Shasta and Clear Creek planning effort. The Redding District's proposals for management of National Resource Lands along the Sacramento River in Shasta and Tehama Counties will also be discussed.

The first day of the meeting, February 25, will involve a presentation of resource inventory information from the Shasta and Clear Creek planning units and a field examination of National Resource Lands along the Sacramento River. The Board will convene at 8:30 a.m. in the Hilton's Centennial Room. The field trip will commence at 1:00 p.m. from the Hilton Inn parking lot.

On the morning of February 26, a business meeting will be held at 8:30 a.m. in the Hilton's Centennial Room to discuss several board organizational topics and then a formal presentation will be made concerning BLM's management proposals for National Resource Lands located along the Sacramento River. Time will be made available after the formal presentation for statements, comments, or questions from interested persons. Such statements should be limited to matters set forth in the two-day agenda.

Those wishing to make a formal statement on agenda topics should notify the Redding District Manager, Bureau of Land Management, 2460 Athens Avenue,

Redding, CA 96001, by close of business February 13, 1976. The verbal statements should be limited to ten minutes. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the BLM Redding District Manager.

Further information concerning the meeting may be obtained from Mr. Art Derby, Public Affairs Officer, Bureau of Land Management, 2460 Athens Avenue, Redding, CA 96001. His telephone number is (916) 246–5325.

STANLEY D. BUTZER,
District Manager, Redding.

[FR Doc.76–3323 Filed 2–3–76;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Availability of Report on Closed Meetings

Consistent with the policy of the Freedom of Information Act (5 U.S.C. 552(b)) and the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), the Advisory Committee on Coal Mine Safety Research has issued a report summarizing the activities of meetings held in 1974 which were closed to the public. Copies of these reports have been filed and are available for public inspection at the following locations:

Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Room 2016A 10 First Street, SE., Washington, D.C. 20540.

Department of the Interior, Department Library, Room 1140, 18th and G Streets, NW., Washington, D.C. 20240. Telephone: (202) 343–5815.

U.S. Bureau of Mines, Office of Mineral Information, Columbia Plaza Office Building, Room 1033, 2401 E Street, NW., Washington., D.C. 20241. Telephone: (202) 634–1001.

U.S. Bureau of Mines, Office of the Assistant Director—Mining, Columbia Plaza Office Building, Room 9056, 2401 E Street, NW., Washington, D.C. 20241. Telephone: (202) 634–1220.

Dated: January 28, 1976.

THOMAS V. FALKIE,
Director, Bureau of Mines.

[FR Doc.76–3322 Filed 2–3–76;8:45 am]

Office of the Secretary

TECHNOLOGY TASK GROUP OF THE COMMITTEE ON ENHANCED RECOVERY TECHNIQUES FOR OIL AND GAS IN THE UNITED STATES

Notice of Meeting

Notice is hereby given for the following meeting:

The Technology Task Group of the National Petroleum Council's Committee on Enhanced Recovery Techniques for Oil and Gas in the United States will meet on Thursday, February 19, 1976, starting at 8:30 a.m. in Conference Room 1189, Shell Oil Company, One Shell Plaza, Louisiana and Walker Streets, Houston, Texas.

The agenda includes the following items for discussion:

1. Discuss data base and select reservoirs to be analyzed.
2. Review assessments of the state of the art of enhanced recovery technologies.
3. Review development of screening criteria for application to the data base.
4. Discuss any other matters pertinent to the overall assignment of the Task Group.

The purpose of the National Petroleum Council is to provide to the Secretary of the Interior, upon request, advice, information, and recommendations upon any matter relating to petroleum or the petroleum industry.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

Further information about the meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary—Energy and Minerals, Department of the Interior, Washington, D.C. (telephone: 343–6226).

Dated: January 29, 1976.

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

[FR Doc.76–3291 Filed 2–3–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A289]

NEW JERSEY

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or acquaculture operations have been substantially affected in Burlington County, New Jersey, as a result of heavy rainfall and a hailstorm May 10 and June 6, 1975; continuous intermediate rains between May 10 and June 6, 1975; execessive rainfall July 13 through July 22, 1975; and a windstorm and hail occurring on August 4, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Brendan T. Byrne that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 8, 1976, for physical losses and October 7, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated 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 27th day of January, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–3278 Filed 2–3–76;8:45 am]

Forest Service

BIGHORN NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Bighorn National Forest Grazing Advisory Board will meet at 10:00 a.m., February 19, 1976, in the Town Room of the Northern Hotel in Billings, Montana.

The purpose of the meeting is to discuss Bighorn National Forest range management activities and programs for the 1976–86 term grazing period. Particular items planned for discussion are:

1. Base property and commensurability requirements;
2. Term grazing permits and qualification requirements;
3. National Forest grazing fees;
4. Items of interest as brought up by Board Members.

The meeting will be open to the public. Persons who wish to attend may notify Jack Booth, Bighorn National Forest Supervisor, Sheridan, Wyoming 82801 (phone 307–672–2457). Written statements may be filed with the Advisory Board before or after the meeting. Persons wishing to appear before the Board to present oral statements must submit the topic and content of their presentation to Chairman Leonard Masters, Ranchester, Wyoming 82839 by February 9, 1976.

JAMES R. SCHOENBAUM,
Acting Forest Supervisor.

January 27, 1975.

[FR Doc.76–3308 Filed 2–3–76;8:45 am]

FREMONT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Fremont National Forest Grazing Advisory Board will meet at 10:00 a.m. on March 9, 1976, in the Fremont Forest Supervisor's Office, 34 North D Street, Lakeview, Oregon. The purpose of this meeting is to discuss the 1975 Grazing Report, problems, budgeting, review of proposed manual amendments, the 20-year program, and other items as needed.

The meeting will be open to the public. Persons who wish to attend should notify Philip Lee, P.O. Box 551, Lakeview, Oregon 97630, telephone 947–2151. Written statements may be filed with the grazing board before or after the meeting.

RUSSELL E. MILLER,
Acting Forest Supervisor.

JANUARY 27, 1976.

[FR Doc.76–3309 Filed 2–3–76;8:45 am]

Rural Electrification Administration

OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with the use of guaranteed loan funds to finance Oglethorpe's 30 percent ownership in the Wansley steam plant of Georgia Power Company and the purchase from Georgia Power Company of three transmission lines emanating from the station—one to Georgia Power Company's Fortson Substation, one to Georgia Power Company's Villa Rica Substation, and one to a proposed Georgia Power Company Substation at O'Hara.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower address above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 27th day of January, 1976.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.76-3281 Filed 2-3-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL COUNCIL ON BILINGUAL EDUCATION

Notice of Public Meeting

Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463) that a meeting of the Hearings Sub-committee and the Budget Sub-committee of the National Advisory Council on Bilingual Education will be held February 19 and 20, at the Federal Building, 100 McAllister Street, Room 100, San Francisco, California.

The National Advisory Council on Bilingual Education is established pursuant to Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The Sub-committee sessions shall be opened to the public. The Hearings subcommittee will meet on February 19, from 12:00 noon until 4:00 p.m. and the Budget Sub-committee will meet on February 20, from 9:00 a.m. until 12:00 noon, in coordination with their representation of the Advisory Council at the Dissemination of Bilingual Education Materials Conference being held in the same city.

The proposed agenda for the Subcommittee meetings is:

A. February 19—Discussions regarding the public hearings of October 16-17 and the January 21-22. Making arrangements for presentation of findings to the Council at the March, 1976 meeting.

B. February 20—Discussions of the FY 77 budget for the Advisory Council.

Records shall be kept of all meetings of the Council and shall be available for public inspection in Room 421, Reporter's Building, 300 7th Street, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on January 30, 1976.

DEAN BISTLINE,
Acting Director,
Office of Bilingual Education.

[FR Doc.76-3286 Filed 2-3-76;8:45 am]

Social Security Administration

SUPPLEMENTAL SECURITY INCOME STUDY GROUP

Filing of Report

Notice is hereby given that, pursuant to Section 13 of P.L. 92-463, the Report of the Supplemental Security Income Study Group has been filed with the Library of Congress.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 300 Independence Avenue, SW., Washington, D.C. 20201. Telephone (202) 245-6791.

(Catalog of Federal Domestic Assistance Program Number 13.807, Supplemental Security Income for the Aged, Blind, and Disabled)

Dated: January 29, 1976.

NELSON SABATINI,
Executive Secretary, Supplemental Security Income Study Group.

[FR Doc.76-3265 Filed 2-3-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28800]

DES MOINES/MILWAUKEE-PHOENIX ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 24, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before March 5, 1976, and the other parties on or before March 15, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 29, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-3333 Filed 2-3-76;8:45 am]

[Docket No. 28724; Order No. 76-1-113]

DOMESTIC PASSENGER-FARES; VARIOUS CARRIERS

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of January, 1976.

By tariff revisions [1] marked to become effective February 1, 1976, eight domestic trunkline and five local service carriers operating within the 48 contiguous States and the District of Columbia, propose a one-percent general increase in the level of their passenger fares.[2] In support, TWA included in its justification its calculation of industry rate of return as of February 1, 1976, based upon year-ended-September 30, 1975, data. Their evaluation indicates that the carriers earned an actual ROI of 3.05 percent for that year and that, after all the ratemaking adjustments made by the Board, they would earn an 8.3 percent ratemaking ROI as of February 1, 1976. Thus, TWA states a 4.03 percent fare increase is warranted and, since a three-percent increase was approved by the Board for effectiveness November 15, 1975, an additional one-percent increase is warranted at this time. Continental was the only other carrier to estimate year-ended-September industry results, arriving at

[1] Revisions to Airline Tariff Publishers Company, Agent, C.A.B. Nos. 249 and 142.

[2] The carriers filing the one-percent increase: Allegheny Airlines, Inc. (Allegheny), American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), Eastern Air Lines, Inc. (Eastern), Frontier Airlines, Inc. (Frontier), Hughes Air Corp. d/b/a Hughes Airwest (Airwest), National Airlines, Inc. (National), Ozark Air Lines, Inc. (Ozark), Texas International Airlines, Inc. (Texas International), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and Western Air Lines, Inc. (Western).

a 3.02 percent actual ROI. All other carriers argue that increased costs due to inflation necessitate a fare increase at this time, and otherwise rely upon the quantitative analysis of the actual ROI contained in TWA's justification.[2]

A complaint has been filed by the National Passenger Traffic Association, Inc. (NPTA), requesting that the Board suspend and investigate the proposed increase. NPTA asserts that the carriers are experiencing improved traffic, citing November when traffic increased by 11 percent over the prior-year month; that the full impact of the recently granted three-percent fare increase has not yet registered nor are results available for evaluation; and that there is reason to believe that fuel prices may decline rather than increase due to the newly enacted energy legislation. Finally, the complainant alleges that, failing to demonstrate lawful justification for a fare increase, the carriers resort to assailing "regulatory lag" and Board methodology.

American, United, and Eastern have answered, asserting that the complainant ignores the standards set forth in the *Domestic Passenger-Fare Investigation*, (*DPFI*) which show that a one-percent increase is fully justified; that, contrary to the assertion of the complainant, the cost of fuel can be expected to be fully one cent greater than the price of fuel during October; that the complainant bases its optimism for the airlines' traffic improvement on only one month's experience; and that traffic during the base period used, November 1974, was depressed reflecting a precipitous decline in the economy. In addition to the carriers, the Department of Transportation has filed in answer to the complaint agreeing with the carriers that a fare adjustment is required in order to permit the industry to earn a more reasonable return and, more immediately, to allow them to meet their financial obligations and preserve the integrity of air service.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposals, and consequently the request for suspension will be denied and the complaint dismissed.

As indicated in Appendix B,[2a] Column 3, our analysis of the ratemaking ROI as of February 1, 1976, indicates that after all adjustments, including those which the carriers again contest, the industry would earn a 10.76 percent return. The actual 48-State results for the base period, 12 months ended September 30, 1975, have been adjusted for standard seating, 55 percent load-factor standard, elimination of discount-fare dilution,[4] utilization,[5] annualization of the four- and three-percent fare increases effective November 15, 1974 and 1975, respectively, and individual cost-escalation factors (industry expenses increased by 5.2 percent). Thus, we conclude that a one-percent general increase in fares is warranted at this time. For the adjusted Phase 9 fare formula, see Appendix D.[5a])

With regard to the contentions of the complainant, as we have stated, our evaluation does include the impact of the 3.0 percent fare increase effective November 15, 1975, annualized over the entire base period. However, the resolution increase in revenues is more than offset by the cost escalation of 5.2 percent. Our analysis, like TWA's, also includes a one-cent increase in fuel prices over those experienced by the carriers during November 1975.[6] While recently enacted legislation should help to improve the fuel situation as the complainant suggests, it may well be that airline fuel prices will not decline after February but, rather, will continue to rise albeit at a much slower rate as oil companies begin to pass on costs previously absorbed. Finally, the one month's experienced growth over an abnormally low traffic base cited by the complainant does not establish that growth will continue in the future and, in any event, is irrelevant in light of the Board's standard load-factor methodology.

Concerning the issues raised again by the carriers with respect to the Board's method of computing the ratemaking ROI, we note that they do not affect our finding herein on the reasonableness of the proposed one-percent increase, since their effect would be only to lessen the ratemaking ROI and further justify the increase. It is our intention to defer consideration of the merits of the various proposals for evaluation in connection with the additional two-percent general fare increase recently proposed by Eastern for effectiveness March 1, 1976.[7]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 304(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaint in Docket 28724 is hereby dismissed; and

2. Copies of this order be served upon all certificated scheduled carriers operating between points within the 48 contiguous states and the District of Columbia, and the National Passenger Traffic Association, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board: [8]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76-3337 Filed 2-3-76;8:45 am]

[Docket No. 27840]

FRONTIER AIRLINES, INC.

Prehearing Conference on Eastern Montana-North Dakota Service

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 18, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard V. Backley.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate it material on or before March 1, 1976, and the other parties on or before March 9, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 29, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-3334 Filed 2-3-76;8:45 am]

[Docket No. 28721]

GARUDA INDONESIAN AIRWAYS

Postponement of Hearing

At the request of Bureau Counsel, the hearing in this matter will not immediately follow the prehearing conference.

However, the prehearing conference will proceed as scheduled on February 9, 1976 (41 FR 2272, January 15, 1976), at 10:00 a.m. (local time), and will be held in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., January 29, 1976.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.76-3335 Filed 2-3-76;8:45 am]

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[2] For a complete summary of the carriers justifications, see Appendix A, which filed as part of the original document.

[2a] Appendix B is filed as part of the original document.

[4] The discount-fare adjustment includes all discount fares except children and military fares.

[5] Due to the discovery of a technical inconsistency between prior utilization adjustments and other adjustments, this calculation has been modified in the present evaluation. A complete explanation of this change appears in Appendix C, which is filed as part of the original document.

[5a] Appendix D is filed as part of the original document.

[6] TWA incorporated a one-cent increase over October 1975 fuel prices.

[7] Eastern has stated its intention to file two-percent fare increases on the first of the months March through July. See the summary of Eastern's justification, Appendix A.

[8] Commissioner Timm's concurring statement is filed as part of the original document.

[Order 76-1-112; Docket No. 28404, Agreement C.A.B. 25636, R-1 through R-4; Docket 27573, Agreement C.A.B. 25637, R-1 through R-5, Agreement C.A.B. 25656, R-1 through R-5]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted by mail vote, and have been assigned the above-designated C.A.B. agreement numbers.

The agreements would increase currency-related surcharges on passenger fares and cargo rates from Kenya, Tanzania and Uganda to various world areas, and would increase currency-related surcharges on cargo rates from the United Kingdom and Ireland to various areas, to compensate for recent depreciations in the value of the local currencies of those countries. Insofar as the agreements have direct application in air transportation as defined by the Act, the surcharge on fares and rates from Kenya, Tanzania and Uganda to U.S. points in Traffic Conferences 1 (Western Hemisphere) and 3 (Asia/Australia/Pacific Islands) would increase from 11.1 to 22 percent; and the surcharge on cargo rates from the United Kingdom and Ireland to U.S. points in Traffic Conference 1 would increase from 10 to 16 percent in line with the existing surcharge on transatlantic passenger fares.[1] The agreements will bring local currency fares and rates more into line with the current market values of the affected currencies, and will be approved herein.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the Act:

Agreement CAB 25636:	*IATA Resolution*
R-1	JT23 (Mail 377) 022f, JT123 (Mail 772) 022f.
R-2	JT12 (Mail 882) 022h, JT123 (Mail 772) 022h.
R-3	JT12 (Mail 882) 022i, JT123 (Mail 772) 022i.
R-4	JT12 (Mail 882) 022n, JT123 (Mail 772) 022n.

[1] The surcharge on cargo rates from the U.K./Ireland to Traffic Conference 3, which includes the U.S. points Guam and American Samoa, would increase to 14 percent.

Agreement CAB 25637:	*IATA Resolution*
R-1	JT23 (Mail 378) 022b, JT123 (Mail 773) 022b.
R-2	JT12 (Mail 883) 022j.
R-3	JT12 (Mail 883) 022k.
R-4	JT12 (Mail 883) 022l.
R-5	200 (Mail 466) 022m.

Agreement CAB 25656:	*IATA Resolution*
R-1	200 Mail 271) 022m.
R-2	JT12 (Mail 881) 022j.
R-3	JT12 (Mail 881) 022k.
R-4	JT12 (Mail 881) 022l.
R-5	JT23 (Mail 376) 022b, JT123 (Mail 771) 022b.

Accordingly, *It is ordered, That:*

Agreements C.A.B. 25636, R-1 through R-4, C.A.B. 25637, R-1 through R-5, and C.A.B. 25656, R-1 through R-5, be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.76-3336 Filed 2-3-76;8:45 am]

[Order 76-1-109; Docket 27576, Agreement C.A.B. 25646; Agreement C.A.B. 25660, R-1 through R-6]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Issued under delegated authority January 29, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.[1]

The agreements, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated January 9, 1976 (C.A.B. 25646) and January 22, 1976 (C.A.B. 25660), name additional commodity rates, which reflect reductions from the otherwise applicable general cargo rates, under existing commodity descriptions as outline in the attachment hereto.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreements are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

[1] The agreements are filed as part of the original document.

Accordingly, *it is ordered* That:

Agreements C.A.B. 25646 and C.A.B. 25660, R-1 through R-6, be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.76-3419 Filed 2-3-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC DOCKET NO. 75-24]

SLUMBER KING MANUFACTURING CORPORATION AND CHARLES DAMRON

Notice of Commencement of Enforcement Proceeding and Hearing

A Notice of Enforcement prepared by the Staff was issued by the Commission on December 12, 1975, and served upon Respondents Slumber King Manufacturing Corporation, and Mr. Charles Damron, individually and as an officer thereof, both of Hayward, California. The Notice of Enforcement alleges that between June 23, 1973 and December 23, 1973, the Respondents manufactured mattresses in interstate commerce and failed to carry out required flammability tests thereon or to affix thereto warning labels allowable in lieu of testing; and from December 23, 1973 to August 23, 1975, failed to carry out required flammability tests and to maintain required records pertaining to such mattress testing. These actions may violate Section 3 of the Flammable Fabrics Act (15 U.S.C. 1192) and the Standard for the Flammability of Mattresses (FF 4-72, 38 FR 15095) promulgated thereunder and as such may represent unfair methods of competition and unfair and deceptive acts and practices in commerce within the intent and meaning of Section 5 of the Federal Trade Commission Act (15 U.S.C. 45). The Consumer Product Safety Commission has jurisdiction over this matter by virtue of 15 U.S.C. 1191.

The Commission's Staff states its charges as follows:

1. Respondent Slumber King Manufacturing Corporation is a corporation organized and doing business under the laws of the State of California. Respondent Charles Damron is an officer of the corporate respondent. He formulates, directs, and controls the acts, practices and policies of the corporation.

Respondents are engaged in the manufacture and sale of mattresses with their office and principal place of business located at 24491 Mission Blvd., Hayward, California 94544.

2. Respondents are now and have been engaged in the manufacture for sale, sale and offering for sale, in commerce, and have introduced, delivered for introduction, transported and caused to be transported in commerce, and have sold or delivered after sale or shipment in commerce, products; and have manufactured, sold and offered for sale, products made of fabric or related material which have been shipped or received in commerce, as the terms "commerce" and "product," are defined in the Flammable Fabrics Act. These products fail to conform to the requirements of an applicable standard as required by section 3 of the Flammable Fabrics Act (15 U.S.C. 1192).

Among such products mentioned above were mattresses manufactured by Respondents which are subject to the Standard for the Flammability of Mattresses, FF 4–72, but which were not manufactured and sold in conformance with all of the requirements of the Standard, in that Respondents, after the effective date of the Standard (a) failed to carry out required flammability tests, or to affix warning labels, allowable in lieu of testing, to mattresses manufactured between June 22, 1973 and December 22, 1973, (b) from December 23, 1973 to August 23, 1975 failed to carry out required flammability tests on mattresses, and (c) from June 22, 1973 to August 23, 1975 failed to maintain required records pertaining to flammability testing of mattresses.

3. Attached to the Notice of Enforcement were copies of the principal items of written evidence, marked Commission Exhibits One through Five, which the Staff considers to constitute a prima facie case. Briefly described, the exhibits are Consumer Safety Officer's reports of investigation conducted on January 29, March 6, July 30, and September 4, 1974, and on January 24, and July 29, 1975, respectively. The aforementioned Commission exhibits do not preclude Enforcement Counsel from offering further evidence bearing on the subject matter.

4. The aforesaid acts and practices of Respondents were and are in violation of the Flammable Fabrics Act, as amended, and the rules and regulations promulgated thereunder and as such constitute unfair methods of competition and unfair and deceptive acts and practices in commerce, within the intent and meaning of the Federal Trade Commission Act.

A proposed form of Order to be issued if the facts alleged in the Notice of Enforcement are found was attached thereto.

On January 22, 1976, Respondents filed an Answer consisting of a general denial and for a further affirmative defense alleges as follows:

That there was not sufficient notice of violation by the Consumer Product Safety Commission necessary to properly inform and guide the Respondent of the complicated new laws and regulations affecting it, such that Respondent was, or may be, denied due process of law.

That there was not sufficient notice by the Federal Trade Commission necessary to properly inform and guide persons and manufacturers affected by the complicated and new regulations and laws, such that Respondent was, or may be, denied due process of law.

That Respondent purchased warranted non-flammable materials purportedly complying with FFA Standards in the manufacture of its mattresses.

That prototype tests were, in fact, conducted by an authorized laboratory and the mattresses so tested passed FFA regulations.

That Respondent was lead to believe by Consumer Product Safety Commission's Staff investigators that its record keeping was more than adequate.

That for the period between July, 1973 through December, 1973, Respondent understood only that he had a six-month extension from the need to perform prototype and production testing on mattresses sold during this period, and that he was in total compliance with FFA regulations since he was utilizing only non-flammable materials as above alleged and was not made aware of any labeling requirements for these mattresses.

That Respondent requested from Consumer Product Safety Commission's Staff specific instructions which would allow it to comply with FFA regulations. Said Staff failed and refused to adequately so advise Respondent.

That the mattresses so alleged and charged to be in non-compliance with FFA standards were none-the-less constructed of materials that were in full compliance with the Consumer Product Safety Commission's requirements and, therefore, did not amount to unreasonable risk of danger to the public, such that the Orders of Enforcement proposed by the Consumer Product Safety Commission are legally necessary.

That Charles Damron, as an individual, denies being personally responsible or liable under the Federal law or regulation if any violation so charged is found, as all acts performed by him in the manufacture of said mattresses was solely in the scope as an officer of Slumber King Manufacturing Corporation, and at no time was he acting outside the sphere of his official duties.

Issue having thus been joined,

Please take notice that the public hearing in the above entitled proceeding will commence on February 26, 1976, at 9:30 a.m., P.s.t., in the Commission's San Francisco Area Office, Suite 500, at 100 Pine St., San Francisco, California 94111. This notice is given pursuant to the Consumer Product Safety Commission's Proposed and Interim Rules of Practice for Adjudicatory Proceedings published on July 23, 1974 (39 FR 26848), which govern adjudicative proceedings in this matter.

The issues to be heard will include *inter alia*, whether Respondent shall be ordered to cease and desist from further violations of the Flammable Fabrics Act and the Standard for the Flammability of Mattresses, and whether they shall be required to give notice to all of the purchasers concerning the violations so that the latter may return all such mattresses for complete refund or replacement at the option of Respondents, plus an allowance for reasonable transportation costs as more particularly set forth in the proposed Order attached to the Notice of Enforcement.

Dated: January 29, 1976.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc.76-3292 Filed 2-3-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 486-3]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Reference Method Designation

Notice is hereby given that the EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has designated another reference method for the measurement of ambient concentrations of photochemical oxidant corrected for interferences due to nitrogen oxides and sulfur dioxide. This reference method is an automated method (analyzer) which utilizes the measurement principle (chemiluminescent reaction with ethylene) and calibration procedure (1% neutral buffered potassium iodide standardized with arsenious oxide) specified in Appendix D of 40 CFR Part 50, as amended on February 18, 1975 (40 FR 7042). The method is:

RFOA-0176-007—"Bendix Model 8002 Ozone Analyzer," operated on the 0–0.5 ppm range and with a 40 second time constant, with or without any of the following options:

A—Rack mounting with chassis slides.
B—Rack mounting without chassis slides.
C—Zero and span timer.

This method is available from The Bendix Corporation, Process Instruments Division, Post Office Drawer 831, Lewisburg, West Virginia 24901.

A test analyzer representative of this method has been tested by its manufacturer, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as a reference method. The information submit-

ted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a reference method, this method is acceptable for use by States and other control agencies for purposes of section 51.17(a) of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975 (40 FR 7042). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (*e.g.*, operating range) specified in the applicable designation (see description of method above). Vendor modifications of a designated method used for purposes of § 51.17(a) are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users were proposed on February 18, 1975 (40 FR 7064) and are expected to be promulgated shortly.

In general, the designation applies to any analyzer which is identical to the analyzer described in the designation. In many cases, similar analyzers manufactured prior to the designation may be upgraded (*e.g.*, by minor modification or by substitution of a new operation or instruction manual) so as to be identical to the designated method and thus achieve designated status at modest cost. The manufacturer should be consulted to determine the feasibility of such upgrading.

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are: (1) a copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser, (2) the analyzer must generate no unreasonable hazard to operators or to the environment, and (3) the analyzer must function within the limits of the performance specifications given in Table B–1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation or instruction manual. Certain additional conditions of designation were proposed on February 18, 1975 (40 FR 7064), and are expected to be promulgated shortly. Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring and Support Laboratory, Department E (MD–76), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this reference method will provide assistance to the States in establishing and operating their air quality surveillance systems under 40 CFR 51.17(a). Additional information concerning this action may be obtained by writing to the address given above.

Dated: January 29, 1975.

CARL GERBER,
Associate Assistant Administrator for Research and Development.

[FR Doc.76–3252 Filed 2–3–76;8:45 am]

FEDERAL MARITIME COMMISSION

PORT OF SEATTLE AND TOTEM OCEAN TRAILER EXPRESS, 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, 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, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

H. H. Wittren, Manager
Waterfront Real Estate
Port of Seattle
P.O. Box 1209
Seattle, Washington 98111

Agreement No. T–3128–1, between Port of Seattle (Port) and Totem Ocean Trailer Express, Inc. (TOTE), modifies the basic agreement between the parties which provides for the renewable three-year lease by Port to TOTE of Piers 37 and 39 to be used in TOTE's roll-on/roll-off trailership service. The purpose of the modification is to: (1) add 8,210 square feet of office space located in the transit shed on Pier 37; (2) change TOTE's legal address; and (3) redefine the lease exhibits. As compensation for the increase of office area, base rental will increase $37,552.50 a month and rental for improvements and other properties and facilities purchased by the Port will be reduced to $6,324.56 a month.

By Order of the Federal Maritime Commission.

Dated: January 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–3340 Filed 2–3–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket G–3894, *et al.*]

ATLANTIC RICHFIELD CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JANUARY 27, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment 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.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3894 ..... (G-11829) F 12-31-75	Atlantic Richfield Co. (successor to Marathon Oil Co.), P.O. Box 2819, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., W. L. Hamner No. 2 Gas Unit Ada Field, Bienville Parish, La.	[1] 18.72	15.025
G-4614 [2] 9-25-75	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.	[3] 64.9492	14.73
C174-528 ..... C 12-29-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[4] 62.43	14.65
C174-528 ..... C 1-5-76	do	do	[4] 62.43	14.65
C176-309 ..... F 4-23-75	Sun Oil Co. (successor to Forest Oil Corp.), P.O. Box 2880, Dallas, Tex. 75221.	Colorado Interstate Gas Co., Patrick Draw Field, Sweetwater County, Wyo.	[5] 23.6811	14.65
C176-310 ..... F 4-29-75	do	do	[5] 23.6811	14.65
C176-323 ..... A 1-5-76	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	El Paso Natural Gas Co., Block Z-1, Hemphill County, Tex.	[6] 55.4292	14.73
C176-324 ..... B 1-8-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Arkalon Field, Seward County, Kans.	Well-plugged	.....
C176-325 ..... A 1-8-76	Texaco, Inc., P.O. Box 60252, New Orleans, La. 60252.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Cameron Blocks 629 and 638, offshore Louisiana.	[7] [8] 163.0	15.025
C176-326 ..... B 1-8-76	Arena Oil & Gas Co., P.O. Box 83, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Armstrong (F-53) Field, Jim Hogg County, Tex.	Uneconomical	.....
C176-327 ..... A 1-6-76	Burmah Oil Development, Inc., Golden Center One, 2803 North Loop West, Houston, Tex. 77018.	Transcontinental Gas Pipe Line Corp., Block 118 Field, East Cameron area, offshore Louisiana.	[9] 53.551	15.025
C176-328 ..... A 1-9-76	Phillips Petroleum Co., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Farris C No. 1 Well, Wheeler County, Tex.	[2] 52.0	14.73
C176-329 ..... A 1-12-76	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Block 71 Field, West Cameron area, offshore Louisiana.	[2] 34.0	15.025
C176-330 ..... A 1-12-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Northwest Pipeline Corp., Craig Gas Unit, La Plata County, Colo.	[2] 53.09	15.025
C176-333 ..... A 1-12-76	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Colorado Interstate Gas Co., Glrk B Lease, Beaver County, Okla.	[2] 56.6549	14.65
C176-334 ..... A 1-12-76	do	Panhandle Eastern Pipe Line Co., Thunder Creek Field, Campbell County, Wyo.	[2] [7] 66.93452	14.65
C176-335 ..... A 1-14-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Navajo Allottees M Well No. 3, San Juan County, N. Mex.	[2] [8] 57.77	15.025
C176-336 ..... A 1-15-76	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Texas Eastern Transmission Corp., Bethany-Longstreet Field, Caddo and De Soto Parishes, La.	[7] [10] 61.0614	15.025
C176-337 ..... B 1-8-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	United Gas Pipe Line Co., Baxterville, Lamar and Marion Counties, Miss.	Depleted	.....
C176-338 ..... (C166-962) 1-8-76	Ashland Oil, Inc. (successor to Pel-Tex Petroleum Co., Inc.), P.O. Box 1502, Houston, Tex. 77001.	Texas Gas Transmission Corp., Manila Village Field, Jefferson Parish, La.	[2] [11] 52.0	14.73
C176-339 ..... F 1-12-76	Monsanto Co. (successor to Mobil Oil Corp.), 1300 Post Oak Tower, Houston, Tex. 77027.	Transwestern Pipeline Co., West Feldman area, Hemphill County, Tex.	[12] 20.0	11.65
C176-340 ..... B 1-9-76	Ancon Oil & Gas, Inc., Bank of the Southwest Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Wharton Field, Wharton County, Tex.	Nonproductive	
C176-341 ..... A 1-14-76	Ladd Petroleum Corp, 830 Denver Club Bldg., Denver, Colo. 80202.	Northwest Pipeline Corp., Blanco Pictured Cliffs Field, San Juan County, N. Mex.	[7] [13] 57	14.73
C176-342 ..... A 1-14-76	Pan Eastern Exploration Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Woodward County, Okla.	[14] 58.1133	14.65

[1] Subject to a deduction of 0.75¢/M ft³ for any gas requiring 1-stage compression and 1¢/M ft³ for any gas requiring 2-stage compression.
[2] Subject to upward and downward British thermal unit adjustment.
[3] Applicant proposes to continue the sale of gas heretofore made pursuant to a contract which has now expired and to sell gas from acreage in addition to that dedicated under the original contract.
[4] Includes 5.64¢ upward British thermal unit adjustment and 1.49¢ gathering allowance.
[5] Includes 0.5211¢ tax reimbursement.
[6] Includes 4.2162¢ tax reimbursement and 0.7870¢ downward British thermal unit adjustment.
[7] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[8] Includes 0.51¢ gathering allowance.
[9] Includes 4.73¢ tax reimbursement.
[10] Includes 1.02¢ gathering allowance and is subject to upward and downward British thermal unit adjustment.
[11] Excludes 1¢ gathering allowance and 7¢ tax reimbursement.
[12] Subject to downward British thermal unit adjustment.
[13] Excludes 6.951¢ upward British thermal unit adjustment.
[14] Includes 2.4492¢ upward British thermal unit adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.76-3132 Filed 2-3-76;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Order Denying Acquisition of Bank

American Bancorporation, Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 51 per cent or more of the voting shares of The American Bank of Central Ohio, Harrisburg, Ohio ("Bank").[1]

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with § 3(b) of the Act (38 FR 27550, 39 FR 6562, 40 FR 52666, 41 FR 14). The time for filing comments and views has expired, and the Board has considered the application and the comments and views of the Superintendent of Banks of the State of Ohio ("Superintendent") in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

In accordance with § 3(b) of the Act, notice of receipt of the application was duly given to the Superintendent. Within 30 days of his receipt of said notice, the Superintendent submitted to the Board a written statement recommending disapproval of the application. In consideration of the Superintendent's recommendation, and in compliance with requirements of the statute,[2] the Board directed that a hearing be held on the application at the Federal Reserve Bank of Cleveland (38 FR 29650), such hearing to be conducted in accordance with the Board's Rules of Practice for Formal Hearings (12 C.F.R. Part 263). The hearing commenced but was continued by the Administrative Law Judge, on Applicant's unopposed motion, in order that Applicant might prepare and submit to the Board certain amendments to subject application. The amendments were submitted; and notice of receipt of same, affording opportunity for interested persons to submit comments and views, was duly given (39 FR 6562). Thereafter, the Superintendent filed with the Administrative Law Judge a motion requesting withdrawal of his disapproval recommendation but preserving his right to submit additional written comments on the application. Accordingly, the Administrative Law Judge issued an Order terminating the hearing, subject to review by the Board.[3] Since termination of the hearing, both Applicant and the Superintendent have submitted additional materials and views for the record. Applicant has recently amended the application a second and third time; and notice of receipt of these new amendments, affording opportunity for interested persons to submit comments and views, has been duly given (40 FR 52666, 41 FR 14). The Board has considered all materials and views submitted by Applicant and the Superintendent in light of the factors set forth in Section 3(c) of the Act.[4]

Applicant, the nineteenth largest banking organization in Ohio, controls 6 subsidiary banks with aggregate deposits of $49.5 million, representing .16 percent of total deposits in commercial banks in the State.[5] Bank (deposits of $16.4 million) presently has three offices, all located in the southwestern portion of the Columbus, Ohio, banking market.[6] Bank is the seventh largest banking organization represented in the Columbus market with .7 percent of total deposits in commercial banks in said market.[7] Applicant's banking subsidiary nearest to Bank is located at Adelphi, in Ross County, more than 40 miles away. An insubstantial amount of competition now exists between Bank and Applicant's banking subsidiaries; and it is not likely that competition between Applicant and Bank will increase in the future in view of the distances involved and Ohio's restrictive branch banking laws. The Board concludes that consummation of the proposed acquisition of Bank would not substantially lessen competition in the Columbus banking market.

Under the Bank Holding Company Act, the Board is required to take into consideration the financial and managerial resources and future prospects of the Applicant and of the bank to be acquired. In the exercise of that responsibility, the Board finds that considerations relating to the financial and managerial resources and future prospects of Applicant and Bank warrant denial of the application.

Applicant proposes to immediately acquire 50.9 percent of the outstanding voting shares of Bank in exchange for its own callable series C preferred shares, to be issued for this purpose. Applicant will acquire these shares from two persons closely associated with Applicant. These sellers—one a director of Applicant, the other a director's spouse—will realize, when their preferred shares are called, a price equal to that originally paid for the corresponding shares of Bank first acquired by persons associated with Applicant in 1972.[8] The call price represents a premium over the book value of the Bank shares that these sellers will surrender for their series C preferred shares. However, Applicant's principals paid a premium in acquiring subject shares of Bank, and it does not appear that sellers will realize a profit as a result of their transaction. In addition, Applicant proposes to reimburse these sellers for the interest carrying charges associated with the ownership of shares of Bank by persons associated with Appli-

[1] Applicant has withdrawn from the Board's consideration an application filed under § 3(a)(3) of the Bank Holding Company Act to acquire The Eastern Ohio Bank, Union Township, Ohio; and an application filed under § 18(c) of the Bank Merger Act to merge its subsidiary, The Huntsville State Bank, Huntsville, Ohio, with The Miami Valley Bank, Quincy, Ohio.

[2] Section 3(b) of the Act, 12 U.S.C. 1842(b), provides, in pertinent part, as follows: "If the . . . State supervisory authority so notified by the Board disapproves the application in writing within said thirty days, the Board shall forthwith give written notice of that fact to the applicant. Within three days after giving such notice to the applicant, the Board shall notify in writing the applicant and the disapproving authority of the date for commencement of a hearing by it on such application."

[3] The Administrative Law Judge acted pursuant to Part 263.10(d) of the Board's Rules of Practice for Formal Hearings, 12 C.F.R. 263.10(d). The Superintendent's motion was unopposed; and the Administrative Law Judge's Order has not been challenged. Since the Superintendent's motion eliminated the statutory requirement that a hearing be held, and since the Board has before it a substantial record clearly adequate for determination of the issues in this case, the Board has approved the Administrative Law Judge's Order and considers the hearing in this case to have been closed on the date of that Order.

[4] In transmitting his Order to the Board, the Administrative Law Judge stated: "[T]his action will enable the Board to further process the application as it deems appropriate." It is clear that the Judge and the parties contemplated that the record would not close with termination of the hearing. The Superintendent conditioned his motion upon recognition by the Board of his right to submit additional materials for the record. At Applicant's request, the administrative record on the application has been held open, beyond deadlines previously announced by the Board's staff, to allow time for submission of additional materials by Applicant and to give Applicant the fullest possible opportunity to develop additional facts for the record.

[5] Comparative banking data are as of June 30, 1975. Applicant reports total deposits of $48.9 million as of September 30, 1975.

[6] The Columbus, Ohio, banking market is approximated by Franklin County, Ohio, and by the following adjacent townships in five contiguous counties: Jefferson, Fairfield, Pleasant, and Range Townships in Madison County; Derby, Scioto, and Madison Townships, and a part of Harrison Township, in Pickaway County; Bloom and Violet Townships in Fairfield County; Etna, Lima, and Jersey Townships in Licking County; and Concord, Liberty, Orange, Genoa, and Harlem Townships in Delaware County.

[7] On May 31, 1974, the Federal Deposit Insurance Corporation conditionally approved the application of Bank to merge with Citizens Savings and Loan Company, Columbus, Ohio, pursuant to Section 18(c) of the Federal Deposit Insurance Act, 12 U.S.C. 1828(c). The conditional approval granted by the Federal Deposit Insurance Corporation has now lapsed. Accordingly, the Board has not considered the effect of such a merger on the instant application in light of the factors set forth in Section 3(c) of the Act.

[8] Three directors of Applicant acquired approximately 51 percent of the voting shares of Bank in 1972, using proceeds of a collateral loan from a bank not affiliated with Applicant. By late 1973, most of these shares had been transferred to a fourth director and to the wife of one of the original buyers, in consideration of their assumption of the supporting loan.

cant through June 30, 1975.[9] The series C preferred shares are callable at the option of Applicant. In view of the likelihood that Applicant may call these shares, the Board views this proposed acquisition by an exchange of shares as, in reality, a cash acquisition.

The Board has repeatedly expressed its concern with arrangements by which bank holding company officers or directors acquire bank shares in which their company is interested, thereby acquiring a personal financial interest in an acquisition proposed by the holding company. See *Mid America Bancorporation, Inc.*, 1974 Federal Reserve *Bulletin* 131; *The Jacobus Company*, 1974 Federal Reserve *Bulletin* 130.

"Arrangements by which bank holding company directors, officers or employees, or their close relatives, have a personal financial interest in an acquisition proposed by the holding company will be closely scrutinized by the Board to ensure both that they do not involve an effort by the company to circumvent the requirement that prior approval by the Board be obtained for such an acquisition, and that they do not present the threat of any adverse effects upon the financial strength or soundness of the holding company or any of its subsidiaries. . . . The impropriety of such transactions may have more serious effects . . . where the ultimate purchase by the holding company involves the payment of substantial premiums to the insider. Such arrangements do not comport with sound banking practice and are inconsistent with the need to sustain public confidence in the integrity of the banking system." *Third National Corporation*, 1975 Federal Reserve *Bulletin* 815.

Although the instant record does not establish that Applicant has violated the Act by acquiring Bank without Board approval, the Board believes that Applicant's proposed indemnification of its principals for the costs of holding shares in Bank pending Board action on the application threatens to adversely affect Applicant's financial resources and its prospects for the future.

The record indicates that Applicant is in need of additional capital for injection into one of its present subsidiary banks. Additionally, the financial resources and management of Applicant and certain of its present subsidiaries are in need of improvement. Applicant is endeavoring to raise additional capital with the proceeds of an equity security offering now in progress. It is the Board's view, after considering the entire record, that Applicant's resources should be more appropriately directed toward strengthening its existing banking subsidiaries rather than toward further expansion. Applicant's future prospects cannot be regarded as satisfactory if its resources are used to finance further expansion at this time.

Applicant has offered to inject additional capital into Bank should the subject application be approved. However, such additional capital would be derived from proceeds of Applicant's present equity offering, which might otherwise be used to strengthen Applicant's existing subsidiaries. The record reflects that resources now available to Applicant for these purposes are insufficient to both fulfill this capital commitment and call the series C preferred shares that Applicant would issue in this transaction. Moreover, the financial and managerial problems currently being experienced by Applicant are present also to some extent with respect to the operations of Bank. Since certain of the principals of Applicant are also principals of the bank to be acquired and since both Applicant and Bank have experienced certain financial problems under the management of such individuals, the Board is unable to conclude that financial and managerial considerations involved in this proposal are such that approval of the instant application would be appropriate. Instead, it appears that financial and managerial considerations weigh against approval of the instant application.

In the Board's view, a bank holding company seeking to expand its banking interests should be able to demonstrate clearly the quality of its financial and managerial resources in the operations of its existing subsidiaries. If a bank holding company cannot do so, the Board believes that it would be inappropriate to permit such an organization to expand further its banking interests until its existing subsidiaires are in acceptable condition. Applying this standard to the present application, and on the basis of the entire record considered as a whole, the Board is unable to conclude that approval of the instant application would be consistent with the financial and managerial standards the Board is required to consider under Section 3(c) of the Act, nor would the public interest be served by such action.

The adverse financial and managerial factors present in this application are not outweighed by any procompetitive effects or by benefits that would result in serving the convenience and needs of the community. It appears that the banking needs of the Columbus banking market are being well served at the present time and that Bank is generally competitive with the other banks operating in its market area. Applicant proposes to lower Bank's charges for checking account services and to assist Bank in fulfilling the mortgage loan demands of Columbus area residents. While the convenience and needs considerations are not inconsistent with approval, any public benefits that might result from approval are clearly outweighed by the adverse effects specified above. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[10] effective January 29, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-3301 Filed 2-3-76;8:45 am]

CARDINAL BANCORPORATION, INC.

Formation of Bank Holding Company

Cardinal Bancoporation, Inc., Greenville, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 60 per cent of the voting shares of First National Bank in Greenville, Greenville, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Cardinal Bancorporation, Inc., Greenville, Illinois has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of the Jackson Insurance Company, Greenville, Illinois. Notice of the applition was published on December 16, 1975 in The Greenville Advocate, a newspaper circulated in Greenville, Illinois.

Applicant states that it would engage in the activities of an insurance broker with respect to credit life and health and accident insurance that is directly related to extensions of credit by the First National Bank in Greenville and would conduct those activities from the premises of that bank. Applicant states that such activities have been specified by the Board in § 225.4 of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, in-

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[9] On the present record, it does not appear that any indemnification agreement was in force when Applicant's directors first acquired shares of Harrisburg Bank in 1972. Shortly after this first acquisition, however, Applicant and its three directors entered into a buy-sell agreement regarding the subject shares that included, as one of its terms, an agreement by Applicant to reimburse its directors for interest expense and other costs incurred in financing the acquisition of such shares. This agreement was subsequently rescinded, and declared null and void, by the parties. A later agreement, entered into between Applicant and the present holders of these shares on June 18, 1974, does not contain an indemnification clause; however, a more recent buy-sell agreement, dated December 21, 1975, rescinds all prior agreements and obligates American to issue callable preferred shares to reimburse sellers for the debt service expense associated with the holding of subject shares of Bank by principals of Applicant since 1972.

[10] Voting for this action: Chairman Burns, Governors Mitchell, Holland, Wallich, Coldwell, Jackson, and Partee.

creased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 18, 1976.

Board of Governors of the Federal Reserve System, January 27, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-3302 Filed 2-3-76;8:45 am]

KASKASKIA BANCSHARES, INC.

Formation of Bank Holding Company

Kaskaskia Bancshares, Inc., New Athens, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company through acquisition of 80.1 per cent or more of the voting shares of State Bank of New Athens, New Athens, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Kaskaskia Bancshares, Inc., New Athens, Illinois has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b(2) of the Board's Regulation Y, for permission to engage de novo in certain credit related insurance activities. Notice of the application was published on December 11, 1975 in the Belleville News-Democrat, a newspaper circulated in the County of St. Clair, Illinois.

Applicant states that the proposed subsidiary would engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 25, 1976.

Board of Governors of the Federal Reserve System, January 27, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-3303 Filed 2-3-76;8:45 am]

SOUTHLAND BANCORPORATION

Order Denying Acquisition of Bank

Southland Bancorporation, Mobile, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Fairhope, Fairhope, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed asquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest commercial banking organization in Alabama, controls two banks with aggregate deposits of approximately $456.4 million, representing 5.1 percent of the total deposits in commercial banks in the State.[1] Acquisition of bank would increase Applicant's share of State deposits by .4 of one percent and would not significantly increase the concentration of banking resources in Alabama, although, as discussed below, the proposal would have some adverse affects on concentration in the relevant market.

Bank has deposits of approximately $31.7 million, representing 3.4 percent of the total deposits in commercial banks in the relevant market, the Mobile banking market,[2] and thereby ranks as the fifth largest of eight banks operating in the market. Applicants lead bank, Merchants National Bank of Mobile, Mobile, Alabama ("Mobile Bank"), the largest bank operating in the relevant market, has deposits of approximately $361.6 million, representing 37.2 percent of total commercial bank deposits in the market. The three largest banking organizations in the market account for 84.6 percent of total commercial bank deposits. Thus, consummation of this proposal would increase Applicant's share of total deposits to 40.6 percent and would further increase concentration of banking resources in an already concentrated banking market.

Although Bank and Mobile Bank are located 16 miles apart, competition exists between the two banks as a result of substantial commuting of the labor force between Fairhope and Mobile. Mobile Bank derives $9.3 million in loans and $7.2 million in deposit business from the service area of Bank. Approval of the application would, therefore, eliminate a substantial amount of existing competition between Applicant and Bank, as well as reduce the number of banking alternatives operating in the market. Moreover, approval of the proposed transaction would remove a viable entry vehicle for an Alabama bank holding company not currently represented in the market. Accordingly, the Board is of the view that consummation of the proposal would have significantly adverse effects on both existing and future competition.[3]

On the basis of the foregoing and other facts of record, the Board concludes that competitive considerations relating to this application weigh sufficiently against approval so that it should not be approved unless the anticompetitive effects are outweighed by other positive considerations reflected in the record such as the financial and managerial resources and future prospects of Applicant and Bank or the convenience and needs of the communities to be served.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval of the application, although such considerations do not provide significant weight for approval of the application. As a result of this proposal, Bank would have increased loan limits and would expand its student loan services. These improved services lend

[1] All banking data are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved as of November 1, 1975.

[2] The relevant banking market is approximated by Mobile County and all of Baldwin County except for the southeastern quarter of the county. Although Mobile and Baldwin Counties are physically separated by Mobile Bay, the above market boundaries reflect commuter traffic patterns and the area within which actual competition occurs.

[3] The Board denied Applicant's original application to become a bank holding company, 1974 *F.R. Bulletin* 669. That application also involved acquisition of Bank. The Board's conclusion as to the effects on competition of the subject proposal are similar to its findings in its previous denial.

some weight toward approval of the application. The Board finds, however, that neither the banking factors nor the considerations relating to convenience and needs are sufficient to outweigh the adverse competitive effects of Applicant's proposal.

On the basis of the facts in the record and in light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that approval of the proposal would not be in the public interest. Accordingly, the application is denied for the reasons summarized above.

By order of the Board of Governors,[4] effective January 26, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-3304 Filed 2-3-76;8:45 am]

FINANCIAL GENERAL BANKSHARES, INC.

Request for Declaratory Ruling

Financial General Bankshares, Inc. ("Financial General"), Washington, D.C. (formerly the Morris Plan Corporation of America), has petitioned the Board, pursuant to 5 U.S.C. 554(e), for a declaratory ruling whether Financial General's purchase of additional shares of the H. G. Smithy Company ("Smithy"), Washington, D.C., under the circumstances stated below, would be lawful under the Bank Holding Company Act of 1956, as amended ("Act") [12 U.S.C. 1841 *et seq.*]. Smithy is a company which engages in the activity of providing property management services, an activity which the Board has previously determined is not a permissible activity for bank holding companies pursuant to § 4 (c) (8) of the Act.

When originally enacted in 1956, the Bank Holding Company Act provided in section 2(a), an exemption from the definition of "bank holding company" for any company that was registered under the Investment Company Act of 1940 prior to May 15, 1955, and any company affiliated with such a company. While Financial General was not itself a registered investment company, it qualified for this exemption by virtue of its affiliation with the Equity Corporation of New York, which was so registered. Accordingly, Financial General was not regulated as a bank holding company until the exemption was repealed on July 31, 1966, by the 1966 Amendments to the Act.

On January 7, 1966, prior to the time when it became regulated as a bank holding company, Financial General extended a written offer to certain shareholders of Smithy whereby Financial General offered to buy their shares of Smithy at a fixed cash price or, alternatively, at a formula price for those who preferred a longer term payout. Financial General agreed that the second alternative would remain available for a designated period with stipulated adjustments to the purchase price. Certain shareholders elected the second alternative and, accordingly, have owned since 1966, what is commonly referred to as a "put." Financial General has now been notified by these shareholders that they wish to exercise their puts.

Pursuant to the provisions of section 4 (a) (2) of the Act, Financial General may lawfully continue to hold, until December 31, 1978, the shares of Smithy which it acquired prior to the enactment of the 1966 Amendments. However, Financial General notes in its petition that on June 30, 1972 (50 Fed. Res. *Bulletin* 652), the Board determined that the activity of engaging in property management services is not so closely related to banking or managing or controlling banks as to be a proper incident thereto. In view of this determination, Financial General has filed the instant petition with the Board for a declaratory ruling whether it may now lawfully purchase additional shares of Smithy pursuant to the outstanding written offer of January 7, 1966, and hold such shares until December 31, 1978.

The petition may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the requested declaratory ruling should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 27, 1976.

Board of Governors of the Federal Reserve System, January 29, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-3474 Filed 2-3-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW; INTERSTATE COMMERCE COMMISSION

Receipt of Report Proposals

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 27, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before February 23, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for an extension with minor modification of Form OP-F-44, "Application for Authority Under Section 5, Interstate Commerce Act, to Consolidate, Merge, Purchase or Lease Operating Rights and Properties, or any Part Thereof, of a Motor Carrier." All motor carriers seeking to merge properties or franchises, and whose annual gross operating revenue in the aggregate exceeds $300,000, shall file Form OP-F-44. Fewer than 15,000 carriers are subject to the requirement and about 400 applications are received each year. Avearge number of hours required per response is estimated to be 80.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-3350 Filed 2-3-76;8:45 am]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

Receipt of Applications

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby by initiated, of such grant, contract, or project . . .".

The Legal Services Corporation hereby announces publicly that applications for grants or contracts have been received from the project listed in the Appendix and that the Corporation is considering those applications.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street NW. Suite 700, Washington, D.C. 20005.

Dated: January 30, 1976.

THOMAS EHRLICH,
President,
Legal Services Corporation.

APPENDIX

Kitsap Legal Services
Bremerton, Washington
Olympic Legal Services
Port Townsend, Washington
Kittitas County Legal Services
Kittitas County, Washington
Ben Franklin Legal Aid Association, Inc.
Richland, Washington
Yakima County Legal Aid Society
Yakima, Washington
Spokane Legal Services Center
Spokane County, Washington
Seattle-King County Legal Aid Bureau
Seattle, Washington
Oregon Legal Services Inc.
Portland, Oregon

[FR Doc.76-3344 Filed 2-3-76;8:45 am]

[4] Voting for this action: Vice Chairman Mitchell and Governors Wallich, Coldwell, and Partee. Present and abstaining: Governor Holland. Absent and not voting: Chairman Burns and Governor Jackson.

NATIONAL SCIENCE FOUNDATION

UNDERGRADUATE INSTRUCTIONAL SCIENTIFIC EQUIPMENT (ISEP) SUBPANEL

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Undergraduate Instructional Scientific Equipment (ISEP) Subpanel, Advisory Panel for Science Education Projects.
Dates: February 26, 27, and 28, 1976.
Time: 9 a.m. to 5 p.m. each day.
Place: Sheraton National Hotel, Arlington, Va.
Type of meeting: Closed:
Contact person: Dr. Thomas S. Quarles, Program Manager, Undergraduate Instructional Scientific Equipment Program, Rm. W-454, National Science Foundation, Washington, D.C. 20550, telephone 202/282-7587.
Purpose of Subpanel: To provide advice and recommendations concerning the merit of specific education proposals submitted to the ISEP Program for consideration.
Agenda: Review and evaluate specific education proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information and personal information concerning individuals associated with the proposals. These matters are within the exemption of 5 U.S.C. 552(b), (4), (5), and (6).
Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of Section 10 (d) of Public Law 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

JANUARY 30, 1976.

[FR Doc.76-3290 Filed 2-3-76;8:45 am]

THE RENEGOTIATION BOARD

PRIVACY ACT OF 1974

Notice of System of Records

Correction

In FR Doc. 75-24426, appearing at page 43000 in the FEDERAL REGISTER for Wednesday, September 17, 1975, the following paragraph was omitted in the second column following "System manager(s) and address: . . ."

Notification procedure: Budget and Accounting Office, Renegotiation Board, 2000 M Street, NW., Washington, D.C. 20446.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN COMMONWEALTH FINANCIAL CORPORATION

Suspension of Trading

JANUARY 28, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of American Commonwealth Financial Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:15 p.m. (e.s.t.) on January 28, 1976 through February 6, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-3256 Filed 2-3-76;8:45 am]

[Release No. 34-12052; File No. SR-MSRB-76-1]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 23, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change filed by the Municipal Securities Rulemaking Board (the "Board") requires each municipal securities broker and municipal securities dealer to pay to the Board a fee based upon the face amount of municipal securities having a final stated maturity of two or more years from the date of the securities which are purchased from an issuer by or through such municipal securities broker or municipal securities dealer as part of a new issue. Payment of the fee must be accompanied by a statement containing information specified in the rule, which may be in the form of a syndicate confirmation letter where appropriate. The fee is payable with respect to municipal securities purchased pursuant to agreements entered into on or after February 1, 1976. Failure to pay the fee may result in a recommendation by the Board that a firm's registration with the Securities and Exchange Commission be revoked or suspended.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

Purpose of Proposed Rule Change. The purpose of proposed rule A-13 is to establish a continuing source of revenue to defray the costs and expenses of operating and administering the Board.

Basis under the Act for Proposed Rule Change. The Board has adopted the proposed rule change pursuant to sections 15B(b)(2)(I) and 15B(2)(J) of the Securities Exchange Act of 1934, as amended (the "Act"). Section 15B(b)(2)(J) of the Act authorizes and directs the Board to adopt rules providing for the assessment of municipal securities brokers and municipal securities dealers to defray the costs and expenses of operating and administering the Board. Section 15B(b)(2)(I) authorizes and directs the Board to adopt rules providing for the operation and administration of the Board.

Comments Received from Members, Participants, or Others on Proposed Rule Change. The Board received six letters of comment relating to the proposed rule change. Board summaries of these letters are presented below.

The American Bankers Association (the "ABA") characterizes the proposed rule change as "logical and fair" and one which would impose "almost no hardships" upon any one group of firms. While the ABA states that firms engaged exclusively in secondary trading should not be assessed, it suggests that firms engaged exclusively in "a brokerage operation" should be assessed.

A representative of A. G. Becker & Co. Municipal Securities Incorporated cautions the Board to budget its requirements so as to avoid generating unnecessary revenues.

Crocker National Bank ("Crocker") suggests that the Board's source of revenue be limited to the proposed assessment, it being Crocker's opinion that any assessment based on secondary market activity or gross income would be "extremely difficult" to administer. Crocker also believes the Board should account for all income and expenses and return any excess revenues which remain after a reserve is established.

The Dealer Bank Association (the "DBA") supports the proposed assessment as an "equitable and practical" means of raising a portion of the Board's revenues. The DBA suggests, however, that the Board also assess firms engaged in brokerage or secondary market transactions, perhaps through a minimum assessment on all municipal securities brokers and municipal securities dealers which permits credits for payments under the underwriting assessment.

The staff of the National Association of Securities Dealers, Inc. (the "NASD") expresses concern over the proposed rule's application only to underwriting activity and questions the rate of the proposed assessment. The NASD suggests that a better approach would be for the Board to levy an assessment on gross income.

Finally, J. A. Overton & Co. questions the need for additional regulation and notes the costs thereof.

The Board notes that firms not subject to the proposed assessment are or are likely to become members of the NASD and as such, are subject to the assessment imposed by the NASD upon all of its members' municipal securities business on the basis of their gross income. Such firms are also subject, as are all brokers and dealers, to assessment by the Securities Investor Protection Corporation. The Board also notes the ab-

sence of data at the present time against which to determine the impact of any alternative method of assessment upon municipal securities brokers and municipal securities dealers. The Board intends to develop a data base sufficient for this purpose, partially on the basis of statistics derived from filings pursuant to the proposed rule change, and will review the impact of its assessment structure as such data becomes available. The Board is of the opinion, however, that in the interim the proposed assessment, taken together with the fee imposed by rule A–12 of the Board, which applies equally to all municipal securities brokers and municipal securities dealers, is reasonable and equitable and necessary to defray the costs and expenses of operating and administering the Board, as contemplated by section 15B(b)(2)(J) of the Act.

Copies of all letters of comment on the proposed rule change received by the Board have been filed with the Commission. The Board has also received letters on the general subject of assessment, but not related to the proposed rule change.

Burden on Competition. In the opinion of the Board, the proposed rule change does not constitute a burden on competition. The assessment would be computed (at the same rate) on the basis of all underwriting activity in municipal securities having the maturity designated in the proposed rule change and would therefore apply equally to all firms engaged in such activity.

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Act. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

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

Dated: January 27, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

TEXT OF PROPOSED RULE CHANGE

RULE A–13. UNDERWRITING ASSESSMENT FOR MUNICIPAL SECURITIES BROKERS AND MUNICIPAL SECURITIES DEALERS.

(a) In addition to the fee prescribed by rule A–12 of the Board, each municipal securities broker and municipal securities dealer shall pay a fee to the Board equal to .005% ($.05 per $1,000) of the face amount of all municipal securities which are purchased from an issuer as part of a new issue by or through such municipal securities broker or municipal securities dealer, whether acting as principal or agent, and which have a final stated maturity of not less than two years from the date of the securities; *provided, however,* that if such municipal securities broker or municipal securities dealer is a member of a syndicate or similar account formed for the purchase of such securities, such fee shall be calculated on the basis of the participation of such municipal securities broker or municipal securities dealer in the syndicate or similar account. Such fee must be received at the office of the Board in Washington, D.C. not later than 30 calendar days following the date of settlement with the issuer. In the event a syndicate or similar account has been formed for the purchase of the securities, the fee shall be paid by the managing underwriter on behalf of each participant in the syndicate or similar account.

(b) Payment of the fee specified in paragraph (a) hereof shall be accompanied by a written statement which shall contain the following information:

(i) a description of the issue, including the aggregate face amount of the issue, the name of the issuer (including the state in which the issuer is located if not apparent from the name of the issuer), and the date of final stated maturity of the issue;

(ii) the name of each municipal securities broker and municipal securities dealer on whose behalf the fee is paid, and in the case of a syndicate or similar account, the respective participations of each participant, and a designation of the managing underwriter or underwriters as such; and

(iii) the date of settlement with the issuer.

(c) The fee prescribed herein shall be payable solely with respect to municipal securities which the persons subject hereto (or, in the event any such person is acting as agent for another party with respect to the purchase of the securities, such other party) shall have contracted on or after February 1, 1976 to purchase from the issuer.

(d) In the event any person subject to this rule shall fail to pay the required fee, the Board may recommend to the Commission that the registration of such person with the Commission be suspended or revoked.

[FR Doc.76–3259 Filed 2–3–76;8:45 am]

[Release 34–12059 File No. SR–NASD–1976–2]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations

Pursuant to Section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975) notice is hereby given on January 27, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The NASD's Statement of the Terms of Substance of the Proposed Rule Change.

1. *Text of Proposed Rule Change.* The following is the full text of the proposed amendments to Article 1, Section 2 of the Association's By-laws by addition of a new subsection (d) and by relettering existing subsection (d) as subsection (e).

(d)(1) No broker or dealer shall be admitted to or continued in membership in the Corporation if it has associated with it any person barred from association with a member or in contravention of restrictions imposed pursuant to the authority granted by this subsection (d).

(2) The Board of Governors may bar, suspend or restrict the association with a member of any person who, within six (6) months of the institution of proceedings against a broker or dealer pursuant to the Securities Investor Protection Act of 1970, was an officer, director, general partner, or owner of ten (10) per centum or more of the voting securities, or controlling person, of that broker or dealer if, after appropriate notice and opportunity for hearing before a panel selected by the Board of Governors, or its delegate, the Board of Governors finds such bar, suspension or restriction to be in the public interest, taking into consideration such person's responsibility for and cause of the financial and/or operational difficulties that led to the institution of such proceedings. A record shall be kept of the proceedings.

(3) At any time within ninety (90) days of the institution against a broker or dealer of proceedings pursuant to the Securities Investor Protection Act of 1970, the President of the Corporation, or his delegate, may notify any person who is then associated with a member and who, within the six (6) months prior to the institution of the said proceedings, was a principal officer or general partner (including the Financial and Operations Principal) of that broker or dealer, or a person performing similar functions for that broker or dealer, that the Corporation proposes to bar or suspend him from association, or restrict his right to be associated, with any member of the Corporation pending a final determination by the Board of Governors as to whether such person shall be permanently barred, suspended or restricted. The notification shall inform the recipient of his right, upon written request, to a hearing before a panel selected by the Board of Governors, or its delegate, before a final determination shall be made. Unless a stay, pursuant to paragraph (4) hereof, is granted, the proposed bar, suspension or restriction shall become effective fifteen (15) days after notice thereof.

(4) After receipt of a notification required by paragraph (3) hereof, a person may, upon written request, apply to the Corporation for a stay of such temporary bar, suspension or restriction. Within five (5) business days of the receipt by the Corporation of an application for a stay, the President of the Corporation, or his delegate, must act upon said application and give notice thereof to the ap-

plicant. A stay shall be granted on the basis of such an application unless the President, or his delegate, makes a determination (which may be based on records and affidavits):

(a) that such person was responsible for and the cause of the financial and/or operational difficulties which led to the institution against the broker/dealer of proceedings pursuant to the Securities Investor Protection Act of 1970, and

(b) the granting of the stay could create immediate and substantial risks to the member with which such person is currently associated, or to other members of the Corporation or public investors. If a stay is denied, the applicant, upon written request, shall have the right to request the hearing prescribed in paragraph (3) hereof to be held within fifteen (15) days of the date of his request thereof. He shall be notified of this right at the time of the denial of the stay. The hearing panel shall make its determination and give notice thereof within thirty (30) days of the date of request for the hearing. Such determination shall constitute the final action of the Corporation as of the date of the notification thereof. A record shall be kept of the proceedings.

(5) The Board of Governors is authorized to adopt appropriate procedures, not inconsistent with the provisions of this subsection (d), for the proper implementation of the provisions hereof. Such procedures may, among other things, specify the nature and composition of hearing panels and prescribe appropriate time limitations in connection with proceedings instituted pursuant thereto.

(6) Any member or person who is aggrieved by any final action of the Corporation pursuant to this subsection (d) may make application for review of such action to the Securities and Exchange Commission pursuant to Section 15(a) of the Act.

2. *Procedures of Self-Regulatory Organization.* In September, 1973 the proposed amendments were submitted to the NASD membership of the Board of Governors to redesignate existing subsection (d) of Article I, Section 2 of the By-Laws as subsection (e), and then insert a new subsection (d) relating to barring certain associated persons of a member firm for which a trustee had been appointed pursuant to provisions of the Securities Investor Protection Act of 1970, if those persons were involved in the activities of the member which led to the SIPC liquidation.

After consideration of comments received from the membership and other interested persons, the Board of Governors approved the proposed amendments at its March, 1974 meeting. Subsequently the proposed amendments were submitted to the membership for a vote and were approved in May, 1974. Upon submission to the Securities and Exchange Commission, the staff of the SEC requested certain changes in language regarding due process procedures provided in the proposal. These changes were made and the proposal was again presented to the Board of Governors.

The Board of Governors voted approval of the revised text at its meeting held in May, 1975 and ordered the proposal to be sent, a second time, to the membership of the NASD for vote. The NASD membership approved the proposed amendments by a vote of exactly 1,500 to 138 in August, 1975.

3. *Purpose of Proposed Rule Change.* The purpose of the proposed amendment to Article I, Section 2 (d) of the By-Laws is to permit the Association to determine in an expeditious manner whether certain specified individuals may become or continue to be associated with a member of the NASD, by considering such individual's previous association with a broker or dealer currently in SIPC liquidation or for whom SIPA proceedings have been instituted. The proposal gives the Association the authority to determine, on a timely basis, the involvement of the individual in the activities which led to the demise of the broker/dealer and to determine whether the association of such person with another member could create immediate and substantial risk to that member, or to other members of the Association, or to public investors. The procedures as contained in the revised proposal will permit the Association to effect a prompt review of the individual's previous activities to ascertain whether he was involved in fraudulent and manipulative acts and practices which contributed to the demise of the broker/dealer.

The proposal applies to any person who was an officer, director, general partner or owner of ten (10) percent or more of the voting securities of a member, or a controlling person of a broker/dealer who was such within six (6) months of the institution of proceedings against the member pursuant to the Securities Investor Protection Act of 1970, as amended.

At any time within ninety (90) days of the institution of SIPA proceedings, the Association may notify a person who was associated with another member within six (6) months of the institution of SIPA proceedings against that member, and who was an individual in one of the categories of principal partner, etc., outlined above, that the Association proposes to bar or suspend that individual from association with another member or to restrict his right to be associated pending a final determination by the Board of Governors as to whether such person should be permanently barred, suspended, or have his activities restricted. An individual so notified is entitled to a hearing before a panel selected by the Board of Governors before a final determination may be made.

Unless a stay is granted, the proposed bar, suspension or restriction becomes effective fifteen (15) days after its notice is given; however, within five (5) business days of the receipt by the Association of an application for a stay, the Association must act upon said application and give notice thereof to the applicant. A stay shall be granted on the basis of such application unless the President of the Association determines that the individual was responsible for and the cause of the financial or operation difficulties which led to the institution of SIPA proceedings against his prior broker/dealer, and the granting of the stay could create immediate and substantial risks to the member with which the person is currently associated, or to other members of the Association or to public investors. If a stay is denied, the hearing must be held within fifteen (15) days of the date of which it was originally requested. The hearing panel must make its determination and give notice thereof within thirty (30) days of the date of the request of the hearing.

Specified criteria are set out in the amendments which the Association must consider in reaching a determination that an individual previously associated with a firm being liquidated under the provisions of the SIPA is unqualified to be associated with another member firm. The amendment clearly sets forth statutes of limitations relating to both the period of association of the individual with the firm in liquidation (within six (6) months of the institution of proceedings under SIPA) and the time period within which the Association must take action (ninety days). Any person who is deemed unqualified by the Association is given an opportunity to apply to the Association for reconsideration of determination and to apply for a stay. If a stay is denied, the applicant is given opportunity for a hearing on the matter. The hearing must be held within fifteen (15) days of the date of the written request and a record of the proceedings is required. Any member or person who is aggrieved by any final action of the Association may make application for a review of such action to the Securities and Exchange Commission pursuant to Section 19 of the Securities Exchange Act of 1934 as amended.

4. *Basis Under the Act for Proposed Rule Change.* Section 15A(g)(3)(B) of the Securities Exchange Act of 1934, as amended, provides that a registered securities association may bar an actual person from becoming associated with a member or condition the association of a natural person with a member if such person (ii) has engaged and there is a reasonable likelihood he will again engage in acts or practices inconsistent with just and equitable principles of trade. A registered securities association may examine and verify the qualifications of an applicant to become a person associated with a member in accordance with procedures established by the rules of the Association and require a person associated with a member, or any class of such natural person, to be registered with the Association in accordance with procedures so established.

Section 15A(b) provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that (2) such association is so organized and has the capacity to be able

to carry out the purposes of the Act and to enforce compliance by its members and persons associated with its members with the provisions of the Act, the rules and regulations thereunder, and the rules of the Association. Further, subsection (6) provides that the rules of the Association must be designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade and in general to protect investors in the public interest, and (8) the rules of the Association must provide a fair procedure for appeal of the denial of membership to any person seeking a membership therein, the barring of any person from becoming associated with a member thereof.

Section 15A(h)(2) of the Act as amended, provides that in any proceeding by a registered securities association to determine whether a person shall be denied membership or barred from becoming associated with a member, the Association shall notify such person and give him an opportunity to be heard upon the specific grounds for the denial, bar or prohibition or limitation under consideration and a record must be kept.

5. *Comments Received from Members, Participants or Others on Proposed Rule Change.* See following summary.

Proposed amendment to section 2(d), Article I of the By-Laws—Concerning entry standards

Name of firm/author	Date of letter	Summary of comments
Johnson, Parsons & Kruse, Attorneys, Norman S. Johnson, Salt Lake City, Utah.	Oct. 2, 1973	1. Objects to bar on certain persons of a firm in respect to which a SIPC trustee had been appointed. 2. SEC and NASD already have powers to deal with such persons. 3. Burden of proof is placed on the individual. 4. Rule is unfair to those not engaged in management such directors or owners.
Winthrop Investments, Fred Flickinger, Indianapolis, Ind.	Oct. 10, 1973	1. Keep entry requirements easy for the small firm.
A. G. Edwards & Sons, Inc., David W. Mesker, St. Louis, Mo.	Oct. 11, 1973	1. Local District Committees should be allowed to hold membership hearings for all officers of a SIPC trusteed firm except for the principal financial and executive officers whose cases should be handled by the Board of Governors.
G. H. Walker, Laird, James E. Bacon, New York, N.Y.	Oct. 22, 1973	1. Specify a time period within which the SIPC trusteeship has taken place.

6. *Burden on Competition.* The amendments proposed to Article I, Section 2(d) of the By-Laws are the direct result of the statutory authorization contained in Section 15A(g)(3)(B) of the Securities Exchange Act of 1934 as amended. This section provides a registered securities association with authority to bar a natural person from becoming associated with a member or condition the association of a natural person with a member if the individual has engaged and there is reasonable likelihood he will again engage in acts or practices inconsistent with just and equitable principles of trade. Further, this section of the Act provides that the Association may examine and verify the qualifications of an applicant to become a person associated with a member in accordance with procedures established by the rules of the Association, and to require that person to become registered with the Association in accordance with the procedures so established. This determination must be made as the result of an analysis by the self-regulatory organization that it is not in the public interest nor in furtherance of the protection of investors to allow the individual to become or to continue to be associated with a member firm if his acts in the past have led to the liquidation of another member under the Securities Investor Protection Act of 1970. Since the statute mandates that the rules of an association provide due process protections for the rights of an individual and that in the event of a limited association or denial of association is ordered by the NASD an opportunity to be heard must be provided the applicant and a written decision stating the reasons for such a limitation or denial as well as the procedure for appeal to the Securities and Exchange Commission must be and have been provided.

The amendments to Article I, Section 2(d) then, is the Association's assumption of the responsibility imposed upon it by statute, i.e., to develop criteria in its rules to aid in protecting the investing public by insuring that individuals whose actions in the past have resulted in liquidation of member broker/dealers or have otherwise been acts and practices inconsistent with just and equitable principles of trade are allowed to engage in an active securities business. For the purpose of complying with the requirement of the Act it is felt there is no burden placed on competition as the result of establishing criteria that are to be applied equally to all individuals seeking association or continuing in association with a member firm whose history in the securities industry raises question as to their competence and past conduct. Indeed, competition within the industry is increased and the protection of investors increased as a result of these proposals. Inasmuch as any regulatory proposal is a burden on competition because it restricts activity, the decision to allow the Association to burden competition that far was considered and approved by Congress. Consequently it is felt that if any burden on competition is imposed by the proposed rule change, it is necessary and in furtherance of the purposes of the Act.

Within 35 days of the date of publication of this notice in the Federal Register, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rules change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within thirty (30) days of the date of this publication.

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

Dated: January 28, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-3260 Filed 2-3-76;8:45 am]

[Release No. 34-12042; File No. SR-NYSE-76-2]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 13, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

A. *Statement of the Terms of Substance of the Proposed Rule Change.* The text of the new Market Responsibility Rule is as follows:

(a) Except as otherwise provided by this Rule, no member, member organization, or other person who is a nonmember broker or dealer and who directly or indirectly, controls, is controlled by, or is under common control with, a member or member organization (any such other person being hereinafter referred to as an affiliated person) shall effect any transaction in any listed stock in the over-the-counter market, either as principal or agent.

(b) A member, member organization or affiliated person holding a customer's order for the purchase or sale of a listed stock (the Order) may execute the Order (or such portion thereof as may be so executed in accordance with this Rule) in the over-the-counter market with a third market maker or nonmem-

ber block positioner; provided such member, member organization or affiliated person assures that all public bids or offers on the specialist's book at the time of the over-the-counter execution, or, if inquiry is made of the specialist immediately prior to the over-the-counter execution, all public bids or offers on the specialist's book at the time of such inquiry, at prices which, insofar as the Order is concerned, are equal to or better than the price at which such portion of the Order is executed over-the-counter are satisfied at the price at which such portion of the Order is so executed.

(c) Each member, member organization or affiliated person which executes during any calendar week any Order or any portion thereof over-the-counter (other than in a transaction not subject to the provisions of this Rule), shall, prior to the close of business on the last business day of the next succeeding calendar week, file a report with the Exchange listing each such over-the-counter execution. As to each such execution the price or prices thereof, whether such execution was a purchase or a sale by the member, member organization or affiliated person, the number of shares bought or sold at each such price and the name of the third market maker or nonmember block positioner with which the member, member organization or affiliated person dealt.

(d) The provisions of this Rule shall not apply to any of the following transactions:

(i) Any transaction which is part of a primary distribution by an issuer, or a registered or unregistered secondary distribution, effected off the floor of the Exchange;

(ii) Any transaction made in reliance on Section 4(2) of the Securities Act of 1933;

(iii) Any trade at a price unrelated to the current market for the security to correct an error or to enable the seller to make a gift;

(iv) Any transaction pursuant to a tender offer;

(v) Any purchase or sale of securities effected upon the exercise of an option pursuant to the terms thereof or the exercise of any other right to acquire securities at a pre-established consideration unrelated to the current market for such securities;

(vi) Any purchase or sale of any security trading in which has been suspended by the Exchange pending review of the listing status of such security;

(vii) The acquisition of securities by a member organization as principal in anticipation of making an immediate special offering or exchange distribution on the Exchange under Rule 391 or Rule 392;

(viii) Any purchase or sale of any of the guaranteed or preferred stocks included within the listing of such stocks as may from time to time be issued by the Exchange, provided, however, that every proposed transaction in any such security by a member, member organization or affiliated person should be reviewed in light of the factors involved, including the market on the floor of the Exchange, the price, and the size, so that whenever possible the transaction may be effected on the floors;

(ix) Any transaction for less than one unit of trading; and

(x) Any other purchase or sale of any security under extraordinary or emergency conditions which receives the prior approval of the Exchange.

(e) (1) The term "listed stock as used in this Rule shall mean any security registered on the Exchange other than subscription rights), the sale prices of transactions in which are reported on the consolidated tape provided for in the plan filed by the Exchange and others pursuant to Rule 17a–15 under the Securities Exchange Act of 1934 (the "Act") and declared effective by the Securities and Exchange Commission;

(2) The term "nonmember broker or dealer" as used in subparagraph (a) of this Rule shall mean any broker or dealer registered in accordance with Section 15 (b) of the Act, which acts as a "market maker" as defined in the Act, or whose gross income is derived substantially from acting as a "broker" as defined in the Act, or both;

(3) The term "third market maker" as used in this Rule shall mean a "market maker" as defined in Rule 15c3–1(c) (8) under the Act, who makes markets over-the-counter in listed stocks and who maintains the minimum net capital required of a market maker by Rule 15c3–1 under the Act; and

(4) The term "nonmember block positioner" shall mean a "block positioner" as defined in Rule 17a–17 under the Act which is not a member of the Exchange.

(f) (1) The price at which a transaction is effected, whether on the Exchange or in the over-the-counter market, shall, for the purposes of this Rule, mean the price of such transaction, exclusive of any commission, commission equivalent, differential, tax or other charge applicable thereto.

(2) Each limited price order entered on the specialist's book shall, for purposes of this Rule, be considered a public bid or offer unless initiated by a member on the Floor of the Exchange for his own account or for any account in which he, his member organization, or any affiliated person of his member organization has an interest.

(g) Notwithstanding the provisions of Rule 104, the specialist may buy for his own account on a plus or zero plus tick or sell for his own account on a minus or zero minus tick any or all of the stock which is to be sold or purchased over-the-counter pursuant to subparagraph (b) of this Rule.

.10 *Interpretation of the Market Responsibility Rule.* (1) Notwithstanding the provisions of this Rule, a member, member organization or affiliated person: may trade as principal or as agent in any listed stock on any organized exchange in any foreign country at any time; and outside of Exchange trading hours, may trade as principal or agent in any listed stock in a foreign country over-the-counter.

(2) Notwithstanding the provisions of this rule, a member, member organization or affiliated person may execute a customer's order in the over-the-counter market with a third market maker or nonmember block positioner outside of Exchange trading hours without satisfying public bids or offers on the specialist book.

.20 *SEC Rule 19c–1.* The Market Responsibility Rule has been adopted by the Board of Directors and approved by the Securities and Exchange Commission as contemplated by subparagraph (b) of Rule 19c–1 under the Securities Act of 1934. Rule 19c–1 reads in full as follows:

The rules of each national securities exchange shall provide, on and after March 31, 1976, as follows:

(a) Except as hereinafter provided by this rule, no rule, stated policy or practice of this exchange shall prohibit or condition, or be construed to prohibit, condition or otherwise limit, directly or indirectly, the ability of any member acting as agent to effect transactions on any other exchange or over-the-counter with a third market maker or nonmember block positioner in any equity security which is listed on the exchange or to which unlisted trading privileges on the exchange have been extended ("exchange securities").

(b) Beginning March 21, 1976, and ending January 2, 1977, the provisions of paragraph (a) of this rule shall not apply to a rule of this exchange approved by the Securities and Exchange Commission pursuant to Section 19(b) (2) of the Securities Exchange Act of 1934 (the "Act") which assures that, either immediately before, simultaneously with or immediately after execution of a transaction in any exchange security over-the-counter with a third maker or nonmember block positioner, public bids or offers entered on the specialist's book, or on any other limit order mechanism on such exchange, as limited price orders at prices equal to or better than the transaction price ("limit orders") are satisfied at the limit prices bid or offered; provided, however, that such limit orders may be required to be satisfied at the transaction price under circumstances consistent with the purposes of this rule, the public interest and the protection of investors.

(c) For purposes of this rule:

(1) The term "third market maker" shall mean a "market maker" as defined in Rule 15c3–1(c) (8) under the Act, who makes markets over-the-counter in exchange securities and who maintains the minimum net capital required of a market maker by Rule 15c3–1 under the Act.

(2) The term "nonmember block positioner" shall mean a "block positioner" as defined in Rule 17a–17 under the Act which is not a member of this Exchange.

B. *Exchange's Statement of Basis and Purpose.*

1. *Procedures of Self-Regulatory Organization.*

The Board of Directors of the Exchange at its January 8, 1976 meeting, approved the Market Responsibility Rule to conform to SEC Rule 19c–1.

2. *Purpose of Proposed Rule Change.* The purpose of the Market Responsibility Rule is to conform existing NYSE rules on trading in listed stocks to the requirements of SEC Rule 19c–1.

3. *Basis under the Act for Proposed Rule Change.* To conform to SEC Rule 19c–1.

4. *Comments received from Members, Participants or Others on Proposed Rule Change.* None.

5. *Burden on Competition.* No burden on competition will be imposed by the Market Responsibility Rule.

* * * * *

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commision may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proopsed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principle office of the above-mentioned self-regulatory organization. All submissions sholud refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

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

Dated: January 23, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–3261 Filed 2–3–76;8:45 am]

[Release No. 34–12041; File No. SR–NYSE–76–5]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on January 21, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

A. *Statement of the Terms of Substance of the Proposed Rule Change.*

The text of the new Public Limit Order Protection Rule is as follows:

(a) Except as otherwise provided by this Rule, no member, member organization, or other person who is a nonmember broker or dealer and who directly or indirectly, controls, is controlled by, or is under common control with, a member or member organization (any such other person being hereinafter referred to as an affiliated person) shall during the hours of trading on this Exchange effect any transaction in any listed stock or any other securities exchange located in this country either as principal or agent.

(b) A member, member organization or affiliated person may execute an order for the purchase or sale of a listed stock (the Order) (or such portion therof as may be so executed in accordance with this Rule) on any other securities exchange located in this country; provided such member, member organization or affiliated person assures that all public bids or offers on the Exchange specialist's book at the time of the execution on the other exchange, or if inquiry is made of the specialist immediately prior to the execution on the other exchange, all public bids or offers on the Exchange specialist's book at the time of such inquiry, at prices which, insofar as the Order is concerned, are equal to or better than the price at which such portion of the Order is executed on the other securities exchange are satisfied at the price at which such portion of the Order is so executed.

(c) Each member, member organization or affiliated person which executes during any calendar week any Order or any portion thereof on another exchange (other than in a transaction not subject to the provisions of this Rule), shall, prior to the close of business on the last business day of the next succeeding calendar week, file a report with the Exchange listing each such execution on another exchange. As to each such execution, such report shall state the time of the execution, the price or prices thereof, whether such execution was a purchase or a sale by the member, member organization or affiliated person, the number of shares bought or sold at each such price and the name of the exchange on which the member, member organization or affiliated person dealt.

(d) The provisions of this Rule shall not apply to any of the following transactions:

(i) any purchase or sale of any security trading in which has been suspended by the Exchange pending review of the listing status of such securities;

(ii) any purchase or sale of any of the guaranteed or preferred stocks included within the listing of such stocks as may from time to time be issued by the Exchange, provided, however, that every proposed transaction in any such security by a member, member organization or affiliated person should be reviewed in light of the factors involved, including the market on the floor of the Exchange, the price and the size, so that whenever possible the transaction may be effected on the floor;

(iii) any transaction for less than one unit of trading;

(iv) any transaction by a member, member organization of affiliated persons acting as a specialist or odd-lot dealer on another exchange; and

(v) any other purchase or sale of any security under extraordinary or emergency conditions which receives the prior approval of the Exchange.

(e)(1) The term "listed stock" as used in this Rule shall mean any security registered on the Exchange (other than subscription rights), the sale prices of transactions in which are reported on the consolidated tape provided for in the plan filed by the Exchange and others pursuant to Rule 17a–15 under the Securities Exchange Act of 1934 (the "Act") and declared effective by the Securities and Exchange Commission;

(2) The term "nonmember broker or dealer" as used in subparagraph (a) of this Rule shall mean any broker or dealer registered in accordance with Section 15(b) of the Act, which acts as a "market maker" as defined in the Act, or whose gross income is derived substantially from acting as a "broker" as defined in the Act, or both.

(f)(1) The price at which a transaction is effected on an exchange shall, for purposes of this Rule, mean the price of such transactions, exclusive of any commission, commission equivalent, differential, tax or other charge applicable thereto.

(2) Each limited price order entered on the specialist's book shall, for purposes of this Rule, be considered a public bid or offer unless initiated by a member on the Floor of the Exchange for his own account or for any account in which he, his member organization, or any affiliated person of his member organization has an interest.

(g) Notwithstanding the provisions of Rule 104, the specialist may buy for his own account on a plus or zero plus tick or sell for his own account on a minus or zero minus tick any or all of the stock which is to be sold or purchased on another securities exchange pursuant to subparagraph (b) of this Rule.

B. *NYSE's Statement of Basis and Purpose*

1. *Purpose of Proposed Rule Change.* Under SEC Rule 19c–1, an exchange is permitted until January 2, 1977, to require that a member satisfy public limit orders on the specialist's book at the same price, or at a better price, as compared to a proposed transaction with a third market maker or nonmember block positioner. The Exchange has adopted and filed with the Commission, a Market Responsibility Rule, imposing such a requirement. The purpose of the Public Limit Order Protection Rule is to afford public limit orders on the specialist's book the same protection when a

member of the Exchange proposes to effect a transaction on another exchange.

2. *Basis Under the Act for Proposed Rule Change.* In its December 19, 1975 Release No. 11942 on "Adoption of Rule 19c–1 under the Securities Exchange Act of 1934 governing Off-Board Trading by Members of National Securities Exchanges," the Commission noted that ". . . the Securities Acts Amendments of 1975 reflect the Congressional determination that rules of self-regulatory organizations may not be designed to permit 'unfair discrimination between customers, issuers, brokers or dealers.'" (p. 12) Rule 19c–1 permits exchanges to require the satisfaction of public limit orders on the specialist book when a member intends to trade with a third market maker or a nonmember block positioner, the Exchange has adopted a rule so requiring, and therefore the Exchange has also adopted the Public Limit Order Protection Rule in order to assure that the rules of the Exchange do not permit "unfair discrimination between customers, issuers, brokers or dealers."

Throughout the December 19 Release, the Commission noted the problems inherent in protecting public orders due to ". . . the existing ability of exchange members to avoid exposure to and displacement by such interest on the floor of any particular exchange (e.g. the NYSE) by choosing among exchanges the one best suited to the member's purposes for an execution . . ." (p. 6) The Commission also noted that this was particularly true in block transactions, where ". . . buying or selling interest represented on the floor of any particular exchange . . . can be avoided today by transporting the transaction to a regional exchange for execution." (p. 38) The Release notes that even ". . . if an exchange member wishes to acquire a portion of the block for his own account without having to satisfy other interest on the floor of the 'primary' exchange market, that, too, can be accomplished today by taking the transaction to a relatively inactive regional exchange for execution." (p. 25) The Exchange agrees with these findings of the Commission, and has therefore adopted the Public Limit Order Protection Rule.

Another problem noted in the December 19 Release was that "The Commission can perceive little reason why satisfaction of public limit orders should be mandated when an exchange member wishes to effect a transaction directly with an over-the-counter market maker, but not mandated when the same member effects the same transaction with the same over-the-counter maker on a regional exchange." (p. 44) The Exchange also sees little reason, and having adopted the Market Responsibility Rule which would require the satisfaction of public limit orders on the book when a member is dealing with a market maker in the over-the-counter market, it must adopt the Public Limit Order Protection Rule to prevent "unfair discrimination" when the same member might be trading on a regional exchange with the same over-the-counter market maker.

The Commission has also announced "the steps it intends to take in the immediate future to provide the kind of comprehensive limit order protection which all commentators apparently agree is in the public interest." (p. 49) The release notes that the envisioned composite book ". . . would provide brokers and dealers with an efficient and practical means by which all limit orders, regardless of origin, can be protected on a national basis. Once a composite book is in place, the Commission believes that all transactions, regardless of size, should be required to satisfy orders on that book at the same or at a better price either immediately before, simultaneously with or immediately after execution." (p. 50) And, in proposing to request plans for the design of a composite book, the SEC noted that a proposed characteristic of such a book would be that ". . . all proposed transactions will be required to clear the composite book contemporaneous with execution." (p. 52)

The Release noted that the SEC feels that Securities Acts Amendments of 1975 empower the Commission to ensure the protection of limit orders: ". . . the Commission will utilize its new powers under the Act promptly to ensure implementation of a national mechanism for multimarket protection of limit orders." (p. 25) The Exchange has adopted the Public Limit Order Protection Rule since this rule will, insofar as members of the New York Stock Exchange are concerned, protect such limit orders on the Exchange, at such time as trades are contemplated on other exchanges. The Exchange therefore believes that the adoption of this rule is consistent with the Act, and is an important step toward realizing the goal of a central market.

3. *Commnets Received from Members, Participants or Others on Proposed Rule Change.* None.

4. *Burden on Competition.* Any burden on competition that may result from the Public Limit Order Protection Rule, is justified the Exchange believes, as necessary or appropriate in furtherance of the purposes of the Act and in light of the statutory guidelines set forth therein. In adopting Rule 19c–1 the Commission necessarily concluded that whatever burden on competition might result from an Exchange rule complying with the provisions of Rule 19c–1(b), such a rule could nevertheless be justified in light of the purposes and statutory guidelines of the Act. For these same reasons, the Exchange believes that the Public Limit Order Protection Rule is so justified since it merely enhances the protection of public limit orders entered on the specialist's book.

In its Release announcing adoption of Rule 19b–1 the Commission stated:

> Of all the arguments advanced in favor of retaining some form of off-board trading rule requiring that an exchange be interrogated, and that at least certain orders on that exchange be satisfied by a member wishing to effect a third market agency transaction, the most persuasive concerned the desirability of continuing protections for public limit orders, to provide a means for those orders to participate in transactions which otherwise would occur at prices below those which the public is willing to pay or above those at which the public is willing to sell. (p. 43)

The Exchange endorses this statement wholeheartedly and believes that the public interest expressed in the statement must logically be equally applicable to orders executed by NYSE members on regional exchanges in dually traded securities. The Public Limit Order Protection Rule will accomplish this.

The 100% protection of public limit orders cannot, as a practical matter, be achieved in today's environment. In its Release of December 19, 1975, the Commission, in effect, recognizes this. The Commission stated:

> The 'primary' exchange markets presently command an overwhelming percentage of all orders in multiply-trade securities. Those markets generally offer more opportunities to achieve executions (particularly for orders of relatively modest size and for limited price orders) than are available in all alternative markets combined; . . . (p. 36)

Since the primary exchange markets contain virtually all of the public limit price orders today and "generally offer more opportunities to achieve executions . . . than are available in all alternative markets combined . . .", the statutory objectives and purposes of the Act will obviously be achieved to the greatest degree possible through adoption of the Public Limit Order Protection Rule.

While it will be argued that adoption of the Public Limit Order Protection Rule may reduce order flow to regional exchanges providing a market in dually traded stocks, the Exchange points out that, even if this development should come to pass, it will provide no legitimate argument in opposition to the Public Limit Order Protection Rule. As the Commission recognized in its Release:

> It has never been a function of the Commission (or among the purposes of the Act) to take, or refrain from taking, regulatory action solely to preserve any market center's order flow. (p. 35)

The Exchange submits that the objectives of the Act will be significantly advanced through adoption of the Public Limit Order Protection Rule. It is self-evident that protection of investors will be enhanced, since the public limit orders entered on the Exchange specialists' book will be provided with a significantly greater possibility of execution than exists today. Deliberate circumvention of those limit orders will be made significantly more difficult. This, in turn, will materially enhance the fairness of the nation's market places and further reduce any possibility of there being unfair discrimination among customers.

In light of these objectives of the Act and the enhanced protection of public limit orders which will undoubtedly flow from adoption of the Public Limit Order Protection Rule, the Exchange concludes that implementation of that Rule clearly imposes no burden on competition not entirely justified by the Act itself and the objectives stated therein.

* * * * *

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or,

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

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

Dated: January 23, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-3262 Filed 2-3-76;8:45 am]

[Release No. 12060; SR-OCC-75-6]

OPTIONS CLEARING CORP.

Order Approving Proposed Changes in the Rules of the Options Clearing Corporation (File No. SR-OCC-75-6)

Introduction

JANUARY 29, 1976.

On November 3, 1975, The Options Clearing Corporation, ("OCC") 6150 Sears Tower, 233 South Wacker Drive, Chicago, Illinois submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 ("the Act"), proposed changes in the following OCC rules: 602 (c); 610(j); 610(k); 610(l); 804; 1106 (d). The proposed rule changes are intended to clarify the provisions of OCC's rules that relate to the use of specific and escrow deposits as margin for short options positions and to the withdrawal of margin deposited in respect of exercised options contracts.

In accordance with Section 19(b)(2) of the Act, the proposed rule changes were published in the FEDERAL REGISTER on December 24, 1975 (40 F.R. 59794). Notice of the filing also appeared in Securities Exchange Act Release No. 11938, December 18, 1975.

The Submission. Proposed Rule 916 and the proposed amendments to Rule 602(c) and 610(j) are intended to make clear that if settlement in respect of an exercised option contract is to be made through a correspondent clearing corporation, margin and other deposits held by OCC in respect of the contracts which have been exercised may not be withdrawn by the depositing clearing member until the clearing member has satisfied its obligations to the correspondent clearing corporation on the exercise settlement date. If the clearing member fails to meet those obligations and its exercise settlement account with the correspondent clearing corporationg is closed out, proposed Rule 916 would expressly permit OCC to apply the margin received in respect of the contracts which have been exercised against any loss incurred by the correspondent clearing corporation by reason of the closeout.

The proposed amendment to Rule 1106(d) sets forth the procedure which OCC will follow with respect to open short positions covered by specific or escrow deposits in accounts of suspended clearing members. In general, Rule 1106(d) provides that open short positions for which escrow deposits have been made shall be maintained by OCC and transferred to another clearing member. If, before transfer, the suspended clearing member instructs OCC to close such short positions and furnishes security to secure payment of the premium for the closing purchase transaction, OCC will close out the short positions and release the related escrow or depository receipts to the suspended clearing member or its representative.

The proposed amendment to Rule 610(l) provides a procedure for allocating assignments to particular short positions covered by specific and escrow deposits in cases in which a clearing member is suspended and OCC is unable to determine the particular customer or non-customer to whom the assignment was allocated by the clearing member under Rule 804. Rule 610 (l), as amended, provides that, on the day following the date of the assignment, the clearing member must deposit margin with OCC and must withdraw the escrow or depository receipts. If the clearing member does not do so and is thereafter suspended by OCC, OCC may presume, unless it has been notified specifically to the contrary, that the assignment was allocated to an option contract for which no specific or escrow receipt had been made.

The proposed amendments to Rules 610(k) and 804 are technical and, in conjunction with Rule 610(l), are designed to clarify ambiguities in those rules.

Commission Action. The Commission finds that the proposed rule changes contained in SR-OCC-75-6 are consistent with the requirements of the Act and the rules and regulations thereunder, particularly the requirements of Section 17A and the rules thereunder applicable to a registered clearing agency.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes contained in File No. SR-OCC-75-6 be, and hereby are, approved.

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

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-3257 Filed 2-3-76;8:45 am]

BOSTON STOCK EXCHANGE, INC.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 28, 1976.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

International Telephone & Telegraph Corp., Cum. Pfd. $4.00 Conv. Series K—No Par Value, 7-4788.

Norton Simon Inc., $1.60 Cum. Conv. Pfd. Series A—$5.00 Par Value, 7-4789.

Sun Oil Company, $2.25 Cum. Conv. Pfd.—$1.00 Par Value, 7-4790.

Atlantic Richfield Co., $2.80 Cum. Conv. Pfd.—$1.00 Par Value, 7-4791.

Champion International Corp., $1.20 Cum. Conv. Series Pref.—$1.00 Par Value, 7-4792.

City Investing Company, $2.00 Cum. Conv. Pfd. Series B—$1.00 Par Value, 7-4793.

Dart Industries Inc., $2.00 Cum Conv. Pfd. Series A—$5.00 Par Value, 7-4794.

Diamond Shamrock Corp., $1.20 Conv. Pfd. Series D—No Par Value, 7-4795.

Household Finance Corp., $2.375 Com. Conv. Vtg. Pfd.—No Par Value, 7-4796.

Ingersoll-Rand Co., $2.35 Cum Conv. Pref.—No Par Value, 7-4797.

Bristol-Myers Co., $2.00 Cum. Conv. Pfd.—$1.00 Par Value, 7-4798.

Carter Hawley Hale Stores, Inc., $2.00 Conv. Pfd. Series A—$5.00 Par Value, 7-4799.

H. J. Heinz Co., 3rd Cum. Conv. Pfd. Stock, $1.70 1st Ser.—$10.00 Par Value, 7-4800.

Occidental Petroleum Corp., $4.00 Conv. Pfd.—$1.00 Par Value, 7-4801.

Occidental Petroleum Corp., $3.60 Conv. Pfd.—$1.00 Par Value, 7-4802.

Southern California Edison Co., $5.20 Conv. Pref. "H"—$25.00 Par Value, 7-4803.

Textron, Inc., $2.08 Cum. Conv. Pfd. Series A—No Par Value, 7-4804.

Textron, Inc., $1.40 Conv. Pfd. Div. Series B—No Par Value, 7-4805.

The Travelers Corp., $2.00 Cum Conv. Pfd.—No Par Value, 7-4806.

TRW Inc., Cum Ser. Pref. II $4.40 Conv. Ser. I—No Par Value, 7-4807.

TRW Inc., Cum. Ser. Pref. II $4.50 Conv. Ser. 3—No Par Value, 7-4808.

United Technologies Corp., $8.00 Cum. Cv. Pfd.—$1.00 Par Value, 7–4809.

Weyerhaeuser Company, $2.80 Conv. Cum. Pfd. 1st Ser.—$1.00 Par Value, 7–4810.

Upon receipt of a request, on or before February 13, 1976 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

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

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76–3367 Filed 2–3–76;8:45 am]

[Rel. No. 9139; 811–1648]

MILWAUKEE EQUITY FUND, INC.

Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

JANUARY 29, 1976.

Notice is hereby given that Milwaukee Equity Fund, Inc., 805 W. Michigan Street, Milwaukee, Wisconsin 53233 ("Applicant"), a Delaware corporation which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management company, has filed an application pursuant to Section 8(f) of the Act on December 19, 1975, and an amendment thereto on January 15, 1976, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant represents that on November 19, 1975, pursuant to an agreement, which had been approved by its shareholders on November 14, 1975, Applicant exchanged substantially all of its assets for shares of Supervised Investors Growth Fund, Inc. ("Supervised"), and that a total of 166,948.48 Supervised shares were exchanged, representing an exchange ratio of .62425 shares of Supervised for each outstanding share of Applicant. Applicant states that such shares were subsequently assigned to shareholders of the Applicant according to their respective interests in Applicant on November 11, 1975. Applicant further represents that it now has no assets remaining.

Applicant states that it is no longer engaged in the business of investing, reinvesting, owning, holding, or trading in securities; nor does it own or propose to acquire investment securities having a value exceeding 40 per centum of the value of its total assets, exclusive of government securities and cash items.

Applicant represents that it is filing a Certificate of Dissolution with the Secretary of State of Delaware.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given, That any interested person may, not later than February 24, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76–3363 Filed 2–3–76;8:45 am]

[Rel. No. 9137; 811–1064]

NORTHEAST FIDELITY INVESTMENT COMPANY

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 28, 1976.

Notice is hereby given, That Northeast Fidelity Investment Company, formerly Minnesota Small Business Investment Company, 2338 Central Avenue Northeast, Minneapolis, Minnesota 55418 ("Applicant"), a closed-end, nondiversified, management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application on November 17, 1975, and an amendment thereto on January 15, 1976, for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that as of January 15, 1976, it had issued and outstanding 151,250 shares of capital stock and a total of 25 shareholders.

Applicant further states that it last acquired an investment security, as defined in Section 3 of the Act, in November, 1973, and has been continuously liquidating its portfolio of investment securities since that time.

In addition, Applicant states that on September 4, 1975, shareholders of the Applicant approved certain transactions between Applicant and MorAmerica Capital Corporation ("MorAmerica"), which transactions became effective October 1, 1975, and included the sale of certain of Applicant's investment securities to MorAmerica, the discharging by Applicant of its obligation to the United States Small Business Administration, and, effective October 8, 1975, Applicant's withdrawal as a licensed small business investment company under the Small Business Investment Act of 1958, as amended.

Applicant represents further that its primary business at the present time is the management of the Nicolett Mall Building ("Mall"), that rentals from the Mall provided approximately 91% of Applicant's gross income during the month of November, 1975, that the Mall building and underlying land after depreciation represent greater than 70% of the value of Applicant's total assets, and that less than 25% of the value of Applicant's total assets consist of investment securities, as defined in Section 3 of the Act.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given, That any interested person may, not later than February 25, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Ex-

change Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–3364 Filed 2–3–76;8:45 am]

PBW STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 28, 1976.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

SAXON INDUSTRIES, INC. (DELAWARE), File No. 7–4811

Upon receipt of a request, on or before February 13, 1976 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

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

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–3365 Filed 2–3–76;8:45 am]

[File No. 24NY–7584]

RESEARCH AUTOMATION CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 29, 1976.

I. Research Automation Corporation ("RAC" or "issuer"), 333 West 39th Street, New York, New York 10018, is a New York Corporation located at 333 West 39th Street, New York, New York. It was organized on February 2, 1965 to engage in the design, development and manufacture of an automatic transfer unit for industrial use.

On March 10, 1972, RAC filed a Notification pursuant to Regulation A in connection with a proposed offering of 76,000 shares of its $.01 par value common stock at $6.00 per share. The offering was to be conducted on a "best efforts" basis by the company through its officers and directors without the aid of an underwriter. Through subsequent amendments to the notification, the terms of the proposed offering were changed to 90,000 shares of the issuer's $.01 par value common stock at $5.50 per share on a "best efforts" basis. No commencement date for the offering has been established.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. An Order of Permanent Injunction was issued in the United States District Court for the Southern District of New York against the issuer after the filing of the Notification, which would have rendered the Regulation A exemption unavailable if it had occurred prior to such filing.

B. The offering circular and Notification filed by RAC contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in light of the circumstances under which they were made, not misleading in the following respects:

1. The failure to disclose that the issuer is subject to an order of permanent injunction in Item 5 of the Notification, and the affirmative representation that no order of permanent injunction has been entered against the issuer;

2. The failure to disclose the injunctive order as a risk factor in the offering circular; and

3. The statement in the offering circular that the order of injunction was reversed when in fact on appeal it was affirmed with respect to the issuer and reversed only with respect to Tserpes.

C. The terms and conditions of Regulation A have not been met in the following respect:

1. Item 5 of the Notification fails to disclose that the issuer is subject to an order of permanent injunction.

D. The offering, if made, would be in violation of Section 17 of the Securities Act of 1933, as amended.

III It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–3366 Filed 2–3–76;8:45 am]

[Release No. 34–12047; File No. SR–Amex–76–3]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on January 23, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend Rule 205 to eliminate the odd-lot differential in determining the price at which odd-lot orders received prior to the opening and odd-lot orders received during the trading session designated to "buy on offer" or "sell on bid" are to be executed. The text of the proposed rule change is attached as Exhibit A.

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to provide that odd-lot orders received by an odd-lot dealer prior to the opening round lot transaction in a stock traded on the Amex are to be executed at the same price as the opening

round lot transaction and further that odd-lot orders received during the trading session and marked "buy on offer" or "sell on bid" are to be executed at the prevailing bid or offer in the auction market. The odd-lot differential will no longer be applicable to such orders.

The Amex does not maintain a separate auction market for odd-lots. All odd-lot orders are forwarded to the odd-lot dealer in each security who is responsible for executing such orders as principal. (All Amex specialists perform the dual function of specialists and odd-lot dealer in the securities in which they are registered.) In the absence of a separate auction market for establishing execution prices of odd-lots, provision is made in the rules of the Amex requiring the execution of odd-lots at prices having a specified relationship to current prices in the round lot auction market.

At present, odd-lot orders (with certain exceptions described below) are executed at a price equal to the next round lot transaction occurring after receipt of the odd-lot order at the trading post, plus (in the case of a buy order) or minus (in the case of a sell order) a fixed differential. (In general the odd-lot differential is ⅛ point when the round lot market price of the stock is below $40 per share, and ¼ point when the round lot market price is $40 per share or more. Odd-lot orders with a limited price are not executed until a round lot transaction occurs at a price equal to such limit (plus or minus the applicable differential).) With regard to odd-lot orders received prior to the opening, the next round lot transaction in the particular security is the opening transaction. The Amex, has, therefore, not heretofore had a specific rule provision separately relating to the execution of odd-lot orders at the opening—such orders have been executed at a price equal to the opening round lot transaction, plus or minus the applicable odd-lot differential.

In addition to odd-lot orders to be executed at a price having a specified relationship to the price of the next round lot transaction, Amex odd-lot dealers are also required to accept odd-lot orders for execution at a price bearing a specified relationship to the current quotations in the round lot market. Thus, orders may be entered to "buy on offer" or "sell on bid", and these orders are executed without waiting for a round lot transaction to be executed. At present, a market odd-lot order to buy on the offer is executed at a price equal to the prevailing round lot offer plus the odd-lot differential, and a market odd-lot order to sell on the bid is executed at a price equal to the prevailing round lot bid minus the odd-lot differential.

The odd-lot dealer (specialist) does not have any choice as to whether or not he will execute an odd-lot order—he is obligated to execute all such orders as principal. The odd-lot differential, which has been in existence for many years, is designed to assure that investors dealing in odd-lots will receive an execution at a price reasonably related to the prices established in the round lot auction market and at the same time provide the odd-lot dealer with some opportunity for potential trading profit in view of the risks he assumes and the costs he incurs in handling odd-lot orders.

The Amex has determined that the odd-lot differential should be eliminated in the case of transactions effected at the opening because the odd-lot dealer (specialist) will not be required to incur substantial costs in handling such orders and his trading risks are not likely to be as great as is the case in assuming odd-lot positions during the trading session. Since all odd-lot orders received prior to the opening and capable of immediate execution will be executed at the opening, the odd-lot dealer (specialist) can take these orders into consideration in determining the position he will take in the round lot market at the opening. And since such orders are all executed at once at a single price, they do not require "watching" as is the case with market or limited price odd-lot orders received during the trading session.

Similarly, the Amex has determined that odd-lot orders to "buy an offer" or "sell on bid" received during the trading session should no longer be subject to the odd-lot differential. These types of orders are either capable of immediate execution or they are returned to the floor broker representing the order. Thus, they do not have to be placed on the "book" and supervised or "watched" to assure they are executed when an "effective" round lot transaction takes place. Moreover, the trading risks to the odd-lot dealer (specialist) are not as great because there may already be a small differential between the execution price of such an order and the succeeding execution prices in the round lot market. For example, if the market in a stock is quoted 30 bid, 30⅜ offered, the stock may very likely trade at 30⅛ or 30¼ whereas an odd-lot order to sell on the bid would be executed at 30 and an odd-lot order to buy on the offer would be executed at 30⅜.

The Amex believes that the proposed rule change will provide a more equitable means for establishing the prices at which odd-lot orders of investors are executed, but will not impose an unreasonable financial burden on odd-lot dealers (specialists).

The proposed rule change is authorized by Sections 6(b)(5) and 11(b) of the Act. It will "promote just and equitable principles of trade" and "protect investors and the public interest" by providing a fair and equitable basis for establishing the execution price of those odd-lot orders which do not require a substantial amount of time and effort in handling by odd-lot dealers and with respect to which it is believed the risks in assuming positions by odd-lot dealers are somewhat less as compared to the execution of other types of odd-lot orders. The proposed rule change assures no "unfair discrimination between customers" in that all odd-lot orders of a particular type will be executed in the same manner and at prices bearing the same relationship to the round lot auction market.

The proposed rule change was reviewed by and discussed with Amex odd-lot dealers (specialists), and no adverse comments have been received.

The Amex has determined that the proposed rule change will not impose any burden on competition. On the contrary it will enable Amex odd-lot dealers (specialists) to more effectively compete with other brokers and dealers engaged in the execution of odd-lot orders in securities traded on Amex and provide investors with better execution prices than would be possible under existing rule provisions.

Within thirty-five days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 15 days of the date of this publication.

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

Dated: January 26, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

EXHIBIT A

AMERICAN STOCK EXCHANGE, INC.

Proposed Amendments to Rule 205
(Brackets [ ] indicate words to be deleted and italics indicates words to be added.)

Rule 205. *Manner of Executing Odd-Lot Orders*

Introductory paragraph (No change)

A. *Market, limited and stop orders, etc.* (No change)

B. *Other types of orders*

"(1) Buying on Offer—Selling on Bid

(a) *Buy on Offer*—An order to buy on the offer shall be filled at the round lot offer price prevailing at the time the odd-lot dealer receives the order, [plus the] *without any* differential.

(b) *Sell on Bid*—An order to sell on the bid marked 'long' shall be filled at the round lot bid price prevailing at the time the odd-lot dealer receives the order, [minus the] *without any* differential. An order to sell on the bid marked 'short' shall not be accepted.

(c) *Limited Order to Buy on the Offer*—A limited order to buy on the offer shall be filled at a price equal to the round lot offer price prevailing at the time the odd-lot dealer receives the order, [plus the] *without any* differential, but only if the offer price [plus the differential] is at or below the limit of the order. If the order cannot be filled forthwith, it shall be cancelled and the originating member, [member firm] or member [corporation] *organization* shall be informed regarding the quotation and the cancellation.

(d) *Limited Order to Sell on the Bid*—A limited order to sell on the bid marked 'long' shall be filled at a price equal to the round lot bid price prevailing at the time the odd-lot dealer receives the order, [minus the] *without any* differential, but only if the bid price [minus the differential] is at or above the limit of the order. If the order cannot be filled forthwith, it shall be cancelled and the originating member [member firm] or member [corporation] *organization* shall be informed regarding the quotation and the cancellation.

A limited order to sell on the bid marked 'short' shall not be accepted."

(e) *Limited Order "Immediate or Cancel"*—(No change)

(f) *Limited Order "With or Without Sale"*—(No change)

(g) *Market Order Marked "Or on Close"*—(No change)

(h) *Limited Order to Buy Marked "Or on Close"*—(No change)

(i) *Limited Order to Sell Marked "Or on Close"*—(No change)

(2) Buying or Selling "At the Close"—(No change)

(3) Discretionary Orders—(No change)

C. *Special types of executions*

(Present subsections (1), (2) and (3) renumbered as subsections (2), (3) and (4) respectively with no change in text, and new subsection (1) added as set forth below.)

"(1) *Orders filled on the Opening—Notwithstanding any other provision of this Rule, all odd-lot market orders received by the odd-lot dealer prior to an opening (including a reopening in case of a temporary trading halt) or prior to the initial round lot transaction during a trading session (in case there is no executable round lot order at the opening), shall be filled at the price of the opening round lot transaction or at the price of the initial round lot transaction, as the case may be, without any differential. In connection with an opening an odd-lot limited price order to buy with a limit equal to or higher than the price at which the security is to be opened and an odd-lot limited price order to sell with a limit equal to or below the price at which the security is to be opened are to be treated as market orders. An odd-lot market order to sell short and an odd-lot limited price order to sell short which is equal to or lower than the price at which the security is to be opened shall be filled at the opening in accordance with this paragraph only if the opening price is higher than the last different round lot price (i.e. a "plus" or "zero plus" tick)."*

[FR Doc.76-3258 Filed 2-3-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

HATO REY DISTRICT ADVISORY COUNCIL

Public Meeting

The Hato Rey District Advisory Council and its Virgin Islands Branch will hold public meetings at 9:30 a.m., Tuesday, February 24, 1976, at the Hyatt Hotel, Ashford Avenue, Condada, Santurce, Puerto Rico, and at 10:00 a.m., Wednesday, February 25, 1976, at the Frenchman's Reef Holiday Inn, Charlotte Amalie, St. Thomas, U.S. Virgin Islands, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending. For further information, write or call Antonio Yordan, Pan American Building, 255 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00919, (809) 763-6363.

Dated: January 28, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-3326 Filed 2-3-76;8:45 am]

[License No. 05/05-5109]

SC OPPORTUNITIES, INC.

Issuance of License To Operate as a Small Business Investment Company

On December 24, 1975, a notice was published in the FEDERAL REGISTER (40 FR 59502) stating that SC Opportunities, Inc., located at 1112 Seventh Street, Monroe, Wisconsin 53566, had filed an application with the Small Business Administration, pursuant to 13 C.F.R. 107.102 (1975) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business January 8, 1976, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 05/05-5109 to SC Opportunities, Inc., on January 16, 1976, to operate as a small business investment company, pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 28, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-3327 Filed 2-3-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON STATE AND LOCAL AREA STATISTICS

Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-463) and Office of Management and Budget Circular A-63 (revised March 27, 1974), and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the Census Advisory Committee on State and Local Area Statistics is in the public interest in connection with the performance of duties imposed on the Department by law.

The committee will be formed through the merger of two existing census advisory committees: the Census Advisory Committee on Small Areas and the Census Advisory Committee on State and Local Government Statistics. The merger will result in a single Census advisory committee that is concerned with the statistical activities of the Bureau which provide data for states and local areas.

The committee would draw on the knowledge and insight of its members to provide advice on the development of statistical programs and activities that relate to states and substate areas, including those which are defined politically (e.g., counties, cities, and minor civil divisions) and those defined for statistical purposes (e.g., SMSA's census tracts, and census blocks). The committee would consider topics on the Bureau's demographic, economic, and governments statistical programs, geographic activities (e.g., maps and geographic reference files), and education and training of users, suggesting areas of research, subject content and tabulations of particular use, means of expanding the dissemination of census results among present and potential users of census data, and generally ways to maximize the usefulness of the Bureau's products.

The committee will consist of 15 members. Ten members will be appointed by the Secretary of Commerce from nominees representing various data user groups and viewpoints as recommended by the Director, Bureau of the Census. Additionally, each of the following nonprofit organizations will appoint one member:

Council of State Governments, International City Management Association, National Association of Counties, National League of Cities, U.S. Conference of Mayors

The committee will report and be responsible to the Director, Bureau of the Census. The committee will function solely as an advisory body, and in compliance with the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 (revised March 27, 1974).

The Charter for the committee will be filed under the Act 15 days after the publication of this notice.

Dated: January 28, 1976.

JOSEPH E. KASPUTYS,
Acting Assistant Secretary for Administration.

[FR Doc.76-3266 Filed 2-3-76;8:45 am]

National Bureau of Standards

SIMPLIFIED PRACTICE RECOMMENDATION

Notice of Intent To Withdraw

In accordance with section 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), a notice of the intent to withdraw Simplified Practice Recommendation R 231-48, "Coffee Grinds," was published in the FEDERAL REGISTER (38 FR 1524 dated January 15, 1973). An objection to the proposed action which was received in response to that notice and which delayed final withdrawal at that time has now been resolved. Due to the passage of time since that 1973 notice, however, it is deemed appropriate hereby to give notice once again of intent to withdraw rather than proceed with a final notice of withdrawal at this time. It has been tentatively determined that this standard is obsolete and no longer used by the industry and that revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing to the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234, within 30 days after publication of this notice. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: January 29, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-3300 Filed 2-3-76;8:45 am]

Office of the Secretary

VOTING AGE POPULATION

Estimates for 1975

In accordance with the requirements of the Federal Election Campaign Act of 1971 (Public Law 92-225) as amended (Public Law 93-443), notice is hereby given that the estimates of the voting age population (18 years of age and over) for July 1, 1975 for each state, congressional district, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the Virgin Islands are as shown in the following table. These estimates have been certified to the Federal Election Commission.

JAMES W. BAHR III,
Secretary of Commerce.

ESTIMATES OF THE POPULATION OF VOTING AGE (18 YEARS AND OVER) FOR STATES, CONGRESSIONAL DISTRICTS, AND SELECTED OUTLYING AREAS: 1975

[In thousands]

[*1st col.—State and Congressional District*]
[*2d col.—Population 18 and over*]

Alabama	2,439
1	335
2	352
3	354
4	378
5	334
6	343
7	342
Alaska	219
Arizona	1,482
1	378
2	381
3	374
4	349
Arkansas	1,449
1	334
2	374
3	413
4	329
California	14,840
1	370
2	384
3	351
4	343
5	359
6	344
7	332
8	348
9	339
10	345
11	346
12	351
13	341
14	355
15	347
16	385
17	338
18	318
19	345
20	347
21	317
22	339
23	369
24	388
25	307
26	321
27	352
28	336
29	291
30	292
31	289
32	320
33	307
34	349
35	318
36	330
37	359
38	324
39	365
40	438
41	400
42	352
43	388
Colorado	1,732
1	315
2	364
3	329
4	358
5	367
Connecticut	2,172
1	363
2	373
3	363
4	347
5	365
6	362
Delaware	395
District of Columbia	515
Florida	6,020
1	334
2	363
3	321
4	406
5	487
6	457
7	377
8	406
9	335
10	485
11	466
12	438
13	374
14	402
15	371
Georgia	3,294
1	298
2	316
3	304
4	343
5	290
6	373
7	357
8	315
9	372
10	327
Hawaii	583
Idaho	542
1	280
2	262
Illinois	7,654
1	287
2	290
3	315
4	337
5	292
6	328
7	264
8	296
9	352
10	314
11	327
12	339
13	322
14	331
15	323
16	307
17	331
18	327
19	320
20	330
21	338
22	335
23	302
24	347
Indiana	3,601
1	302
2	344
3	325
4	326
5	331
6	324
7	346
8	329
9	332
10	329
11	314
Iowa	1,977
1	334
2	317
3	326
4	340
5	340
6	320
Kansas	1,592
1	313
2	335
3	315
4	303
5	326
Kentucky	2,316
1	352
2	326
3	305
4	321
5	340
6	346
7	324
Louisiana	2,475
1	305
2	318
3	312
4	312
5	308
6	324
7	305
8	290
Maine	724
1	368
2	355
Maryland	2,812
1	369
2	348
3	336
4	367
5	332
6	394
7	308
8	357
Massachusetts	4,097
1	353
2	326
3	333
4	344
5	333
6	336
7	336
8	360
9	325
10	351
11	332
12	369
Michigan	6,145
1	291
2	341
3	327
4	335
5	320
6	340
7	307
8	323
9	326
10	356
11	354
12	321
13	283
14	309
15	329
16	310
17	317
18	325
19	330
Minnesota	2,664
1	344
2	346
3	317
4	313
5	316
6	341
7	345
8	341
Mississippi	1,519
1	304
2	284
3	306
4	298
5	328
Missouri	3,323
1	277
2	319
3	299
4	355
5	310
6	347
United States	146,828

[1st col.—State and Congressional District]
[2d col.—Population 18 and over]

7	384
8	354
9	335
10	343
Montana	503
1	259
2	243
Nebraska	1,065
1	363
2	358
3	344
Nevada	402
New Hampshire	559
1	282
2	277
New Jersey	5,102
1	343
2	398
3	352
4	334
5	328
6	371
7	320
8	334
9	336
10	302
11	346
12	326
13	354
14	329
15	329
New Mexico	736
1	380
2	356
New York	12,781
1	359
2	305
3	301
4	301
5	318
6	341
7	344
8	361
9	366
10	331
11	313
12	268
13	342
14	289
15	328
16	329
17	354
18	391
19	315
20	349
21	269
22	336
23	325
24	326
25	345
26	339
27	342
28	336
29	346
30	331
31	328
32	329
33	320
34	320
35	314
36	324
37	298
38	326
39	323
North Carolina	3,736
1	322
2	325
3	322
4	365
5	343
6	334
7	343
8	334
9	337
10	353
11	358
North Dakota	428
Ohio	7,357
1	315
2	303
3	312
4	320
5	327
6	333
7	314
8	332
9	315
10	345
11	318
12	335
13	320
14	314
15	337
16	328
17	325
18	333
19	325
20	292
21	278
22	315
23	322
Oklahoma	1,896
1	301
2	314
3	328
4	328
5	301
6	322
Oregon	1,606
1	421
2	404
3	367
4	414
Pennsylvania	8,363
1	325
2	316
3	312
4	318
5	346
6	354
7	316
8	335
9	339
10	354
11	356
12	339
13	327
14	317
15	354
16	344
17	362
18	319
19	345
20	314

[1st col.—State and Congressional District]
[2d col.—Population 18 and over]

21	328
22	336
23	340
24	336
25	331
Rhode Island	653
1	321
2	332
South Carolina	1,874
1	309
2	343
3	317
4	319
5	305
6	280
South Dakota	463
1	234
2	229
Tennessee	2,895
1	373
2	375
3	358
4	384
5	350
6	364
7	356
8	334
Texas	8,225
1	353
2	381
3	364
4	361
5	328
6	357
7	368
8	323
9	321
10	401
11	402
12	306
13	324
14	307
15	334
16	331
17	335
18	331
19	316
20	327
21	366
22	353
23	325
24	310
Utah	755
1	380
2	375
Vermont	320
Virginia	3,429
1	336
2	336
3	339
4	323
5	338
6	342
7	371
8	342
9	351
10	348
Washington	2,460
1	349
2	342
3	376
4	357
5	368
6	344
7	324
West Virginia	1,255
1	312
2	332
3	304
4	307
Wisconsin	3,134
1	338
2	358
3	366
4	341
5	332
6	347
7	356
8	345
9	350
Wyoming	253
OUTLYING AREAS	
Puerto Rico	1,751
Guam	51
Virgin Islands	57

[FR Doc.76-3339 Filed 2-3-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809; 31 F.R. 930; 31 F.R. 13405; 32 F.R. 769; 32 F.R. 10786; 33 F.R. 522; 33 F.R. 10544; 33 F.R. 20067; 34 F.R. 11341; 35 F.R. 131; 35 F.R. 12175; 36 F.R. 1235; 36 F.R. 14359; 37 F.R. 3480; 37 F.R. 17100; 38 F.R. 3649; 38 F.R. 27248; 39 F.R. 6574; 39 F.R. 390; 40 F.R. 6839, and 40 F.R. 32212) for the six months' period ending January 3, 1976.

Revised list of Securities—January 21, 1976.

Braniff Air, Combustion Engineering, I.B.M., IT&T, Kraftco, Marriott, Minnesota Mining & Manufacturing, Monarch Equity Realty Investment Trust, Phillips Petroleum, Raytheon Corporation, Skyline, Texaco, Union Carbide.

Dated: January 21, 1976.

R. R. MANION.

[FR Doc.76-3317 Filed 2-3-76;8:45 am]

[AB 37; Sub-No. 2]

OREGON-WASHINGTON RAILROAD AND NAVIGATION CO. AND UNION PACIFIC RAILROAD CO.

Abandonment Portion Brogan Branch Between Vale and Jamieson, in Malheur County, Oregon

JANUARY 30, 1976.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request, and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.;* and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice, in a newspaper of general circulation in Malheur County, Oreg., on or before February 17, 1976 and certify to the Commision that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 22nd day of January 1976.

By the Commision, Commissioner Brown.

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

The Interstate Commerce Commission hereby gives notice that by order dated January 22, 1976, it has been determined that the proposed abandonment of the Oregon-Washington Railroad and Navigation Company and the Union Pacific Railroad Company line between Vale and Jamieson, a distance of approximately 17.58 miles, all in Malheur County, Oreg., if approved by the

Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the current volume of traffic generated by the subject line is minor and any traffic diversion from rail to motor carriers would result in minimal alterations in fuel consumption, ambient noise levels, air quality, and traffic conditions. No definitive land use plans are dependent on the continuation of the subject line. Furthermore, no historic sites would be affected.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 3, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-3353 Filed 2-3-76;8:45 am]

TEMPORARY AUTHORITY TERMINATION

[Notice No. 108]

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
The Mason and Dixon Tank Lines, Inc., MC-61403,231	MC-61403,233	Jan. 29,1976
Refrigerated Transport Co., Inc., 107515,987	MC-107515,974	Jan. 28,1976
Bray Lines Inc., MC-112822,344	MC-112822,333	Jan. 29,1976
Willis Shaw Frozen Express, Inc., 117119,527	MC-117119,538	Jan. 28,1976
Fast Motor Service, Inc., 126276,95	MC-126276,96	Jan. 29,1976
A & A Transfer & Storage, Inc., MC-128469,2	MC-128469,3	Do.
Southeastern Transfer & Storage Co., Inc., 134838,13	MC-134838,11	Jan. 28,1976
D.b.a. M & N Trucking, MC-140544,1	MC-140544,2	Jan. 29,1976

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-3354 Filed 2-3-76;8:45 am]

[Notice No. 968]

ASSIGNMENT OF HEARINGS

JANUARY 30, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 140621 (Sub-No. 1), K S I Farm Lines CO-OP, Inc., tentatively scheduled for February 24, 1976, at Chicago, Ill., is rescheduled for hearing commencing on April 6, 1976 (4 days), at Chicago, Ill., in a hearing room to be later designated.

MC 21060 Sub-15, Iowa Parcel Service, Inc., now being assigned March 15, 1976, (1 week), at Des Moines, Iowa, in a hearing room to be later designated.

MC 114045 (Sub-No. 424), Trans-Cold Express, Inc., now assigned March 15, 1976, at New York, N.Y., is canceled and application dismissed.

FF-84 Sub 1, C. S. Green & Co., Inc., extension—Miami & Jacksonville, Fla., and FF-434 Sub 1, Transconex, Inc., Extension—Miami and Jacksonville, Fla., continued March 3, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12221, Transpo International, Inc.—Control—Subler Transfer, Inc. and FD-27655, Transpo International, Inc.-Securities, now being assigned March 29, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114045 (Sub-No. 426), Trans-Cold Express, Inc., now being assigned March 5, 1976 (1 day), at Chicago, Ill.; in a hearing room to be later designated.

MC 130313, Gray Line of Seattle, Inc., now being assigned April 5, 1976 (1 week), at Olympia, Wash., in a hearing room to be later designated.

MC 141004, Robert C. Riley, now being assigned April 6, 1976 (2 days), at Jefferson City, Mo., in a hearing room to be later designated.

MC 41406 (Sub-No. 51), Artim Transportation System, Inc., now assigned March 5, 1976, at Chicago, Ill., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-3355 Filed 2-3-76;8:45 am]

[Investigation and Suspension Docket No. 8962]

BULK GRAIN IN BARGELANDS, MIDDLE-WEST, SOUTH AND SOUTHWEST

Show Cause Order

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 2, held at its office in Washington, D.C., on the 14th day of January 1976.

In this proceeding, respondents, common carrier bargeline members of Waterways Freight Bureau, proposed to cancel Waterways Freight Bureau, Agent, Tariff No. 7, I.C.C. 10 covering bulk grain. Their reason was that amendments to section 303(b) of the Interstate Commerce Act (49 U.S.C. § 903(b)) by Public Law 93-201, December 27, 1973, which abolished the mixing rule and three-commodity restriction on the water carrier bulk commodities exemption, have rendered bulk grain commodities carried by water totally exempt from regulation. The amended section 303(b) retained the so-called custom-of-the-trade provision. The primary issue in this proceeding was whether that provision required that any or all of the commodities in the bulk grain tariff remain subject to regulation.

By report and order, the Commission, Division 2, has decided that the legislative history of the 1973 amendment requires that all bulk commodities except sugar be considered exempt from regulation when transported by water carrier. It also decided that the custom-of-the-trade provision should be reinterpreted, and reached two independent conclusions. First, under any reasonable interpretation of the custom-of-the-trade provision, all major grain commodities must be considered exempt from regulation. All remaining commodities must be the original commodities in slightly changed form and that such slight changes in form should not remove a commodity from the exempt category. Second and more importantly, the Commission has discarded the old interpretation of the custom-of-the-trade provision whereby a commodity must have moved in bulk on or prior to June 1, 1939, to be considered exempt. Instead, it adopted a methodology test. If a commodity is a bulk commodity handled as a bulk commodity would have been handled in 1939, the Commission believes it should be exempt from regulation. Due to the specific intent of Congress, sugar must still be considered a regulated commodity. The Commission supported this conclusion with a variety of reasons, including an analysis of the provision's language, the theory of regulation of water carriers and the intent of Congress, and the purposes served by the various interpretations.

Because of the Commission's desire to insure that interested parties might be allowed to comment on the conclusions and submit arguments, a show cause order was issued allowing any party-in-interest to demonstrate why each and every conclusion in the report should not be adopted. Requests for stays shall be entertained. Essentially, any interested party will be allowed to file petitions for reconsideration and arguments concerning this report and order. Thus, the order may be stayed by the filing of petitions for reconsideration within the customary 30-day period following service of the report or by filing of statements and requests for stay by any interested party in response to the show cause order within the same 30-day period (or 30 days from the FEDERAL REGISTER publication date if that date is later than the service date of the report). Following is the order entered by the Commission, Division 2.

It is ordered, That any party with an interest in the subject matter of this proceeding show cause why the conclusions reached by the Commission and the order in the next paragraph should not stand in their entirety and request a stay of said order within 30 days from the service date of this report and order or publication of notice in the FEDERAL REGISTER, whichever is later.

It is further ordered, That, unless stayed by appropriate petitions for reconsideration or responses to the above show cause order, respondents herein be, and they are hereby, permitted and required to allow the proposed cancellation of Waterways Freight Bureau, Agent, Tariff No. 7, I.C.C. (in Supplement No. 74 thereto) to become effective, and that this proceeding be, and it is hereby, discontinued.

By the Commission, Division 2.

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

[FR Doc.76-3352 Filed 2-3-76;8:45 am]

[Notice No. 9]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 30, 1976.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR § 1100.-250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 115331 (Sub-No. 380), (Republication), filed November 1, 1974, and published in the FEDERAL REGISTER issue of November 27, 1974, and republished this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. An Order of the Commission, Review Board Number 2, dated January 16, 1976, and served January 26, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of (1) *malt beverages*, from Milwaukee, Wis., to points in that part of Missouri located on, south and east of a line beginning at the Missouri-Illinois State line, thence along Interstate Highway 70 to junction U.S. Highway 65, thence along U.S. Highway 65 to its intersection with the Missouri-Arkansas State line; and (2) *empty malt beverage containers*, from points in that portion of Missouri on, south, and east of a line beginning at the Illinois-Missouri State line, thence along Interstate Highway 70 to junction with U.S. Highway 65, thence along U.S. Highway 65 to its intersection with the Missouri-Arkansas State line to Milwaukee, Wis.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purpose of this republication is to indicate the enlargement of the authority granted to include service in (2) above from points named in Missouri to Milwaukee, Wis. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 1445 (Notice of Filing of Petition for Modification of Certificate), filed August 28, 1975. Petitioner: ANGELO BIONE, 403 North State Street, P.O. Box 96, Christopher, Ill. 62822. Petitioner's representative: (same as petitioner). Petitioner holds a motor *common carrier* Certificate in No. MC 1445, issued July 27, 1937, authorizing transportation, over regular routes, of *drugs and such drug store supplies as ice cream, magazines, newspapers, and small machinery parts*, (1) Between St. Louis, Mo., and Christopher, Ill.: (a) From St. Louis across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 15 to Mt. Vernon, Ill., thence over Illinois Highway 37 to Marion, Ill., thence over Illinois Highway 13 to Harrisburg, Ill., thence over U.S. Highway 45 to Eldorado, Ill., thence over county road to Raleigh, Ill., thence over Illinois Highway 34 to Benton, Ill., and thence over Illinois Highway 14 to Christopher, and return over the same route serving all intermediate points; and (b) From Christopher over Illinois Highway 14 to junction U.S. Highway 51, thence over U.S. Highway 51 to DuQuoin, Ill., thence over Illinois Highway 152 to junction Illinois Highway 13, thence over Illinois Highway 13 to East St. Louis, Ill., and thence across the Mississippi River to St. Louis; and return over the same route; (2) Between Ashley, Ill., and Herrin, Ill.: (a) From Ashley over U.S. Highway 51 to junction Illinois Highway 14, thence over Illinois Highway 14 to junction Illinois Highway 148, thence over Illinois Highway 148 to junction Illinois Highway 149, thence over Illinois Highway 149 to junction unmarked highways, thence over unmarked highways via Carterville and Colp, Ill., to Herrin, and return over the same route, serving all intermediate points, and (b) From Herrin over Illinois Highway 148 to Christopher, Ill., thence over Illinois Highway 14 to junction U.S. Highway 51, and thence over U.S. Highway 51 to Ashley, and return over the same route.

By the instant petition, petitioner seeks (1) to modify the commodity description in the above authority so as to read, *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment); and (2) to include the towns of Belleville, Murphysboro, Carbondale, Sesser, and McLeansboro, Ill., as off-route points in parts (1)(a) and (b), and also part (2)(a) and (b). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or argu-

ments in support of or against the peti-

tion within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210A(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 13123 Sub-No. 82), filed January 6, 1976. Applicant: WILSON FREIGHT COMPANY, a Corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, perishable fruits and vegetables, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Between Buffalo, N.Y. and Syracuse, N.Y., serving no intermediate points except those in the Buffalo and Syracuse Commercial Zones, and serving East Avon, N.Y., for the purpose of joinder only with carrier's already authorized right to serve East Avon, N.Y., for the purpose of joinder in connection with regular routes, as follows: (1) From Buffalo over New York Highway 5 via Auburn, N.Y., to Syracuse (also from Buffalo over U.S. Highway 20 to Auburn, thence over New York Highway 5 to Syracuse), and return over the same routes, (2) From Buffalo over New York Highway 5 to junction New York Highway 15, thence over New York Highway 15 to junction New York Thruway at Gate 45, thence over New York Thruway to junction New York Highway 96 at Gate 46, thence over New York Highway 96 to junction New York Highway 5 (also from junction New York Highway 96 and New York Thruway over New York Highway 96 to junction New York Highway 332, thence over New York Highway 332 to junction New York Highway 5), thence over New York Highway 5 to Syracuse, and return over the same routes, and (3) From Buffalo over New York Highway 5 to junction New York Highway 33, thence over New York Highway 33 to junction New York Highway 33A, thence over New York Highway 33A to junction Interstate Highway 490, thence over Interstate Highway 490 to junction New York Highway 96 at or near junction New York Thruway, thence over New York Highway 96 to junction New York Highway 5 (also from junction New York Highway 96 and New York Highway 332 over New York Highway 332 to junction New York Highway 5) (also from junction New York Highway 33 and New York Highway 5 over New York Highway 33 to junction New York Highway 96, thence over New York Highway 96 to junction New York Highway 5), thence over New York Highway 5 to Syracuse, and return over the same routes.

NOTE.—The purpose of this appplication is to provide direct service between Buffalo, N.Y. and Syracuse, N.Y. without observing an Albany, N.Y. gateway. This is a matter directly related to a Section 5(2) proceeding in MC–F–12739 published in the FEDERAL REGISTER issue of January 29, 1976. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 47171 (Sub-No. 89), filed November 14, 1975. Applicant: COOPER MOTOR LINES, INC., 301 Hammett Street, Greenville, S.C. 29608. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, between points in South Carolina, on the one hand, and, on the other, points in Connecticut west of the Connecticut River.

NOTE.—Applicant states that the requested authority will be tacked at points in Westchester County within 25 miles of New York. This is a matter directly related to a Section 5(2) proceeding in MC–F–12750 published in the FEDERAL REGISTER issue of February 5, 1976. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 378), (Partial correction), filed November 21, 1975, published in the FEDERAL REGISTER issue of January 21, 1976, and republished, as corrected, this issue. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465–One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (34) *building board, wallboard*, from Wright City, Mo., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia. The purpose of this filing is to eliminate the gateway of Wadesboro, N.C. and points within three miles thereof. (35) *building board, wallboard*, from Wright City, Mo., to Wadesboro, N.C., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of points in South Carolina (except lumber from Mont Clara, S.C.)

NOTE.—The purpose of this partial republication is to state the correct numbers (34) and (35). This is a gateway elimination request and is a matter directly related to MC–F–12693 published in the FEDERAL REGISTER issue of December 10, 1975. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Indianapolis, Ind.

No. MC 136553 (Sub-No. 37), filed December 18, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (Sub-No. 1) *Building materials* (except commodities in bulk), from Dubuque, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, North Dakota, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Klaasr Manufacturing Company, of Dubuque, Iowa (Sub-No. 3) *dock or vehicles shelters, dock enclosures, canopies, awnings, protective shields, screens, garments, kits, partitions, protective blankets, visibility belts, cable and hose protectors*, and *related accessories* (except commodities in bulk), from Dubuque, Iowa, to points in Connecticut, Maryland, New Jersey, New York, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Frommelt Indutries, Inc., of Dubuque, Iowa (Sub-No. 5), *building materials* (except commodities in bulk), from Dubuque, Iowa, to points in Alabama, Arkansas, California, Colorado, Georgia, Kentucky, Michigan, Montana, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming, with no transportation for compensation on return except as otherwise authorized.

Materials and supplies (except commodities in bulk), used in the manufacture and distribution of building materials, from points in Arkansas, California, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin, to Dubuque, Iowa, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the transportation of iron and steel from the Chicago, Ill., Commercial Zone, as defined by the Commission. The operations authorized herein are limited to the transportation service to be performed, under a continuing contract, or contracts with Klaasr Manufacturing Company, of Dubuque, Iowa, (Sub-No. 6) (1) *dock or vehicle shelters, dock enclosures, canopies, awnings, protective shields, screens, garments, kits, partitions, protective blankets, visibility belts, cable and hose protectors*, and *related acces-*

sories (except commodities in bulk), from Dubuque, Iowa, to points in Delaware, Massachusetts, North Carolina, Rhode Island, South Carolina, and Virginia and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk), from points in Delaware, Massachusetts, North Carolina, Rhode Island, South Carolina, and Virginia, to Dubuque, Iowa. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Frommelt Industries, Inc., of Dubuque, Iowa, (Sub-No. 7), *ornamental iron products*, and *accessories* for ornamental iron products, (a) from Mt. Carroll, Ill., to points in Arkansas, Colorado, Kansas, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming, with no transportation for compensation on return except as otherwise authorized and (b) from Lodi, Ohio, to Mt. Carroll, Ill., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Leslie-Locke Building Products Co., of Lodi, Ohio.

(Sub-No. 19) *malt beverages and advertising material*, (a) from Minneapolis-St. Paul, Minn., and St. Louis, Mo., to Dubuque, Iowa, under contract with Kirchoff Dist. Company, Dubuque, Iowa; (b) from Milwaukee, Wis., to Dubuque, Iowa, under contract with Dubuque Holiday Sales Inc., Dubuque, Iowa; (c) from Minneapolis, Minn., Milwaukee and Monroe, Wis., to Dubuque, Iowa, under contract with Hunt Beverage Co., Dubuque, Iowa, (Sub-No. 12) *carbonated beverages*, (a) from Dubuque, Iowa, to Peru, Ill., (b) from Mattoon, Ill., to Decorah and Dubuque, Iowa, under contract with the Coca-Cola Bottling Co., Dubuque, Iowa.

NOTE.—Upon grant of above, Miller's will be authorized to transport empty cooperage material and pallets from Dubuque and Decorah to origins named, and *such commodities as dealt in by farm and home establishments*, with exceptions, from points in the United States (except Alaska, Hawaii, Illinois, Indiana, Iowa, Minnesota, and Ohio), to Anamosa, DeWitt, Dubuque, Dyersville, Elkader, Independence, Manchester, Maquoketa, Monticello, Oelwein, Tipton, and West Union, Iowa, under contract with the Thelsen Distributing Inc., Dubuque, Iowa.

(Sub-No. 16) *rough lumber, wooden pallets and parts*, from Bruce, Wis., to Dubuque, Iowa, under contract with Donel Pallet Co., Dubuque, Iowa; *veneer* from Dubuque, Iowa, to New York, NY., points in North Carolina east of U.S. Highway 29, and points in Virginia, under contract with R. S. Bacon Veneer Co., Dubuque, Iowa; *wood chips*, (a) from Dubuque, Iowa, to Peoria, Ill., under contract with R. S. Bacon Veneer Co., Dubuque, Iowa; (b) from Anamosa, Dubuque, Edgewood, Guttenberg, La Motte, and Oxford Jct., Iowa, to Joliet and Peoria, Ill., under contract with Dubuque, Chips, Inc., Dubuque, Iowa; *wooden pallets and parts*, from Dubuque, Iowa, to Stockton, Ill., under contract with Donel Pallet Co., Dubuque, Iowa.

(Sub-No. 19) (1) *malt beverages, and accompanying advertising material*, (a) from Minneapolis-St. Paul, Minn., to East Dubuque, Ill., under contract with the Jansen Beverage Co. at East Dubuque, Ill. and (b) from Dubuque, Iowa, to points in Illinois and Indiana located on and north of U.S. Highway 36, under contract with the Pickett Brewing Co., at Dubuque, Iowa, and (2) *aluminum building products and related accessories*, in shipper-owned trailers, from Dubuque and Osage, Iowa, and Minneapolis, Minn., to points in Adams, Brown, Bureau, Carroll, Fulton, Hancock, Henderson, Henry, Jo Daviess, Knox, LaSalle, Lee, McDonough, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Warren, and Whiteside Counties, Ill.; to points in Iowa (except from Dubuque and Osage, Iowa); to points in Adair, Clark, Knox, Lewis, Marion, Schuyler, Scotland, and Shelby Counties, Mo.; and points in Crawford, Grant, Iowa, Lafayette, and Richland Counties, Wis., under contract with the Zephyr Aluminum Products Inc., at Dubuque, Iowa.

NOTE.—The purpose of this application is to convert the above described Permits to Certificates of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-12706 published in the FEDERAL REGISTER issue of December 17, 1975. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC-F-12749. Authority sought for merger by SMITH'S MOVING AND STORAGE COMPANY, INC., a non-carrier, 9998 North Michigan Rd., Carmel, IN 46032, of the operating rights and property of SMITH'S MOVING & STORAGE CO., INC., 611 South Pickett St., Alexandria, VA 22304, and for acquisition by AERO MAYFLOWER TRANSIT COMPANY, INC., and MAYFLOWER CORPORATION, of Carmel, IN 46032, of control of such rights and property through the transaction. Applicants' attorney: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. Operating rights and property sought to be merged: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between Washington, D.C., on the one hand and, on the other, points in Maryland, Delaware, and Virginia, and certain specified points in Pennsylvania and West Virginia; *used household goods*, between certain specified points in Maryland and Virginia, and the District of Columbia. AERO MAYFLOWER TRANSIT COMPANY, INC., a motor common carrier authorized under Docket No. MC 2934; CREST-MAYFLOWER INTERNATIONAL, INC., is a regulated freight forwarder authorized under Docket FF-361; AERO MAYFLOWER TRANSIT CO., INC., is an air freight forwarder authorized under Docket No. 20812—all are controlled by MAYFLOWER CORPORATION. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to MC-F-12141, DECISION AND ORDER dated June 5, and served June 12, 1975, transferee acquired control of transferor.

No. MC-F-12750. Authority sought for purchase by COOPER MOTOR LINES, INC., 301 Hammett St., Greenville, SC 29608, of a portion of the operating rights of C & C TRUCKING CO., INC., Foot of Main St., Tarrytown, NY 10591, and for acquisition by CALHOUN LEMON, also of Greenville, SC 29608, of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, 1000—16th St. NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods, and perishable commodities, those in bulk, as a *common carrier* over irregular routes, between points and places in Westchester County, N.Y., on the one hand, and, on the other, points and places in Connecticut west of the Connecticut River. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12751. Authority sought for purchase by HERMANN FORWARDING COMPANY, Hermann Rd., P.O. Box 1, N. Brunswick, NJ 08902, of the operating rights of COSSITT MOTOR EXPRESS, INC., and for acquisition by RICHARD W. HERMANN, and ALBERT W. HERMANN, all of the above-mentioned address, of control of such rights through the purchase. Applicants' attorney: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street NW., Washington, DC 20005. Operating rights sought to be transferred: *General commodities*, and numerous other specified commodities, as a *common carrier* over regular and irregular routes, from, to, and between points in the States of New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Maine, Vermont, New Hampsire, Maryland, New Jersey, Virginia, West Virginia, and the District of Columbia, serving various intermediate and off-route points, with restrictions, as more specifically described in Docket No. MC 79135 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of the carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Vir-

ginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12752. Authority sought for purchase by UNITED NEWS TRANSPORTATION COMPANY, 850 E. Luzerne St., Philadelphia, PA 19124, of a portion of the operating rights of C & C TRUCKING CO., INC., Foot of Main St., Tarrytown, NY 10591, and for acquisition by WILLIAM W. STERN, 1833 Chester Road, Abington, PA 19001, and SIDNEY M. STERN, 519 College Ave., Haverford, PA 19041, of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, 1000 Sixteenth St. NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and perishable commodities, those in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties; and between Philadelphia, Pa., and points and places in Pennsylvania within ten (10) miles of Philadelphia, on the one hand, and, on the other, points and places in Essex, Middlesex, Passaic, and Union Counties, New Jersey, and Westchester County, N.Y. Vendee is authorized to operate as a *common carrier* in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210 a(b).

No. MC–F–12753. Authority sought for purchase by WHITFIELD TRANSPORTATION, INC., P.O. Box 9897, El Paso, TX 79989, of the operating rights and property of HAYWOOD L. WASHUM, doing business as LOS ANGELES-YUMA FREIGHT LINES, 800 Pacific Avenue, Yuma, AZ 85364, and for acquisition by SUNDANCE TRANSPORTATION, INC., and ALLAN D. MUSGROVE, both of P.O. Box 7676, 821 E. Pasadena, Phoenix, AZ 85012, of control of such rights and property through the purchase. Applicants' attorneys: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, NE 68501, and William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Operating rights sought to be transferred: *General commodities*, excepting among others, Classes A and B explosives, household goods and commodities requiring special equipment, as a *common carrier* over regular routes, between Los Angeles, Calif., and Yuma, Ariz., serving all intermediate points, and certain specified off-route points; general commodities, excepting among others, Classes A and B explosives, household goods, and commodities requiring special equipment, over irregular routes, between Yuma, Ariz., on the one hand, and, on the other, points in Arizona within 30 miles of Yuma. Vendee is authorized to operate as a *common carrier* in California, Arizona, Idaho, Montana, New Mexico, Texas, Utah, and Colorado. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12754. Authority sought for purchase by ROADWAY EXPRESS, INC., P.O. Box 471, Akron, OH 44309, of a portion of the operating rights of REICH BROS. LONG ISLAND MOTOR FREIGHT, INC., 366 E. Main St., Patchogue, NY 11772, and for acquisition by GALEN J. ROUSH, also of Akron, OH 44309, of control of such rights through the purchase. Applicants' attorneys: J. William Cain, Jr., Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014, and William J. Augello, 120 Main St., P.O. Box Z, Huntington, NY 11743. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points and places in Suffolk County, N.Y., on the one hand, and, on the other, points and places in Hudson, Bergen, Passaic, Union, and Middlesex Counties, N.J. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12755. Authority sought for purchase by EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35203, of a portion of the operating rights of JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130, and for acquisition by A. DEAN CUSTINGER, also of Birmingham, AL 35202, of control of such rights through the purchase. Applicants' attorney: R. Connor Wiggins, Jr., Suite 909–100 North Main Bldg., Memphis, TN 38103. Operating rights sought to be transferred: *Lumber* and *wood products*, except bulk commodities, as a *common carrier* over irregular routes, from points in Washington, Montana, Idaho, Wyoming, South Dakota, Oregon, and California, to points in Oklahoma, Texas, Arkansas, and Louisiana, with restriction. Vendee is authorized to operate as a *common carrier* in all of the States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12756. Authority sought for control and merger by SEARAIL, INC., P.O. Box 909, Mobile, AL 36601, of the operating rights and property of BALDWIN TRANSFER COMPANY, INC., P.O. Box 909, Mobile, AL 36601, and for acquisition by LARRY C. TOMLINSON, South Section St., Fairhope, AL 36532, JOHN E. TOMLINSON, 1 Lancer Lane, Spanish Fort, AL 36527, and SARA M. TOMLINSON, 920 Hannon Road, Mobile, AL 36605, of control of such rights and property through the transaction. Applicants' attorney: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, AL 35203. Operating rights sought to be controlled and merged: Under a certificate of registration in Docket No. MC 120722 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Alabama. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 139917 (Sub-No. 2), is a matter directly related.

No. MC–F–12757. Authority sought for purchase by CENTRAL OKLAHOMA FREIGHT LINES, INC., 2945 North Toledo, Tulsa, OK 74115, of the operating rights of BARTLESVILLE MOTOR FREIGHT, INC., 207 North Cincinnati, Tulsa, OK 74103, and for acquisition by JACK E. TUCKER, also of Tulsa, OK 74115, of control of such rights through the purchase. Applicants' attorney: Rufus H. Lawson, 106 Bixler Bldg., 2400 Northwest 23rd St., Oklahoma City, OK 73107. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 121638, covering the transportation of general commodities, within the State of Oklahoma. Vendee is authorized to operate as a common carrier in Oklahoma. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGER

No. MC–F–12758. Authority sought for merger by TAMIAMI TRAIL TOURS, INC., doing business as CONTINENTAL TRAILWAYS, 455 E. Tenth Ave., Hialeah, FL 33011, of the operating rights and property of (B) CONTINENTAL ATLANTIC LINES, INC., 448 Pine St., Macon, GA 31201, and (BB) GEORGIA–FLORIDA COACHES, INC., 417 W. Fifth St., Charlotte, NC 28201, and for acquisition by CONTINENTAL TRAILWAYS, INC., 315 Continental Ave., Dallas, TX 75207, and TCO INDUSTRIES, INC., 1500 Jackson St., Dallas, TX 75201, of control of such rights and property through the transaction. Applicants' attorneys: D. Paul Stafford and Gayla L. Campbell, 315 Continental Ave., Dallas, TX 75207. Operating rights sought to be merged: (B) Passengers and their baggage, and express, and newspapers, in the same vehicle with passengers, as a common carrier over regular routes, between Columbus, and Ellaville, Ga., between Buena Vista and Ellaville, including Buena Vista and Ellaville, between Buena Vista, and Americus, Ga., between Savannah, and Americus, Ga., between Richland, and Americus, Ga., between Americus, and Ellaville, Ga., between Macon, and Higgston,

Ga., between Thomaston, and Macon, Ga., between Augusta and Columbus, Ga., between Augusta, and Milledgeville, Ga., between Macon, and Americus, Ga., between Sandersville, Ga., and junction Georgia Highways 68 and 24, at a point approximately 3 miles west of Sandersville, between Geneva, and Roberta, Ga., between Gray, and Athens, Ga., between Fort Valley, and Reynolds, Ga., between Macon and Milledgeville Ga., serving all intermediate points; passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, over irregular routes, beginning and ending at points in Baldwin, Bibb, Bryan, Chatham, Chattachoochee, Clarke, Crawford, Crisp, Effingham, Evans, Hancock, Jones, McDuffie, Macon, Marion, Monroe, Montgomery, Morgan, Muscogee, Oconee, Peach, Putnam, Schely, Sumter, Talbot, Tattnall, Taylor, Toombs, Treutlen, Twiggs, Upson, Warren, Washington, Wilcox, and Wilkinson Counties, Ga., and extending to points in the United States (including Alaska, but excluding Hawaii); (BB) Passengers and their baggage, and etc., as a common carrier over regular routes, between Augusta and McRae, Ga., between Lake City, Fla., and McRae, Ga., between Waynesboro, and Wadley, Ga., serving all intermediate points; passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, over irregular routes, beginning and ending at points in Atkinson, Burke, Clinch, Coffee, Dodge, Echols, Jefferson, Johnson, Laurens, Telfair and Wheeler Counties, Ga., and points in Columbia County, Fla., and extending to points in the United States (including Alaska, but excluding Hawaii). TAMIAMI TRAIL TOURS, INC., is authorized to operate as a common carrier in Georgia and Florida. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Transferee, a motor carrier is controlled by Continental Trailways, Inc., a motor carrier pursuant to Commission authority in MC–F–12340. Continental Trailways, Inc., is in turn controlled by TCO Industries, Inc. See MC–F–10160 and MC–F–10161.

No. MC–F–12759. Authority sought for purchase by SORENSEN TRANSPORTATION COMPANY, INC., doing business as SORENSEN TRANSPORTATION, INC., 6 Old Amity Rd., Bethany, CT 06526, of a portion of the operating rights of C & C TRUCKING CO., INC., Foot of Main St., Tarrytown, NY 10591, and for acquisition by ARTHUR W. SORENSEN, ARTHUR W. SORENSEN, JR., and ROBERT C. SORENSEN, all of 6 Old Amity Rd., Bethany, CT 06526, of control of such rights through the purchase. Applicants' attorney: Hugh M. Joseloff, 80 State St., Hartford, CT 06103. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods, and perishable commodities, those in bulk, as a *common carrier* over irregular routes, between New York, N.Y., and points and places in Westchester County, N.Y., between points and places in Westchester County, N.Y., on the one hand, and, on the other, points and places in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.Y. Vendee is authorized to operate as a *common carrier* in Connecticut, New Jersey, New York, Maryland, Massachusetts, New Hampshire, Maine, Pennsylvania, Rhode Island, Delaware, South Carolina, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

NOTE.—MC 59457 (Sub-No. 30), is a matter directly related.

No. MC–F–12760. Authority sought for control and merger by WHITFIELD TANK LINES, INC., P.O. Drawer 9897, El Paso, TX 79989, of the operating rights and property of E. B. LAW & SON, INC., P.O. Box 1360, Las Cruces, NM 87501, of control of such rights and property through the transaction. Applicants' attorney: J. E. Gallegos, P.O. Box 2228, Santa Fe, NM 87501. Operating rights sought to be controlled and merged: *Dry fertilizer*, as a *common carrier* over irregular routes, from points in El Paso County, Tex., to points in Arizona, Colorado, New Mexico, and Oklahoma, from points in El Paso County, Tex., to points in Texas, with restriction; *petroleum products*, in bulk, in tank vehicles, from points in Maricopa and Pima Counties, Ariz., to points in New Mexico and El Paso, Tex., from points in Pima and Maricopa Counties, Ariz. (except acids and chemicals derived from petroleum from Chandler and West Chandler, Ariz., and points within 5 miles of each), to points in El Paso (except the city of El Paso), Hudspeth, Culberson, Loving, Winkler, Reeves, Ward, Jeff Davis, Presidio, Crane, Pecos, and Brewster Counties, Tex.; *petroleum products*, in bulk, in tank vehicles, except liquefied gases, and casinghead gasoline, from points in the El Paso, Tex., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 46 M.C.C. 665, to points in certain specified Counties in New Mexico; *refined petroleum products*, in bulk, in tank trucks, except refined liquefied gases, casinghead gasoline and residuary petroleum products, from El Paso, Tex., to points in certain specified Counties in Arizona, from Artesia, N. Mex., to points in certain specified Counties in Arizona; *carbon dioxide*, from points in Harding County, N. Mex., to points in Arizona, Colorado, Kansas, Montana, New Mexico, Nebraska, Oklahoma, Texas, and Wyoming; *sulfuric acid*, in bulk, in tank vehicles, from El Paso, Tex., to points in New Mexico and Arizona, from points in New Mexico, to points in Arizona, *helium gas*, in bulk, in shipper-owned tank trucks or tank trailers, from Amarillo and Soncy, Tex., to White Sands Proving Ground, N. Mex.; and return with *empty shipper owned tank trucks or tank trailers*, with restrictions. WHITFIELD TANK LINES, INC., is authorized to operate as a *common carrier* in New Mexico, Texas, Arizona, Colorado, Utah, California, Oklahoma, Kansas, Montana, Nebraska, Wyoming, and Nevada. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12761. Authority sought for control by PEPSICO, INC., a non-carrier, 700 Anderson Hill Rd., Purchase, NY 10577, of LEE WAY MOTOR FREIGHT, INC., 3000 West Reno St., Oklahoma City, OK 73108. Applicants' attorneys: Eugene T. Liipfert, Suite 1100, 1660 L St. NW., Washington, DC 20036, Roland Rice, 618 Perpetual Bldg., 1111 E St. NW., Washington, DC 20004, and Richard H. Champlin, 3000 W. Reno St., Oklahoma City, OK 73108. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier* over regular and irregular routes, from, to, and between specified points in twenty states extending generally between Pittsburgh, Wheeling, and Cleveland in the northeast; Chicago and Minneapolis and St. Paul in the north; Denver in the west; Atlanta and Birmingham in the southeast; Beaumont, Houston, and Santonio in the southwest; El Paso, Phoenix, San Diego, Los Angeles, and San Francisco in the far west, with intermediate points in numerous interconnecting routes, as more specifically described in Docket No. MC 61440 and Sub-numbers thereunder. This notice does not purport to be a complete description of the entire transaction involved. The above-stated summary is believed to be sufficient for purposes of public notice regarding the nature and extent of the rights. PEPSICO, INC., holds no authorty from this Commission. However, it is affiliated with (1) National Trailer Convoy, Inc., a motor common carrier under MC 106398; (2) National Refrigerated Transport, Inc., a motor common carrier under MC 118159; (3) Relay Transport, Inc., a motor contract carrier under MC 111309; and (4) North American Van Lines, Inc., a motor common carrier under MC 107012. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12762. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207, of a portion of the operating rights of J. E. MILLER TRANSFER & STORAGE COMPANY, P.O. Box 6713, Wheeler, WV 26003, and for acquisition by GEORGE E. POWELL, JR., 1040 W. 57th St., Kansas City, MO 64113, of control of such rights through the purchase. Applicants' attorneys: David Axelrod, 39 S. LaSalle St., Chicago, IL 60603, Joseph E. Miller, P.O. Box 6713, Wheeling, WV 26003, and David B. Schneider, P.O. Box 7270, Shawnee Mission, KS 66207. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Chester, and Moundsville, W. Va., between Wheeling, and Valley Grove, W. Va., between Shadyside, and Steubenville, Ohio, serv-

ing all intermediate points, with restriction. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin, Wyoming, Oklahoma, Maine, New Hampshire, Rhode Island, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12764. Authority sought for purchase by ACADEMY VAN LINES, INC., P.O. Box 3247, Annapolis, MD 21403, of the operating rights of COLUMBIA VAN LINES, INC., 1325 Wilkers St., Alexandria, VA 22304, and for acquisition by ROBERT L. COHEN, 100 Edgewood St., Annapolis, MD 21401, of control of such rights through the purchase. Applicants' attorney: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Operating rights sought to be transferred: *Household goods,* as defined by the Commission, as a *common carrier* over irregular routes, between points in Maryland and the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, North Carolina, South Carolina, Georgia, Alabama, Florida, and the District of Columbia. Vendee holds no authority from this Commission. However it is affiliated with Capitol Moving & Storage Company, Inc., 100 Edgewood St., Annapolis, MD 21401, under MC 135225, which is authorized to operate as a *common carrier* in Maryland, New York, New Jersey, Pennsylvania, Delaware, West Virginia, Virginia, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.76-3362 Filed 2-3-76;8:45 am]

[Notice No. 14]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 30, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 51146 (Sub-No. 457 TA), filed January 20, 1976. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway St., Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306, Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpeting in rolls and/or cartons, adhesives, and in-process carpeting,* from Libertyville, Ill., to points in Minnesota, Wisconsin, Michigan, Iowa, Indiana, Ohio, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Maine, Rhode Island and the District of Columbia. for 180 days. (Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.) Supporting shippers: Ozite Corporation, 1755 Butterfield Road, Libertyville, Illinois. 60048. (Ernest W. Weiss). Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wisconsin. 53203.

No. MC 93235 (Sub-No. 9 TA), filed January 16, 1976. Applicant: INDIANA TRUCKING, INC., 400 Blaine Street, Gary, Ind. 46406. Applicant's representative: Eugene L. Cohn, One North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, adhesives, fabricated metal products, building materials, and materials, supplies, and equipment,* used in the manufacturing, sale, distribution and installation of such commodities, from the plantsites of the United States Gypsum Company in Franklin Park, Ill., and East Chicago, Ind., to points in Indiana, Kentucky, Michigan, and Ohio, under a continuing contract with United States Gypsum Company, for 180 days. (Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.) Supporting shippers: United States Gypsum Company, 101 South Wacker Dr., Chicago, Ill. 60606. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Fort Wayne, Ind. 46802.

No. MC 111871 (Sub-No. 9 TA), filed January 19, 1976. Applicant: SOUTHEASTERN FREIGHT LINES, P.O. Box 5887, Columbia, S.C. 29205. Applicant's representative: Jon F. Hollengreen, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Spartanburg, S.C., and Spencer, N.C., seving all intermediate points: From Spartanburg over U.S. Highway 29 to Spencer, and return over the same route; (2) Between Gaffney, S.C., and Hickory, N.C., serving all intermediate points: From Gaffney over South Carolina Highway 18 to the North Carolina-South Carolina State line, thence over North Carolina Highway 18 to junction North Carolina Highway 10, thence over North Carolina Highway 10 to junction North Carolina Highway 127, thence over North Carolina Highway 127 to Hickory, and return over the same route; (3) Between Rock Hill, S.C., and Statesville, N.C., serving all intermediate points: From Rock Hill over U.S. Highway 21 to Statesville, and return over the same route; (4) Between Waxhaw, N.C., and Taylorsville, N.C., serving all intermediate points: From Waxhaw over North Carolina Highway 16 to Taylorsville, and return over the same route;

(5) Between Darlington, S.C., and Monroe, N.C., serving all intermediate points: From Darlington over South Carolina Highway 151 to Pageland, S.C., thence over U.S. Highway 601 to Monroe, and return over the same route; (6) Between Cheraw, S.C., and Advance, N.C., serving all intermediate points: From Cheraw over U.S. Highway 52 to junction U.S. Highway 601, thence over U.S. Highway 601 to junction North Carolina Highway 801, thence over North Carolina Highway 801 to Advance, and return over the same route; (7) Between Wadesboro, N.C., and Mooresboro, serving all intermediate points: From Wadesboro over U.S. Highway 74 to Mooresboro, and return over the same route; (8) Between Albermarle, N.C., and Polkville, N.C., serving all intermediate points: From Albermarle over North Carolina Highway 27 to junction North Carolina Highway 182, thence over North Carolina Highway 182 to Polkville, and return over the same route; (9) Between Salisbury, N.C., and Taylorsville, N.C., serving all intermediate points: From Salisbury over U.S. High-

way 70 to Statesville, N.C., thence over North Carolina Highway 90 to Taylorsville, and return over the same route; and

(10) Between Fork, N.C., and Hickory, N.C., serving all intermediate points: From Fork over U.S. Highway 64 to Hickory, and return over the same route; serving all points in Cleveland, Gaston, Mecklenburg, Union, Anson, Lincoln, Cabarrus, Stanly, Catawba, Rowan, Alexander, Iredell and Davie Counties, N.C., not located on the routes described as off-route points in connection with those routes, and serving all points in South Carolina and Georgia in connection with the above routes, and carrier's existing routes in those states, restricted so that service may not be provided between points in Georgia, for 180 days.

NOTE.—In its lead certificate, Docket No. MC 111871, carrier is authorized to serve all points in Georgia and South Carolina over regular routes, restricted to transportation of traffic between points in Georgia, on the one hand, and, on the other, points in South Carolina. By this application carrier seeks additional authority to provide service between all points in South Carolina over the regular routes set forth in its lead certificate, and as off-route points in connection therewith.

Joinder: Applicant also requests that it be allowed to join the authority sought with its presently existing regular route authority. Supporting Shippers: Copies of the 357 supporting statements may be viewed at the offices of the Interstate Commerce Commission in Washington, D.C. or the District Field Office listed below. Send Protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 112123 (Sub-No. 11 TA), filed January 19, 1976. Applicant: BEST-WAY TRANSPORTATION, 1624 South Central Avenue, Phoenix, Ariz. 85004. Applicant's representative: Raymond A. Greene, Jr., 100 Pine St., San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as described by the Commission, commodities in bulk and commodities requiring special equipment), (1) between Benson and Sierra Vista, Ariz.: from Benson over Arizona State Highway 90 to Sierra Vista, and return over the same route; (2) between Sierra Vista and Bisbee, Ariz.: from Sierra Vista over Arizona State Highway 90 to Bisbee, and return over the same route; and (3) between Sierra Vista and junction of Arizona State Highway 82 and U.S. Highway 80: from Sierra Vista over Arizona State Highway 90 to its junction with Arizona State Highway 82 at a point approximately 4 miles north of Huachuca City. Thence over Arizona State Highway 82 to its junction with U.S. Highway 80 at a point approximately 4 miles north of Tombstone and return over the same route, serving all intermediate points in connection with (1), (2) and (3) above, for 180 days. Supporting Shippers: Copies of the 14 supporting statements may be viewed at the offices of the Interstate Commerce Commission in Washington, D.C., or the District Field Office listed below. Send Protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 3427, Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 118989 (Sub-No. 129 TA), filed January 19, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert N. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard Cans*, from the plantsite of Owens–Illinois, Inc. at Chicago, Ill. to Cincinnati, Ohio, for 180 days. (Applicant has also filed an underlying ETA seeking up to 90 days of operating authority). Supporting shippers: Owens-Illinois, Inc. 405 Madison Ave., Toledo, Ohio. 43666. (C. W. Radebaugh), Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 133 West Wells Street, Room 807, Milwaukee, Wisconsin 53203.

No. MC 123061 (Sub-No. 78 TA), filed January 22, 1976. Applicant: LEATHAM BROTHERS, INC., a Utah Corporation, 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant, garden and farm care materials and supplies*, in packages and bags from Sacramento and San Joaquin Counties, Calif., to Fruitland, Pocatello, Idaho Falls, Twin Falls, Boise, Coeur d' Alene, Idaho; Logan, Vernal, Tooele, Ogden, Provo, Salt Lake City, Utah; Silverton, Portland, Eugene, Oreg; and Tacoma, Seattle, and Spokane, Wash. for 180 days. (Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.) Supporting shippers: Occidental Chemical Corporation, P.O. Box 198, Lathrop, California 95330. (Ronald J. Graham, Supervisor Routes and Rates.) Organic Nutrients, Inc., 8909 Elder Creek Road, Sacramento, California 95828. (John C. Dibb, Vice President.) Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 133119 (Sub-No. 80 TA), filed January 13, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: Donald Heyl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from (1) Clark, South Dakota, to Sioux Falls, S. Dak., to points in Arizona, Alabama, Arkansas, Kansas, Iowa, Wisconsin, Colorado, Nebraska, Missouri, Illinois, Michigan, Oklahoma, Texas, New Mexico, Louisiana, Mississippi, Tennessee, Georgia, Florida, North Carolina, and South Carolina, for 180 days. (Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.) Supporting shippers: Joseph H. Roe, President, Midwest Foods Corporation, P.O. Box 100 Clark, South Dakota 57225. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebraska 68102.

No. MC 133494 (Sub-No. 9TA), filed January 23, 1976. Applicant: E. W. BELCHER TRUCKING, INC., 201 Dallas Drive, Denton, Tex. 76201. Applicant's representative: William D. Lynch, P.O. Box 912, 1003 West 6th Street, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Phosphate rock, feed grade*, in bulk, in hopper-type trailers, from the plant of H. J. Baker & Bro., Inc. located at New Orleans, La., to the plant of H. J. Baker & Bro., Inc., located at Fort Smith, Ark.: (b) *meat meal and bone meal*, in bulk, in hopper-type trailers: From Oklahoma City, Okla., Amarillo, San Angelo, Dallas, Houston, and Palestine, Tex., to points in Arkansas; from Amarillo, San Angelo, Dallas, Houston, and Palestine, Tex., to Westville, Okla.; (c) *blood meat*, in bulk, in hopper-type trailers, from Oklahoma City, Okla., to points in Arkansas; and (d) *fish meal*, in bulk, in hopper-type trailers, from Holmwood, Cameron, Morgan City, Abbeyville, Dulac, and Empire, La., to points in Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): H. J. Baker & Bro., Inc., L. B. Pim, Domestic Traffic Manager, 360 Lexington Ave., New York City, N.Y. 10017. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27, Federal Bldg., 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 139193 (Sub-No. 32TA), filed January 21, 1976. Applicant: ROBERTS & OAKE, INC., 208 South La Salle St., Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at Sioux City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia; and (2) *such commodities* as are used by meat packers in the con-

duct of their business, from points in the destination states described in (1) above to Sioux City, Iowa, under contracts with John Morrell & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dwight L. Helm, John Morrell & Co., 208 So. La Salle St., Chicago, Ill. 60604. Send Protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

PASSENGER APPLICATION

No. MC 1515 (Sub-No. 207TA), filed January 23, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) between Sault Ste. Marie, Mich., and the Junction of Michigan Highway 94 and U.S. Highway 41 serving all intermediate points: From Sault Ste. Marie over Interstate Highway 75 to junction Michigan Highway 28, thence over Michigan Highway 28 to Munising, Mich., thence over Michigan Highway 94 to junction U.S. Highway 41 and return over the same route; and (2) between junction Michigan Highways 28 and 123 and Newberry, Mich., serving all intermediate points: From junction Michigan Highways 28 and 123 over Michigan Highway 123 to Newberry and return over the same route. Condition: This authority shall be of no further force and effect upon termination of the carriers contract with the State of Michigan, Department of State Highways and Transportation. Joinder and Interline: Carrier proposes to join with its subs 6 and 71, and interline at Sault Ste. Marie, Mich., and Junction U.S. Highway 41 and Michigan Highway 94, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Department of State Highways and Transportation State of Michigan, Manage, Intercity Bus Service Development Section, P.O. Drawer K. Lansing, Mich. 48904. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3427, Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

By the Commission.

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

[FR Doc.76-3360 Filed 2-3-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

Notice

JANUARY 30, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 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 February 17, 1976. 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 92983 (Sub-No. E27), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum products*, (except cryogenic liquids) requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from Dubuque, Iowa, and points within ten miles thereof to points in Kansas and Missouri, and (2) from Dubuque, Iowa, and points within ten miles thereof to points in California; (B) *Petroleum products* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Michigan located on and north of a line extending from the Wisconsin-Michigan State line along U.S. Highway 2 to junction Michigan Highway 28, thence along Michigan Highway 28 to the Marquette commercial zone, thence along the southern boundary of the Marquette commercial zone to Lake Superior; (C) *Petroleum products*, in bulk, in tank vehicles, (1) from Fort Madison, Iowa, to points in Wisconson located on, west, and south of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to Columbus, thence along U.S. Highway 16 to junction Wisconsin Highway 157, thence along Wisconsin Highway 157 to Onalaska, and (2) from Fort Madison, Iowa, to points in Wisconsin on and within a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to Columbus, thence along U.S. Highway 16 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Highway A, thence along Highway A to junction U.S. Highway 10, thence along U.S. Highway 10 to Manitowoc on Lake Michigan, thence along the shoreline to junction with the Wisconsin-Illinois State line, thence along the Wisconsin-Illinois State line to the point of origin.

(D) *Petroleum products* (except cryogenic liquids) requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from Fort Madison, Iowa, to points in Illinois located on and south of a line beginning at Quincy on the Mississippi River and extending northeast along U.S. Highway 24 to junction Illinois Highway 99, thence along Illinois Highway 99 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 72, thence along Interstate Highway 72 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line and points in Kansas, (2) from Fort Madison, Iowa, to points located in Indiana on, south, and east of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 28 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 205, thence along Indiana Highway 205 to junction with the eastern border of Noble County and thence along the eastern border of Noble and LaGrange Counties to the Michigan-Indiana State line, and (3) from Ft. Madison, Iowa, to points in Missouri on and south of a line beginning at the Iowa-Missouri State line and extending along Missouri Highway 81 to junction Highway D, thence along Highway D to junction Highway A, thence along Highway A to junction Highway BB, thence along Highway BB to junction Highway C, thence along Highway C to junction with the Mississippi River at LaGrange; (E) *Such petroleum products* as are embraced within liquid chemicals, in bulk, in tank vehicles, (1) from Fort Madison, Iowa, to points in Tennessee, and (2) from Fort Madison, Iowa, to points in Michigan; (F) *Such petroleum products*, as are embraced within chemicals, in bulk, in tank vehicles, from Fort Madison, Iowa, to points in North Dakota; (G) *Petroleum products*, as defined by the Commission in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, from Fort Madison, Iowa, to points in California; (H) *Feed* (not including tankage), in bulk, (1) from the plant site of Protein Blenders, Inc., near Iowa City, Iowa, to points in North Dakota located on and west of North Dakota Highway 32, (2) from the plant site of Protein Blenders, Inc., near Iowa City, Iowa, to points in Kansas located on, south, and west of a line extending from the Kansas-Nebraska State line along Kansas Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 75, thence along U.S.

Highway 75 to junction Kansas Highway 20, thence along Kansas Highway 20 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction with the Kansas-Missouri State line.

(I) *Blood meal, bone meal, feather meal, meat meal,* and *tallow* and *blends* of these commodities, in bulk, in tank vehicles, when intended for use as animal and poultry feed or animal and poultry feed ingredients, from the plant site of Protein Blends, Inc., near Iowa City, Iowa, to points in Arkansas located in, west, and south of that portion of Baxter County on and west of Arkansas Highway 5, and Searcy; Van Buren, Faulkner, Lonoke, Arkansas and Desha Counties; (J) *Fish meal* when intended for use as animal and poultry feed or feed ingredients, in bulk, in tank vehicles, from the plant site of Protein Blenders, Inc., near Iowa City, Iowa to points in Arkansas; (K) *Alfalfa products, cottonseed meal, mill feeds, soybean meal,* and *molasses,* when intended for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles, from the plant site of Protein Blenders, Inc., near Iowa City, Iowa to points in Arkansas; (L) *Such paint materials* as are embraced with contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Iowa located on and east of U.S. Highway 59 to Wichita, Kans., (2) from points in Iowa located in and east of Ringgold, Union, Madison, Dallas, Boone, Hamilton, Franklin, Cerro Gorod, and Worth Counties to Denver, Colo., and (3) from points in Iowa to Oklahoma City and Tulsa, Okla., Dallas and Houston, Tex.; (M) *Such paints, resins, varnishes,* and *lacquers* as are embraced within contractor's materials and supplies, in bulk, in tank vehicles, (1) from points in Iowa located in, north, and west of Appanoose, Wapello, Keokuk, Iowa, Linn, Delaware, and Clayton Counties to points in Mississippi located in, south, and west of Washington, Humphreys, Yazoo, Madison, Rankin, Smith, Jones, Perry, and George Counties, (2) from points in Iowa located in and west of Decatur, Clarke, Warren, Polk, Story, Hardin, Franklin, Cerro Gordo, and Worth Counties to points in Mississippi (except those points in Mississippi described in (1) above), points in Kentucky located in McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton Counties and points in Tennessee located in and west of Weakley, Carroll, Henderson, and Hardin Counties, (3) from points in Iowa located in, north, and west of Appanoose, Wapello, Keokuk, Iowa, Linn, Jones, and Dubuque Counties to points in Arkansas located in, south, and west of Marion, Searcy, Van Buren, Faulkner, Lonoke, Jefferson, Lincoln, and Desha Counties, and (4) from points in Iowa located in and west of Decatur, Clarke, Warren, Polk, Story, Hardin, Franklin, Cerro Gordo, and Worth Counties to points in Arkansas (except those points in Arkansas described in (3) above.

(N) *Petroleum products,* in bulk, in tank vehicles, (1) from Bettendorf, Iowa, and points in Iowa within ten miles of Bettendorf to points in Wisconsin located on, south, and east of a line extending from the Illinois-Wisconsin State line along Wisconsin Highway 83 to junction Wisconsin Highway 99, thence along Wisconsin Highway 99 to junction Wisconsin Highway 67, thence along Wisconsin Highway 67 to junction Interstate 94, thence along Interstate Highway 94 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan, and (2) from Burlington, Iowa, to points in Wisconsin located on, east, and south of a line extending from the Illinois-Wisconsin State along Wisconsin Highway 69 to junction Wisconsin Highway 92, thence along Wisconsin Highway 92 to junction Wisconsin Highway 78, thence along Wisconsin Highway 78 to junction U.S. Highway 12, thence along U.S. Highway 12 to Wisconsin Dells, thence from Wisconsin Dells to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 34 thence along Wisconsin Highway 34 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan; (O) *Petroleum products* (except cryogenic liquids) requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from Burlington and Bettendorf, Iowa, and points in Iowa within ten miles of Bettendorf to points in Kansas and points in Missouri located on and south of a line extending from the Missouri-Nebraska State line along the northern boundaries of Holt, Andrew, DeKalb, and Davies Counties, thence along the eastern boundary of Davies County to junction Missouri Highway 170, thence along Missouri Highway 170 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 16, thence along Missouri Highway 16 to the Missouri-Illinois State line, and (2) from Burlington and Bettendorf, Iowa, and points in Iowa within ten miles of Bettendorf, Iowa, to points in California; (P) *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 MCC 209, in bulk, in tank vehicles, (1) from Bettendorf, Iowa, and points in Iowa within ten miles of Bettendorf to points in Indiana located on and south of a line extending from the Illinois-Indiana State line along Indiana Highway 18 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line, and (2) from Burlington, Iowa, to points in Indiana located in and south of Benton, White, Cass, Miami, Wabash, White, DeKalb, and Steuben Counties.

(Q) *Petroleum products* (except cryogenic liquids) requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from Burlington, Iowa, to points in Kansas, and (2) from Burlington, Iowa, to points in Illinois located on and south of a line extending from the Missouri-Illinois State line along the Illinois River to junction Macoupin Creek, thence along Macoupin Creek to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction Illinois Highway 111, thence along Illinois Highway 111 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 105, thence along Illinois Highway 105 to junction unnumbered highways at Bement, Ivesdale, Philo, and Homer, thence along unnumbered highways to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line; (R) *Petroleum products* as defined by the Commission in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 MCC 209, in bulk, in tank vehicles, (1) from Burlington, Iowa, to points in Kansas more than 200 miles from Tulsa, Okla., (2) from Burlington, Iowa, to points in California, and (3) from Dubuque, Iowa, to points in the Upper Peninsula of Michigan, on and east of a line beginning at the Wisconsin-Michigan State line and extending north on the eastern borders of Iron and Baraga Counties to junction U.S. Highway 41, thence along U.S. Highway 41 to junction unnumbered highways at Hancock, thence along unnumbered highways to Beacon Hill on Lake Superior.

(S) *Crude soybean oil, inedible fats, tallow,* and *grease* (except those derived from petroleum, soap products and paints), in bulk, in tank vehicles, (1) from points in Iowa located north and east of Woodbury, Crawford, Carroll, Guthrie, Dallas, Warren, Lucas, and Appanoose Counties to points in Arkansas located in, south, and east of Crittenden, Poinsett, Cross, Woodruff, Prairie, Jefferson, Cleveland, Calhoun, and Union Counties, (2) from points in Iowa located in and east of Worth, Cerro Gordo, Franklin, Hardin, Marshall, Poweshiek, Mahaska, Wapello, and Davis Counties to points in Arkansas located in Jackson, White, Lonoke, Pulaski, Saline, Grant, Hot Spring, Clark, Dallas, Nevada, Ouachita, Columbia, Lafayette, and Miller Counties, (3) from points in Iowa located in and east of Howard, Chickasaw, Bremer, Black Hawk, Benton, Iowa, Washington, Henry, and Lee Counties to points in Arkansas located in Garland, Montgomery, Howard, Sevier, Little Riv-

er, Hempstead, and Pike Counties, (4) from points in Iowa to points in Florida and points in South Carolina located in and south of Anderson, Abbeville, Greenwood, Saluda, Lexington, Richland, Sumter, Clarendon, Williamsburg, and Georgetown Counties, (5) from points in Iowa located in, south, and west of Worth, Floyd, Bremer, Black Hawk, Benton, Iowa, Washington, Henry, and Des Moines Counties to points in South Carolina located in and north of Oconee, Pickens, Greenville, Laurens, Newberry, Fairfield, Kershaw, Lee, Florence, Marion, and Horry Counties and points in North Carolina located in Robeson, Bladen, Pender, New Hanover, Brunswick, and Columbus Counties, (6) from points in Iowa located in, south, and west of Lyon, Sioux, Cherokee, Sac, Carroll, Guthrie, Dallas, Warren, Lucas, and Appanoose Counties to points in North Carolina (except Robeson, Bladen, Pender, New Hanover, Brunswick, and Columbus Counties), (7) from points in Iowa located in Dubuque, Jackson, Clinton, and Scott Counties to points in Texas located in, south, and east of Grayson, Denton, Wise, Jack Young, Stephens, Shackleford, Jones, Fisher, Scurry, Borden, Daweson, and Gaines Counties, (8) from points in Iowa located in and east of Winneshiek, Fayette, Buchanan, Linn, Johnson, Washington, Henry, and Lee Counties (except Dubuque, Jackson, Clinton, and Scott Counties) to points in Texas located in, south, and east of Bowie, Morris, Camp, Upshur, Smith, Anderson, Freestone, Limestone, McLennan, Coryell, Lampasas, San Saba, McCulloch, Concho, Tom Green, Reagan, Upton, Crane, Ward, and Reeves Counties, and (9) from points in Iowa located in and surrounded by Howard, Chickasaw, Bremer, Black Hawk, Benton, Iowa, Keokuk, Jefferson, Van Buren, Davis, Appanoose, Monroe, Marion, Jasper, Marshall, Hardin, Franklin, Cerro Gordo, Worth, and Mitchell Counties to points in Texas located in, south, and east of Sabine, San Augustine, Angelina, Polk, San Jacinto, Montgomery, Harris, Fort Bend, Wharton, Jackson, Victoria, Goliad, Bee, Live Oak, Duval, and Webb Counties.

(T) *Corn syrup*, in bulk, in tank vehicles, (1) from Clinton, Iowa, to points in Alabama (except Jackson County), to points in Arkansas located on and south of a line beginning at the Arkansas-Oklahoma State line along Arkansas Highway 96 to junction U.S, Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction with the eastern boundary of Cleburne County, thence along the eastern boundary of Cleburne County and south boundary of Independence County to junction Arkansas Highway 18, thence along Arkansas Highway 18 to junction with the southern boundary of Craighead County, thence along the southern and eastern boundary of Craighead County to the Arkansas-Missouri State line, to points in Georgia on and south of a line beginning at the Georgia-Alabama State line along Georgia Highway 48 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Georgia Highway 140, thence along Georgia Highway 140 to junction Georgia Highway 156, thence along Georgia Highway 156 to junction Georgia Highway 53, thence along Georgia Highway 53 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Georgia Highway 51, thence along Georgia Highway 51 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line and to points in Louisiana and Mississippi, and (2) from Clinton, Iowa, to points in Colorado and Kansas; (U) *Crude soybean oil*, in bulk, in tank, vehicles, (1) from Manly, Iowa, to points in Tennessee (except Memphis, Tenn.), and (2) from Manly, Iowa, to points in Arkansas located on and west of Boone, Newton, Pope, Conway, Perry, Garland, Hot Spring, Clark, Nevada, Hempstead, and Miller Counties; (V) *Molasses*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Minnesota and points in Wisconsin located on, north, and west of a line extending from the Wisconsin-Illinois State line along Wisconsin Highway 120 to junction Wisconsin Highway 50, thence along Wisconsin Highway 50 to Lake Michigan.

(W) *Corn syrup*, in bulk, in tank vehicles, (1) from Clinton, Iowa, to points in Oklahoma, Texas, and points in Arkansas located in and west of Boone, Newton, Pope, Yell, Perry, Saline, Grant on and west of Arkansas Highway 35, Cleveland, Bradley, and Ashley Counties, and (2) from Keokuk, Iowa, to points in Colorado, Oklahoma, Texas, points in Arkansas located in and west of Carrol, Madison, Johnson, that portion of Pope County located on and south of Interstate Highway 40, Yell, Perry, Saline, Hot Spring, Dallas, Calhoun, and Union Counties, to points in Louisiana located in and west of Union, Ouachita, Caldwell, Catahoula, Concordia, Avoyelles, Pointe Coupee, West Felicianna, East Felicianna, East Baton Rouge, Iberville, Assumption, and Terrebonne Parishes, points in Mississippi located in Adams and Wilkinson Counties, points in North Dakota located in and west of Divide, Williams, McKenzie, Dunn, Stark, Hettinger, and Adams Counties and points in South Dakota located in and west of Perkins, Meade, Pennington, and Shannon Counties; and (X) *Corn syrup* and *liquid sugar*, in bulk, in tank vehicles, (1) from Clinton, Iowa, to points in California, Oregon, and points in Washington located in and west of Columbia, Franklin, Benton, Yakima, Kittitas, Chelan, Skagit, and Whatcom Counties, and (2) from Keokuk, Iowa, to points in California, Oregon, and Washington.

The purpose of this filing is to eliminate the following gateways: (A) (1) that part of Illinois on and north of U.S. Highway 6 and on and west of U.S. Highway 51 including Rock Island, Moline, and East Moline, Ill.; (A) (2) points described in (A) (1) above, and Kansas; (B) Eau Claire, Wis.; (C) (1) points in Illinois that are within the Dubuque, Iowa, commercial zone; (C) (2) Peru, Ill.; (D) (1) Adair, Audrain, Boone, Callaway, Carroll, Chariton, Clark, Grundy, Howard, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, Saline, Schuyler, Scotland, Shelby, and Sullivan Counties, Mo.; (D) (2) points in (D) (1) above, and Champaign, Ill.; (D) (3) that part of Illinois on or west of U.S. Highway 51 from the Illinois-Wisconsin State line to Decatur, Ill., thence on and north of U.S. Highway 36 from Decatur, Ill., to Springfield, Ill., thence on and north of U.S. Highway 54 from Springfield, Ill., to the Mississippi River; (E) (1) Pike County, Mo.; (E) (2) points in Illinois that are within the Muscatine, Iowa, commercial zone; (F) points in Illinois that are within the Muscatine, Iowa, commercial zone; (G) Trenton, Mo., and points in Kansas which are located more than 200 miles from Tulsa, Okla.; (H) (1) Freemont, Nebr., (H) (2) Waverly, Mo.; (I) Kansas City, Kans., Kansas City, Mo., commercial zone; (J) St. Louis, Mo.; (K) Missouri; (L) (1) St. Louis, Mo.; (L) (2) & (3) Kansas City, Mo.; (M) Kansas City, Mo.; (N) Peru, Ill.; (O) (1) that part of Illinois east of U.S. Highway 51 from the Illinois-Wisconsin State line to junction U.S. Highway 24, thence along U.S. Highway 24 to the Mississippi River, thence east of the Mississippi River to junction U.S. Highway 54, thence on and north of U.S. Highway 54 to Springfield, Ill., and on and north of U.S. Highway 36 to Tuscola, Ill., and thence on and west of U.S. Highway 45 to the Illinois-Wisconsin State line.

(O) (2) that part of Illinois described in (O) (1) and Kansas; (P) Champaign, Ill.; (Q) that part of Missouri on and north of U.S. Highway 36 and on and east of U.S. Highway 65; (R) (1) Trenton, Mo.; (R) (2) Trenton, Mo., and that part of Kansas more than 200 miles from Tulsa, Okla.; (R) (3) Kewaunee, Wis.; (S) Memphis, Tenn.; (T) (1) Memphis, Tenn.; (T) (2) points in Kansas that are in the North Kansas City, Mo., commercial zone; (U) (1) points in Illinois within the Clinton, Iowa, commercial zone; (U) (2) those points that are in both the St. Louis, Mo., and Dupo, Ill., commercial zones; (V) points in Illinois in the Dubuque, Iowa, commercial zone; (W) North Kansas City, Mo., commercial zone or Kansas City, Mo., commercial zone; and (X) Ottawa, Kans., and Colorado.

No. MC-92983 (Sub-No. E28), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Corn syrup*, in bulk, in tank vehicles, (1) from Cedar Rapids, Iowa, to points in Louisiana, points in

Arkansas located in, south, and west of Baxter, Stone, Cleburne, Faulkner, Lonoke, Arkansas, and Desha Counties and points in Mississippi located in and south of Washington, Humphreys, Yazoo, Madison, Rankin, Smith, Jones, Perry, and Green Counties, (2) from Cedar Rapids, Iowa, to points in Kansas, Oklahoma, Texas, and points in Colorado located on, south, and west of a line extending from the Colorado-Nebraska State line along U.S. Highway 34 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Wyoming State line, and (3) from Cedar Rapids, Iowa, to points in California, Oregon, and points in Washington located in and east of Walla Walla, Franklin, Adams, Grant, and Okanogan Counties; (B) *Petroleum products*, in bulk, in tank vehicles, (1) from Guttenberg, Iowa, to points in Missouri located on and within a line beginning at the Iowa-Missouri State line and extending along Highway B to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Missouri Highway 81, thence along Missouri Highway 81 to junction Highway D, thence along Highway D to junction Highway A, thence along Highway A to junction Highway E, thence along Highway E to junction with the eastern border of Knox County, thence along the eastern and southern borders of Knox County to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway ,3 thence along Missouri Highway 3 to junction Highway W, thence along Highway W to junction Missouri Highway 3, thence along Missouri Highway 129 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction with the eastern border of Carroll County, thence along the eastern, northern, and western borders of Carroll County to junction with the southern border of Carroll County, thence along the southern borders of Carroll, Saline, Howard, Boone, Callaway, Montgomery, and Lincoln Counties to junction with the Mississippi River, thence along the Mississippi River to junction with the Iowa-Missouri State line, thence along the Iowa-Missouri State line to points of beginning.

(2) from Guttenberg, Iowa, to points in Iowa east of a line beginning at the Mississippi River and extending along the northern, western, and southern border of the Clinton, Iowa, commercial zone to junction U.S. Highway 67, thence along U.S. Highway 67 to the Davenport, Iowa, commercial zone, thence along the eastern, northern, and western borders of the Davenport, Iowa, commercial zone to the Mississippi River, (3) from Guttenberg, Iowa, to points in Iowa on and east of a line beginning at the Mississippi River and extending west along U.S. Highway 34 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Mississippi River, and (4) from Guttenberg, Iowa, to points located in that part of Illinois on and within a line beginning at the Mississippi River and extending along U.S. Highway 136 to junction with the eastern border of Hancock County, thence along the eastern and northern borders of Hancock, Adams, Pike, Scott, Greene, Macoupin, Madison, and Bond Counties to junction U.S. Highway 40, thence along U.S. Highway 40 to the Mississippi River; (C) *Petroleum products* (except cryogenic liquids) requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from Guttenberg, Iowa, to points in Kansas and Missouri, and (2) from Guttenberg, Iowa, to points in California; (D) *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, fom Guttenberg, Iowa, to points in Michigan in the Upper Peninsula on and west of a line beginning at the Wisconsin-Michigan State line extending north on U.S. Highway 141 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Superior.

(E) *Such petroleum* and *petroleum products*, as are embraced within liquid chemicals, in bulk, in tank vehicles, from Guttenberg, Iowa, to points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction Indiana Highway 21, thence along Indiana Highway 21 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line, and to points in Ohio on, south, and east of a line extending from the Indiana-Ohio State line on Ohio Highway 29 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 385, thence along Ohio Highway 385 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction Ohio Highway 67, thence along Ohio Highway 67 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Ohio Highway 303, thence along Ohio Highway 303 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 305, thence along Ohio Highway 305 to junction Ohio Highway 528, thence along Ohio Highway 528 to junction Ohio Highway 608, thence along Ohio Highway 608 to junction Ohio Highway 535, thence along Ohio Highway 535 to Fairport Harbor, Ohio, on Lake Erie; (F) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Guttenberg, Iowa, to points in Michigan in the Upper Peninsula on and east of a line beginning at the Wisconsin-Michigan State line, thence extending along U.S. Highway 141 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Superior; (G) *Petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, from Des Moines, Iowa, to points in Wisconsin on and within a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 51 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction with the Wisconsin River, thence along the Wisconsin River to junction with the western border of Dane County, thence along the western borders of Dane and Greene County to junction with the Wisconsin-Illinois State line, thence along the Wisconsin-Illinois State line to point of beginning.

(H) *Petroleum products* (except cryogenic liquids) requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from Des Moines, Iowa, and points within five miles thereof to points in Missouri on and south of a line extending along the northern and western border of St. Louis, Jefferson, and Washington Counties to junction Missouri Highway 47, thence along Missouri Highway 47 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 8, thence along Missouri Highway 8 to Highway Y, thence along Highway Y to junction Missouri Highway 49, thence along Missouri Highway 49 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 137, thence along Missouri Highway 137 to junction Missouri Highway 38, thence along Missouri Highway 38 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 76, thence along Missouri Highway 76 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line, (2) from Des Moines, Iowa, to points in Illinois south of a line extending from Meyer on the Mississippi River along unnumbered highway to junction Illinois Highway 96, thence along Illinois Highway 96 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction unnumbered highway at Banner, thence along unnumbered highway at Dillon to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction with unnumbered

highway at Donovan, thence along unnumbered highway to the Illinois-Indiana State line, and (3) from Des Moines, Iowa, and five miles thereof to points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 26 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Indiana-Ohio State line.

(I) *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, from Clear Lake, Iowa, to points in Indiana located on and south of Indiana Highway 28; (J) *Feed* (not including tankage), in bulk, in tank vehicles, (1) from Des Moines, Iowa, to points in North Dakota, and (2) from Des Moines, Iowa, to points in Kansas located on and south of U.S. Highway 40; (K) *Blood meal, bone meal, feather meal, fish meal, meat meal,* and *tallow* and *blends* of these commodities, when intended for use as animal and poultry feed or animal and poultry feed ingredients (not including tankage), in bulk, in tank vehicles, from Des Moines, Iowa, to points in Arkansas; (L) *Dry fertilizer*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Tennessee and points in Arkansas located on, east, and south of a line extending from the Texas-Arkansas State line along U.S. Highway 67 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Missouri State line, points in Illinois located in and south of St. Clair, Clinton, Marion, Clay, Richland, and Lawrence Counties, points in Indiana located in and south of Knox, Daviess, Martin, Lawrence, Washington, Scott, Jefferson, and Switzerland Counties and points in Kentucky (except Gallatin, Grant, Pendleton, and Bracken Counties); (M) *Animal oils* and *fats*, in bulk, in tank vehicles, (1) from Dubuque, Iowa, to points in Oklahoma in McCurtain County, to points in Texas on and south of a line beginning at the Oklahoma-Kansas State line, thence along the northern and eastern boundaries of Fanin, Hunt, Collin, Denton, and Wise Counties to junction with Jack County's western boundary, south along Jack County's western border to junction Young County's southern border, thence along the southern and western boundaries of Young, Throckmorton, Haskell, Stonewall, Kent, and Scurry Counties to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 349, thence along Texas Highway 349 to junction Texas Highway 115, thence along Texas Highway 115 to junction Texas Highway 176, thence along Texas Highway 176 to the Texas-New Mexico State line, (2) from Dubuque, Iowa, to points in Nebraska, (3) from Dubuque, Iowa, to points in Nevada, (4) from Dubuque, Iowa, to points in Arkansas, (5) from Dubuque, Iowa, to points in Kansas north of a line beginning at the Missouri-Kansas State line, along the southern and eastern borders of Linn, Allen, Neosho, Wilson, Elk, Butler, Sedgwick, Kingman, Pratt, and Kiowa Counties to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Oklahoma State line.

(6) From Dubuque, Iowa, to points in Oregon south and west of a line beginning at the Idaho-Oregon State line, thence along the southern and eastern boundaries of Wallewa and Union Counties to junction U.S. Highway 30, thence along U.S. Highway 30 to junction unnumbered highway, thence along unnumbered highway through Pendleton to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Oregon Highway 32, thence along Oregon Highway 32 to the Washington-Oregon State line, to points in Washington south and west of a line beginning at the Oregon-Washington State line, thence along unnumbered highway to junction Washington Highway 14, thence along Washington Highway 14 to junction with the eastern boundary of Klickitat County, thence along the eastern and northern boundaries of Klickitat, Skamania, Cowlitt, Wahkiakum, and Pacific Counties to junction Washington Highway 6, thence along Washington Highway 6 to the Willapa Bay, and (7) from Dubuque, Iowa, to points in Arkansas and Missouri on and north of a line beginning at the Kansas-Missouri State line along U.S. Highway 54 to junction Missouri Highway 82, thence along Missouri Highway 82 to junction Missouri Highway 83, thence along Missouri Highway 83 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction Morgan County Road EE, thence along Morgan County Road EE to junction County Road CC, thence along County Road CC through High Point and Russellville to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction St. Louis County line, thence along the western and northern boundaries of St. Louis County to the Missouri-Illinois State line; (N) *Cottonseed oil, soybean oil* and *blends* thereof, *cottonseed oil products* and *soybean oil products* (except soap products and paints), in bulk, in tank vehicles, from points in Iowa to Evadale and Wilson, Ark.; (O) *Cotton oil, soybean oil* and *blend* and *products* thereof, in bulk, in tank vehicles, from points in Iowa to Macon, Ga., and Jackson, Miss.; (P) *Cottonseed oil, soybean oil* and *blends* thereof, *cottonseed oil products* and *soybean oil products* (except soap products and paints), in bulk, in tank vehicles, from points in Iowa (except those located in Lee, Des Moines, Henry, and Van Buren Counties), to Osceola, Ark.

(Q) *Vegetable oils* and *vegetable oil products* (except soap products and paint), in bulk, in tank vehicles, (1) from points in Iowa to points in Alabama and points in Louisiana located in, south, and east of Morehouse, Quachita, Jackson, Winn, Natchitoches, and Sabine Parishes, (2) from points in Iowa to points in Mississippi (except Jackson), (3) from points in Iowa to points in Mississippi (except Jackson) and points in Georgia located in and south of Floyd, Bartow, Cherokee, Forsyth, Hall, Banks, and Franklin Counties (except Macon), and (4) from points in Iowa located in and west of Davis, Wapello, Mahaska, Poweshiek, Tama, Black Hawk, Bremer, Chickasaw, and Howard Counties to points in Georgia [except those points in Georgia described in (3) above]; (R) *Sulphuric acid*, in bulk, in tank vehicles, (1) from Muscatine, Iowa, to points in Wisconsin on, north, and west of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 120 to junction Wisconsin Highway 50, thence along Wisconsin Highway 50 to Lake Michigan, and (2) from Muscatine, Iowa, to Minot and Finley, N. Dak.; (S) *Dry* or *liquid chemicals*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Indiana, Kentucky, and points in Tennessee located on and west of U.S. Highway 27; (T) *Soybean oil* (except crude soybean oil to Memphis), in bulk, in tank vehicles, from Mason City, Iowa, to points in Tennessee; (U) *Soybean oil* (except crude soybean oil to New York City and Port Ivory, N.Y.), in bulk, in tank vehicles, from Mason City, Iowa, to points in New York; (V) *Refined soybean oil*, in bulk, in tank vehicles, from Mason City, Iowa, to points in Indiana on and south of Indiana Highway 14 including the Fort Wayne commercial zone, to points in Kentucky, to points in Ohio on and south of U.S. Highway 24 including all of Toledo, Ohio, commercial zone, to Port Huron, Michigan, and to points in Tennessee; (W) *Soybean oil*, in bulk, in tank vehicles, from Mason City, Iowa, to points in Arkansas in and east of Fulton, Izard, Stone, Van Buren, Conway, Perry, Garland, Hot Spring, Clark, Hempstead, Miller, and Little River Counties; (X) *Sulphuric acid*, in bulk, from Muscatine, Iowa, to Walport, Ark.

(Y) *Liquid chemicals*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Tennessee; and (Z) *Vegetable oils* (except molasses and except corn oil from Cedar Rapids), in bulk, in tank vehicles, (1) from points in Iowa located in, south, and west of Mitchell, Floyd, Bremer, Black Hawk, Benton, Johnson, and Louisa Counties to points in New York located in, south, and east of Sullivan, Ulster, and Columbia Counties, (2) from points in Iowa located in, south, and west of Osceola, Clay, Pocahontas, Webster, Boone, Story, Jasper, Mahaska, Keokuk, Jefferson, Henry, and Des Moines Counties to points in New York located in, north, and west of Sullivan, Ulster, and Columbia Counties (except Chautauqua, Cattaraugus, Erie, Niagara, Orleans, Genesee, and Wyoming Counties), (3) from points in Iowa located in, south,

and west of Woodbury, Monona, Harrison, Shelby, Cass, Adair, Madison, Clarke, Lucas, Monroe, Wapello, Van Buren, and Lee Counties to points in New York located in Chautauqua, Cattaraugus, Erie, Niagara, Orleans, Genesee, and Wyoming Counties, (4) from points in Iowa located in, south, and west of Mitchell, Floyd, Bremer, Black Hawk, Benton, Johnson, and Louisa Counties to points in Pennsylvania located in and south of Greene, Fayette, Somerset, Bedford, Fulton, Franklin, Cumberland, Dauphin, Schuylkill, Carbon, Monroe, and Pike Counties, (5) from points in Iowa located in, south, and west of Osceola, Clay, Pocahontas, Webster, Boone, Story, Jasper, Mahaska, Keokuk, Jefferson, Henry, and Des Moines Counties to points in Pennsylvania located in and surrounded by Washington, Allegheny, Westmoreland, Indiana, Clearfield, Cameron, Potter, Tioga, Bradford, Susquehanna, Lacawanna, Luzerne, Columbia, Northumberland, Juniata, Huntingdon, Blair, and Cambria Counties, and (6) from points in Iowa located in, south, and west of Woodbury, Monoma, Harrison, Shelby, Cass, Adair, Madison, Clarke, Lucas, Monroe, Wapello, Van Buren, and Lee Counties to points in Pennsylvania located in, north, and west of Beaver, Butler, Armstrong, Jefferson, Elk, and McKean Counties.

The purpose of this filing is to eliminate the gateways of: (A)(1)&(2) points that are in both the North Kansas City and Kansas City, Mo., commercial zones; (A)(3) points in (A)(1)&(2) above, and points in Colorado; (B)(1) points in Illinois within the Fort Madison, Iowa, commercial zone; (B)(2) Fulton, Ill.; (B)(3) Milan, Ill.; (B)(4) points in Illinois within the Alexandria, Mo., commercial zone; (C)(1) that part of Illinois on and north of U.S. Highway 24; (C)(2) that part of Illinois on and north of U.S. Highway 24 and Kansas; (D) Eau Claire, Wis.; (E) points in Illinois within the Muscatine, Iowa, commercial zone; (F) Kewaunee, Wis.; (G) Albany, Ill.; (H)(1) points in Illinois on and west of U.S. Highway 51 and on and north of U.S. Highway 34; (H)(2) those points in (H)(1) above and Missouri; (H)(3) those points in (H)(1) above, Missouri, and Champaign, Ill.; (I) McFarland, Wis., and Champaign, Ill.; (J)(1) Fremont, Nebr.; (J)(2) Waverly, Mo.; (K) points in Missouri within the Kansas City, Kans., commercial zone; (L) Salem, Mo., and points within five miles; (M)(1) Memphis, Tenn., commercial zone; (M)(2) Dubuque, Iowa, commercial zone; (M)(3) Wisconsin and Nebraska; (M)(4),(5)&(7) Dupo, Ill.; (M)(6) Dupo, Ill., and Kansas; (N), (O), (P), (Q) Memphis, Tenn.; (R) points in Illinois that are in the Dubuque, Iowa, commercial zone; (S) Wyoming, Ill.; (T), (U) Clinton, Iowa; (V) Champaign, Ill.; (W) Dupo, Ill., commercial zone; (X) Webster Grove, Mo.; (Y) Pike County, Mo.; and (Z) St. Louis, Mo.

No. MC 92983 (Sub-No. E29), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Vegetables* and *animal fats* and *oils* (except molasses and except animal fats from Estherville and Ottumwa, Iowa), in bulk, in tank vehicles, (1) from points in Iowa to points in Louisiana located in, west, and north of East Feliciana, East Baton Rouge, Iberville, Assumption, and Terrebonne Parishes and points in Mississippi located in Adams and Wilkinson Counties, (2) from points in Iowa located in, north, and west of Dubuque, Delaware, Linn, Johnson, Washington, Jefferson, and Davis Counties to points in Louisiana located in and east of St. Helena, Livingston, Ascension, St. James, and La Fourche Parishes and points in Mississippi located in Washington, Sharkey, Issaquena, Warren, Hinds, Claiborne, Copiah, Jefferson, Franklin, Lincoln, Lawrence, Walthall, Pike, and Amite Counties, (3) from points in Iowa located in and west of Winneshiek, Fayette, Black Hawk, Tama, Powshiek, Mahaska, Monroe, and Appanoose Counties to points in Mississippi located in, north, and east of Bolivar, Sunflower, Humpreys, Yazoo, Madison, Rankin, Simpson, Jefferson, Davis, Marion, Pearl River, and Hancock Counties (except Benton, Tippah, Alcorn, Prentiss, and Tishomingo Counties), (4) from points in Iowa located in and west of Mitchell, Floyd, Butler, Grundy, Marshall, Jasper, Marion, Lucas, and Wayne Counties to points in Mississippi located in Benton, Tippah, Alcorn, Prentiss, and Tishoming Counties, (5) from points in Iowa located in and west of Winneshiek, Fayette, Black Hawk, Tama, Poweshiek, Mahaska, Monroe, and Appanoose Counties to points in Tennessee located in Shelby County, and (6) from points in Iowa located in and west of Worth, Cerro Gordo, Franklin, Hardin, Story, Polk, Warren, Clarke, and Decatur Counties to points in Tennessee (except Shelby County).

(B) *Vegetables* and *animal fats* and *oils* (except molasses and except animal fats from Estherville and Ottumwa and except corn oil from Cedar Rapids), in bulk, in tank vehicles, (1) from points in Iowa located in Allamakee and Lynn Counties to points in Florida located in, south, and west of Jefferson, Taylor, Lafayette, Gilchrist, Alachua, Marion, and Volusia Counties, and (2) from points in Iowa located in and west of Winneshiek, Fayette, Buchanan, Benton, Iowa, Keokuk, Wapello, and Davis Counties to points in Florida; (C) *Animal fats* and *oils* (except lard and except animal fats from Estherville and Ottumwa, Iowa), in bulk, in tank vehicles, (1) from points in Iowa to points in Arkansas located in, south, and west of Benton, Washington, Crawford, Franklin, Logan, Yell, Garland, Hot Spring, Dallas, Cleveland, Drew, and Chicot Counties, (2) from points in Iowa located in and west of Winneshiek, Fayette, Black Hawk, Tama, Poweshiek, Mahaska, Monroe, and Appanoose Counties to points in Arkansas located in and surrounded by Carroll, Madison, Johnson, Pope, Conway, Perry, Saline, Grant, Jefferson, Lincoln, Desha, Phillips, Lee, Crittenden, Cross, Jackson, Independence, Stone, Searcy, and Boone Counties, and (3) from points in Iowa located in and west of Mitchell, Floyd, Butler, Grundy, Marshall, Jasper, Marion, Lucas, and Wayne Counties to points in Arkansas located in, north, and east of Marion, Baxter, Izard, Sharp, Lawrence, Craighead, Poinsett, and Mississippi Counties; (D) *Vegetable* oils, fish oil, and sea animal oil (except molasses and except salad oil, from Clinton and corn oil from Cedar Rapids, Iowa), in bulk, in tank vehicles, (1) from points in Iowa to points in Kentucky located in and south of Hancock, Ohio, Grayson, Hart, LaRue, Marion, Boyle, Lincoln, Rock, Castle, Jackson, Lee, Breathitt, Knott, Floyd, and Pike Counties, (2) from points in Iowa located in, south, and west of Howard, Chickasaw, Bremer, Buchanan, Linn, Johnson, and Muscatine Counties to points in Kentucky located in Breckinridge, Meade, Hardin, Bullitt, Jefferson, Spencer, Nelson, Anderson, Washington, Mercer, Woodford, Fayette, Jessamine, Garrard, Madison, Clark, Estill, Powell, Montgomery, Bath, Menifee, Wolfe, Rowan, Morgan, Magoffin, Johnson, Martin, Lawrence, Elliott, Carter, and Boyd Counties, (3) from points in Iowa located in and west of Worth, Cerro Gordo, Franklin, Hardin, Marshall, Jasper, Mahaska, Wapello, and Davis Counties to points in Kentucky located in and north of Oldham, Shelby, Franklin, Scott, Bourbon, Nicholas, Fleming, Lewis, and Greenup Counties.

(4) from points in Iowa located in and west of Mitchell, Floyd, Bremer, Black Hawk, Benton, Iowa, Washington, Henry, and Lee Counties to points in Indiana located in and south of Switzerland, Jefferson, Scott, Washington, Orange, Martin, Daviess, and Knox Counties and points in Illinois located in and south of Lawrence, Richland, Clay, Marion, Clinton, Bond, and Madison Counties, (5) from points in Iowa located in, south, and west of Osceola, Clay, Pocahontas, Webster, Boone, Story, Jasper, Mahaska, Wapello, and Davis Counties to points in Indiana located in Ohio, Dearborn, Ripley, Decatur, Jennings, Bartholomew, Jackson, Brown, Monroe, Lawrence, Owen, Greene, Clay, Vigo, and Sullivan Counties and points in Illinois located in Clark, Crawford, Cumberland, Jasper, Effingham, and Fayette Counties, and (6) points in Iowa located in, south, and west of Woodbury, Crawford, Audubon, Adair, Union, and Decatur Counties to points in Indiana located in Vermillion, Parke, Putnam, Hendricks, Morgan, Johnson, Shelby, Rush, Franklin, Union, Wayne, Randolph, Delaware, Madison, Hamilton, Marion, Hancock, Henry, and Fayette Counties and points in Illinois located in Edgar, Coles, Moultrie, and Shelby Counties; (E) *Fats* and *oils* (except petroleum and petroleum products and molasses and except animal fats

from Estherville and Ottumwa and except salad oil from Clinton and except corn oil from Cedar Rapids, Iowa), in bulk, in tank vehicles, (1) from points in Iowa located in, north, and east of Woodbury, Crawford, Audubon, Adair, Union, and Ringgold Counties to points in Arkansas located in and east of Sharp, Independence, White, Lonoke, Jefferson, Cleveland, Calhoun, and Union Counties, and (2) from points in Iowa located in, north, and east of Dickinson, Clay, Pocahontas, Webster, Boone, Polk, Marion, Monroe, and Appanoose Counties to points in Arkansas located in Cleburne, Faulkner, Pulaski, Grant, Dallas, Ouachita, Columbia, Lafayette, Miller, Hempstead, Nevada, Clark, Hot Spring, and Saline Counties; (F) *Fats* and *oils* (except petroleum, petroleum products, molasses and feed ingredients and except animal fats from Estherville and Ottumwa, Iowa), in bulk, in tank vehicles, (1) from points in Iowa located in and west of Worth, Cerro Gordo, Franklin, Hardin, Marshall, Jasper, Mahaska, Wapello, and Van Buren Counties to points in Ohio located in and south of Butler, Warren, Clinton, Fayette, Pickaway, Fairfield, Perry, Morgan, Noble, and Belmont Counties, and

(2) From points in Iowa located in, south, and west of Woodbury, Crawford, Audubon, Guthrie, Madison, Warren, Lucas, Monroe, Wapello, and Van Buren Counties to points in Ohio located in Darke, Shelby, Logan, Union, Delaware, Morrow, Knox, Holmes, Stark, Mahoning, Columbiana, Jefferson, Harrison, Guernsey, Muskingum, Locking, Franklin, Madison, Greene, Montgomery, Preble, Miami, Champaign, Clark, Coshocton, Tuscarawas, and Carroll Counties; (G) *Fats* and *oils* (except petroleum and petroleum products and molasses and except animal fats from Estherville and Ottumwa and except salad oils from Clinton and except corn oil from Cedar Rapids, Iowa), in bulk, in tank vehicles, from points in Iowa to points in Nevada; (H) *Fats* and *oils* (except petroleum and petroleum products and molasses and except animal fats from Estherville and Ottumwa), in bulk, in tank vehicles, (1) from points in Iowa to points in Oregon and points in Wyoming located in Laramie, Albany, Carbon, Sweetwater, Unita, and Lincoln Counties and points in Idaho located in and south of Caribou, Bingham, Butte, Lemhi, Valley, and Adams Counties and points in Washington located in, south, and west of Walla Walla, Franklin, Benton, Yakima, Kittitas, King, Snohomish, Skagit, and Whatcom Counties, (2) from points in Iowa located in and south of Dubuque, Delaware, Buchanan, Black Hawk, Tama, Marshall, Story, Boone, Greene, Carroll, Crawford, and Monona Counties to points in Wyoming located in Fremont, Sublette, Teton, Park, and Hot Springs Counties and points in Idaho located in Booneville, Teton, Madison, Jefferson, Clark, and Fremont Counties and north of Idaho County and points in Washington located in, north, and east of Columbia, Whitman, Adams, Grant, Douglas, Chelan, and Okanogan Counties, and (3) from points in Iowa located in Ringgold, Decatur, Wayne, Appanoose, Davis, Van Buren, Lee, and Des Moines Counties to points in Wyoming located in Goshen, Platte, Niobrara, Converse, Natrona, Weston, Campbell, Johnson, Sheridan, Washakie, and Big Horn Counties; (I) *Acids* and *liquid chemicals*, in bulk, in tank vehicles, from Burlington, Iowa, and points within 10 miles thereof to points in Tennessee; (J) *liquid chemicals*, in bulk, in tank vehicles, from Burlington, Iowa, and points within ten miles thereof to points in Connecticut, New Jersey, North Carolina, Pennsylvania, and Rhode Island.

(K) *Acids* and *chemicals*, in bulk, in tank vehicles, (1) from Burlington, Iowa, and points within 10 miles thereof to points in Nebraska, and (2) from Burlington, Iowa, and points within 10 miles thereof to points in Michigan and Ohio; (L) *Dry* or *liquid chemicals*, in bulk, from Burlington, Iowa, and points within 10 miles thereof, to that part of Tennessee on and west of U.S. Highway 27; (M) *Acids* and *chemicals* (except petroleum products), in bulk, from Burlington, Iowa, and points within 10 miles thereof to points in South Dakota; (N) *Chemicals*, in bulk, from Burlington, Iowa, and points within 10 miles thereof to points in Montana and North Dakota; (O) *Liquid chemicals* (except petroleum and petroleum products), in bulk, in tank vehicles, (1) from Windham, Iowa, and points within 15 miles thereof to points in Tennessee, and (2) from Windham, Iowa, and points within 15 miles thereof to points in Connecticut, New Jersey, North Carolina, Pennsylvania, and Rhode Island; (P) *Acids* and *chemicals* (except petroleum and petroleum products), in bulk, from Windham, Iowa, and points within 15 miles thereof to points in Michigan (except points west of a line beginning at Hancock, Mich., along U.S. Highway 41 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line); (Q) *Dry* or *liquid chemicals* (except petroleum and petroleum products), in bulk, from Windham, Iowa, and points within 15 miles thereof to points in Kentucky; (R) *Acids* and *chemicals* (except petroleum products), in bulk, (1) from Windham, Iowa, and points within 15 miles thereof to points in Indiana (except Lake, Porter, LaPorte, and St. Joseph Counties), and (2) from Windham, Iowa, and points within 15 miles thereof to points in Montana and North Dakota; (S) *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of the Iowa-Guttenberg Terminal, Inc., located approximately two miles south of Guttenberg, Iowa, to points in Connecticut, New Jersey, North Carolina, Pennsylvania, and Rhode Island.

(T) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, from the plant site of the Iowa-Guttenberg Terminal, Inc., located approximately two miles south of Guttenberg, Iowa, to points in Mississippi and Ohio; (U) *Dry* or *liquid chemicals*, in bulk, in tank or hopper vehicles, from the plant site of the Iowa-Guttenberg Terminal, Inc., located approximately two miles south of Guttenberg, Iowa, to points in Kentucky and to points in Tennessee on and west of U.S. Highway 27; (N) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, from the plant site of the Iowa-Guttenberg Terminal, Inc., located approximately two miles south of Guttenberg, Iowa, to points in Indiana on and south of a line beginning at the Illinois-Indiana State line, extending along U.S. Highway 24 to junction Indiana Highway 5, thence along Indiana Highway 5 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Indiana-Ohio State line; and (W) *Chemicals*, in bulk, in tank or hopper vehicles, from the plant site of the Iowa-Guttenberg Terminal, Inc., located approximately two miles south of Guttenberg, Iowa, to points in Montana.

The purpose of this filing is to eliminate the following gateways: (A) Kansas City, Kans.; (B) Kansas City, Kans., and Memphis, Tenn.; (C) Kansas City, Kans.; (D) Valley Park, Mo.; (E), (F) points in Missouri within the Dupo, Ill., commercial zone; (G) Nebraska; (H) Kansas; (I) Pike County, Mo.; (J), (K) (1) Muscatine, Iowa; (K) (2) the plant site of Blockson Chemical Co., at or near Joliet, Ill.; (L) Wyoming, Ill.; (M) Windham, Iowa, and points within 15 miles; (N) Des Moines, Iowa; (O) (1) Pike County, Mo.; (O) (2) Muscatine, Iowa; (P) plant site of Blockson Chemical Co., at or near Joliet, Ill.; (Q) Wyoming, Ill.; (R) (1) Burlington, Iowa; (R) (2) Des Moines, Iowa; (S) Muscatine, Iowa; (T) plant site of Blockson Chemical Co., at or near Joliet, Ill.; (U) Wyoming, Ill.; (V) Burlington, Iowa; and (W) Des Moines, Iowa.

No. MC 92983 (Sub-No. E30), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Wine*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Michigan (except Ontonagon and Gogebic Counties) and points in Ohio and points in Wisconsin located on and east of a line beginning at the Wisconsin-Illinois State line along Interstate Highway 94 to junction Wisconsin Highway 57, thence along Wisconsin Highway 57 to junction Wisconsin Highway 32, thence along Wisconsin Highway 32 to junction U.S. Highway 141, thence along U.S. Highway 141 to the southern boundary of Marinette County, thence along the southern and western boundary of Marinette and the western boundary of Florence Counties; (B) *Alcoholic beverages* and *distilled spirits*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Connecticut, Maryland, New York, and Pennsylvania; (C) *Petroleum* and *petroleum*

products as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, from points in Black Hawk County, Iowa, to points in Illinois located on and east of a line beginning at the Illinois-Wisconsin State line along U.S. Highway 24 to junction with the northern city limits of Chicago, thence along the northern, western, and southern city limits of Chicago to the Illinois-Indiana State line; (D) *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-American Pipeline Co., at or near Iowa City, Iowa, to points in Indiana located in and south of Newton, Jasper, Pulaski, Fulton, Wabash, Whitley, and Allen Counties; (E) *Alcoholic beverages* and *distilled spirits*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Maryland and New Jersey.

(F) *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of the Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Arkansas and Tennessee; (G) *Liquid anhydrous ammonia*, from the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Alabama within 400 miles of Woodstock, Tenn.; (H) *Liquid arsenic acid*, from the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Alabama (except Bay Minette); (I) *Liquid phosphoric acid*, in bulk, in tank vehicles, from the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Alabama; (J) *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of the Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Connecticut, New Jersey, North Carolina, Pennsylvania, and Rhode Island; (K) *Trichloromonofluoromethane, dichlorodifluoromethane, monochlorodifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane*, and *mixtures* thereof, in liquid form, in bulk, in tank vehicles, from the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Alabama (except Fox) and Georgia; (L) *Acids* and *chemicals*, in bulk, in tank vehicles, from points in Iowa to Dallas, Tex.; (M) *Acids* and *chemicals*, in bulk, (1) from points in Iowa located in Howard, Chickasaw, Bremer, Black Hawk, Tama, Poweshiek, Mahaska, Wapello, and Davis Counties to points in North Carolina located in Columbus, Brunswick, and New Hanover Counties, (2) from points in Iowa located in and west of Mitchell, Floyd, Butler, Grundy, Marshall, Jasper, Marion, Monroe, and Appanoose Counties to points in North Carolina, (3) from points in Iowa located in Howard, Chickasaw, Bremer, Black Hawk, Tama, Poweshiek, Mahaska, Wapello, and Davis Counties to points in South Carolina located in, south, and east of Aiken, Orangeburg, Calhoun, Clarendon, Florence, and Marion Counties, (4) from points in Iowa located in and west of Mitchell, Floyd, Butler, Grundy, Marshall, Jasper, Marion, Monroe, and Appanoose Counties to points in South Carolina, (5) from points in Iowa located in, south, and west of Sioux, Cherokee, Ida, Crawford, Carroll, Guthrie, Adair, Union, Clarke, and Decatur Counties (except Pottawattamie, Montgomery, Adams, Ringgold, Taylor, Page, Fremont, and Mills Counties) to points in Ohio located in, south, and east of Scioto, Jackson, Vinton, Athens, Morgan, Noble, Belmont, and Jefferson Counties, and (6) from points in Iowa located in Pottawattamie, Montgomery, Adams, Ringgold, Taylor, Page, Fremont, and Mills Counties to points in Ohio located in, south, and east of Butler, Warren, Greene, Madison, Delaware, Morrow, Richland, Ashland, Medina, and Cuyahoga Counties.

(N) *Chemicals*, in bulk, (1) from points in Iowa located in Emmet, Palo Alto, Pocahontas, Humboldt, Webster, Boone, Dallas, Greene, Calhoun, Sac, Buena Vista, Cherokee, Clay, O'Brien, Dickinson, Osceola, and Lyon Counties to points in Pennsylvania located in Chester, Montgomery, Bucks, Delaware, and Philadelphia Counties and points in New York located in, south, and east of Rockland and Putnam Counties, (2) from points in Iowa located in Union, Adair, Cass, Audobon, Shelby, Monona, Sioux, Plymouth, Woodbury, Ida, Crawford, Carroll, Guthrie, Madison, Clarke, and Decatur Counties to points in Pennsylvania located in, south, and east of Washington, Allegheny, Westmoreland, Indiana, Clearfield, Clinton, Lycoming, and Tioga Counties and points in New York located in and east of Chemung, Schuyler, Seneca, and Wayne Counties, (3) from points in Iowa located in Mills, Fremont, Page, Taylor, Harrison, Pottawattamie, Montgomery, Adams, and Ringgold Counties to points in New York and Pennsylvania, (4) from points in Iowa located in and west of Kossuth, Wright, Hamilton, Story, Polk, Marion, Monroe, and Appanoose Counties to points in Virginia located in and south of Washnigton, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Bedford, Campbell, Appomattox, Buckingham, Cumberland, Goochland, Hanover, King William, King & Queen, Essex, Richmond, and Northumberland Counties, (5) from points in Iowa located in and west of Emmet, Palo Alto, Pocahontas, Webster, Boone, Dallas, Madison, Clarke, and Decatur Counties to points in Virginia located in and north of Scott, Russell, Tazewell, Bland, Giles, Craig, Botetourt, Rockbridge, Amherset, Nelson, Albemarle, Fluvanna, Louisa, Spotsylvania, Caroline, King George, and Westmoreland Counties, (6) from points in Iowa located in Lyon, Osceola, Dickinson, Emmet, Palo Alto, Humboldt, Webster, Boone Dallas, Greene, Calhoun, Sac, Pocahontas, Buena Vista, Cherokee, Clay, and O'Brien Counties to points in Connecticut, District of Columbia, points in West Virginia located in and south of Cabell, Putnam, Kanawha, Clay, Nicholas, Webster, Randolph, Pendleton, Hardy, and Jefferson Counties and points in Maryland (except Garrett, Allegany, Washington, Frederick, and Carroll Counties) and points in New Jersey (except Warren and Sussex Counties), and (7) from points in Iowa located in, south, and west of Sioux, Plymouth, Woodbury, Ida, Crawford, Carroll, Guthrie, Madison, Clarke, and Decatur Counties to points in Connecticut, Delaware, Maryland, New Jersey, and West Virginia.

(O) *Acids* and *chemicals*, in bulk, (1) from points in Iowa located in Iowa, Benton, Linn, Buchanan, Delaware, Clayton, Allamakee, Fayette, Black Hawk, Tama, Poweshiek, Mahaska, and Monroe Counties to points in Wyoming located in Albany, Carbon, Sweetwater, Uinta, and Lincoln Counties, (3) from points in Iowa located in Appanoose, Davis, Van Buren, Lee, and Des Moines Counties to points in Wyoming, (4) from points in Iowa located in, south, and east of Winnebago, Hancock, Wright, Webster, Greene, Carroll, Shelby, and Pottawattamie Counties to points in Idaho located in Twin Falls, Owyhee, Ada, Canyon, and Payette Counties and points in Oregon (except Wallowa County) and points in Washington located in and west of Walla Walla, Franklin, Grant, Douglas, Cheland, Skagit, and Whatcom Counties, (5) from points in Iowa located in, south, and east of Dubuque, Jones, Linn, Iowa, Poweshiek, Mahaska, Marion, Warren, Clarke, Union, Adams, Montgomery, and Page Counties to points in Idaho (except Twin Falls, Owyhee, Ada, Canyon, and Payette Counties), points in Oregon located in Wallwa County and points in Washington located in and east of Columbia, Whitman, Adams, Lincoln, and Okanogan Counties, (6) from points in Iowa located in Osceola, O'Brien, Cherokee, Ida, Harrison, Monona, Woodbury, Plymouth, Sioux, and Lyon Counties to points in California located in and south of Inyo, Fresno, San Benito, Santa Clara, and Santa Cruz Counties, (7) from points in Iowa located in, south, and east of Dickinson, Clay, Buena Vista, Sac, Crawford, Shelby, and Pottawattamie Counties to points in California, (8) from points in Iowa to points in Arizona and points in New Mexico (except Rio Arriba, Taos, Colfax, and Union Counties, (9) from points in Iowa (except Lyon, Sioux, and Plymouth Counties) to points in New Mexico located in Rio Arriba, Taos, Colfax, and Union Counties, (10) from points in Iowa located in, east, and south of Dickinson, Clay, Buena Vista, Sac, Crawford, Shelby, and Pottawattamie Counties to points in Utah located in and south of Grand, Emery, Sevier, and Beaver Counties, (11) from points in Iowa located in and east of Kossuth, Humboldt, Webster, Greene, Guthrie, Adair, Adams, and Taylor Counties to points in Utah located in Uintah, Duchesne, Wasatch, Utah, Juab, Millard, Sanpete, and Carbon Counties.

(12) from points in Iowa located in and east of Worth, Cerro Gordo, Franklin, Hardin, Story, Polk, Madison, Union, and Ringold Counties to points in Utah located in and north of Dagget, Summit, Salt Lake, and Tooele

Counties, (13) from points in Iowa located in Lyon, Dickinson, Clay, O'Brien, Sioux, Plymouth, Cherokee, Ida, Woodbury, Monona, and Harrison Counties to points in Nevada located in Clark County, (14) from points in Iowa located in Emmet, Palo Alto, Pocahontas, Buena Vista, Sac, Crawford, Shelby, Pottawattamie, Mills, and Fremont Counties to points in Nevada located in, south, and west of Lincoln, Nye, Mineral, Lyon, and Washoe Counties, and (15) from points in Iowa located in, east, and south of Kossuth, Humboldt, Webster, Calhoun, Carroll, Audubon, Cass, Montgomery, and Page Counties to points in Nevada; (P) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Iowa located in, south, and east of Jackson, Clinton, Cedar, Johnson, Washington, Jefferson, and Davis Counties to points in Arkansas located in, south, and west of Benton, Washington, Franklin, Logan, Yell, Garland, Hot Spring, Clark, Nevada, and Columbia Counties, (2) from points in Iowa located in and bounded by Dubuque, Jones, Linn, Iowa, Keokuk, Wapelo, Appanoose, Wayne, Lucas, Marion, Jasper, Marshall, Grundy, Butler, Floyd, Mitchell, Howard, Winneshiek, Allamake, and Clayton Counties to points in Arkansas located in, south, and west of Boone, Searcy, Van Buren, Faulkner, Pulaski, Jefferson, Lincoln, Drew, and Chicot Counties, (3) from points in Iowa located in and west of Worth, Cerro Gordo, Franklin, Hardin, Story, Polk, Warren, Clarke, and Decatur Counties to points in Arkansas, (4) from points in Iowa to points in Oklahoma (except Cimarron County), (5) from points in Iowa (except Lyon, Sioux, Plymouth, Woodbury, Monona, and Harrison Counties) to points in Oklahoma located in Cimarron County, (6) from points in Iowa (except Lyon, Sioux, Plymouth, Woodbury, Monona, and Harrison Counties) to points in Colorado located in and south of Las Animas, Huerfano, Alamosa, Rio Grande, Mineral, Hinsdale, Duray, and San Miguel Counties, (7) from points in Iowa located in and east of Kossuth, Humboldt, Webster, Greene, Guthrie, Cass, Montgomery, and Page Counties to points in Colorado located in Baca, Prowers, Bent, Otero, Pueblo, Fremont, Custer, Saguache, Chaffee, Gunnison, Montrose, Delta, and Mesa Counties.

(8) From points in Iowa located in and east of Worth, Cerro Gordo, Franklin, Hardin, Story, Polk, Madison, Union, and Ringgold Counties to points in Colorado located in and north of Kiowa, Crowley, El Paso, Teller, Park, Lake, Pitkin, and Garfield Counties (except Jackson, Larimer, Weld, Morgan, Logan, Washington, Yuma, Phillips, and Sedgwick Counties), (9) from points in Iowa located in, south, and east of Clinton, Scott, Muscatine, Louisa, Henry, Jefferson, Davis, and Appanoose Counties to points in Colorado located in Jackson, Larimer, Weld, Morgan, Logan, Washington, Yuma, Phillips, and Sedgwick Counties, (10) from points in Iowa located in Lee County to points in Nebraska located in Red Willow, Hayes, Perkins, Chase, Hitchcock, and Dundy Counties, (11) from points in Iowa located in and west of Dickinson, Clay, Buena Vista, Sac, Carroll, Audubon, Cass, Adams, and Taylor Counties to points in Kansas located in, south, and east of Wyandotte, Johnson, Douglas, Osage, Lyon, Greenwood, Elk, and Chautauqua Counties, (12) from points in Iowa located in and bounded by Emmet, Palo Alto, Pocahontas, Calhoun, Greene, Guthrie, Adair, Union, Ringgold, Decatur, Wayne, Lucas, Warren, Polk, Story, Hardin, Franklin, Cerro Gordo, Worth, Winnebago, and Kossuth Counties to points in Kansas located in and south of Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson, Saline, Ellsworth, Barto, Rush, Pawnee, Hodgeman, Finney, Kearney, and Hamilton Counties, (13) from points in Iowa located in and east of Mitchell, Floyd, Butler, Grundy, Marshall, Jasper, Marion, Monroe, and Appanoose Counties to points in Kansas located in, south, and west of Leavenworth, Jefferson, Jackson, Pottawatomie, Riley, Clay, Cloud, Mitchell, Osborne, and Phillips Counties, (14) from points in Iowa located in Wayne, Appanoose, Davis, Van Buren, Jefferson, Lee, Henry, Des Moines, Louisa, and Muscatine Counties to points in Missouri located in Jackson, Cass, Bates, Vernon, Barton, Dade, Jasper, Lawrence, Newton, Barry, and McDonald Counties, (15) from points in Iowa located in, south, and east of Monona, Crawfrod, Carroll, Greene, Boone, Hamilton, Hardin, Butler, Floyd, and Mitchell Counties (except Muscatine, Louisa, Des Moines, Henry, Jefferson, Lee, Van Buren, Davis, Appanoose, and Wayne Counties) to points in Missouri located in, south, and west of Jackson, Cass, Henry, St. Clair, Polk, Greene, Christian, and Taney Counties, (16) from points in Iowa located in, north, and west of Worth, Cerro Gordo, Franklin, Wright, Webster, Calhoun, Sac, Ida, and Woodbury Counties to points in Missouri located in, south, and west of Platte, Clay, Ray, Lafayette, Pettis, Morgan, Miller, Pulaski, Texas, Shannon, Carter, Butler, Dunklin, and Pemiscot Counties, (17) from points in Iowa located in Dickinson, Emmett, Clay, Palo Alto, Buena Vista, Pocahontas, Sac, Calhoun, Carroll, Audubon, Cass, Adams, and Taylor Counties to points in Illinois located in and south of St. Clair, Washington, Jefferson, Hamilton, and White Counties, and (18) from points in Iowa located in and west of Osceola, O'Brien, Cherokee, Ida, Crawford, Shelby, Pottawattamie, Montgomery, and Page Counties to points in Illinois located in and south of Madison, Bond, Fayette, Effingham, Jasper, and Crawford Counties.

(Q) *Acids* and *chemicals* (except petroleum chemicals), in bulk, in tank vehicles, from points in Iowa to points in Texas (except Harrison, Jefferson, and Orange Counties); (R) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Iowa located in and west and north of Clayton, Buchanan, Benton, Iowa, Keokuk, Wapello, and Davis Counties to points in Mississippi located in, south, and west of Washington, Sharkey, Warren, Hinds, Simpson, Covington, Forrest, Stone, and Jackson Counties, (2) from points in Iowa located in and west of Howard, Chickasaw, Bremer, Black Hawk, Tama, Poweshiek, Mahaska, Monroe, and Appanoose Counties to points in Mississippi located in and surrounded by Coahoma, Tallahatchie, Grenada, Montgomery, Attala, Neshoba, Lauderdale, Clarke, Wayne, Greene, George, Perry, Jones, Smith, Rankin, Madison, Yazoo, Humphreys, Sunflower, and Bolivar Counties, (3) from points in Iowa located in and west of Winnebago, Hancock, Wright, Hamilton, Story, Polk, Warren, Clarke, and Decatur Counties to points in Mississippi located in and north of Tunica, Quitman, Panola, Valobusha, Calhoun, Webster, Choctaw, Winston, and Kemper Counties, (4) from points in Iowa located in and west of Mitchell, Floyd, Butler, Grundy, Marshall, Jasper, Marion, Lucas, and Wayne Counties to points in Tennessee located in Shelby County, (5) from points in Iowa located in and west of Emmet, Palo Alto, Pocahontas, Calhoun, Greene, Guthrie, Adair, Union, and Ringgold Counties to points in Tennessee located in and south of Lauderdale, Crockett, Madison, Henderson, Decatur, Perry, Hickman, Maury, Marshall, Bedford, Coffee, Grundy, Sequatchie, Bledsoe, Phea, Roane, Knox, Jefferson, and Cocke Counties (except Shelby County), and (6) from points in Iowa located in and west of Osceola, O'Brien, Cherokee, Ida, Crawford, Shelby, Pottawattamie, Montgomery, and Page Counties to points in Tennessee located in and north of Dyer, Gibson, Carroll, Benton, Humphreys, Dickson, Williamson, Rutherford, Cannon, Warren, Van Buren, Cumberland, Morgan, Anderson, Union, Granger, Hamblen, and Greene Counties.

(S) *Liquid petroleum chemicals*, in bulk, in tank vehicles, (1) from points in Iowa located in and west of Emmet, Palo Alto, Pocahontas, Calhoun, Greene, Guthrie, Adair, Union, and Ringgold Counties to points in Texas located in, south, and east of Grayson, Denton, Tarrant, Parker, Palo Pinto, Stephens, Shackelford, Taylor, Runnels, Coke, Sterling, Glasscock, Midland, Ector, and Winkler Counties (except Chambers, Galveston, Fort Bend, Brazoria, Harris, Montgomery, and Liberty Counties), and (2) from points in Iowa located in and east of Kossuth, Humboldt, Webster, Boone, Dallas, Madison, Clarke, and Decatur Counties to points in Texas (except Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, and Montgomery Counties); (T) *Acids* and *chemicals*, in bulk, from points in Iowa to points in Louisiana; (U) *Acids* and *chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, (1) from points in Iowa located in

Mahaska, Poweshiek, Tama, Black Hawk, Bremer, Chickasaw, Howard, Winneshiek, Fayette, Buchanan, Benton, Iowa, Keoquk, Wapello, and Davis Counties to points in Georgia located in and south of Muscogee, Chattahoochee, Marion, Taylor, Crawford, Bibb, Twiggs, Wilkinson, Washington, Glasscock, Jefferson and Richmond Counties, and (2) from points in Iowa located in and west of Mitchell, Floyd, Butler, Grundy, Marshall, Jasper, Marion, Monroe, and Appanoose Counties to points in Georgia; (V) *Acids* and *chemicals*, in bulk, (1) from points in Iowa located in Osceola, O'Brien, Cherokee, Ida, Crawford, Audubon, Cass, Adams, Union, Ringgold, and Taylor Counties to points in Kentucky and points in Indiana located in and south of Vigo, Clay, Owen, Morgan, Johnson, Shelby, Rush, Fayette, and Wayne Counties, and (2) from points in Iowa located in Lyon, Sioux, Plymouth, Woodbury, Monona, Harrison, Pottawattomie, Montgomery, Page, Fremont, and Mills Counties to points in Indiana located in and south of Vermillion, Parke, Putnam, Boone, Hamilton, Madison, Delaware, and Jay Counties.

(W) *Alfalfa products, cottonseed meal, mill feeds, soybean meal* and *molasses* when intended for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles, (1) from points in Iowa located on, north, and west of a line extending from the Iowa-Minnesota State line along U.S. Highway 218 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska State line to points in Illinois (except Carroll, Ogle, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, and Lake Counties, (2) from points in Iowa located on and east of a line extending from the Iowa-Illinois State line along U.S. Highway 151 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 22, thence along Iowa Highway 22 to the Iowa-Illinois State line to points in Nebraska and points in South Dakota located on, south, and west of a line extending from the South Dakota-Iowa State line along U.S. Highway 18 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to the South Dakota-North Dakota State line, (3) from points in Iowa located on and west of a line extending from the Iowa-Minnesota State line along U.S. Highway 71 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 169 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in Wisconsin located in, south, and east of Trempealeau, Eau Claire, Clark, Taylor, Price, and Ashland Counties, and (4) from points in Iowa located on and south of a line extending from the Iowa-Nebraska State line along Interstate Highway 80 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line to points in Minnesota located in Freeborn, Waseca, Steele, Rice, LeSueur, Scott, Dakota, Washington, Ramsey, Hennepin, Carver, Wright, Sherburne, Anoka, Chisago Isanti, Benton, Morrison, Mille Lacs, Kanarec, Pine, Carlton, Aitkin, Crow Wing, Cass, Wadena, Hubbard, Beltrami, Lake of the Woods, Koochiching, Itasca, St. Louis, Lake, and Cook Counties.

(X) *Animal fats* and *oils*, in bulk, in tank vehicles, (1) from the plant site of Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Alabama, Georgia, North Carolina, and South Carolina, (2) from the plant site of Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Florida and Texas located in Sabine, Jasper (that portion on and east of U.S. Highway 96), Newton, Orange, Jefferson, Chambers, and Galveston Counties), and (3) from the plant site of Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Mississippi; restricted to the transportation of traffic originating at the specified plant site in (1), (2), and (3); and (Y) *Vegetable oils*, in bulk, in tank vehicles, from the plant site and warehouse facilities of Cargill, Inc., at Des Moines, Iowa, to points in California.

The purpose of this filing is to eliminate the following gateways: (A) Chicago, Ill.; (B) Clinton, Iowa; (C) McFarland, Wis.; (D) Champaign, Ill.; (E) Kentucky; (F) Selma, Mo.; (G), (H) Selma, Mo., and Woodstock, Tenn., or Memphis, Tenn.; (I) Selma, Mo., and Columbia, Tenn.; (J) points in Illinois within the Muscatine, Iowa, commercial zone; (K) Marshall County, Ky.; (L), (M), (N) points in the Kansas City, Kans., Kansas City, Mo., commercial zone; ((O) (1)–(3) Kansas City, Kans.; (O) (4)–(15) points in the Kansas City, Kans., Kansas City, Mo., commercial zones; (P) points that are in both the Kansas City, Kans., and Olathe, Kans., commercial zones; (Q) points that are in both the Olathe, Kans., and Lawrence, Kans., commercial zones; (R) points that are in both the Olathe, Kans., and Lawrence, Kans., commercial zones; and Saginaw, Mo., and points within 15 miles; (S) points that are in both the Kansas City, Kans., and Olathe, Kans., commercial zones and Verona, Mo.; (T), (U), (V) points in the Kansas City, Kans., Kansas City, Mo., commercial zones; (W) (1)–(2) the plant site of Protein Blenders, Inc., near Iowa City, Iowa; (W) (3)–(4) Mason City, Iowa; (X) (1) points in Illinois within the Dubuque, Iowa, commercial zone; (X) (2) Memphis, Tenn.; (X) (3) Kansas City, Kans.; and (Y) Colorado.

No. MC 92983 (Sub-No. E31), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum products*, in bulk, in tank vehicles, (1) from Canton, Mo., to points in Iowa on and west of U.S. Highway 169, and (2) from Canton, Mo., to points in Minnesota and points in Wisconsin located on, north, and west of a line extending from the Wisconsin-Illinois State line along Wisconsin Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan; (B) *Petroleum products* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, (1) from Canton, Mo., to points in the Upper Peninsula of Michigan, (2) from Canton, Mo., to points in Wisconsin located south and east of a line extending from the Wisconsin-Illinois State line along Wisconsin Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan, and (3) from Canton, Mo., to points in Indiana (except Prosey County); (C) *Feed* (not including tankage), in bulk, from St. Joseph, Mo., to points in Minnesota located in, north, and east of Big Stone, Swift, Chippewa, Renville, Redwood, Brown, Watonwan, and Martin Counties, to points in Wisconsin (except points south and west of a line beginning at Cassville and the Mississippi River along Wisconsin Highway 81 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 11, thence along Wisconsin Highway 11 to junction Wisconsin Highway 78, thence along Wisconsin Highway 78 to the Wisconsin-Illinois State line); (D) *Lime*, in bulk, from Mosher, Mo., to points in Minnesota and points in Iowa located in and north of Pottawattamie, Cass, Adair, Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, and Muscatine Counties and to points in Wisconsin located in, north, and west of Lafayette County and that part of Wisconsin on, north, and east of a line beginning at the Lafayette-Dane County line along U.S. Highway 151 to junction with the western Manitowoc County line, thence along the western and northern boundary of Manitowoc County to junction U.S. Highway 141, thence along U.S. Highway 141 to junction Wisconsin Highway 96, thence along Wisconsin Highway 96 to junction Wisconsin Highway 163, thence along Wisconsin Highway 163 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Lake Michigan;

(E) *Petroleum products*, in bulk, in tank vehicles, (1) from LaGrange, Mo., to points in Iowa on and west of U.S. Highway 169, and (2) from LaGrange, Mo., to points in Minnesota and points in Wisconsin located on, north, and west of a line extending from the Wisconsin-Illinois State line along Wisconsin Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan; (F) *Petroleum products* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, (1) from LaGrange, Mo., to the Upper Peninsula of Michigan, (2) from LaGrange, Mo., to points in Wisconsin located south and east of a line extending from the Wisconsin-Illinois State line along Wisconsin Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan, and (3) from LaGrange, Mo., to points in Indiana; (G) *Petroleum products*, in bulk, in tank vehicles, (1) from Hannibal, Mo., to points in Iowa located on and west of U.S. Highway 169, (2) from Aelxandria, Mo., to points in Minnesota and points in Wisconsin located in, north, and west of Grant, Richland, Sauk, Columbia, Greenlake, Fond du Lac, and Sheboygan Counties, and (3) from Hannibal, Mo., to points in Wisconsin located in, north, and west of Lafayette, Iowa, Dane, Dodge, Fond du Lac, and Sheboygan Counties; (H) *Petroleum products* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, (1) from Alexandria and Hannibal, Mo., to points in the Upper Peninsula of Michigan (except Menominee County); (2) from Alexandria, Mo., to points in Wisconsin located in Green, Rock, Walworth, Kenosha, Racine, Milkaukee, Waukesha, Jefferson, Dane, Dodge, Washington, and Ozaukee Counties, (3) from Hannibal, Mo., to points in Wisconsin located in Green, Rock, Walworth, Kenosha, Racine, Milwaukee, Waukesha, Jefferson, Washington, and Ozaukee Counties, (4) from Alexandria, Mo., to points in Indiana, and (5) from Hannibal, Mo., to points in Indiana located on, north, and east of a line extending from the Indiana-Illinois State line along Indiana Highway 64 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line; (I) *Petroleum products*, in bulk, in tank vehicles, from Mexico, Mo., and points within 10 miles thereof to points in Iowa west of U.S. Highway 169 and north of Freemont, Page, Taylor, and Ringgold Counties.

(J) *Petroleum products*, in bulk, in tank vehicles as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, (1) from Mexico, Mo., and points within 10 miles thereof to points in Wisconsin located within 200 miles of Amboy, Ill. (except Crawford and Grant Counties and that portion of Vernon County west of U.S. Highway 14), and (2) from Mexico, Mo., and points within 10 miles thereof to points in Indiana located in, north, and east of Sullivan, Greene, that part of Martin north of U.S. Highway 150, Orange and Harrison Counties; (K) *Molasses*, in bulk, in tank vehicles, (1) from Kansas City, Mo., to points in Illinois located in and north of Mercer, Knox, Peoria, Marshall, LaSalle, Grundy, and Kankakee Counties, and (2) from Kansas City, Mo., to points in Wisconsin located on and east of a line beginning at the Wisconsin-Minnesota State line at LaCrosse, Wis., thence along Wisconsin Highway 35 to junction Wisconsin Highway 121, thence along Wisconsin Highway 121 to junction Wisconsin Highway 93, thence along Wisconsin Highway 93 to junction County Road H, thence along County Road H to junction County Road J, thence along County Road J to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to junction Wisconsin Highway 48, thence along Wisconsin Highway 48 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction with the southern boundary of Douglas County, thence along the southern and eastern boundaries of Douglas County to Lake Superior.

(L) *Corn syrup*, in bulk, in tank vehicles, (1) from points in Missouri located in and east of Barry, Stone, Christian, Greene, Dallas, Camden, Morgan, Cooper, Howard, Randolph, Shelby, Lewis and Clark Counties to points in North Dakota located in and north of Grand Forks, Nelson, Eddy, Wells, Sheridan, McLean, Oliver, Mercer, Stark, Billings, and Golden Valley Counties, (2) from points in Missouri located in and east of Howell, Texas, Phelps, Maries, Osage, Callaway, Audrain, Ralls, Marion, Lewis and Clark Counties to points in North Dakota located in and south of Traill, Stelle, Griggs, Foster, Stutsman, Kidder, Burleigh, Morton, Grant, Hettinger, and Slope Counties, (3) from points in Missouri located in and east of Marion, Ralls, Pike, Montgomery, Osage, Maries, Phelps, Texas, and Howell Counties to points in South Dakota located in and north of Grant, Codington, Clark, Spink, Faulk, Potter, Dewey, Ziebach, and Pennington Counties, (4) from points in Missouri located in and east of St. Louis, Jefferson, St. Francois, Madison, Wayne, and Butler Counties to points in South Dakota located in and south of Deuel, Hamlin, Kingsbury, Beadle, Hand, Hyde, Sully, Stanley, Haakon, Jackson, Washabaugh, Shannon, and Custer Counties, (5) from points in Missouri located in Dunklin, Pemiscot, New Madrid, Mississippi, Scott, Stoddard, Bollinger, Cape Girardeau, Perry and Ste. Genevieve Counties to points in New York located in and north of Columbia, Greene, Schoharie, Montgomery, Herkimer, Lewis, and Jefferson Counties, (6) from points in Missouri located in Oregon, Ripley, Butler, Wayne, Carter, Shannon, Reynolds, Iron, Madison, St. Francis, Washington, Jefferson, St. Louis, and St. Charles Counties and St. Louis City to points in New York located in, east, north, and south of Delaware, Chenango, Madison, Onondaga, and Oswego Counties, and (7) from points in Missouri located in, north, and west of Howell, Texas, Dent, Crawford, Franklin, Warren, and Lincoln Counties and to points in New York; (M) *Vegetable oils*, in bulk, in tank vehicles, (1) from St. Louis, Mo., to points in Nevada, and (2) from St. Louis, Mo., to points in Idaho, Oregon, Washington, and Wyoming; (N) *Fats*, in bulk, in tank vehicles, (1) from points in Missouri to points in Idaho, Oregon, and Washington, and to points in Wyoming located in Uinta, Lincoln, Sublette, Teton, and Park Counties, and (2) from points in Missouri (except those located in Holt, Atchison, Nodaway, Andrew, Centry, Worth, Harrison, and Mercer Counties), to points in Wyoming located in and east of Sweetwater, Fremont, Hot Springs, Washakie, and Big Horn Counties.

(O) *Inedible fats, tallows, and greases* (except petroleum derivatives), in bulk, in tank vehicles, (1) from points in Missouri located in and west of Schuyler, Adair, Macon, Chariton, Saline, Pettis, Henry, St. Clair, Cedar, Dade, Jasper, Newton, and McDonald Counties to Chicago and Chicago Heights, Ill., (2) from points in Missouri located in and west of Butler, that portion of Wayne County on and west of U.S. Highway 67, Iron, Washington, Franklin, Warren, and Lincoln Counties to Rockford, Ill., (3) from points in Missouri located in and east of Ozark, Douglas, Wright, Texas, Pulaski, Maries, Osage, Callaway, Audrain, Ralls, Marion, Lewis and Clark Counties to Faribault, Minneapolis, and St. Paul, Minn., and (4) from points in Missouri located in and west of Pike, Audrain, Callaway, Cole, Miller, Camden, Dallas, Polk, Dade, Lawrence, and Barry Counties to New York and Port Ivory, N.Y.; (P) *Animal fats, greases, and tallows*, in bulk, in tank vehicles, (1) from points in Missouri located in McDonald, Newton, Jasper, Barton, Vernon, Bates, Cass, Henry, Johnson, Lafayette, Saline, Chariton, Carroll, Ray, Caldwell, Livingston, Davies, Grundy, Linn, Sullivan, Adair, Schuyler, Putnam, and Mercer Counties to points in Illinois located on and north of a line extending from the Illinois-Iowa State line along U.S. Highway 52 to junction Illinois Highway 64, thence along Illinois Highway 64 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 34, thence along U.S. Highway 34 to the corporate limits of Chicago, thence along the western and southern corporate limits of Chicago to the Illinois-Indiana State line, (2) from points in Missouri located in Jackson, Clay, Platte, Buchanan, Clinton, DeKalb, Andrew, Holt, Atchison, Nodaway, Gentry, Worth, and Harrison Counties to points in Illinois located on and north of a line extending from the Illinois-Iowa State line along U.S. Highway 30 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Indiana State line, (3) from points in Missouri located in Clark,

Lewis, Knox, Macon, Linn, Chariton, Livingston, Carroll, Caldwell, Ray, Clinton, Platte, Clay, and Jackson Counties to points in North Carolina located in and east of Northampton, Bertie, Martin, Beaufort, Craven, Jones, and Onslow Counties, (4) from points in Missouri located in and north of Scotland, Adair, Sullivan, Grundy, Davies, DeKalb, and Buchanan Counties to points in North Carolina located in and east of Stokes, Forsyth, Davidson, Randolph, Moore, Hoke, and Robeson Counties.

(5) From points in Missouri located in, north, and west of that portion of St. Charles County on and west of a line extending from the northern boundary of the country along Missouri Highway 79 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Missouri River and Franklin, Crawford, Dent, Texas, and Howell Counties to points in Vermont, (6) from points in Missouri located in Clark, Lewis, Knox, Macon, Linn, Chariton, Livingston, Carroll, Caldwell, Ray, Clinton, Platte, Clay, and Jackson Counties to points in Virginia located in and east of Rockingham, that portion of Augusta on and southeast of U.S. Highway 11, Nelson, Buckingham, Cumberland, Amelia, Nottoway, and Brunswick Counties, (7) from points in Missouri located in and north of Buchanan, De Kalb, Daviess, Grundy, Sullivan, Adair, and Scotland Counties to points in Virginia located in and east of Craig, Montgomery, Floyd, Franklin, and Henry Counties, (8) from points in Missouri located in Livingston, Caldwell, Ray, Clinton, Platte, Clay, and Jackson Counties to points in West Virginia located in and east of Monongalia, Marion, Taylor, Barbour, Randolph, and Pendleton Counties, (9) from points in Missouri located in and north of Buchanan, De Kalb, Daviess, Grundy, Sullivan, Adair, and Scotland Counties to points in West Virginia located in, north, and east of Tyler, Doddridge, Gilmer, Braxton, Nicholas, Greenbrier, and Monroe Counties, (10) from points in Missouri located in and east of Oregon, Shannon, Dent, Crawford, Gasconade, Montgomery, and Pike Counties to points in Wisconsin located in, north, and west of Green, Dane, Dodge, Fond du Lac, and Sheboygan, Counties, (11) from points in Missouri located in and surrounded by Howell, Texas, Phelps, Maries, Osage, Callaway, Audrain, Ralls, Marion, Lewis, Clark, Scotland, Knox, Shelby, Randolph, Howard, Cooper, Morgan, Camden, Hickory, Polk, Greene, Christian, Barry, Stone, Taney, and Ozark Counties to points in Wisconsin, (12) from points in Missouri located in and west of McDonald, Newton, Lawrence, Dade, Cedar, St. Clair, Benton, Pettis, Saline, Chariton, Macon, Adair, and Schuyler Counties to points in Wisconsin located in, south, and east of Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, and Bayfield Counties, (13) from points in Missouri located in and west of St. Louis, Franklin, Washington, St. Francis, Madison, Wayne, and Butler Counties to points in New Hampshire.

(14) From points in Missouri located in and north of Vernon, Henry, Pettis, Cooper, Howard, Randolph, Monroe, and Marion Counties to points in New Jersey; (15) from points in Missouri located in Ralls, Pike, Audrain, Montgomery, Callaway, Cole, Osage, Miller, Camden, Dallas, Polk, Greene, Lawrence, Newton, McDonald, and Barry Counties to points in New York located in, north, and east of Oswego, Onondaga, Cortland, Broome, Delaware, Sullivan, Orange, and Putnam Counties, (16) from points in Missouri located in, north, and west of Marion, Monroe, Randolph, Boone, Moniteau, Morgan, Benton, Hickory, Cedar, Dale, and Jasper Counties to points in New York (except New York City and Port Ivory); (17) from points in Missouri to points in Michigan located in the Upper Peninsula, (18) from points in Missouri located in and west of Schuyler, Adair, Macon, Randolph, Boone, Moniteau, Morgan, Camden, Dallas, Greene, Christian, and Stone Counties to points in Michigan located in the Lower Peninsula on and north of a line extending from Lake Michigan along the southern corporate limits of Frankfort to Michigan Highway 115, thence along Michigan Highway 115 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 21, thence along Michigan Highway 21 to the United States-Canada International Boundary line, including the commercial zones of the cities of the line, (19) from points in Missouri located in and west of Schuyler, Adair, Macon, Chriton, Saline, Pettis, Henry, and Bates Counties to points in Michigan located south of a line extending from Lake Michigan along the southern-corporate limits of Frankfort to Michigan Highway 115, thence along Michigan Highway 115 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 21, thence along Michigan Highway 21 to the United States-Canada International Boundary line, (20) from points in Missouri located in, north, and west of Marion, Monroe, Randolph, Howard, Cooper, Pettis, Benton, St. Clair, Cedar, Barton, and Jasper Counties to points in Pennsylvania located in and north of Warren, McKean, Potter, Lycoming, Columbia, Luzerne, Carbon, and Northampton Counties.

(21) From points in Missouri located in and north of Schuyler, Adair, Linn, Livingston, Caldwell, Ray, and Clay Counties to points in Ohio located on and north of a line extending from the Ohio-Indiana State line along U.S. Highway 30 to junction U.S. Highway 305, thence along U.S. Highway 305 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line and points in Pennsylvania located south and west of Warren, McKean, Potter, Lycoming, Columbia, Luzerne, Carbon, and Northampton Counties, (22) from points in Missouri located in Cape Girardeau, Scott, Mississippi, New Madrid, Pemiscott, Dunklin, Stoddard, and Bollinger Counties to points in Maine located in Aroostook County and that portion of Washington County east of the Machias River, (23) from points in Missouri in and northwest of Perry, Madison, Wayne, and Butler Counties to points in Maine, (24) from points in Missouri located in, north, and west of Jasper, Barton, Cedar, St. Clair, Benton, Pettis, Cooper, Howard, Randolph, Monroe, and Marion Counties to points in Maryland located on and east of a line beginning at the Maryland-Delaware State line along U.S. Highway 13 to junction Maryland Highway 363, thence along Maryland Highway 363 to the Chesapeake Bay, (25) from points in Missouri located in, north, and west of Jackson, Ray, Caldwell, Livingston, Linn, Adair, and Schuyler Counties to points in Maryland (except as described in (24) above) and Delaware, (26) from points in Missouri located in, north, and west of Lincoln, Warren, Franklin, Crawford, Dent, Texas, and Howell Counties to points in Massachusetts and Rhode Island, (27) from points in Missouri located in and north of Schuyler, Adair, Linn, Livingston, Caldwell, Ray, and Jackson Counties to points in Indiana located on and north of U.S. Highway 30, including the Ft. Wayne commercial zone, (28) from points in Missouri located in and north of Buchanan, De Kalb, Daviess, Grundy, Sullivan, Adair, Knox, and Clark Counties to points in Florida located in and south of Lee, Hendry, and Palm Beach Counties, (29) from points in Missouri located in and west of Marion, Shelby, Randolph, Howard, Cooper, Pettis, Benton, St. Clair, Cedar, and Barton Counties to points in Delaware.

(30) From points in Missouri located in, north, and west of Howell, Douglas, Wright, LaClede, Camden, Miller, Cole, Callaway, Montgomery, and Pike Counties to points in Connecticut located on, north, and east of a line extending from the Connecticut-New York State line along Interstate Highway 84 to junction Connecticut Highway 66, thence along Connecticut Highway 66 to junction Connecticut Highway 16, thence along Connecticut Highway 16 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to the corporate limits of New London, thence along the western corporate limits of New London to the Atlantic Ocean, and (31) from points in Missouri located in, north, and west of Jasper, Dade, Polk, Dallas, Camden, Miller, Cole, Callaway, Montgomery, and Pike Counties to points in Connecticut located south of a line extending from the Connecticut-New York State line along Interstate Highway 84 to junction Connecticut Highway 66, thence along Connecticut Highway 66 to junction Connecticut Highway 16, thence along Connecticut Highway 16 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to the

corporate limits of New London, thence along the western corporate limits of New London to the Atlantic Ocean; (Q) *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from Crystal City, Mo., to points in Rhode Island and Connecticut, and (2) from Crystal City, Mo., to points in Michigan; (R) *Anhydrous ammonia and aqueous ammonia*, in bulk, in tank vehicles, (1) from Louisiana, Mo., to points in Connecticut, New Jersey, points in North Carolina located in and east of Northampton, Halifax, Edgecombe, Greene, Lenoir, Jones, and Onslow Counties, points in Pennsylvania located on, north, and east of a line extending from the Pennsylvania-Ohio State line along Pennsylvania Highway 51 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, including Pittsburgh commercial zone, and Rhode Island, and (2) from Louisiana, Mo., to points in Kentucky located in Boyd County, points in Michigan and points in Ohio located in, north, and east of Van Wert, Allen, Hardin, Logan, Union, Franklin, Pickaway, Hocking, Vinton, Jackson, and Lawrence Counties.

(S) *Aqueous ammonia*, in bulk, in tank vehicles, from Louisiana, Mo., to points in Wisconsin; (T) *Petroleum products* (except cryogenic liquids) requiring temperature control in transit to maintain liquid from in bulk, in tank vehicles as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, (1) from points in Missouri to points located in the Upper Peninsula of Michigan in, north, and west of Dickinson, Marquette, and Alger Counties, and (2) from points in Missouri located in and west of Putnam, Sullivan, Linn, Chariton, Howard, Boone, Montineau, Miller, Pulaski, Texas, and Howell Counties to points in the Upper Peninsula of Michigan; (U) *Petroleum products* (except cryogenic liquids) requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from points in Missouri to points in Wisconsin located on and south of U.S. Highway 10 and in and east of Wood, Juneau, Sauk, Dane, and Green Counties, (2) from points in Missouri, in, south, and east of Pike, Audrain, Boone Moniteau, Morgan, Camden, Hickory, Cedar, and Vernon Counties to points in Wisconsin located on and south of U.S. Highway 10 and in Clark, Jackson, Monroe, Vernon, Richland, Crawford, Grant, Iowa, and Lafayette Counties, (3) from points in Missouri located in, south, and east of Pike, Lincoln, Warren, Gasconade, Maries, Pulaski, Texas, Wright, Douglas, and Ozark Counties to points in Wisconsin located on or south of U.S. Highway 10 and in Pierce, Pepin, Buffalo, Trempealeau, and LaCrosse Counties, (4) from points in Missouri located in, south, and east of St. Charles, St. Louis, Jefferson, Washington, Iron, Reynolds, Carter, and Ripley Counties to points in South Dakota, (5) from points in Missouri located in Pike, Lincoln, Montgomery, Warren, Gasconade, Franklin, Crawford, Phelps, Dent, Texas, Shannon, Howell, and Oregon Counties, to points in North Dakota located in, north, and west of Slope, Stark, Morton, Burleigh, Kidder, Wells, Foster, Eddy, Benson, Ramsey, Cavalier, and Pembina Counties, (6) from points in Missouri located in Perry, Bollinger, Cape Girardeau, Scott, Mississippi, Stoddard, New Madrid, and Pemiscot Counties to points in South Dakota located in, north, and west of Grant, Codington, Hamlin, Kingsbury, Beadle, Sanborn, Aurora, Brule, Lyman, Melette, and Todd Counties, (7) from points in Missouri located in St. Louis City, St. Louis County, Jefferson, Ste. Genevieve, St. Francois, Madison, Wayne, Butler, and Dunklin Counties to points in South Dakota located in, north, and west of Roberts, Day, Spint, Faulk, Potter, Dewey, Zieback, Meade, and Lawrence Counties, (8) from points in Missouri to points in Iowa located in and east of Dubuque, Jones, Cedar, Muscatine, Louisa, Des Moines, and Lee Counties.

(9) From points in Missouri located in, south, and east of Clark, Lewis, Marion, Monroe, Audrain, Boone, Moniteau, Miller, Camden, Dallas, Greene, Christian, Stone, and Barry Counties to points in Iowa located in and east of Worth, Cerro Gordo, Floyd, Butler, Black Hawk, Benton, Iowa, Washington, Henry, and Lee Counties, (10) from points in Missouri located in and east of Clark, Lewis, Marion, Ralls, Pike, Lincoln, Warren, Franklin, Crawford, Phelps, Texas, and Howell Counties to points in Iowa located on and east of U.S. Highway 169, (11) from points in Missouri located in, south, and east of Schuyler, Adair, Macon, Chariton, Saline, Pettis, Henry, St. Clair, Cedar, Dade, and Jasper Counties to points in Minnesota located in north, and east of Roseau, Beltrami, Koochiching, and St. Louis Counties, (12) from points in Missouri located in and east of Clark, Lewis, Shelby, Monroe, Audrain, Boone, Moniteau, Miller, Camden, Dallas, Greene, Christian, Stone, and Barry Counties to points in Minnesota located in, north, and east of Wilkin, Grant, Douglas, Pope, and Stearnes, Sherburne, Amoka, Ramsey, Dakota, Goodhue, Olmstead, and Fillmore Counties, (13) from points in Missouri located in and east of Clark, Lewis, Marion, Ralls, Pike, Montgomery, Gasconade, Phelps, Dent, Shannon, and Howell Counties to points in Minnesota, (14) from points in Missouri located in and east of Clark, Lewis, Shelby, Monroe, Randolph, Howard, Cooper, Morgan, Camden, Dallas, Greene, Christian, and Stone Counties to points in Minnesota located on and south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 212 to Minneapolis, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line and in and east of Renville, Nicollet, Blue Earth, Waseca, Steele, Dodge, and Mower Counties, (15) from points in Missouri located in and east of Clark, Lewis, Shelby, Audrain, Boone, Moniteau, Miller, Pulaski, LaClede, Webster, Douglas, and Ozark Counties to points in Minnesota located on and south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 212 to Minneapolis, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, including Minneapolis, Minn.,

(16) From points in Missouri located in and east of Clark, Lewis, Marion, Monroe, Audrain, Boone, Moniteau, Miller, Camden, LaClede, Wright, Douglas, and Ozark Counties to points in Iowa located on and west of U.S. Highway 169 and in and north of Sioux, O'Brien, Clay, Palo Alto, and Kossuth Counties, (17) from points in Missouri located in and east of Clark, Lewis, Marion, Ralls, Audrain, Calloway, Osage, Maries, Pulaski, Texas, and Howell Counties to points in Iowa located on and west of U.S. Highway 169 and in and north of Harrison, Shelby, Audibon, Guthrie, and Dallas Counties, (18) from points in Missouri located in and east of Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, Jefferson, Washington, Iron, Reynolds, Carter, and Ripley Counties to points in Iowa located on and west of U.S. Highway 169, (19) from points in Missouri to points in Indiana located in and north of Warren, Fountain, Montgomery, Hendricks, Marion, Hancock, Rush, Fayette, and Union Counties, (20) from points in Missouri located in, north, and west of Taney, Christian, Green, Dallas, Hickory, Benton, Pettis, Cooper, Howard, Randolph, Audrain, Pike, and Lincoln Counties to points in Indiana located in and north of Vigo, Clay, Owen, Monroe, Brown, Bartholemew, Tennines, and Jefferson Counties, (21) from points in Missouri located in and north of Buchanan, Clinton, Caldwell, Livingston, Linn, Sullivan, Adair, Knox, and Lewis Counties to points in Indiana, (22) from points in Missouri located in and west of Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Polk, Greene, Christian, and Taney Counties to points in Pennsylvania, (23) from points in Missouri located in Putnam, Sullivan, Linn, Chariton, Morgan, Dallas, Webster, Douglas, and Ozark Counties to points in Pennsylvania located in and east of Tioga, Lycoming, Montour, Northumberland, Dauphin, and York Counties, (24) from points in Missouri located in, north, and west of Mercer, Grundy, Livingston, Carroll, Lafayette, Johnson, Henry, St. Clair, and Vernon Counties to points in Kentucky, (25) from points in Misosuri located in, north, and west of Harrison, Daviess, Caldwell, Clinton, Clay, Jackson, Cass, and Bates Counties to points in Kentucky located in and east of Hardin, Graysom, Edmonson, Warren, and Simpson Counties.

(26) From points in Missouri located in, south, and west of Holt, Andrew, De Kalb, Caldwell, Carroll, Saline, Pettis, Benton, Hickory, Polk, Green, Christian, and Taney Counties to points in Michigan in, north, and east of Gogebic, Iron, Dickinson, Menominee, Mason Lake, Osceola, Clare, Gladwin, Midland, Sagi-

naw, Genessee, Lapier, and St. Clair Counties, (27) points in Missouri located in, south, and west of Holt, Andrew, De Kalb, Caldwell, Ray, LaFayette, Johnson, Henry, St. Clair, Cedar, Dade, Lawrence, and Barry Counties to points in Michigan, (28) from points in Missouri located in and west of Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Polk, Greene, Christian, and Taney Counties to points in New York, (29) from points in Missouri located in Putnam, Sullivan, Linn, Macon, Chariton, Randolph, Howard, Boone, Cooper, Moniteau, Morgan, Camden, Dallas, Webster, Douglas, and Ozark Counties to points in New York located in, north, and east of St. Lawrence, Franklin, Essex, Warren, Saratoga, Schenectady, Albany, Columbia, Dutchess, Putnam, and West Chester Counties and New York City, and (30) from points in Missouri located in and west of Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, St. Clair, Cedar, Barton, Jasper, Newton, and McDonald Counties to points in West Virginia.

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The purpose of this filing is to eliminate the gateways of the following: in (a)(1) above, points in Iowa in the Alexandria, Mo., commercial zone; in (a)(2) above, Guttenberg, Iowa; in (b)(1) above, Guttenberg, Iowa, and Eau Claire, Wis.; in (b)(2) above, Amboy, Ill.; in (b)(3) above, Champaign, Ill.; in (c) above, Mason City, Iowa; in (d) above, Windham, Iowa, and points within 15 miles thereof; in (e)(1) above, points in Iowa within the Alexandria, Mo., commercial zone; in (e)(2) above, Guttenburg, Iowa; in (f)(1) above, Guttenberg, Iowa, and Eau Claire, Wis.; in (f)(2) above, Amboy, Ill.; in (f)(3) above, Champaign, Ill.; in (g)(1) above, Alexandria, Mo.; in (g)(2) & (3) above, Guttenberg, Iowa; in (h)(1) above, Guttenberg, Iowa, and Eau Claire, Wis.; in (h)(2)&(3) above, Amboy, Ill.; in (h)(4)&(5) above, Champaign, Ill.; in (i) above, points in Illinois within the Alexandria, Mo., commercial zone; in (j)(1) above, Amboy, Ill.; in (j)(2) above, Champaign, Ill.; in (k)(1) above, Muscatine, Iowa; in (k)(2) above, Muscatine, Iowa, and Dubuque, Iowa; in (l) above, Clinton, Iowa; in (m)(1) above, Nebraska; in (m)(2) above, Kansas, in (n) above, Kansas City, Kans.; in (o)&(p) above, Dubuque, Iowa; in (q)(1) above, Muscatine, Iowa; in (q)(2) above, the plant site of the Blockson Chemical Co., at or near Joliet, Ill.; in (r)(1) above, Muscatine, Iowa; in (r)(2) above, plantsite of Blockson Chemical Co., at or near Joliet, Ill.; in (s) above, Wyoming, Ill.; in (t) above, points in Illinois within the Dubuque, Iowa, commercial zone and Eau Claire, Wis.; in (u)(1)–(3) above, Peru, Ill.; in (u)(4)–(7) above, Berwyn, Ill.; in (u)(8)–(10) above, points in Illinois within the Alexandria, Mo., commercial zone; in (u)(11)–(13) above, points in Illinois within the Alexandria, Mo., commercial zone and Guttenberg, Iowa; in (u)(14)–(15) above, points in Illinois within the Fort Madison, Iowa, commercial zone; (u)(16)–(18) above, points in Illinois within the Alexandria, Mo., commercial zone; (u)(19)–(21) above, Champaign, Ill.; in (u)(22)(23) above, Kansas; and in (u)(23)–(31) above, points in Kansas within the Kansas City, Mo., commercial zone.

No. MC 92983 (Sub-No. E32), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals*, in bulk, in tank vehicles, (1) from Joplin, Mo., and Louisiana, Mo., to points in Connecticut, New Jersey, Rhode Island, and points in Pennsylvania located on; north, and east of a line beginning at the Pennsylvania-Maryland State line along U.S. Highway 219 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Pennsylvania-West Virginia State line, and (2) from Louisiana, Mo., to points in Ohio located in, north, and east of that part of Lucas County north of Interstate Highway 80/90, Ottawa, Erie, Lorain, Medina, Summit, Stark, and Columbiana Counties.

(B) *Acids* and *chemicals*, in bulk, (1) from Joplin, Mo., to points in Illinois on and north of a line beginning at the Mississippi River and extending along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction unnumbered highway at Banner, thence along unnumbered highway through Dixon to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 26 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 13, thence along Indiana Highway 13 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line, to points in Wisconsin (except points west of a line beginning at the Minnesota-Wisconsin State line and extending along the northern boundary of Polk County to junction Wisconsin Highway 48, thence along Wisconsin Highway 48 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction Wisconsin Highway 46, thence along Wisconsin Highway 46 to junction with the southern border of Polk County, thence along the southern border of Polk County to the Wisconsin-Minnesota State line, and (2) from Louisiana, Mo., to points in Illinois on and north of a line beginning at the Mississippi River extending along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction unnumbered highway at Media, thence along numbered highway through Smithshire to junction U.S. Highway 67 at Larchland, thence along U.S. Highway 67 to junction Illinois Highway 135, thence along Illinois Highway 135 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 34, thence along U.S. Highway 34 to Chicago, Ill., on Lake Michigan, to points in Indiana on and north of a line beginning at the Gary, Ind., commercial zone on the Indiana-Illinois State line and extending along U.S. Highway 6 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 2, thence along Indiana Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Ohio State line, and to points in Wisconsin.

(C) *Acids* and *chemicals*, in bulk (except petroleum and petroleum products), from Louisiana, Mo., to points in Minnesota and South Dakota; (D) *Liquid chemicals*, in bulk, from Louisiana, Mo., to points in Michigan and Minnesota; (E) *Chemicals*, in bulk, from Louisiana, Mo., to points in Michigan located in Gogebic County, and Montana; (F) *Liquified propane*, in bulk, in tank vehicles, (1) from points in Missouri located in and west of Scotland, Knox, Shelby, Monroe, that portion of Audrain County west of Missouri Highway 19, Gallaway, Osage, Maries, Phelps, Texas, and Howell Counties to points in Illinois located in that portion of Rock Island County on and north of U.S. Highway 6, Whiteside, Carroll, Ogle, Winnebago, Stephenson, and Jo Davies Counties, (2) from points in Missouri located in and west of Scotland, Knox, Macon, Randolph, Howard, Cooper, Moniteau, Morgan, Camden, Dallas, Greene, Lawrence, and Barry Counties to points in Illinois located in Lee, DeKalk, Kane, DuPage, Cook, Lake, McHenry, and Boone Counties, and (3) from points in Missouri located in Clay, Clinton, DeKalb, Gentry, Worth, Nodaway, Atchison, Holt, Andrew, Buchanan, and Platte Counties, and points in Jackson County in the Kansas City, Mo., commercial zone to points in Illinois located in that portion of Iroquois County on and north of U.S. Highway 24, Kankakee, Will, Kendall, Grundy, Livingston, LaSalle, Bureau, Putnam, Marshall, Woodford, Stark, Henry, and Mercer Counties, and that portion of Knox County located on, north, and east of U.S. Highway 50 and that portion of Peoria County located on and north of Illinois Highway 116.

(G) *Sulphuric acid* and *phosphoric acid*, in bulk, in tank vehicles, (1) from points in Missouri in and east of Howell, Oregon, Carter, Wayne, Bollinger, and Cape Girardeau Counties to points in Kansas in and west of Cheyenne, Thomas, Gove, Ness, Rush, Barton, Rice, Reno, Sedgwick, and Cowley Counties, (2) from points in Missouri in and southeast of St. Louis, Jefferson, Washington,

Crawford, Dent, Texas, Wright, Webster, Greene, Christian, and Stone Counties [except as described in (1) above] to points in Kansas located on, south, and west of a line beginning at the Kansas-Oklahoma State line along U.S. Highway 283 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, (3) from points in Missouri in and west of Mercer, Grundy, Livingston, Caldwell, Ray, Jackson, Cass, Bates, Vernon, Boston, Jasper, Newton, and McDonald Counties to points in Louisiana, and (4) from points in Missouri in and west of Marion, Shelby, Macon, Chariton, Saline, Pettis, Benton, St. Clair, Cedar, Dade, Lawrence, and Barry Counties [except as described in (3) above] to points in Louisiana in and west of Bossier, Red River, Natchitoches, Rapides, Evangeline, Acadia, and Vermillion Parishes; (H) *Caustic soda*, in bulk, in tank vehicles, (1) from points in Missouri in and southwest of Cape Girardeau, Stoddard, and Butler Counties to Wichita, Kans., and (2) from points in Missouri on and north of a line beginning at the Missouri-Arkansas State line and extending north along the western and northern borders of Taney, Ozark, Howell, and Shannon Counties to intersection with Missouri Highway 106, thence along Missouri Highway 106 to junction Highway K, thence along highway K to intersection with the western border of Iron County, thence along the western, southern, and eastern borders of Iron County to intersection with the northern border of Madison, thence along the northern borders of Madison and Perry County to the Missouri-Illinois State line, to Houston, Tex.; (I) *Liquid chemicals*, in bulk, in tank vehicles, (1) from Selma, Mo., and points within 5 miles of Selma, Mo., to points in Rhode Island and Connecticut, and (2) from Selma, Mo., and points within 5 miles of Selma, Mo., to points in Michigan and Ohio located on and north of a line beginning at the Ohio-Indiana State line along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 151, thence along Ohio Highway 151 to the Ohio River.

(J) *Phosphoric acid*, in bulk, in tank vehicles, from Pike County, Mo., to points in Alabama, Georgia, and Louisiana located in Washington and St. Tammany Parishes on and east of Louisiana Highway 21, in and east of St. John the Baptist, St. James, Assumption, lower part of St. Martin Parishes, and that part of St. Mary Parish east of the Lower Atchafadaya River, that part of Mississippi located on, south, and east of a line beginning at the Missouri-Alabama State line along the Buttahatchie River to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Mississippi Highway 26, thence along Mississippi Highway 26 to the Pearl River; (K) *Liquid chemicals* (except petroleum products as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 MCC 209), in bulk, in tank vehicles, from Pike County, Mo., to points in Connecticut, New Jersey, that part of North Carolina located in and east of Halifax, Edgecombe, Pitt, Greene, Lenoir, Jones, and Onslow, and points in Pennsylvania located on, north, and east of a line beginning at the Pennsylvania-Maryland State line along U.S. Highway 219 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Pennsylvania-West Virginia State line; (L) *Glycerine*, in bulk, in tank vehicles, from Pike County, Mo., to points in West Virginia; (M) *Acids* and *liquid chemicals*, in bulk (except petroleum products as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 MCC 209), from Pike County, Mo., to points in Ohio located in, north, and east of Mercer, Shelby, Champaign, Madison, Pickaway, Ross, Jackson, and Gallia Counties.

(N) *Fats, greases, lard*, and *tallows* (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles, (1) from St. Louis, Mo.; to points in Florida, South Carolina, and points in North Carolina located in, south, and east of Union, Anson, Richmond, Moore, Lee, Harnett, Johnston, Wilson, Edgecombe, Martin, Bertie, Chowan, and Gates Counties, and (2) from St. Louis, Mo., to points in Arkansas located on and south of a line beginning at the Arkansas-Ohio State line along Arkansas Highway 252 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction Arkansas Highway 22, thence along Arkansas Highway 22 to junction Arkansas Highway 7; thence along Arkansas Highway 7 to junction Arkansas Highway 28, thence along Arkansas Highway 28 to the Arkansas-Oklahoma State line, to points in Texas in and south of Cochran, Hockey, Lubbock, Crosby, Dickens, King, Knox, Baylor, Archer, and Clay Counties and to points in Oklahoma located in Choctaw and McCurtain Counties and that portion of LeFlore County east and south of a line beginning at the Oklahoma-Arkansas State line along Oklahoma Highway 128 to junction U.S. Highway 259, thence along U.S. Highway 259 to the LeFlore-McCurtain County line; (O) *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from Jefferson City, Mo., to points in Illinois on and north of U.S. Highway 40 from East St. Louis to Effingham and on and west of U.S. Highway 45 to the Illinois-Wisconsin State line and located in and north of Hancock, McDonough, Fulton, Mason, Tazewell, McLeod, McWitt, Champaign, and Vermillion Counties, (2) from Jefferson City, Mo., to points in Indiana, (3) from Jefferson City, Mo., to points in Wisconsin on and south of U.S. Highway 18, (4) from Jefferson City, Mo., to points in Minnesota located on, north, and east of a line beginning at the Minnesota-Iowa State line along U.S. Highway 218 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to the Minnesota-South Dakota State line and points in Wisconsin located on and north of a line beginning at Milwaukee along Wisconsin Highway 59 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Wisconsin-Illinois State line, (5) from Jefferson City, Mo., to the Upper Peninsula of Michigan, (6) from Jefferson City, Mo., to points in Minnesota on and south of Minnesota Highway 19, (7) from Jefferson City, Mo., to points in Illinois located in, north, and east of Rock Island, Whiteside, Lee, Dekalb, Kane, DuPage, and Cook Counties.

(P) *Cottonseed oil* and *soybean oil* and *blends* and *products* thereof (except soap products and paint), in bulk, in tank vehicles, (1) from points in Missouri on, west, and north of a line beginning at the Arkansas-Missouri State line and extending along Missouri Highway 5 to junction Missouri Highway 38, thence along Missouri Highway 38 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction Missouri Highway 151, thence along Missouri Highway 151 to junction Highway J, thence along Highway J to junction Missouri Highway 15, thence along Missouri Highway 15 to junction Missouri Highway 156, thence along Missouri Highway 156 to junction Highway J, thence along Highway J to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 16, thence along Missouri Highway 16 to Canton on the Mississippi River, and (2) from points in Missouri to Macon, Ga., and Jackson, Miss.; (Q) *Vegetable oils* and *vegetable oil products* (except soap products and paints), in bulk, in tank vehicles, (1) from points in Missouri (except Mississippi County), to points in Alabama located in and south of Pickens, Tuscaloosa, Jefferson, Saint Clair, Calhoun, and Cleburne Counties, (2) from points in Missouri located in and west of Butler, Wayne, Iron, Washington, Crawford, Gasconade, Montgomery, Audrain, Monroe, Shelby, Knox, and Scotland Counties to points in Alabama [except those points in Alabama described in (1) above], (3) from points in Missouri (except Newton, McDonald, Barry, Stone, and Taney Counties), to points in Mississippi (except Monroe, Itawamba, Lee, Pontotoc, Union, Prentiss, Tishomingo, Alcorn, Tippah, and Benton Counties and except Jackson), (4) from points in Missouri (except Newton, McDonald, Barry, Stone, Taney, St. Genevieve, Perry, Bolling, Cape Girardeau, Scott, Stoddard, Mississippi, New Madrid, Dunklin, and Pemiscot Counties), to points in Mississippi [except those points in Mississippi described in (3) above], (5) from points in Missouri

to points in Louisiana located in and east of East Feliciana, East Baton Rouge, Ascension, Assumption, and Terrebonne Parishes, (6) from points in Missouri located in and east of Butler, Wayne, Reynolds, Iron, Crawford, Gasconade, Callaway, Audrain, Monroe, Shelby, Knox, Adair, and Schuyler Counties to points in Louisiana [except those points in Louisiana described in (5) above], (7) from points in Missouri (except Mississippi County), to points in Georgia located in and south of Polk, Paulding, Cobb, Fulton, Gwinnett, Barrow, Clarke, Oglethorpe, Wilkes, and Lincoln Counties (except Macon), and (8) from points in Missouri located in and west of Schuyler, Adair, Macon, Randolph, Boone, Cole, Miller, Maries, Phelps, Dent, Reynolds, Carter, and Butler Counties to points in Georgia (except those points in Georgia described in (7) above).

(R) *Corn syrup*, in bulk, in tank vehicles, (1) from North Kansas City, Mo., to points in Alabama and Georgia, and (2) from North Kansas City, Mo., to points in California, Oregon, and Washington; (S) *Corn oil*, in bulk, in tank vehicles, (1) from St. Joseph, Mo., to St. Louis, Mo., (2) from St. Joseph, Mo., to points in Louisiana, Mississippi, and Tennessee, (3) from St. Joseph, Mo., to points in Nevada, and (4) from St. Joseph, Mo., to points in Idaho, Oregon, Washington, and Wyoming; (T) *Petroleum chemicals* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, from Saginaw, Mo., and points within 15 miles of Saginaw, Mo., to points in Indiana located in, north, and west of Sullivan, Greene, Martin, Orange, Washington, and Floyd Counties; (U) *Sulphuric acid* and *phosphoric acid*, in bulk, in tank vehicles, from Saginaw, Mo., and points within 15 miles of Saginaw, Mo. (except from Galena, Kans., and Horn, Mo.), to points in Louisiana (except those located in Morehouse, West Carrol, and East Carroll Parishes); (V) *Petroleum chemicals* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, from Saginaw, Mo., and points within 15 miles of Saginaw, Mo., to the Upper Peninsula of Michigan; and (W) *Liquid chemicals*, in bulk, from Saginaw, Mo., and points within 15 miles of Saginaw, Mo. (except sulphuric acids and phosphoric acids from Galena, Kans., and Horn, Mo.), to points in Michigan. The purpose of this filing is to eliminate the gateways of the following: (A) Muscatine, Iowa; (B) Burlington, Iowa; (C) Windham, Iowa, and points within 15 miles; (D) plant site of Hawkeye Chemical Co., at or near Clinton, Iowa; (E) Des Moines, Iowa; (F) the terminal outlet of the Mid-American Pipeline Co., at or near Iowa City, Iowa; (G) and (H) Tulsa, Okla.; (I)(1) points in Illinois within the Muscatin, Iowa, commercial zone; (I)(2) plant site of the Blockson Chemical Co., at or near Joliet, Ill.; (J) Columbia, Tenn.; (K) Muscatine, Iowa; (L) St. Louis, Mo.; (M) plant site of the Blockson Chemical Co., at or near Joliet, Ill.; (N) Memphis, Tenn.; (O)(1) points in Iowa within the Alexandria, Mo., commercial zone; (O)(2) points in (O)(1) and Champaign, Ill.; (O)(3) Fort Madison, Iowa; (O)(4) Guttenberg, Iowa; (O)(5) Guttenberg, Iowa, and Eau Claire, Wis.; (O)(6) Block Hawk County, Iowa; (O)(7) site of the terminal outlet of the Mid-American Pipeline Co., at or near Iowa City, Iowa; (P) Memphis, Tenn.; (Q) Memphis, Tenn.; (R)(1) points in Arkansas within the Memphis, Tenn., commercial zone; (R)(2) Colorado; (S)(1) Kansas; (S)(2) Kansas City, Kans.; (S)(3) Nebraska; (S)(4) Kansas; (T) Champaign, Ill.; (U) Tulsa, Okla.; (V) Kewaunee, Wis.; and (W) plant site of Hawkeye Chemical Co., at or near Clinton, Iowa.

No. MC 92983 (Sub-No. E33), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum products* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, (1) from Trenton, Mo., to points in Minnesota located in, north, and east of Marshall, Pennington, Beltrami, Itasca, and St. Louis Counties and points in Wisconsin on and east of a line beginning at the Wisconsin-Minnesota State line and extending east and south along the northern and eastern border of Burnett and Polk Counties to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 46, thence along Wisconsin Highway 46 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction with the eastern border of Pierce County, thence along the eastern and southern border of Pierce County to the Wisconsin-Minnesota State line, (2) from Trenton, Mo., and points within 10 miles thereof to the Upper Peninsula of Michigan, (3) from Trenton, Mo., and points within 10 miles thereof to points in Indiana, (4) from Trenton, Mo., to points in Minnesota located on and south of Minnesota Highway 19, and located in, north, and east of Redwood, Brown, Blue Earth, Waseca, Steele, and Mower Counties and that part of Lyon County east of U.S. Highway 59 and south of Minnesota Highway 19, (5) from Trenton, Mo., and points within 10 miles thereof to points in the Upper Peninsula of Michigan and points in the Lower Peninsula of Michigan located in, north, and east of Mason, Newaygo, Montcalm, Clinton, Shiawassee, and Livingston Counties and that part of Washentaw and Wayne Counties on and north of a line beginning at the Washentaw-Jackson County line along Interstate Highway 94 to junction with the Detroit City limits, thence along the western and southern Detroit city limits to the Detroit River, restricted against the transportation of petrochemicals destined to points in the Lower Peninsula of Michigan located on and east of U.S. Highway 23, (6) from Trenton, Mo., and points within 10 miles thereof to points in California, and (7) from Trenton, Mo., and points within 10 miles thereof to points in Kentucky, New York, Pennsylvania, Tennessee, West Virginia, and points in Ohio located on, south, and east of a line beginning at the Ohio-Indiana State line along Ohio Highway 725 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Ohio Highway 115, thence along Ohio Highway 115 to the Henry County line, thence along the southern and western boundary line of Henry County to the western boundary line of Fulton County to the Ohio-Michigan State line.

(B) *Liquid chemicals*, in bulk, in tank vehicles, from Saginaw, Mo., and 15 miles thereof to points in Michigan; (C) *Crude soybean oil* and *inedible fats*, in bulk, in tank vehicles, (1) from points in Missouri to Faribault, Mo., Minneapolis, Minn., and St. Paul, Minn., (2) from points in Missouri on, north, and west of a line beginning at the Mississippi River and extending along U.S. Highway 36 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 245, thence along Missouri Highway 245 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Missouri Highway 126, thence along Missouri Highway 126 to the Missouri-Kansas State line to Cincinnati and Ivorydale, Ohio, and (3) from points in Missouri on, north, and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 67 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction Missouri Highway 51, thence along Missouri Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Bypass 50, thence along U.S. Bypass 50 to the Mississippi River, to New York City and Port Ivory, N.Y.; (D) *Soybean, corn* and *salad oil*, in bulk, in tank vehicles, (1) from points in Missouri located in and east of Lincoln, Warren, Franklin, Washington, Iron, Reynolds, Carter, and Ripley Counties to points in North Dakota and South Dakota, (2) from points in Missouri located in and surrounded by Schuyler, Adair, Macon, Randolph, Howard, Cooper, Morgan, Camden, Dallas, Greene, Christian, Stone, Taney, Ozark, Howell, Oregon, Shannon, Dent, Crawford, Gasconade, Montgomery, Pike, Ralls, Marion, Lewis, Clark, and Scotland Counties to points in North Dakota north of Golden Valley,

Billings, Stark, Mercer, Oliver, and Scotland Counties to points in North Dakota north of Golden Valley, Billings, Stark, Mercer, Oliver, McLean, Sheridan, Wells, Eddy, Nelson, and Grand Forks Counties, and (3) from points in Missouri located in Mercer, Grundy, Livingston, Carroll, Saline, Petis, Chariton, Linn, Sullivan, and Putnam Counties to points in North Dakota located in Williams and Divide Counties.

(E) *Animal fats* and *oils*, in bulk, in tank vehicles, (1) from points in Missouri to points in Maine located in Aroostook County east of Maine Highway 11, Penobscot County east of Interstate Highway 95 including Bangor, Hancock, and Washington Counties, (2) from points in Missouri located in Lincoln, Warren, Franklin, Crawford, Dent, Shannon, Oregon, Ripley, Butler, Carter, Reynolds, Iron, Washington, St. Louis, and St. Charles Counties to points in Vermont located in Essex and Caledonia Counties, points in New Hampshire located in Coos and Carroll Counties and points in Maine located in and surrounded by Oxford, York, Cumberland, Sagadahoc, Lincoln, Knox, Waldo, that portion of Penobscot west of Interstate Highway 95, that portion of Aroostook east of Maine Highway 11, Somerset, and Franklin Counties, (3) from points in Missouri located in and surrounded by Pike, Montgomery, Gasconade, Phelps, Texas, Howell, Ozark, Taney, Stone, Barry, McDonald, Newton, Lawrence, Dade, Polk, Hickory, Camden, Morgan, Monteau, Boone, Audrain, and Ralls Counties to points in Connecticut, Massachusetts, points in New Hampshire located in Grafton, Belknap, Strafford, Rockingham, Hillsboro, Merrimack, Cheshire, and Sullivan Counties, points in New York east and southeast of Oswego, Onodaga, Cortland, and Broome Counties, points in Rhode Island and points in Utah located in all counties except Essex and Caledonia Counties, (4) from points in Missouri located in and west of Marion, Monroe, Randolph, Howard, Cooper, Petis, Benton, St. Clair, Cedar, Barton, and Jasper, to points in New York located in and surrounded by Chatauqua, Cattaraugus, Allegany, Steuben, Chemung, Tioga, Tompkins, Cayuga, Wayne, Monroe, Orleans, Niagara, and Erie Counties, (5) from points in Missouri located in and northwest of Schuyler, Adair, Linn, Livingston, Caldwell, Ray, and Clay Counties to points in Pennsylvania, (6) from points in Missouri located in and surrounded by Clark, Lewis, Marion, Ralls, Pike, Montgomery, Callaway, Cole, Miller, Camden, Hickory, Polk, Dade, Lawrence, Barry, McDonald, Newton, Jasper, Barton, Vernon, Bates, Cass, Jackson, Lafayette, Carroll, Chariton, Macon, Knox, and Scotland Counties, (7) from points in Missouri located in and north of Buchanan, DeKalb, Daviess, Grundy, Sullivan, Adair, Scotland, and Clark Counties to points in Florida located in and south of Lee, Hendry, and Palm Beach Counties, (8) from points in Missouri located in and northwest of Marion, Monroe, Randolph, Howard, Cooper, Petis, Johnson, Henry, Bates, Vernon, and Barton Counties to points in New Jersey.

(9) From points in Missouri located in and northwest of Mercer, Grundy, Daviess, DeKalb, and Buchanan Counties to points in Virginia located in and east of Giles, Pulaski, and Carroll Counties and points in West Virginia located in, east, and northeast of Wood, Wirt, Roane, Clay, Nicholas, Greenbrier, and Monroe Counties, (10) from points in Missouri located in Schuyler, Adair, Linn, Carroll, Ray, Clay, Platte, Clinton, Caldwell, Livingston, Linn, Sullivan, and Putnam Counties to points in Delaware, points in Maryland, points in Virginia located in, east, and northeast of Augusta, Nelson, Buckingham, Cumberland, Amelia, Nottoway, and Brunswick Counties and points in West Virginia located in and east of Grant and Pendleton Counties, (11) from points in Missouri located in Clark, Lewis, Marion, Shelby, Randolph, Howard, Cooper, Petis, Henry, Bates, Cass, Jackson, Lafayette, Saline, Chariton, Macon, Knox, and Scotland to points in Delaware, and points in Maryland located in Worchester County and points in Virginia located in Accomack and Northampton Counties, (12) from points in Missouri located in and north of Buchanan, DeKalb, Daviess, Grundy, Sullivan, Adair, and Schuyler Counties to points in North Carolina located in and east of Rockingham, Guilford, Randolph, Montgomery, and Richmond Counties and points in South Carolina located in and east of Marlboro, Florence, and Georgetown Counties, (13) from points in Missouri located in and surrounded by Platte, Clay, Jackson, Cass, Bates, Henry, Johnson, Lafayette, Saline, Chariton, Randolph, Monroe, Marion, Lewis, Clark, Scotland, Knox, Macon, Linn, Livingston, Caldwell, and Clinton Counties to points in North Carolina located in Pasquotank, Camden, and Currituck Counties, (14) from points in Missouri located in and west of Marion, Monroe, Audrain, Callaway, Osage, Maries, Phelps, Texas, and Howell Counties to points in Wisconsin, (15) from points in Missouri located in and east of Ralls, Pike, Montgomery, Gasconade, Crawford, Dent, Shannon, and Oregon Counties to points in Wisconsin located in all counties except Walworth, Racine, and Kenosha, (16) from points in Missouri located in and north of Schuyler, Adair, Sullivan, Grundy, Daviess, Caldwell, Ray, and Clay Counties to points in Indiana located on and north of U.S. Highway 30 including Ft. Wayne commercial zone.

(17) From points in Missouri located in McDonald, Newton, Jasper, Barton, Vernon, Bates, Cass, Henry, Johnson, Lafayette, Saline, Chariton, Carroll, Ray, Caldwell, Livingston, Daviess, Grundy, Linn, Sullivan, Adair, Schuyler, Putnam, and Mercer Counties to points in Illinois located on and north of a line extending from the Illinois-Iowa State line along U.S. Highway 52 to junction Illinois Highway 64, thence along Illinois Highway 64 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 34, thence along U.S. Highway 34 to the corporate limits of Chicago, thence along the western and southern corporate limits of Chicago to the Illoinis-Indiana State line, (18) from points in Missouri located in Jackson, Clay, Platte, Buchanan, Clinton, DeKalb, Andrew, Holt, Atchison, Nodaway, Gentry, Worth, and Harrison Counties to points in Illinois located on and north of a line extending from the Illinois-Iowa State line along U.S. Highway 30 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Indiana State line, (19) from points in Missouri located in and east of Marion, Monroe, Audrain, Moniteau, Morgan, Camden, Hickory, Polk, Dade, Lawrence, Newton, and McDonald Counties and points in Boone County located east of a line extending from the southern border along Missouri Highway K to junction U.S. Highway 63, thence along U.S. Highway 63 to the northern border to points in the Upper Peninsula of Michigan (except Mackinac County), (20) from points in Missouri located in and west of Clark, Lewis, Shelby, Randolph, Howard, Cooper, Pettis, Benton, St. Clair, Cedar, Barton, and Jasper County and points in Boone County located on and west of a line extending from the southern border along Missouri Highway K to junction U.S. Highway 63, thence along U.S. Highway 63 to the northern border to points in Michigan located in and north of Benzie, Wexford, Misaukee, Clair, Midland, Saginaw, Genesse, Oakland, and Wayne Counties, and (21) from points in Missouri located in and west of Schuyler, Adair, Linn, Livingston, Carroll, Lafayette, Johnson, Henry, and Bates Counties to points in Michigan located in and south of Manistee, Lake, Osceola, Isabella, Granot, Shiawasee, Livingston, Washtenaw, and Monroe Counties.

(F) *Soybean oil*, in bulk, in tank vehicles, (1) from points in Missouri located in and west of McPherson, Ed- Caldwell, Ray, Jackson, Cass, and Bates Counties to points in South Dakota located in and west of McPherson, Edmunds, Potter, Dewey, Ziebach, and Meade Counties, and points in Pennington County located on and west of South Dakota Highway 79, and (2) from points in Missouri located in, east, and south of Mercer, Grundy, Livingston, Carroll, Lafayette, Johnson, Henry, St. Clair, and Vernon Counties to points in South Dakota; (G) *Inedible animal fats* and *soybean oil foods*, in bulk, in tank vehicles, (1) from points in Missouri located in and west of Clark, Lewis, Marion, Monroe, Audrain, Callaway, Osage, Maries, Pulaski, Texas, and Howell Counties to points in Illinois on and north of Illinois Highway 17 (except Bradley, Ill.), and (2) from points in Missouri located in Ralls, Pike, Montgomery, Gasconade, and Phelps Counties to points in Illinois lo-

cated in Rock Island County on and north of Interstate Highway 80, Whiteside, Lee, DeKalb, Kane, DuPage, and that portion of Cook County north of U.S. Highway 20 including the Chicago commercial zone; (H) *Refined cottonseed and soybean oils,* in bulk, in tank vehicles, from St. Louis, Mo., to points in Idaho, Oregon, Washington, and Wyoming; (I) *Acids* and *chemicals,* in bulk, in tank vehicles, from points in Missouri located in and north of Missouri Highway 52 in Bates County, Henry, Benton, Morgan, Monteau, Cole, Callaway, Montgomery, Warren, St. Charles, and St. Louis Counties to Dallas, Tex.

(J) *Acids* and *chemicals* (except chemical fertilizer from Joplin and points within 5 miles thereof), in bulk, (1) from points in Missouri located in and west of Mercer, Grundy, Livingston, Carroll, Lafayette, Johnson, Petis, Benton, Hickory, Polk, Greene, Christian, and Taney Counties to points in Ohio located in and east of Cuyahoga, Summit, Stark, Tuscarawas, Guernsey, Noble, and Washington Counties, (2) from points in Missouri located in and west of Worth, Gentry, DeKalk, Clinton, Clay, Jackson, Cass, Henry, St. Clair, Cedar, Dade, Lawrence, and Stone Counties to points in Ohio located in and surrounded by Lucas, Wood, Hancock, Hardin, Logan, Shelby, Miami, Montgomery, Warren, Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia, Meigs, Athens, Morgan, Muskingum, Coshocton, Holmes, Wayne, Medina, Lorain, Erie, Sandusky, and Ottawa Counties, (3) from points in Missouri located in Schuyler, Adair, Chariton, Saline, Petis, Benton, Hickory, Polk, Dade, Lawrence, Barry, Stone, Christian, Greene, Dallas, Morgan, Cooper, and Howard Counties to points in North Carolina located in and east of Vance, Franklin, Nash, Wilson, Wayne, Duplin, Pender, and New Hanover Counties, (4) from points in Missouri located in and surrounded by Putnam, Sullivan, Linn, Livingston, Carroll, Lafayette, Johnson, Henry, St. Clair, Cedar, McDonald, Newton, Jasper, Barton, Vernon, Bates, Cass, Jackson, Clay, Platte, Buchanan, Andrew, Holt, Atchison, Nodaway, Worth, Harrison, and Mercer to points in North Carolina and points in South Carolina, (5) from points in Missouri located in and west of Mercer, Grundy, Livingston, Caldwell, Ray, Jackson, Cass, and Bates Counties to points in Kentucky, and (6) from points in Missouri located in and west of Mercer, Grundy, Livingston, Carroll, Lafayette, Johnson, Henry, St. Clair, Cedar, Dade, Lawrence, and Barry Counties to points in Kentucky located in and east of Boyd, Lawrence, Johnson, Floyd, Knott, Perry, and Letcher Counties.

(K) *Chemicals* (except chemical fertilizer from Joplin and points within 5 miles thereof), in bulk, (1) from points in Missouri located in and west of Putnam, Sullivan, Linn, Livingston, Carroll, Saline, Pettis, Henry, St. Clair, Cedar, Dade, Lawrence, and Barry Counties to points in Delaware, points in Maryland, points in Virginia located in and east of Tazewell, Smyth, and Grayson Counties and points in West Virginia, (2) from points in Missouri located in and west of Putnam, Sullivan, Linn, Chariton, Howard, Cooper, Morgan, Camden, Laclede, Wright, Douglas, and Ozark Counties to points in Maryland located in and northeast of Washington County, points in Delaware and the District of Columbia, (3) from points in Missouri located in and west of Putnam, Sullivan, Linn, Chariton, Saline, Pettis, Benton, Hickory, Polk, Greene, Christian, and Taney to points in New Jersey, points in New York and points in Pennsylvania and (4) from points in Missouri located in and west of Schuyler, Adair, Macon, Randolph, Boone, Cole, Miller, Camden, Laclede, Wright, Douglas, and Ozark Counties to points in New Jersey located in and east of Sussex, Warren, Hunterdon, Mercer, Burlington, Camden, Atlantic, and Cape May Counties, points in New York located in and east of St. Lawrence, Lewis, Oneida, Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, Bronx, New York, and Richmond Counties and to points in Pennsylvania located in Wayne and Pike Counties; (L) *Acids* and *chemicals* (except chemical fertilizer from Joplin and points within 5 miles thereof), in bulk, (1) from points in Missouri to points in South Dakota located in and west of Carson, Dewey, Stanley, Jones, Mellette, and Todd Counties and points in North Dakota located in and west of Renville, Ward, McLean, Oliver, and Sioux Counties, (2) from points in Missouri located in and south of Buchanan, Clinton, Caldwell, Livingston, Linn, Macon, Knox, and Lewis Counties to points in South Dakota and points in North Dakota, (3) from points in Missouri to points in Arizona, California, Nevada, Arizona, and Utah, (4) from points in Missouri located in and north of Barton, Dade, Greene, Webster, Wright, Texas, and Howell to points in New Mexico, (5) from points in Missouri to points in New Mexico located in and west of Colfax, Mora, San Miquel, Guadalupe, Lincoln, and Otero Counties, (6) from points in Missouri to points in Colorado located in and west of Moffat, Rio Blanco, Garfield, Eagle, Summit, Clear Creek, Gilpin, Jefferson, Douglas, El Paso, Crowley, Otero, Bent, and Baca Counties.

(7) From points in Missouri located in, south, and east of Harrison, Daviess, DeKalb, and Buchanan Counties to points in Colorado located in and east of Routt, Grand, Boulder, Adams, Denver, Arapahoe, Elbert, Lincoln, Kiowa, and Prowers Counties; (M) *Acids* and *chemicals,* in bulk, in tank or hopper vehicles, (1) from points in Missouri located in Buchanan, Platte, Clay, and Jackson Counties to points in Arkansas, (2) from points in Missouri located in and northwest of Clark, Knox, Macon, Chariton, Saline, Lafayette, and Jackson Counties to points in Arkansas located in and west of Sebastian, Scott, Montgomery, Pike, Nevada, and Columbia Counties, (3) from points in Missouri located in Clay, Jackson, Cass, and Bates to points in Illinois located in, south, and west of Jo Daviess, Carroll, Whiteside, Lee, LaSalle, Livingston, Ford, Champaign, Douglas, and Edward Counties, (4) from points in Missouri located in Andrew, Buchanan, Platte, Clinton, Bay, Lafayette, Johnson, Henry, Vernon, Barton, and Jasper Counties to points in Illinois located in and northeast of Stephenson, Ogle, DeKalb, Kendall, Grundy, Kankakee, Iroquois, and Vermillion Counties, (5) from points in Missouri located in and surrounded by Clay, Jackson, Johnson, Benton, Hickory, Polk, Greene, Christian, Taney, Ozark, Howell, Oregon, Birley, Butler, Carter, Shannon, Dent, Texas, Pulaski, Miller, Morgan, Petis, and Lafayette Counties to points in Iowa located in and west of Worth, Cerro Gordo, Hancock, Wright, Hamilton, Boone, Dallas, Madison, Union, and Ringgold Counties, (6) from points in Missouri located in and west of Cass, Henry, St. Clair, Cedar, Dade, Lawrence, and Stone Counties to points in Iowa located in and surrounded by Mitchell, Floyd, Butler, Franklin, Hardin, Story, Polk, Warren, Clarke, Marion, Mahaska, Paweshiek, Iowa, Johnson, Cedar, Clinton, Jackson, Dubuque, Clayton, Alamakee, Winneshiek, and Howard Counties, (7) from points in Missouri located in and surrounded by Schuyler, Adair, Macon, Chariton, Carroll, Randolph, Monroe, Ralls, Pike, Marion, Lewis, Clark, and Scotland Counties to points in Nebraska located in and surrounded by Sheridan, Garden, Deuel, Cheyenne, Kimball, Banner, Scotts Bluff, Sioux and Dawes Counties and also points in Perkins, Hayes, Hitchcock, Dundy, and Chase Counties, (8) from points in Missouri located in and south of Clay, Jackson, Lafayette, Saline, Howard, Boone, Audrain, Montgomery, and Lincoln Counties to points in Nebraska.

(9) From points in Missouri located in Cole, Osage, Gasconade, Franklin, Jefferson, St. Genevieve, Perry, and that portion of Cape Girardeau County east of U.S. Highway 55 including the Cape Girardeau commercial zone to points in Oklahoma located in and east of Grant, Garfield, Major, Blaine, Custer, Washita, Kiowa, and Jackson Counties, and (10) from points in Missouri located in and north of Bates, Henry, Benton, Morgan, Monteau, Boone, Calloway, Montgomery, Warren, St. Charles, and St. Louis Counties to points in Oklahoma located in Kay, Noble, Logan, Oklahoma, Cleveland, McClain, Garvin, Murray, Carter, Love, Jefferson, Stephens, Grady, Canadian, Kingfisher, Caddo, Comanche, and Tillman Counties; (N) *Liquid chemicals,* in bulk, in tank vehicles, from points in Missouri located in and west of Mercer, Grundy, Livingston, Carroll, Saline, Petis, Benton, Hickory, Polk, Greene, Lawrence, and Stone Counties to points in Rhode Island; (O) *Chemicals,* in bulk, in tank or hopper vehicles, from points in Missouri located in and east of Buchanan, Clinton, Clay, Jackson, Johnson, Henry, Bates, Vernon, Barton, Jas-

per, Newton, and McDonald Counties to points in Michigan located east of U.S. Highway 41 in the Upper Peninsula including Marquette and Rapid River and all points located in the Lower Peninsula, (P) *Acids* and *chemicals* (except chemical fertilizer from Joplin and points within 5 miles thereof), in bulk, in tank or hopper vehicles, (1) from points in Missouri located in Clay and Jackson Counties to points in Wisconsin located in and surrounded by Iron, Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Saulk, Richland, Crawford, Grant, Lafayette, Greer, Rock, Walworth, Waukesha, Washington, Fond du Lac, Calumet, Brown, Oconto, Forest, and Florence Counties, and (2) from points in Missouri located in Buchanan, Platte, Clinton, Cass, Bates, Vernon, Barton, Jasper, Newton, McDonald, Barry, Lawrence, Dade, Cedar, St. Clair, and Henry Counties to points in Wisconsin located in Marinette, Door, Kewaunee, Manitowoc, Sheboygan, Ozaukee, Milwaukee, Racine, and Kenosha Counties.

(Q) *Chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Missouri located in and surrounded by Atchison, Nodaway, Worth, Harrison, Daviess, Caldwell, Bay, Jackson, Clay, Platte, Buchanan, Andrew, and Holt to points in Tennessee, (2) from points in Missouri located west of U.S. Highway 64 in Mercer, Grundy, Livingston, and Carroll Counties and also Lafayette, Johnson, and Cass Counties to points in Mississippi and points located in Shelby County, Tenn., (3) from points in Missouri located in Schuyler, Adair, Putnam, Sullivan, Linn, and in Mercer, Grundy, and Livingston east of U.S. Highway 64 to points in Mississippi located in and south of Washington, Sharkey, Warren, Hinds, Copiah, Simpson, Jefferson Davis, Lamar, Pearl River, Stone, and George Counties, (4) from points in Missouri located in and north of Bates, Cass, Johnson, Petis, Saline, Howard, Randolph, Shelby, and Marion Counties to points in Louisiana, and (5) from points in Missouri located in and north of Bates, Henry, Benton, Petis, Cooper, Boone, Audrain, and Ralls Counties to points in Louisiana located in, south, and west of Sabine, Vernon, Rapides, Avoyelles, Point Coupe, West Feliciana, West Baton Rouge, Iberville, Iberia, St. Martin, and St. Mary Parishes; (R) *Chemicals*, in bulk, (1) from points in Missouri to points in Washington, (2) from points in Missouri located in and west of Schuyler, Adair, Mason, Randolph, Howard, Cooper, Marteau, Morgan, Camden, Laclede, Wright, Douglas, and Ozark Counties to points in Connecticut, (3) from points in Missouri located in and west of Putnam, Sullivan, Linn, Livingston, Carroll, Lafayette, Johnson, Henry, St. Clair, Vernon, and Barton Counties to points in Georgia, (4) from points in Missouri located in and west of Schuyler, Adair, Macon, Chariton, Saline, Petis, Henry, St. Clair, Vernon, Barton, and Jasper Counties to points in Georgia located in and east of Richmond, Jefferson, Johnson, Emanuel, Treutlen, Wheeler, Telfair, Coffee, Berrien, and Lowndes Counties, (5) from points in Missouri located in and west of Harrison, Daviess, Caldwell, Bay, Jackson, Cass, Bates, Vernon, Barton, Jasper, Newton, and McDonald to points in Indiana, and (6) from points in Missouri located in and west of Harrison, Daviess, Caldwell, Ray, Lafayette, Petis, Benton, Hickory, Cedar, Dade, Lawrence, and Barry Counties to points in Indiana located in and east of Elkhart, Noble, and Allen Counties.

(S) *Petroleum products* (except residual fuel oils) as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in bulk, in tank vehicles, from Kansas City, Mo., to points in Wisconsin located in Forest and Florence Counties and that part of Marinette and Oconto Counties on and north of a line beginning at the Wisconsin-Michigan State line along U.S. Highway 41 to junction County Road A, thence along County Road A to junction County Road Wisconsin Highway 32, thence along County Road Wisconsin Highway 32 to the Oconto-Forest County line; (T) *Liquid* or *dry chemicals* (except petroleum chemicals, liquid petroleum gases, paint and paint material, resins and products and blends thereof), in bulk, in tank or hopper vehicles, from Springfield, Mo., to points in Louisiana located in Calcasieu Parish on and west of Louisiana Highway 27 and Cameron Parish; (U) *Animal* and *vegetable oils* and *blends thereof*, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Idaho, Oregon, Washington, and Wyoming; (V) *Liquid chemicals*, in bulk, (1) from Springfield, Mo., to points in Wisconsin located in, north, and east of Iron, Vilas, Oneida, Langlade, Menominee, Oconto, and Kewaunee Counties and in that part of Brown County in and north of a line beginning at the Kewaunee-Brown County line along U.S. Highway 141 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to the Brown-Hawano County line and that part of Ashland County on and east of Michigan Highway 13, (2) from points in Verona, Mo., to points in Wisconsin, (3) from Springfield, Mo., to the Upper Peninsula of Michigan, and (4) from Verona, Mo., to the Upper Peninsula of Michigan and points in the Lower Peninsula of Michigan located in, north, and east of Montcalm, Gratiot, Shiawassee, Genesee, and Macomb Counties and that part of Oceana and Newaygo Counties on and north of a line beginning at Bevona, Mich., thence along Stony Lake and Creek to junction Michigan Highway 20, thence along Michigan Highway 20 to junction Michigan Highway 82, thence along Michigan Highway 82 to junction Michigan Highway 46, thence along Michigan Highway 46 to the Newaygo-Montcalm County line and that portion of Oakland County on and north of Michigan Highway 59.

(W) *Petroleum products* (except cryogenic liquids) requiring temperature control in transit to maintain liquid form), in bulk, in tank vehicles, (1) from points in Missouri to points in Wisconsin located in Iron, Price, Vilas, Oneida, Lincoln, Marathon, Portage, Langlade, Forest and Florence Counties, (2) from points in Missouri located in, south, and east of Platte, Clay, Ray, Carroll, Chariton, Randolph, Monroe, Shelby, Lewis, and Clark Counties (except those points located in and east of Pike, Lincoln, Warren, Franklin, Crawford, Iron, Reynolds, Carter, and Ripley Counties) to points in Wisconsin located in Grant, Crawford, Vernon, Richland, Sauk, Juneau, Monroe, Columbia, Adams, Wood, Clark, Taylor, Marquette, Green, Lake, Waushara, Winnebago, Calumet, Waupaca, Outagamie, Brown, Kewaunee, Door, Shawano, Menominee, Oconto, and Marinette Counties, and (3) from points in Missouri located in, south, and east of Clark, Lewis, Shelby, Monroe, Randolph, Howard, Cooper, Morgan, Benton, Hickory, Polk, Greene, Christian, and Stone Counties to points in Wisconsin located in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, Jackson, and La-Crosse Counties; and (X) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, (1) from St. Charles, St. Louis, and St. Louis County, Mo., to points in Kansas (except those south and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 59 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line.

(2) From points on or east of a line extending from the Missouri-Iowa State line along U.S. Highway 59 to junction U.S. Highway 159, thence along U.S. Highway 159 to the Missouri-Kansas State line and also on or north of a line extending from the Missouri-Kansas State line along the south and east boundary of Jackson County to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line to points in Kansas located on and south of a line beginning at the Kansas-Colorado State line along Kansas Highway 96 to Scott County, thence along the west and south boundary extending from the Kansas-Colorado State line along Kansas Highway 96 to Scott County, thence along the west and south boundary of Scott County and the southern boundary of Lane County to Kansas Highway 23, thence along Kansas Highway 23 to junction U.S. Highway 156, thence along U.S. Highway 156 to Hodgeman County, thence along the west and south boundary of Hodgeman County and the west boundary of Edwards County to U.S. Highway 50, thence along U.S. Highway 50 to Newton, thence along unnumbered highway through Elbing to point of crossing with Interstate Highway 35, thence along Interstate Highway 35 to junction Kansas Highway 150, thence along Kansas Highway 150 to the Kansas-Missouri State line, (3) from points in Missouri located on and south of a line extending from the Missouri-Kansas State line along Missouri Highway 150 to junction U.S. Highway 50, thence along U.S. High-

way 50 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 161, thence along Missouri Highway 161 to unnumbered highway, thence along unnumbered highway through Truxton to Missouri Highway 47, thence along Missouri Highway 47 to the Missouri-Illinois State line (except those points in Missouri described in part (1) above) to points in Kansas located on and north of a line extending from the Kansas-Colorado State line along Kansas Highway 96 to junction Kansas Highway 56, thence along Kansas Highway 56 to junction Kansas Highway 156, thence along Kansas Highway 156 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 10, thence along Kansas Highway 10 to junction Kansas Highway 7, thence along Kansas Highway 7 to junction Kansas Highway 150, thence along Kansas Highway 150 to the Kansas-Missouri State line, and (4) from points in Missouri located on and bounded by a line extending from the Missouri-Illinois State line along U.S. Highway 36 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 291, thence along Missouri Highway 291 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line.

The purpose of this filing is to eliminate the following gateways: (A)(1) Guttenberg, Iowa; (A)(2) Guttenberg, Iowa, and Eau Claire, Wis.; (A)(3) Champaign, Ill.; (A)(4) Black Hawk County, Iowa; (A) (5) and (6) those points in Kansas located more than 200 miles from Tulsa, Okla.; (A)(7) points in Kansas that are within the Kansas City, Mo., commercial zone and more than 200 miles from Tulsa, Okla.; (B) Louisiana, Mo., and Muscatine, Iowa; (C) Iowa; (D) Clinton, Iowa; (E) Dubuque, Iowa; (F) Redfield, Iowa; (G) Iowa; (H) Topeka, Kans.; (I), (J), (K), (L) (3) and (5) Kansas City, Kans., Kansas City, Mo., commercial zone (point formerly known as Turner, Kans.); (L) (1) and (2) Kansas City, Kans. (point formerly known as Turner, Kans.); (L) (6) and (7); (M) Olathe, Kans., a point in the Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.); (N) points in (M) above and Muscatine, Iowa; (O) points in (M) above, and the plant site of the Blockson Chemical Co., at or near Joliet, Ill.; (P) points in (M) above and Burlington, Iowa; (Q)(1)-(3) points in (M) above, and Saginaw, Mo., and points within 15 miles; (Q) (4) and (5)); (R) Kansas City, Kans., Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans); (S) Escanaba, Mich.; (T) Dallas, Tex.; (U) Topeka, Kans.; (V) (1) and (2) Joplin, Mo., and Burlington, Iowa; (V)(3)-(4) Joplin, Mo., and the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa; (W) points in Illinois within the Alexandria, Mo., commercial zone and Guttenberg, Iowa; and (X) Olathe, Kans., a point in the Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.).

No. MC 113855 (Sub-No. E190), filed June 17, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment or special handling (except boats and iron and steel articles), and *related machinery parts and related contractor's equipment, materials, and supplies* when their transportation is incidental to the transportation of commodities which, because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith restricted to commodities which are transported in trailers), (A) between Elgin, Ill., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, the District of Columbia, points in New York in and east of Tioga, Tompkins, and Cayuga Counties, points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 140 to junction Maryland Highway 97, thence along Maryland Highway 97 to the Maryland-District of Columbia line, points in Virginia in and east of Southampton, Sussex, Prince George, Charles City, New Kent, King William, King and Queen, Essex, and King George Counties, and points in Hyde, Washington, Tyrrell, Dare, Chowan, Gates, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C. (Scranton, Reading, Allentown, Harrisburg, Lancaster, or Hazleton, Pa.*).

(B) Between Elgin, Ill., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, thence along Business U.S. Highway 15 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties) (Ohio*); (C) between Davenport, Iowa, on the one hand, and, on the other, points in Indiana on and east of a line beginning at Lake Michigan extending along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 37, thence along Indiana Highway 37 to the Indiana-Kentucky State line, points in Kentucky in and east of Breckenridge, Grayson, Edmonson, Barren, and Monroe Counties, points in Ohio, Kentucky, and West Virginia, Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified (Elgin, Ill.*).

(D) Between Davenport, Iowa, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion of U.S. Highway 15) to junction Business U.S. Highway 15, thence along Business U.S. Highway 15 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion of U.S. Highway 15), thence along unnumbered highway to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa), (Elgin, Ill. and Ohio*); (E) between Davenport, Iowa, on the one hand, and, on the other points in New York in and east of Oswego, Onondaga, Courtland, Tompkins, and Chemung Counties (except points in Oswego County west of U.S. Highway 11), points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware,

points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 140 to junction Maryland Highway 97, thence along Maryland Highway 97 to the Maryland-District of Columbia line, points in Virginia in and east of Southampton, Sussex, Prince George, Charles City, New Kent, King William, King and and Queen, Essex and King George Counties, and points in Hyde, Washington, Tyrrell, Dare, Chowan, Gates, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C. (Elgin, Ill., and Scranton, Reading, Allentown, Harrisburg, Lancaster, or Hazelton, Pa.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 117416 (Sub-No. E3), filed May 20, 1974. Applicant: NEWMAN AND PEMBERTON CORP., 2007 University Ave., N.W., Knoxille, Tenn. 37921. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned foodstuffs* (except frozen or in bulk), from points in Ohio on and west of U.S. Highway 23 to points in Arkansas, Louisiana, Mississippi, Alabama (except points in Autauga, Bibb, Blount, Calhoun, Clay, Coosa, Cullman, Etowah, Fayette, Jefferson, Marshall, Morgan, Perry, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, Chilton, and Winston Counties), and Florida; and (2) *Processed foodstuffs* which are canned (except fresh or cured meats, dairy products, frozen commodities, or commodities in bulk), from points in Ohio on, north, and west of a line beginning at the Kentucky-Ohio State line at Cincinnati, Ohio, and extending along U.S. Highway 50 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 71, thence along Interstate Highway 71 to Columbus, Ohio, thence along U.S. Highway 23 to the Ohio-Michigan State line, to points in Autauga, Bibb, Calhoun, Clay, Chilton, Coosa, Fayette, Jefferson, St. Clair, Talladega, Perry, Shelby, Tallapoosa, Tuscaloosa, and Walker Counties, Ala. The purpose of this filing is to eliminate the gateways of points in Indiana (except Franklin, Indianapolis, and New Albany) on, east, and south of a line beginning at the Kentucky-Indiana State line and extending along Indiana Highway 135 to Indianapolis, Ind., thence along U.S. Highway 31 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line in (1) above; and the above-described points in Indiana, and Tellico Plains, Tenn., in (2) above.

No. MC 128741 (Sub-No. E99), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Indiana (except points in Elkhart, Lagrange, Steuben, DeKalb, and Noble Counties), on the one hand, and, on the other, points in West Virginia (except points in Wetzel, Marshall, Brooke, and Hancock Counties). The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40 including Indianapolis, Ind.

By the Commission.

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

[FR Doc.76-3356 Filed 2-3-76;8:45 am]

[Notice No. 177]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 4, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 24, 1976. Pursuant to Section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76137. By order January 23, 1976 the Motor Carrier Board approved the transfer to David Crocket Ray, Doing Business As Navajo Wrecker and Towing Service, P.O. Box 123, Ft. Defiance, Arizona 86504, of Certificate No. MC 135667 Sub-No. 1, issued September 13, 1972, to Jim McAvoy & Sons Wrecker & Towing Service, P.O. Box 38, St. Michaels, Arizona 86511, authorizing the transportation of wrecked, damaged, disabled, abandoned, seized, repossessed, and stolen motor vehicles, between points in Apache, Navajo, and Coconino Counties, Ariz., Kane and San Juan Counties, Utah, and McKinley and San Juan Counties, N. Mex.

No. MC-FC-76210. By order entered January 23, 1976 the Motor Carrier Board approved the transfer to Delta Transport Corp., Staten Island, N.Y., of the operating rights set forth in Certificate No. MC 93147, issued April 10, 1974, to Westchester and New Jersey Transportation Co., Inc., Matawan, N.J., authorizing the transportation of general commodities, with the usual exceptions, between specified points in New Jersey and New York. Kenneth B. Williams, 84 State St., Boston, Mass. 02109, attorney for transferee and A. David Milner, 744 Broad St., Newark, N.J. 07102, attorney for transferor.

No. MC-FC-76257. By order entered January 23, 1976 the Motor Carrier Board approved the transfer to B & H Transfer, Inc., New York, New York, of the operating rights set forth in Certificates Nos. MC 133138, MC 133138 (Sub-No. 3), and MC 133138 (Sub-No. 5), issued by the Commission April 10, 1969, October 9, 1970, and October 20, 1971, respectively, to Inter-Island Garment Carriers, Inc., Jersey City, N.J., authorizing the transportation of wearing apparel, and materials, equipment, and supplies used in the manufacture of wearing apparel, such commodities as are used, or dealt in by chain, grocery, department, or discount stores, clothing bags, furniture, chair paid, hangers, plastic articles, and advertising materials and supplies, from, to, or between specified points in New York and New Jersey. George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-76269. By order of January 23, 1976 the Motor Carrier Board approved the transfer to Sanco Trucking Inc., Clarksburg, West Virginia, of Certificate No. MC 138127 (Sub-No. 2) issued August 26, 1974, to Tronagun Corporation, Tunnelton, West Virginia, authorizing the transportation of general commodities from Marion County, W. Va., to points in West Virginia, and specified points in the States of Maryland, Virginia, and Pennsylvania. William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Virginia, 22201, Attorney for applicants.

No. MC-FC-76281. By order of January 23, 1976 the Motor Carrier Board approved the transfer to Walsh Trucking Company, Inc., Lindenhurst, N.Y., of Certificate of Registration No. MC 99474 (Sub-No. 11) issued April 18, 1966, to John J. Walsh, doing business as Walsh Trucking Co., Lindenhurst, N.Y., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 1838 dated March 20, 1940, issued by the New York Public Service Commission. A. David Milner, 744 Broad Street, Newark, N.J. 07102. Attorney for applicants.

No. MC-FC-76292. By order entered January 23, 1976 the Motor Carrier Board approved the transfer to Howard Mountain Transportation Corp., Elmhurst, N.Y., of the operating rights set forth in Certificate No. MC 95127, issued September 13, 1966, to Howard Mountain Line, Inc., Brooklyn, N.Y., and those set forth in Certificate No. MC 109378, issued November 16, 1949, to Paramount Lakewood Line, Inc., Brooklyn, N.Y., authorizing the transportation of passengers and their baggage, in special operations, in non-scheduled, door-to-door service, subject to certain restrictions, between

specified points in New York, and between specified points in New York, and New Jersey. Robert E. Goldstein, 8 West 40th St., New York, N.Y. 10018, attorney for applicants.

No. MC–FC–76303. By order entered January 23, 1976 the Motor Carrier Board approved the transfer to Lewis & Thompson Trucking, Inc., Montgomery City, Mo., of the operating rights set forth in Certificates Nos. MC 119274 and MC 119274 (Sub-No. 2), issued by the Commission July 19, 1961 and February 27, 1968, to George Newson, Montgomery City, Mo., authorizing the transportation of fertilizer, and animal and poultry feed, from, to, and between specified points in Illinois and Missouri. Thomas P. Rose, Jefferson Bldg., P.O. Box 205, Jefferson City, Mo. 65101, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–3361 Filed 2–3–76;8:45 am]

[Notice No. 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 30, 1976.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 C.F.R. 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Deviation No. 107), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 30277, Salt Lake City, Utah 84125, filed January 20, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kanab, Utah over U.S. Highway 89 to junction Alternate U.S. Highway 89 near Bitter Springs, Ariz., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kanab, Utah over Alternate U.S. Highway 89 to junction U.S. Highway 89 near Bitter Springs, Ariz., and return over the same route.

No. MC 33641 (Deviation No. 108), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 30277, Salt Lake City, Utah 84125, filed January 21, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 64 (using portions of U.S. Highway 460 where Interstate Highway 64 is incomplete) to Louisville, Ky., and return over the same route for operating convenience only. The Notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 50 to Shoals, Ind., thence over U.S. Highway 150 to Louisville, Ky., and return over the same route.

No. MC 60580 (Deviation No. 4), MAISLAN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., La Salle, Quebec, Canada, H8N1X4, filed January 20, 1976. Carrier's representative: Edward L. Nehez, 744 Broad St., Newark, N.J. 07102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Easton, Pa., over U.S. Highway 22 to junction Pennsylvania Turpike, thence over Pennsylvania Turnpike to junction Interstate Highway 81, thence over Interstate Highway 81 to junction New York Highway 17, thence over New York Highway 17 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Interstate Highway 390, thence over Interstate Highway 390 to junction New York Highway 36, thence over New York Highway 36 to junction New York Highway 63, thence over New York Highway 63 to junction New York Highway 98, thence over New York Highway 98 to junction New York State Thruway, thence over New York State Thruway to junction Interstate Highway 290, thence over Interstate Highway 290 to Tonawanda, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Easton, Pa., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., thence over the Holland Tunnel to Jersey City, N.J., thence over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New York Highway 17, thence over New York Highway 17 to Binghamton, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 57 via Fulton, N.Y., to Oswego, N.Y., thence over U.S. Highway 104 to Rochester, N.Y., thence over New York Highway 33 to Buffalo, N.Y., thence over New York Highway 384 to Tonawanda, N.Y., and return over the same route.

No. MC 60580 (Deviation No. 5), MAISLAN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., La Salle, Quebec, Canada, H8N1X4, filed January 20, 1976. Carrier's representative: Edward L. Nehez, 744 Broad St., Newark, N.J. 07102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Easton, Pa., over U.S. Highway 22 to junction Pennsylvania Turnpike,, thence over Pennsylvania Turnpike to junction Interstate Highway 81, thence over Interstate Highway 81 to junction New York Highway 17, thence over New York Highway 17 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction U.S. Highway 15A, thence over U.S. Highway 15A to Rochester, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Easton, Pa., over U.S. 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., thence over the Holland Tunnel to Jersey City, N.J., thence over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New York Highway 17, thence over New York Highway 17 to Binghamton, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 57 via Fulton, N.Y., to Oswego, N.Y., thence over U.S. Highway 104 to Rochester, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–3357 Filed 2–3–76;8:45 am]

[Notice No. 13]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 30, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the

protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 989 (Sub-No. 26TA), filed January 19, 1976. Applicant: IDEAL TRUCK LINES, INC., 912 N. State St., Norton, Kans. 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts and equipment*, for heavy equipment, serving the plantsite of Rimpull Corp., located at Olathe, Kans., as an off-route point in connection with applicant's authorized regular route operations, for 180 days. Interline: Applicant states it proposes to interline at Omaha and Scottsbluff, Nebr., and Denver, Colo. Supporting shipper: Rimpull Corp., 157th and 169 Highway, P.O. Box 748, Olathe, Kans. 66061. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 4405 (Sub-No. 530TA), filed January 20, 1976. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, 2200 East 170th St., Lansing, Ill. 60438. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service and; (2) *tractors*, in secondary movements in driveaway service only when drawing trailers, and trailer chassis in initial movements in driveaway service. (1) From Tualatin, Oregon., to points in the United States except Alaska and Hawaii; (2) From Tualatin, Oreg., to points in Arizona, Nevada, Oregon and Vermont, for 180 days. Supporting shipper(s): Peerless Division Royal Industries, Ken R. Jennings, Traffic Manager, P.O. Box 447, Tualatin, Oreg., 97062. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill.

No. MC 59856 (Sub-No. 66TA), filed January 15, 1976. Applicant: SALT CREEK FREIGHTWAYS, P.O. Box 39, 333 Yellowstone Hwy., Casper, Wyo. 82602. Applicant's representative: John R. Davidson, 805 Midland Bank Bldg., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), Between Idaho Falls, Idaho and West Yellowstone, Mont.: From Idaho Falls over U.S. Highway 26 to the junction of U.S. Highway 191, thence over U.S. Highway 191 to West Yellowstone, and return over the same route, serving no immediate points, for 180 days. Joinder and interline: Applicant states that he intends to join with presently held authorities and interline with other carriers at Idaho Falls, Idaho and West Yellowstone, Mont. Supporting shipper(s): There are approximately 21 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the Field Office named below. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 1006 Federal Bldg. & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 72243 (Sub-No. 54TA), filed January 22, 1976. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road, P.O. Box 350, Warren, Ohio 44482. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except commodities in bulk), from the plantsite and National Pipe & Tube Company in Liberty County, Tex., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia and Wyoming; and (2) *materials, equipment and supplies*, used in the manufacture and distribution of iron and steel articles (except in bulk), from points in the states named in Part (1) above, to the plantsite of National Pipe & Tube Company in Liberty County, Tex., for 180 days. Supporting shipper(s): National Pipe and Tube Company, 20th & State Streets, Granite City, Ill. 62040. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 107064 (Sub-No. 111TA), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount St., Dallas, Tex. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed ingredients*, from Atchison, Kans. to Muskogee, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Solvents Company, Inc., 1300 Main Street, Atchison, Kans. 66002. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce St., Rm. 13C12, Dallas, Tex. 75202.

No. MC 107403 (Sub-No. 961TA), filed January 26, 1976. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastics*, in bulk, in tank vehicles, from Plaquemine, La., to Baltimore, Md., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia Pacific Corporation, P.O. Box 629, Plaquemine, La. 70764. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 108207 (Sub-No. 432TA), filed January 22, 1976. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, P.O. Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse of Doskocil Sausage Co., located at or near Hutchinson, Kans., to points in California, Arizona, New Mexico, Texas, Louisiana, Mississippi, Tennessee, Arkansas, Oklahoma, Missouri, Kentucky, Ohio, Indiana, Illinois, Iowa, Nebraska, South Dakota, Minnesota, Wisconsin, and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Doskocil Sausage Co., 9 No. Main St., South Hutchinson, Kans. 67505. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce St., Rm. 13C12, Dallas, Tex. 75202.

No. MC 113459 (Sub-No. 103TA), filed January 14, 1976. Applicant: H. J. JEFFERIES TRUCK LINE, INC., P.O. Box 94850, 4720 South Shields Blvd., Okla-

homa City, Okla. 73129. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, (except commodities in bulk), from the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in the United States (except Alaska, Hawaii, and Texas), and (2) *materials, equipment, and supplies* used in the manufacture, processing and distribution of iron and steel articles (except Alaska, Hawaii, and Texas), to the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., restricted in Parts (1) and (2) above to traffic originating at and destined to the named plantsite and facilities of National Pipe and Tube Company and the named states, for 180 days. Supporting shippers: National Pipe and Tube Company, William E. Linton, V. P. of Traffic, 20th and State Streets, Granite City, Illinois. 62040. Send protests to: Larry Chapman, Transportation Specialist, ICC-Bureau of Operations, Rm. 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Oklahoma.

No. MC 113828 (Sub-No. 236TA), filed January 22, 1976. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Bldg., West, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from Hardin County, Ill., to Baltimore, Md., and Millville, N.J., for 180 days. Supporting shippers: J. C. Keaney & Sons, Inc., 101 Pennsylvania Blvd., Pittsburgh, Pa. 15228. Carr-Lowrey Glass Company, Division of Anchor Hocking Corporation, 2201 Kloman Street, Baltimore, Md. 21230. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th & Constitution Ave., NW., Room B-317, Washington, D.C. 20423.

No. MC 113908 (Sub-No. 364TA), filed January 20, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus product residue and citrus molasses*, in bulk, from points in Lake, Orange, Pasco and Polk Counties, Fla., to Atlanta and Roberta, Ga., and their respective commercial zones; and (2) *molasses*, in bulk, from points in Palm Beach and Hendry Counties, Fla., to Atlanta and Roberta, Ga., and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 117119 (Sub-No. 561TA), filed January 13, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods and related display racks and materials* (except in bulk) in vehicles equipped with mechanical refrigeration, from the storage facilities utilized by Tasty Baking Co., Inc., located at Hatfield, Pa., to the warehouse and storage facilities utilized by Alpha Beta Stores located at or near La Habra, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tasty Kake, Inc., 2801 Hunting Park Avenue, Philadelphia, Pa. 19129. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 126545 (Sub-No. 9TA), filed January 23, 1976. Applicant: GLENERY, INC., 173 Hickory Street, Kearny, N.J. 07032. Applicant's representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sanitary tissue paper;* (2) *plastic film;* (3) *disposable surgical and clinical paper products*, from (1) Milltown, N.J., to Holyoke, Mass., (2) Edison, N.J., to Holyoke, Mass., (3) from Holyoke, Mass., to all points in New Jersey and New York, N.Y. Applicant seeks authority to haul commodity (1) between points identified as (1); commodity (2) between points marked (2), etc., under a continuing contract, or contracts with Cel-Fibe and its Division, Graham Manufacturing Co., for 180 days. Supporting shipper(s): Cel-Fibe and its Division, Graham Manufacturing Co., Milltown, N.J. 08850. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 133219 (Sub-No. 17TA), filed January 23, 1976. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, Nebr. 68317. Applicant's representative: Patrick E. Quinn, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products* (except liquid commodities in bulk), from the facilities of Archer-Daniels-Midland Co., Inc., located at or near Fremont and Lincoln, Nebr., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, for 180 days. Supporting shipper(s): Jackie D. Thiessen, Assistant Manager, Archer-Daniels-Midland Co., Inc., 78th & Thayer Streets, Lincoln, Nebr. 68507. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Court House, Lincoln, Nebr. 68508.

No. MC 134599 (Sub-No. 137 TA), filed January 20, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass* (except commodities in bulk or which because of size or weight require special equipment or special handling), From Tulsa, Okla., to East Paterson and Maywood, New Jersey, under continuing contract with Mattel, Inc., for 180 days. Supporting shippers: Mattel, Inc. 5150 Rosecrans Ave. Hawthorne, Calif. 90250. (Sanford Forman, General Traffic Manager), send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 530 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 136989 (Sub-No. 12TA), filed January 22, 1976. Applicant: R. F. BOX, INC., 500 Kinley Ave., NE, Albuquerque, N.Mex. 87107. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering* (except carpeting and rugs) from points in Lancaster County, Pa., to points in New Mexico, Colorado, Wyoming, Montana, Nebraska, and South Dakota, under a continuing contract or contracts with Mountain States Distributing Corp., located in Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mountain States Distributing Corporation, 3900 East 48th Ave., Denver, Colo. 80216. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Opetrations, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, N. Mex. 87101.

No. MC 138350 (Sub-No. 3TA), filed January 5, 1976. Applicant: FRANKLIN O. DAVIS, d.b.a. WHITE PLAINS, TRANSPORTATION/BOX 97, WHITE Plains, Md., 20695. Applicant representative: Theodore Polydorof, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *contaract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (except in bulk), from Reading, Pa., to Salisbury, Md., and (2) *Wine* (except in bulk), from Westfield, N.Y., to Salisbury, Md.; restricted to traffic moving under a continuing contract or contracts with W. R. Pease Distributors, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: W. R. Pease Distributor, Inc., 412 Snow Hill Road Salisbury, Md., 21801.

Send protests to: Interstate Commerc Commission 12th & Constitution Avenue, NW. Rm. B–317 W. C. Hersman District Supervisor Washington, D.C. 20423.

No. MC 139658 (Sub-No. 6TA), filed January 21, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, N.C., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Blount, Etowah, St. Clair and Jefferson Counties, Ala., on the one hand, and, on the other, points in Houston County, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Birmingham Coal & Coke Sales Co., Inc., 4363 1st Avenue No., Birmingham, Ala. 35222. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 141441 (Sub-No. 1 TA), (Amendment), filed December 23, 1975, published in the FEDERAL REGISTER issue of January 9, 1976, and republished as amended this issue. Applicant: CROCKER TRUCK LINES, INC., Building 107 Industrial Park, Veradale, Wash. 99216. Applicant's representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, Wash. 99201. Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trusses, beams and girders*, metal, concrete or combinations thereof, and *concrete slabs*, from points in Spokane County, Wash., to points in Idaho north of the southern boundary of Idaho County, Idaho; points in Morro, Umatilla, Union, Wallowa and Baker Counties, Oreg., and points in Montana on and west of a line coincident with Highway No. 233, from the United States-Canadian boundary line to Havre, from Havre over Highway No. 87 to Armington, from Armington over Highway No. 89 to the Montana-Wyoming border, for 180 days. Supporting shippers: Central Pre-Mix Concrete Co., Inc., N. 805 Division, Spokane, Wash. Sletten Construction Company, P.O. Box 2467, Great Falls, Mont. 59403. Matelich Construction Company, P.O. Box 456, Kalispell, Mont. 59901. Redding Construction Co., Inc., E. 2215 Brooklyn, Spokane, Wash. 99207. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

NOTE.—The purposes of this republication are to indicate the additional commodity of concrete slabs and clarify the territorial portion of the request for authority.

No. MC 141606 TA (Correction), filed December 12, 1975, published in the FEDERAL REGISTER issues of January 9, 1976 and January 21, 1976, and republished as corrected this issue. Applicant: ALERT TRUCKING, INC., 6689 NW. 16th Terrace, Fort Lauderdale, Fla. 33309. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil; carbon gum or sludge removing compounds; cartridges or elements* exceeding 5 lbs. per cubic foot; *and oil filters* from Painesville, Ohio, to Lowell, Mass.; Hillside, N.J.; Baltimore, Md.; Charlotte, N.C.; Tampa, Fla.; Morrow, Ga.; Jackson, Miss.; Nashville, Tenn.; Louisville, Ky.; Lake Bluff, Ill.; New York, N.Y. Commercial Zone; Chicago, Ill.; Evansville, Ind.; and Richmond, Va., restricted against the transportation of commodities in bulk, under a continuing contract with STP Corp., for 180 days. Supporting shipper: STP Corp., 1400 West Commercial Blvd., Fort Lauderdale, Fla. Send protests to: Joseph B. Tiechert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

NOTE.—The purposes of this republication are to indicate the proper origin and the exclusion of bulk commodities in this proceeding.

No. MC 141690TA, filed January 20, 1976. Applicant: PRODUCTS, INC., 1127 No. 18th Street, Omaha, Nebr. Applicant's representative: Bruce A. Bullock, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pillows, cushions, pads, urethane foam, and urethane foam products*, from Omaha, Nebr., to points in Kansas, Iowa, Wyoming, Missouri, Minnesota, North Dakota, South Dakota, Wisconsin and Illinois, (2) *equipment, materials and supplies* used in the manufacture, sales and distribution of the products named in part (1) above, from Minneapolis, Minn.; Neenah, Wisc.; St. Louis, and Kansas City, Mo.; Chicago, Ill.; Ft. Smith, Ark.; Denver, Colo.; Atlanta, Ga., and points in their respective Commercial Zones, and points in North Carolina and South Carolina to Omaha, Nebr., under continuing contract or contracts with Products Unlimited, Inc. of Omaha, Nebr., for 180 days. Supporting shipper(s): Products Unlimited, Inc., William Currie, President, P.O. Box 6043, Omaha, Nebr. 68106. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–3359 Filed 2–3–76;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 30, 1976.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T–9373, filed January 7, 1976. Applicant: GOOD NEWS TAXI SERVICE, INC., 64 Ransier Drive, West Seneca, N.Y. 14224. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (not to exceed 1,000 pounds) with same day pickup and delivery service, to, from, and between all points in Erie and Niagara Counties, N.Y. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y., 12232 and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5312 (Sub-No. 4), filed January 14, 1976. Applicant: S & D TRUCKING CO., INC., Cherry Street, Dyersburg, Tenn. 38024. Applicant's representative: Barret Ashley, 322 Church Avenue, Dyersburg, Tenn. 38024. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Remove restriction against interchange of traffic at Dyersburg, Tenn. contained in Interstate Commerce Commission Certificate of Registration No. MC 121666 and MC 121666 (Sub-No. 1) and as contained in Tennessee Public Service Commission Certificate of Convenience and Necessity No. 2979 and 2979–A, Docket No. MC 5312 and MC 5312 (Sub-No. 3). Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time and place scheduled for March 3, 1976 at 9:30 a.m., in the Commission's Court Room, C1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1–102, Cordell Hull Building, Nashville, Tenn. 37219 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–3358 Filed 2–3–76;8:45 am]