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federal register

THURSDAY, APRIL 28, 1977

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

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

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

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

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

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

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 6; Docket No. AO-356-A15]

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final order amends the Upper Florida Federal milk order to provide regulated status for a milk plant operated by a cooperative association under specified conditions. It is based on proposals considered at a public hearing in February 1977. The amended order will aid the efficient handling of the market's day-to-day milk supply needs.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued February 3, 1977, published February 8, 1977 (42 FR 7962).

Notice of Recommended Decision—Issued March 17, 1977; published March 22, 1977 (42 FR 15417).

Final Decision—Issued April 12, 1977; published April 18, 1977 (42 FR 20143).

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Florida marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1977. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Program Operations was issued March 17, 1977, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 12, 1977. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In the view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1977, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Upper Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1006.7, the introductory text is revised by changing the reference to paragraph (c) to paragraph (d), paragraph (c) is redesignated as paragraph (d), paragraph (b) is amended by replacing the period with a semicolon and adding the word "or," and a new paragraph (c) is added to read as follows:

§ 1006.7 Pool plants.

* * * * *

(c) A plant, other than a distributing plant, that is located in the marketing area and is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and 50 percent or more of the producer milk of members of the cooperative association is received at pool distributing plants either directly from farms or by transfer from plants of the cooperative association for which pool plant status under this paragraph has been requested, subject to the following conditions:

(1) The plant is approved by a duly constituted health authority for the disposition of Grade A milk in the marketing area; and

(2) The plant does not qualify as a pool plant under paragraph (b) of this section or under the provisions of another Federal order applicable to a supply plant.

* * * * *

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

Effective date: May 1, 1977.

Signed at Washington, D.C., on April 25, 1977.

ROBERT H. MEYER,
Assistant Secretary for Marketing Services.

[FR Doc.77-12244 Filed 4-27-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 402.1]

PART 1803—LOAN AND GRANT DISBURSEMENT

Miscellaneous Amendment

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: FmHA amends its regulations to delete an unnecessary phrase with the intended effect of eliminating a possible conflict in regulations. This amendment is necessary because of a present inconsistency in the regulations.

EFFECTIVE DATE: This amendment is effective on April 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen Wiles, 202-447-6582.

SUPPLEMENTARY INFORMATION: Section 1803.2(a) of Part 1803, Title 7, Code of Federal Regulations (42 FR 4401) is amended to insert a period after the word "procedures" in the first sentence and delete the phrase "except where prohibited by State statutes" at the end of the first sentence. This amendment is necessary to alleviate a conflict with both the objectives of the program and with specific provisions of the present regulations. This amendment is not published for prior rulemaking since it is administrative in nature and merely corrects an error presently in the regulations for which reason notice and public procedure are unnecessary. Accordingly, § 1803.2 paragraph (a) is amended to read as follows:

§ 1803.2 Policies governing disbursement of funds.

(a) The partial advance feature of the LDS will be utilized whenever possible in accordance with the specific program procedures. The capability to request Treasury Checks on an as needed basis reduces the need for supervised bank accounts. Therefore, supervised bank accounts will be used only in rare instances, e.g.:

* * * * *

(7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, sec. 10 Pub. L. 93-357, 88 Stat. 392, 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, delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

Dated: April 20, 1977.

DENTON E. SPRAGUE,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77-12243 Filed 4-27-77;8:45 am]

(Title 7 continued on page 21618)

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

Addition to General License for In Vitro Diagnostic Products

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to add selenium-75 to the list of radionuclides in the general license for medical laboratory use. This rule change, which was requested by Amersham Searle Corp., will reduce the cost of distribution of several products used for the diagnosis of disease.

EFFECTIVE DATE: May 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward Podolak, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301-443-6910).

SUPPLEMENTARY INFORMATION: On February 7, 1977, the Nuclear Regulatory Commission (NRC) published a proposed rule (42 FR 7158) to amend its regulations: (1) § 31.11 to add selenium-75 to the list of radionuclides in the general license for in vitro diagnostic use, and (2) § 32.71 to add selenium-75 to the list of radionuclides manufactured and distributed for use under the in vitro general license. The public was invited to submit written comments on the proposed rule by March 24, 1977. No adverse comments were received. Therefore the text of § 31.11 and § 32.71 set out below is identical with the proposed amendment.

The general license in § 31.11 permits any physician, clinical laboratory, or hospital to receive, acquire, possess, transfer, or use iodine-125, iodine-131, carbon-14, hydrogen-3, and iron-59 for in vitro testing of body fluids such as blood and urine. In vitro tests are laboratory tests performed outside the human body.

Amersham/Searle Corporation of Arlington Heights, Illinois, filed a petition for rulemaking (PRM 31-1) with the NRC (by letter dated April 23, 1976) requesting the inclusion of selenium-75 in the § 31.11 general license. This notice of rulemaking responds to the request of Amersham/Searle Corp.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to title 10, Chapter I, Code of Federal Regulations, Parts 31 and 32 are published as a document subject to codification.

1. Section 31.11 of 10 CFR Part 31 is amended by adding a new paragraph (a)(6), and amending paragraphs (c)(1) and (d)(1) to read as follows:

§ 31.11 General License for use of byproduct material for certain in vitro clinical or laboratory testing.

(a) A general license is hereby issued to any physician, clinical laboratory, or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in accordance with the provisions of paragraph (b), (c), (d), (e), and (f) of this section, the following byproduct materials in prepackaged units:

* * * * *

(6) Selenium-75, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human being or animals.

* * * * *

(c) A person who receives, acquires, possesses, or uses byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following:

(1) The general licensee shall not possess at any one time, pursuant to the general license in paragraph (a) of this section, at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, and/or iron-59 in excess of 200 microcuries.

* * * * *

(d) The general licensee shall not receive, acquire, possess, or use byproduct material pursuant to paragraph (a) of this section:

(1) Except as prepackaged units which are labeled in accordance with the provisions of a specific license issued under the provisions of § 32.71 of this chapter or in accordance with the provisions of a specific license issued by an Agreement State that authorizes manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), selenium-75, or iron-59 for distribution to persons generally licensed by the Agreement State.

* * * * *

2. In 10 CFR Part 32, § 32.71 is amended by adding a new paragraph (b)(6), and amending paragraph (c)(1) to read as follows:

§ 32.71 Manufacture and distribution of byproduct material for certain in vitro clinical or laboratory testing under general license.

An application for a specific license to manufacture or distribute byproduct material for use under the general license of § 31.11 of this chapter will be approved if:

* * * * *

(b) The byproduct material is to be prepared for distribution in prepackaged units of:

* * * * *

(6) Selenium-75 in units not exceeding 10 microcuries each.

(c) Each prepackaged unit bears a durable, clearly visible label:

(1) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine-131, iodine-125, selenium-75, or carbon-14; 50 microcuries of hydrogen-3 (tritium); or 20 microcuries of iron-59; and

* * * * *

(Secs. 81, 161, Pub. Law 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. Law 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 8th day of April 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-12007 Filed 4-27-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. B; EC-0005, EC-0006, EC-0007, EC-0008]

PART 202—EQUAL CREDIT OPPORTUNITY

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretations.

SUMMARY: In accordance with the Board's regulations, the Board is publishing the following official staff interpretations of Regulation B, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATES: Specified below.

FOR FURTHER INFORMATION CONTACT:

Anne J. Geary, Acting Chief, Equal Credit Opportunity Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3946.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR 202.1(d). A request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) 15 USC 1691b.

The following interpretation is effective as of April 8, 1977.

[EC-0005]

Section 202.13—Mortgage lender should request data if applicant seeks both temporary financing to construct dwelling and permanent financing, but not if application is limited to construction financing; where separate form is used, lender should include questions about marital status and age.

This is in response to your February 17 letter regarding § 202.13 of Regulation B. I apologize for the delay in answering. In accordance with your request, this is an official staff interpretation of the regulation, issued pursuant to § 202.1(d).

Your first question is whether a mortgage lender must request the information required by § 202.13 for monitoring purposes in connection with consumer credit applications relating to the construction of residential real property as well as in connection with applications relating to the purchase of such property. You point out that § 202.13(a) uses only the word "purchase," while the model residential real estate mortgage loan application in Appendix B uses the phrase "purchase or construction."

In the opinion of the Board's staff, a creditor need not collect information pursuant to § 202.13 when an applicant applies for consumer credit relating solely to the temporary financing of the construction of a residential dwelling. If, however, a consumer credit applicant applies for both a temporary loan to finance the construction of a residential dwelling and a permanent mortgage loan to take effect when the construction is successfully completed, then the lender has received an application covered by § 202.13 and must comply with the requirements of that section.

In any event, if a mortgage lender uses an application form that contains a monitoring information section pursuant to § 202.13 and an applicant inadvertently supplies the information in a situation not covered by § 202.13, the creditor nevertheless may act on and retain the application without violating Regulation B. The creditor would be protected by § 202.12(a)(3) since the information would not have been obtained in response to a specific request of the creditor.

Your second question is whether a creditor should include questions about marital status and age on a separate form that is used, pursuant to § 202.13(b), for the purpose of collecting monitoring information. You note that the section of the model mortgage loan application relating to monitoring does not include questions about marital status or age; those questions appear on the front of the model form. You indicate, however, that you think that any creditor using a separate form should include questions on that form concerning an applicant's age and marital status.

If a transaction is subject to § 202.13, a creditor must request information about an applicant's age and marital status either on an application form or on a separate monitoring form. If the information is requested on an application form for appropriate consideration under § 202.6, then the creditor need not request the information again for monitoring purposes and need not inform the applicant under § 202.13(c) that age and marital status information is being voluntarily requested for government monitoring purposes. If, however, age and marital status information is not sought for credit-related purposes on an application form, then the creditor must ask for that information either in a monitoring section on the application or on a separate monitoring form; and the creditor must provide the disclosures required by § 202.13(c).

I trust that this official staff interpretation answers your questions. If we can be of further assistance, please let us know.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

The following interpretation is effective as of April 13, 1977.

[EC-0006]

Section 202.2(p)—System for evaluating creditworthiness may include both credit scoring and non-scoring components, provided each component complies with limitations imposed by regulation. Aspects of transaction need not be stored.

Thank you for your letter of March 14, 1977 pertaining to § 202.2(p) of Regulation B. You describe a situation in which a creditor requires that an applicant receive a passing score in a credit scoring system and then, in addition, pass certain judgmental tests in order to receive credit. You inquire whether a credit scoring system which considers the applicant's age may be used in conjunction with other judgmental tests when analyzing an applicant's creditworthiness.

Section 202.2(p)(1) of Regulation B provides that an empirically derived credit system is a credit scoring system which evaluates creditworthiness primarily by scoring the attributes of the applicant. Other aspects of the transaction may, but need not, also be scored. The scoring portion of the demonstrably and statistically sound, empirically derived credit system may be combined with additional information about the applicant which is pertinent to creditworthiness.

Section 202.2(p), therefore, contemplates that a demonstrably and statistically sound, empirically derived credit system is composed of a scoring component and that it may also have a non-scoring component. The scoring component of the system is required to pass certain statistical standards, which are prescribed in detail in § 202.2(p)(2) of Regulation B. If it passes those tests, then age may be used in the scoring system. If age is used as an attribute which is scored, elderly applicants may not receive a negative factor or value for their age.

The non-scoring component is optional. If the system does have a non-scoring component, that component must comply with the requirements imposed upon judgmental systems of evaluating applicants. In particular, the non-scoring component of the demonstrably and statistically sound, empirically derived credit system may not consider the applicant's age directly. The non-scoring component may consider "pertinent elements of creditworthiness" which may incidentally be correlated with or dependent upon age.

The non-scoring component of a demonstrably and statistically sound, empirically derived credit system may consist of one or more additional credit analysis factors. As we understand it, these factors might include obtaining a credit report, undertaking a cash flow analysis, consideration of events such as bankruptcy which occur too infrequently for development as a scored attribute but which are highly pertinent to creditworthiness, appraisal of collateral, and exercise of discretion by a credit officer. The components may interact in any way that the creditor finds useful in evaluating creditworthiness, so

long as the scoring component conforms to the requirements of § 202.2(p)(2) and the non-scoring component conforms to the rules for judgmental systems.

The entire system including the scoring and non-scoring components is, of course, subject to the general rule of § 202.4, prohibiting discrimination, and to the full impact of the effects test.

We hope that the foregoing responds fully to your inquiry. This is an official staff interpretation of Regulation B.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

The following interpretation is effective as of April 13, 1977.

[EC-0007]

Section 202.5(d)(5)—Creditor may inquire about characteristic of applicant that is specifically and directly related to the product or service offered by creditor (e.g., religious bookseller may ask customer's religious affiliation), but assumes risk of having to demonstrate that information was not used in credit decision.

This is in response to your February 8 letter regarding § 202.5(d)(5) of revised Regulation B, which became effective on March 23. This is an official staff interpretation of the regulation issued pursuant to § 202.1(d).

You explain that your client is a seller of religious books, primarily operating through home solicitation sales made on open end credit. Your client's established practice is to ask a potential customer who is seeking to purchase books on credit to sign a credit agreement. The sales agent then orally requests information about the applicant and records that information on an "Applicant Information" form printed on the reverse side of a carbon copy of the credit agreement.

In addition to information about an applicant's age, address, employer, bank accounts, and credit references, the sales agent inquires about an applicant's religious affiliation. The applicant's response is recorded in a box labeled "Chuch (group)" located on the first line of the Applicant Information form. Although information about an applicant's religious affiliation is included on the credit application, you state that your client does not consider that information in any manner in deciding whether to extend credit to an applicant. No applicant is denied or discouraged from seeking credit based upon religious affiliation.

Given the nature of your client's business, you state that information about a customer's religious affiliation is essential to selling your client's books in an effective, nonoffensive way. You express concern, however, that asking information about a credit applicant's religious affiliation, even for non-credit purposes, might violate § 202.5(d)(5) of Regulation B, which specifies in relevant part: "A creditor shall not request the * * * religion * * * of an applicant or any other person in connection with a credit transaction."

The purpose of the informational bars contained in § 202.5 (the restriction on inquiries about religion being one of those bars) is two-fold. First, they are linked to the limitations in § 202.6 concerning information that may not be considered in making a credit decision. Thus, they underscore that certain demographic information about an applicant is irrelevant in deciding whether to extend credit to that applicant. Second, by prohibiting the gathering of information that may not be considered in a credit decision, the information bars should reduce the possibility that a creditor will be accused of impermissibly discriminating against an applicant based upon information contained in the creditor's files.

If, however, a creditor does not consider prohibited information in making a credit decision and is willing to assume any risk attendant upon its having otherwise prohibited information in its files, then, in the staff's opinion, the creditor can inquire about any characteristic of an applicant that is specifically and directly related to the product or service offered by the creditor. Thus, the staff believes that your client, as a seller of religious books, can ask about a credit applicant's religious affiliation for non-credit-related purposes.

Your client may not inquire about the race, color, national origin, or sex of an applicant since those characteristics do not specifically and directly relate to the product offered—religious books. Also, in asking about an applicant's religious affiliation, your client assumes the risk of having to demonstrate that it did not discriminate against an applicant on the basis of religion even though it possessed information concerning religious affiliation. The decision whether to accept that risk, of course, lies with you and your client.

I trust that these comments answer your question. If we may be of further assistance, please let us know.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

The following interpretation is effective as of April 19, 1977.

[EC-0008]

Section 202.2(c)—Card issuer's refusal or failure to honor or authorize use of card, when use would not exceed credit limit, is not "adverse action." As to open end accounts, "adverse action" can occur at initial refusal to grant an account, on termination or unfavorable change of terms, or on refusal to increase credit limit when account holder has followed creditor's established procedures for requesting increase.

This is in response to your February 23 letter regarding the definition of adverse action under § 202.2(c) of Regulation B. In accordance with your request, this is an official staff interpretation of Regulation B, issued pursuant to § 202.1(d).

Your letter raises a basic issue: is a credit card issuer's refusal or failure to honor or authorize the use of a card adverse action when its use would not exceed a previously established dollar credit limit on an account? In our opinion, such a refusal or failure is not adverse action, and, therefore, the notices required by § 202.9 need not be sent.

You explain that issuers often establish limits on the number of transactions exceeding a specified dollar amount that can occur within a certain time period. When a person attempts to use the card and the transaction would exceed that limit, the issuer will refuse to authorize the transaction unless it can verify that the transaction involves an authorized card holder and is otherwise legitimate. This is done to protect both the account holder and the issuer from losses arising from the fraudulent use of a credit card.

Although the refusal or failure to honor a card can arise in a variety of circumstances, the staff believes that all such situations can be treated similarly for the purpose of analyzing whether adverse action has been taken under the terms of the Equal Credit Opportunity Act (ECOA) and Regulation B.

Section 202.2(f) of Regulation B excludes from the definition of application "the use of an account or line of credit to obtain an amount of credit that does not exceed a previously established credit limit." This exclusion is derived by implication from the statutory definition of applicant in § 702(b), which provides, in part, that an applicant is a person who "applies to a creditor indirectly by use of an existing credit plan for an amount exceeding a previously established credit limit." Thus, the use of a credit card account to obtain cash, goods, or services, where the amount of the charge does not exceed any previously established dollar limit on the account, is not an application for credit under Regulation B.

Since the use of an account where the amount to be charged does not exceed an overall dollar limit is not a credit application, a refusal or failure to honor or authorize the use of the account is not adverse action under §§ 202.2(c)(1)(i) and (iii), both of which relate to applications. Nor is such a refusal or failure adverse action under § 202.2(c)(1)(ii) if the account, although temporarily unusable, remains in existence, subject to its original terms.

The FEDERAL REGISTER explanatory material relating to § 202.2(c) of revised Regulation B (42 FR 1242) includes the statement: "However, a point of sale refusal of credit is adverse action if the refusal occurs for a reason other than exceeding the pre-established credit limit." The analysis presented in this letter supersedes the FEDERAL REGISTER statement.

Turning to a different situation, the attempted use of an existing account to obtain cash, goods, or services in an amount exceeding a previously established credit limit may be a credit application. A refusal to extend the credit requested in that situation is nonetheless not adverse action because it is excluded from the definition of adverse action in § 202.2(c)(2)(iii), which is derived directly from § 701(d)(6) of the ECOA.

To summarize the matter from a different perspective, there are only three instances in which adverse action may be taken regarding an open end credit account. First, a creditor may decline initially to offer such an account on terms acceptable to an applicant § 202.2(c)(1)(i)). Second, a creditor may terminate or adversely change the terms of an existing account without affecting a substantial portion or classification of accounts, without the consent of the account holder, and not in connection with current inactivity, default, or delinquency relating to the account (§§ 202.2(c)(1)(ii), (2)(i), and (2)(ii)).

Finally, a creditor may refuse to increase any credit limit on the account when the account holder has applied for an increase in accordance with procedures established by the creditor (§ 202.2(c)(1)(iii)). In those three situations, a creditor would have taken adverse action. Ordinarily, however, adverse action does not occur in connection with the use of an existing open end account.

I trust that these comments answer your questions. Please let us know if we can be of further assistance.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, April 22, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-12188 Filed 4-27-77;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 77-249]

PART 545—OPERATIONS

Accounting, Records, and Reports

APRIL 21, 1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This rule clarifies that the requirement, applicable to changing the date of a Federal association's annual meeting, that such date be not less than 15 days or more than three months and 15 days after the date of the annual closing of the association's books, may not be circumvented by changing such annual closing date.

EFFECTIVE DATE: April 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 202-376-3556.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board considers it desirable to amend § 545.20 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.20), by revising paragraph (a) thereof for the purpose of clarifying the requirement that a Federal association close its books not less than 15 days or more than 3 months and 15 days prior to the date of its annual meeting.

By adopting the optional bylaw authorized by paragraph (j) of § 544.6 of the Federal Regulations, a Federal association may change the date of its annual meeting to a date not less than 15 days or more than 3 months and 15 days after the annual closing of its books. However, § 545.20(a) permits the board of directors of such an association to designate the date of the annual closing of the association's books without regard to the date of its annual meeting. Therefore, the intent of the Board that the date of such an association's annual meeting be within a reasonable period of time after the date of the annual closing of its books could be thwarted by changing such closing date. This amendment makes clear that a change of such closing date must be accompanied by amendment of the association's bylaws to change the date of its annual meeting, if necessary to preclude such closing date from being less than 15 days or more than 3 months and 15 days prior to the date of the association's annual meeting.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11, because the amendment is clarifying in nature, and (2) publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to effective date is unnecessary for the same reason.

Accordingly, the Board hereby amends paragraph (a) of § 545.20 to read as follows:

§ 545.20 Accounting; records.

(a) *Accounting practices.* Each Federal association shall use such forms and follow such accounting practices as the Board may from time to time require. Each Federal association shall close its books at least annually, as of the end of such month or months as may be designated by the association's board of directors, and the date of such annual closing shall be not less than 15 days or more than 3 months and 15 days prior to its annual meeting.

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-12232 Filed 4-27-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket 77-NW-8-AD; Amdt. 39-238]

PART 39—AIRWORTHINESS DIRECTIVE

ADS Supply Co. and Air Spares International, Inc.; Unapproved Appliances Installed in Boeing Model Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule, amendment to existing AD.

SUMMARY: This amendment adds to the listing one additional unapproved appliance which must be removed from service. The appliance has not been shown to conform to FAA approved type design data and cannot, therefore, be considered to be in a condition for safe operation.

EFFECTIVE DATE: April 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald L. Riggin, Engineering and Manufacturing Branch, NW Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone 206-767-2717.

SUPPLEMENTARY INFORMATION: Airworthiness Directive 77-05-05 was issued March 2, 1977, and published in the FEDERAL REGISTER on March 10, 1977 (42 FR 13271) effective that date. AD 77-05-05 superseded AD 77-04-03 and contained a more comprehensive listing of unapproved appliances as well as incorporating the requirements of an AD issued telegraphically on February 19, 1977. Six additional unapproved appliances became known to the FAA and AD 77-05-05 was amended to include those appliances. An additional unapproved appliance is now known to the FAA and AD 77-05-05 is being further amended to include that appliance. The effect of the rule is to require the removal of such appliances.

Accordingly, pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations, Amendment 39-2849 (AD 77-05-05) is further amended, effective April 28, 1977, as follows:

1. By redesignating paragraph I as paragraph J.

2. By adding a new paragraph I reading as follows:

I. By May 27, 1977, remove the following appliance: (additional dash numbers identify airline configuration.)

Boeing Part No.:	*Unit*
65-52802-1--	Autopilot Switching Unit.

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

An evaluation of the anticipated impacts has been made, and it is expected that the final regulation is neither costly nor controversial. The preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 is not required.

Issued in Seattle, Washington, on April 18, 1977.

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

[FR Doc.77-12118 Filed 4-27-77;8:45 am]

[Docket No. 77-WE-9-AD; Amdt. 39-2882]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 369H Series Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) to require modification of the solenoid valve used on the emergency floats of Hughes Helicopters Model 369H Series helicopters to preclude failure of the valve to operate due to corrosion of the solenoid plunger. Corrosion of the solenoid plunger has resulted in two incidents of stuck valves causing loss of float inflation which could lead to the loss of a helicopter.

EFFECTIVE DATE: May 3, 1977. Compliance required within 100 flight-hours time in service or within 30 days from effective date of this AD, whichever is sooner, unless already accomplished.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. 213-536-6351.

SUPPLEMENTARY INFORMATION: There have been two incidents of jamming of the solenoid valve used on the emergency floats on the Hughes Helicopters Model 369H Series helicopters resulting in failure of the float to inflate when needed. These failures have been attributed to corrosion of the solenoid valve plunger which was the result of inadequate plating on the plunger. Fail-

ure of one or both floats to inflate under emergency conditions, while engaged in overwater operations, could result in the loss of a helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, an Airworthiness Directive is being issued to require replacement of the .0001/.0002 inch thick chrome plated solenoid plunger with a .0004/.0005 inch thick electroless nickel plated solenoid plunger in accordance with the manufacturer's Service Bulletins, thus precluding a corrosion induced failure of the valve.

Accordingly, and pursuant to the authority delegated to me by the Administrator (13 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

HUGHES: Applies to Model 369H Series Helicopters certificated in all categories, configured with emergency floats assemblies Hughes P/N 369H92036-1 and 369H 92036-2.

Compliance required within 100 flight-hours time in service or within 30 days from effective date of this AD, whichever is sooner, unless already accomplished.

(a) To prevent failure of the emergency float solenoid vale to operate due to corrosion of the solenoid valve plunger, accomplish the following:

(1) Replace the TAVCO, INC. solenoid valve assembly P/N23111357 (Air Cruiser's P/N's D17753-101 or -103) with Air Cruiser's P/N D17753-107 valve assembly with the word (MOD) imprinted after the serial number in accordance with the procedure instructions of the FAA approved Hughes Service Information Notice No. HN-114, dated April 15, 1977 or later FAA approved revision, or;

(2) Valcor Eng. Corp. solenoid valve P/N V48800-02 (Air Cruiser's P/N D17740-101) may be used in lieu of air Cruiser's P/N D17753-107 solenoid valve in accomplishment of paragraph (a), or;

(3) An equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate helicopters to a base for accomplishment of the modifications required by this AD.

This amendment becomes effective May 3, 1977.

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on April 19, 1977.

W. R. FREHSE,
Acting Director, Federal Aviation Administration Western Region.

[FR Doc.77-12041 Filed 4-27-77;8:45 am]

[Airspace Docket No. 77-EA-4]

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

Alteration of New York Transition Area

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule will establish additional controlled airspace (transition area) so as to protect helicopters using a new instrument approach procedure in the New York Terminal Area. The new airspace will be added to the present N.Y., Transition Area.

EFFECTIVE DATE: 0901 G.m.t. May 1, 1977.

ADDRESSES: Copies of this final rule may be obtained from Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was published in the FEDERAL REGISTER on Monday, February 14, 1977, (42 FR 9029) so as to provide additional controlled airspace protection for IFR arrivals into the New York Terminal Area.

Interested parties were given 30 days in which to submit comments on the proposal. The Department of Transportation, State of New Jersey, objected to the establishment of additional airways for the procedures on the grounds that there would be an unsafe inter-mix of IFR & VFR traffic and, as well as a loss of airspace to acrobatic training. However, this rule only applies to the transition area to which DOT has no objection. There were no further objections.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.69), § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181), is amended, effective 0901 G.m.t. May 1, 1977, by adoption of the amendment as proposed.

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Jamaica, New York, on April 12, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the New York N.Y. 700-foot floor transition area by inserting after the phrase:

Solberg, N.J., VORTAC 050° and 230° radials, extending from 5.5 miles northeast of the VORTAC to 11.5 miles southwest of the VORTAC, the following: "within 4 miles each side of a 015° bearing from a point 40°28'13" N., 74°01'11" W., extending from said point to 6 miles north of said point".

[FR Doc.77-12040 Filed 4-27-77;8:45 am]

[Airspace Docket No. 77-NE-3]

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

Transition Area; Establishment of Lyndonville, Vermont, 700-Foot Transition Area

AGENCY: Federal Aviation Administration/DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a transition area at Lyndonville, Vermont to provide controlled airspace between 700 feet and 1200 feet above the surface for aircraft making a prescribed instrument approach to, or departure from the Caledonia County Airport under IFR conditions.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Mass. 01803.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on Thursday, February 10, 1977, (41 FR 8392), which proposed to establish a 700-foot Transition Area at Lyndonville, Vermont. No objections were received from this Notice.

Accordingly, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) is amended, effective August 11, 1977, as follows:

1. By adding the following 700-foot transition area:

LYNDONVILLE, VERMONT, 700-FOOT TRANSITION AREA

That airspace extending upward from 700 feet above the surface within a 16.5 mile radius of the center (latitude 44°34'09" N., longitude 72°01'09" W.) of the Caledonia County Airport, Lyndonville, Vermont.

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Mass., on April 14, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.77-11950 Filed 4-27-77;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 16741; Amdt. No. 1070]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

EFFECTIVE DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows: For Examination.—(1) FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; (2) The FAA Regional Office of the region in which the affected airport is located; or (3) The Flight Inspection Field Office which originated the SIAP. For Purchase.—Individual SIAP copies may be obtained from: (1) FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or (2) The FAA Regional Office of the region in which the affected airport is located. By Subscription.—Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150.00; add $30.00 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective June 16, 1977.*

Bainbridge, GA—Commodore Decatur, VOR-C, Orig.
New Castle, IN—New Castle-Henry County Municipal, VOR Rwy 27, Amdt. 3
Ahoskie, NC—Tri County, VOR/DME-A, Amdt. 2

* * * *Effective June 9, 1977.*

Southbridge, MA—Southbridge Muni, VOR-A, Amdt. 1
Southbridge, MA—Southbridge Muni, VOR/DME-B, Amdt. 4
Fremont, MI—Fremont Municipal, VOR-A, Amdt. 6
Fremont, MI—Fremont Municipal, VOR Rwy 36, Amdt. 1
Three Rivers, MI—Three Rivers Municipal-Dr. Haines, VOR-A, Amdt. 3
Duluth, MN—Duluth International, VOR Rwy 3 (TAC), Amdt. 13
Duluth, MN—Duluth International, VOR/DME Rwy 21 (TAC), Amdt. 8
Oxford, MS—University-Oxford, VOR/DME-A, Original
Kinston, NC—Stallings Field, VOR Rwy 22, Amdt. 9
Kinston, NC—Stallings Field, VOR/DME Rwy 4, Amdt. 9
Wilmington, NC—New Hanover County, VOR/DME-A (TAC), Amdt. 1
Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 2L, Amdt. 2, cancelled
Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 20L, Original
Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 20R, Amdt. 3, cancelled

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective June 16, 1977.*

Denver, CO—Stapleton Int'l, LOC(BC) Rwy 17R, Amdt. 12

* * * *Effective June 9, 1977.*

Wilmington, NC—New Hanover County, LOC (BC) Rwy 16, Amdt. 4
Nashville, TENN—Metropolitan, LOC(BC) Rwy 20R, Amdt. 13, cancelled

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective June 16, 1977*

Santa Monica, CA—Santa Monica Muni, NDB-B, Original
Denver, CO—Stapleton Int'l, NDB Rwy 26L, Amdt. 33
Denver, CO—Stapleton Int'l, NDB Rwy 26R, Amdt. 3
Marathon, FL—Marathon Flight Strip, NDB Rwy 7, Original
Angola, IN—Steuben County Tri-State, NDB Rwy 5, Amdt. 2
New Castle, IN—New Castle-Henry County Municipal, NDB Rwy 9, Amdt. 1
New Castle, IN—New Castle-Henry County Municipal, NDB Rwy 27, Amdt. 1

Wilson, NC—Wilson Municipal, NDB Rwy 3, Original
Bolivar, TN—Bolivar-Hardeman Co., NDB Rwy 36, Original

* * * *Effective June 9, 1977.*

Apalachicola, FL—Apalachicola Muni, NDB Rwy 13, Amdt. 7
Three Rivers, MI—Three Rivers Municipal-Dr. Haines, NDB Rwy 27, Amdt. 1
Duluth, MN—Duluth International, NDB Rwy 9, Amdt. 16
Kinston, NC—Stallings Field, NDB Rwy 4, Amdt. 6
Wilmington, NC—New Hanover County, NDB Rwy 34, Amdt. 10
Nashville, Tennessee, Nashville Metropolitan, NDB Rwy 2L, Amdt. 22, cancelled
Nashville, TN—Nashville Metropolitan, NDB Rwy 2R, Original
Nashville, Tenn.—Nashville Metropolitan, NDB Rwy 20R, Amdt. 2, cancelled

* * * *Effective June 2, 1977.*

San Angelo, TX—Mathis Field, NDB Rwy 18, Original

* * * *Effective May 5, 1977.*

Lake Providence, LA—Byerley, NDB Rwy 17, Original

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective June 16, 1977.*

Cordova, AK—Cordova-Mile-13, ILS/DME Rwy 27, Amdt. 1
Denver, CO—Stapleton Int'l, ILS (BC) Rwy 8R, Amdt. 4
Denver, CO—Stapleton International, ILS Rwy 26L, Amdt. 38
Denver, CO—Stapleton Int'l, ILS Rwy 35L, Amdt. 19
Denver, CO—Stapleton Int'l, ILS Rwy 35R, Amdt. 1

* * * *Effective June 9, 1977.*

Tampa, FL—Tampa International, ILS Rwy 36L, Amdt. 7
Duluth, MN—Duluth International, ILS Rwy 9, Amdt. 11
Duluth, MN—Duluth International, ILS Rwy 27, Amdt. 2
Kinston, NC—Stallings Field, ILS Rwy 4, Amdt. 5
Wilmington, NC—New Hanover County, ILS Rwy 34, Amdt. 14
Nashville, Tenn.—Nashville Metropolitan, ILS Rwy 2L, Amdt. 24, cancelled

* * * *Effective May 26, 1977.*

Chicago, IL—Chicago O'Hare International, ILS Rwy 9L, Amdt. 2

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective June 16, 1977.*

Denver, CO—Stapleton International, RADAR-1, Amdt. 14

* * * *Effective June 9, 1977.*

Duluth, MN—Duluth International, RADAR-1, Amdt. 12
Wilmington, NC—New Hanover County, RADAR-1, Original

* * * *Effective May 19, 1977.*

Pueblo, CO—Pueblo Memorial, RADAR-1, Original

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective June 16, 1977.*

San Diego, CA—Gillespie, RNAV Rwy 27R, Original, cancelled

* * * *Effective June 9, 1977.*

Wilmington, NC—New Hanover County, RNAV Rwy 23, Amdt. 3

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 24 FR 5662 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 22, 1977.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.77-12117 Filed 4-27-77;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-997, Amdt. 9]

PART 287—EXEMPTION AND APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS

Extension of Existing Exemption

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: Interlocking directorates involving air carriers and commercial lending institutions would continue to be exempt from the requirement for Board approval. This exemption pertains to interlocking relationships which arise due to the aircraft leasing activities of the commercial lending institutions. The extension of this exemption is for two years. Limits on the scope of the exemption appear in the language of the regulation.

DATES: Effective: April 30, 1977. Adopted: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Daniel Campbell, Rates and Agreements Division, Civil Aeronautics Board, 1825 Connecticut Ave., NW., Washington, D.C. 20428, 202-673-5437.

SUPPLEMENTARY INFORMATION: Section 287.3a (14 CFR Part 287) of the Economic Regulations exempts air carriers from the requirement of prior Board approval with respect to interlocking relationships involving directors of air carriers who are also directors, officers, or employees of commercial lending institutions which do not lease aircraft to the air carrier,[1] subject, however, to various specified limitations.

In adopting § 287.3a in 1966 the Board provided that the exemption would expire after three years: ER-455, 31 FR 5121. Since experience under the exemption has not disclosed any basis for termination, the Board has already granted four one-year extensions and two two-year extensions of the expiration date, to April 30, 1977, and now, for the same reason, has decided to extend again the expiration date of § 287.3a to April 30, 1979. However, this extension is being made without prejudice to any action which the Board may take regarding this rule in the "Institutional Control of Air Carriers Investigation."[2]

As this amendment extends the relief provided in the existing regulation, notice and public procedure hereon are unnecessary and the amendment may be made effective upon less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends § 287.3a effective April 30, 1977, by extending the expiration date from April 30, 1977 to April 30, 1979. As amended, §287.3a will read as follows:

§ 287.3a Exemption of air carriers with respect to interlocking relationships with commercial lending institutions.

In addition to the exemptions provided in §§ 287.2 and 287.3, and subject to the other provisions of this part, air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of this chapter with respect to any interlocking relationship between any such air carrier and a commercial lending institution which does not lease aircraft to the air carrier: *Provided, however,* That such exemption shall expire on April 30, 1979, and shall extend only to the relationship involving a director of the air carrier who is not an officer or employee of the air carrier or a stockholder holding a controlling interest in the air carrier (or the representative or nominee of

[1] Section 287.4 provides that: "To the extent that any officer, director, or member of an air carrier, or stockholder holding a controlling interest in an air carrier (or the representative or nominee of any such person) would, without prior approval of the Board, be in violation of any provision of section 409(a) of the Act, by reason of any interlocking relationship directly involving such air carrier which has been exempted under this part, such relationship is hereby approved for the duration of such exemption."

Section 287.6 provides that the exemption and approval granted by Part 287 "shall not constitute an order made under section 409(a) of the Act within the meaning of section 414 of the Act and shall not confer any immunity or relief from operation of the 'antitrust laws' or any other statute (except the Federal Aviation Act of 1958, as amended) with respect to any interlocking relationship otherwise within the purview of said section 409(a)."

[2] See Orders 74-1-132 and 75-1-35 (Docket 26348).

any such person) and who is not a member of the commercial lending institution: *Provided, further*, That in order to qualify for an exemption under this section air carriers shall file with the Bureau of Operating Rights annual reports on or before April 1 of each year showing for the previous calendar year (a) the name and addresses of all directors of the air carrier who were also directors, officers, or employees of commercial lending institutions; (b) the names and addresses of such commercial lending institutions; and (c) a description of all transactions between the air carrier (and/or its directors, who were also officers or directors of commercial lending institutions) and such commercial lending institutions.

(Secs. 101(3), 204(a), 409, 416; 72 Stat. 737, 743, 768, 771; (49 U.S.C. 1301, 1324, 1379, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12197 Filed 4-27-77;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-73, Amdt. 52]

PART 399—STATEMENTS OF GENERAL POLICY TARGET DATES FOR HEARING CASES

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Board has decided to amend its "target date" policy in two ways. First, the 20 day limit in which the Board has undertaken to announce a target date for issuance of its decision on a petition for review or reconsideration, in a hearing case, will run from the date for filing of answers rather than from the date of the petition. Second, the issuance of individual target dates on reconsideration in routes cases will be replaced by a general rule that the Board will act on reconsideration in advance of the effective date of the certificate issued by the Board's principal decision.

DATES: Effective: April 20, 1977. Adopted: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: In § 399.62(c)(2) of the Board's Policy Statements, the Board has undertaken to announce, in all hearing cases, within 20 days from the date of a petition for review or reconsideration, a target date for issuance of its decision on the petition. Since answers to such petitions must be filed within 15 and 10 days, respectively, of the date of the petition, this policy allows little time for consideration of answers before the Board must decide upon an appropriate target date. Moreover, it is sometimes necessary to extend the time for filing answers. Since it is obviously desirable that an analysis of the answers should precede the Board's announcement, we have determined to revise our policy so that our undertaking to announce such target dates "within 20 days" will run from the date when answers are due, including extensions, rather than from the date of the petition.

We note that, as revised herein, our undertaking with respect to announcement of target dates, in hearing cases, will more closely parallel our undertaking with respect to computing the deadline for announcing our disposition of petitions for rulemaking, in § 399.70, where we have allowed ourselves 120 days "from the filing of answers to the petition." (PS-68, adopted March 9, 1976, 41 FR 10599).

Under standard Board practice, going back over many years, new certificate authority pursuant to Board awards is ordinarily deferred for a period of 60 days. This period is necessary to permit the orderly examination and disposition of any petitions for reconsideration which may be filed. On occasion, where the issues in a particular case are complex, or where the press of the Board's business otherwise requires, the Board may defer new authorizations for a period of 90 days. On the other hand, where there is a need for expedition, the Board may reduce the period of deferral. In all cases we endeavor to reach our decision on reconsideration in advance of the effective date of the new authority and thus there is virtually no need for the specific issuance of a target date notice in each case.

We have therefore determined to replace our undertaking to issue individual target date notices on reconsideration in routes cases where awards are made with a general rule embodying our undertaking to endeavor to reach a decision on reconsideration in all such cases on or before the effective date of the new authority awarded.

Since this amendment is concerned with internal management and procedures, and imposes no significant burden on any member of the public, the Board finds that notice and public procedure are unnecessary and that the rule may be effective immediately.

Accordingly, 14 CFR Part 399 is amended, effective April 20, 1977, as follows:

Amend § 399.62(c)(2) to read as follows:

§ 399.62 Target dates in hearing cases.

* * * * *

(c) *Time for promulgating target dates.* (1) * * *

(2) In the case of petitions for review or for reconsideration, notices of target dates shall be issued, served, and filed within 20 days of the date for the filing of answers: *Provided, however*, That, in the case of petitions for reconsideration of Board decisions awarding new route authority, the Board shall, in lieu of issuing individual target dates, endeavor to render its decision no later than the day preceding the effective date of the new authority awarded.

(Secs. 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788 (49 U.S.C. 1324, 1481).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12191 Filed 4-27-77;8:45 am]

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 341—REGULATIONS GOVERNING UNITED STATES RETIREMENT PLAN BONDS

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: Certain operations regarding U.S. Retirement Plan Bonds have been transferred from the Division of Securities Operations in the Washington Office of the Bureau of the Public Debt to the Division of Transactions and Rulings in the Parkersburg Office of the Bureau. Accordingly, it is necessary to amend the regulations governing U.S. Retirement Plan Bonds to make appropriate address changes.

EFFECTIVE DATE: This amendment is effective on April 28, 1977.

FOR FURTHER INFORMATION CONTACT:

A. E. Martin, Attorney-Adviser, Bureau of the Public Debt, 202-376-0255.

SUPPLEMENTARY INFORMATION: The primary author of this document is A. E. Martin, Attorney-Adviser, Bureau of the Public Debt, 202-376-0255.

Accordingly, Department of the Treasury Circular, Public Debt Series, No. 1-63, is amended as follows:

§§ 341.8 and 341.12 [Amended]

1. In the Sections listed below, the references to, "The Bureau of the Public Debt, Washington, D.C. 20226" are changed to read: Bureau of the Public Debt, "Division of Transactions and Rulings", Parkersburg, West Virginia 26101.":

1. Paragraph (b) of § 341.8.
2. Footnote 1 to paragraph (c) of § 341.8.
3. Section 341.12.

§§ 341.8-341.11 [Amended]

2. In the Sections listed below, the references to "The Bureau of the Public Debt, Washington, D.C. 20226," are changed to read: Bureau of the Public Debt, "Securities Transactions Branch," Washington, D.C. 20226 or Bureau of the Public Debt, "Division of Transactions and Rulings", Parkersburg, West Virginia 26101."

1. Paragraph (c) of § 341.8.
2. Paragraph (c)(2) of § 341.8.
3. Paragraph (a)(5) of § 341.9.
4. Paragraph (b) of § 341.9.
5. Paragraph (a) of § 341.10.
6. Paragraph (b) of § 341.11.

This amendment is issued under the authority of 5 U.S.C. 301, 31 U.S.C. 752. As it is entirely administrative in nature and involves the fiscal policy of the United States, notice and public procedures thereon are found to be unnecessary.

Dated: April 22, 1977.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77-12184 Filed 4-27-77;8:45 am]

Title 43—Public Lands; Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[PLO 5616 (F-031005)]

ALASKA

Partial Revocation of Executive Order No. 4949

AGENCY: Bureau of Land Management, Interior.

ACTION: Partial Revocation of Executive Order to Make Land Available for State Selection.

SUMMARY: This public land order partially revokes a previous withdrawal of lands for the Alaska Railroad. This revocation is necessary to permit the State of Alaska to select these lands under the Alaska Statehood Act.

EFFECTIVE DATE: April 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert L. Means, Alaska Native Claims, Settlement Act Coordinator, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, 202-343-3066.

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2743, 43 U.S.C. 1701, it is ordered as follows:

Executive Order No. 4949 of August 14, 1928, as amended, which withdrew lands for use in connection with construction and operation of The Alaska Railroad, is hereby revoked insofar as it relates to the following described lands:

FAIRBANKS MERIDIAN

T. 12 S., R. 7 W.,

Section 18, all of lots 2 and 3, excepting therefrom the following described lands, which are within material site right-of-way F-509:

Beginning at a point on the westerly line of section 18, T. 12 S., R. 7 W., said point being N. 00°13'33" W., a distance of 1,163.24 feet from the southwest corner of section 18; thence S. 80°26'30" E., a distance of 446.49 feet, corner No. 1; thence southeasterly along a 04°18'01" curve to the left (radius=1,332.40 feet) through an arc of 15°32'17" a distance of 361.33 feet to corner No. 2; thence N. 00°13'33" W., a distance of 987.06 feet to corner No. 3; thence S. 89°46'27" W., a distance of 800.00 feet to corner No. 4; thence S. 00°13'33" E., 893.52 feet to the point of beginning, containing 17.631 acres, more or less.

The lands affected aggregate approximately 59.449 acres.

The described lands are withdrawn by Public Land Order No. 5186 of March 15, 1972, which permits selection by the State under the Alaska Statehood Act, 72 Stat. 339.

GUY R. MARTIN,
Assistant Secretary of the Interior.

April 21, 1977.

[FR Doc.77-12151 Filed 4-27-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 97—AMATEUR RADIO SERVICE

Eligibility for Re-examination for Amateur Radio Operator License

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Editorial amendment of § 97.33 of the Commission's Rules to prohibit an applicant failing an amateur radio operator examination from taking another examination for the same or higher class operator license within thirty days.

EFFECTIVE DATE: May 2, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Gregory M. Jones, Personal Radio Division, 20554, 202-632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: April 20, 1977.

Released: April 21, 1977.

In the matter of correction of § 97.33 of the Commission's Rules concerning operator examinations in the amateur radio service.

1. On June 6, 1976 the Commission adopted a First Report and Order in Docket 20282, FCC 76-537, 41 FR 25013 (1976). Among the rule revisions adopted in the Frst Report and Order was an amendment to § 97.33 of the Commission's Rules. Section 97.33 of the Rules was amended to read as follows: "An applicant who fails a written examination for an amateur radio operator license may not take another written examination for the same or higher class license within 30 days" (emphasis supplied). Previously, § 97.33 of the Rules had prohibited applicants from retaking either written or telegraphy examinations within thirty days of having failed such examinations.

2. Limiting the 30 day waiting requirement to written examinations only was an inadvertent error by the Commission. Such an amendment was not proposed and was not discussed by the comments in this proceeding, and we are by this Order acting to correct our previous error by amending § 97.33 of the Rules to prohibit the retaking of both written and telegraphy examinations by applicants who have failed such examinations within the previous 30 day period.

3. Authority for this amendment appears in sections 4(i), 5(d), and 303 of the Communications Act of 1934, as amended. Because the amendment adopted herein is of an editorial character, designed solely to correct a previous error, the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 552, are not applicable.

4. Accordingly, *it is ordered,* That § 97.33 of the Commission's Rules is amended as set forth below effective May 6, 1977.

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

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended, as follows:

1. Section 97.33 is amended to read as follows:

§ 97.33 Eligibility for re-examination.

An applicant who fails an examination element required for an amateur radio operator license shall not apply to be examined for the same or higher examination element within thirty days of the date the examination element was failed.

[FR Doc.77-12203 Filed 4-27-77;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-19; Notice 02]

PART 569—REGROOVED TIRES

Sale and Use

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment of the regulation governing the sale and use of regrooved tires implements a provision of the National Traffic and Motor Vehicle Safety Act (the Act) that the lease as well as the sale of certain regrooved tires be permitted. The Act was amended in 1974 to permit lease as well as sale, following a court decision which construed the Act to permit only the sale of regrooved tires.

EFFECTIVE DATE: March 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Tad Herlihy, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590. (202-426-9511).

SUPPLEMENTARY INFORMATION: Section 204(a) of the National Traffic and Motor Vehicle Safety Act (the Act) (15 U.S.C. § 1424(a)) governs the sale and use of regrooved tires. Regrooved tires are defined in the Act as tires on which a new tread has been produced by cutting into the tread of a worn tire. As enacted originally, § 204(a) provided:

Sec. 204. (a) No person shall sell, offer for sale, or introduce for sale or deliver for introduction in interstate commerce, any tire or motor vehicle equipped with any tire which has been regrooved, except that the Secretary may by order permit the sale of regrooved tires (designed and constructed in accordance with the Act's intent).

Part 569 of NHTSA regulations was issued (34 FR 1149, January 24, 1969) to implement this provision, and it addressed both the circumstances under which lease and sale of regrooved tires would be permissible. A United States Court of Appeals found this aspect of Part 569 impermissibly broad, and held invalid that portion of the regulation which would authorize the introduction in interstate commerce of regrooved tires by means other than by sale. (*National Association of Motor Bus Owners* v. *Brinegar*, 483 F2d 1284 (7th Cir. 1973).) Subsequently, the agency amended Part 569 to conform to the court's decision (39 FR 15038, April 30, 1974).

Section 204(a) was amended in 1974 so that the Secretary may by order permit the sale, offer for sale, introduction for sale, or delivery for introduction in interstate commerce of regrooved tires that are properly designed and constructed. (Pub. L. 93-492, § 110(c) (October 27, 1974).) The agency hereby amends §§ 569.1 and 569.7(a) to reflect this statutory change.

In consideration of the foregoing, 49 CFR Part 569, "Regrooved Tires," is amended as follows:

1. Section 569.1 is amended to read:

§ 569.1 Purpose and scope.

This part sets forth the conditions under which regrooved and regroovable tires manufactured or regrooved after the effective date of the regulation may be sold, offered for sale, introduced for sale or delivered for introduction into interstate commerce.

2. Section 569.7(a) is amended in part by deletion of the word "insofar" and the phrase "the sale of regrooved tires is" from the first sentence of § 569.7(a)(1) and by revision of the first statement in § 569.7(a)(2) to read:

§ 569.7 Requirements.

(a) *Regrooved tires.* (1) * * *

(2) A regrooved tire may be sold, offered for sale, or introduced for sale or delivered for introduction into interstate commerce only if it conforms to each of the following requirements:

* * * * *

EFFECTIVE DATE FINDING: Because this amendment implements a statutory provision and creates no additional requirement for any person, it is found that notice and public procedure thereon are unnecessary and that an immediate effective date is in the public interest.

(Sec. 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1407); Sec. 110(c), Pub. L. 93-492, 88 Stat. 1484 (15 U.S.C. 1424); delegation of authority at 49 CFR 1.50.)

Issued on February 28, 1977.

JOHN W. SNOW,
Administrator.

[FR Doc.77-11908 Filed 4-27-77;8:45 am]

CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD

PART 821—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

PART 825—RULES OF PROCEDURE FOR MERCHANT MARINE APPEALS FROM DECISIONS OF THE COMMANDANT, U.S. COAST GUARD

Ex Parte Communications

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: These regulations prohibit certain ex parte communications with respect to formal NTSB adjudications, establish procedures for handling proscribed communications, and permit sanctions against a party who knowingly makes or causes such a communication to be made.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Fritz L. Puls, 202-426-8911.

SUPPLEMENTARY INFORMATION: On March 3, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 12208) to amend the NTSB rules governing air safety and marine enforcement proceedings (Parts 821 and 825, respectively) by including provisions relating to ex parte communications. The proposed regulations were designed to implement Section 4 of the Government in the Sunshine Act, Pub. L. 94-409. Interested persons were given 30 days in which to submit written comments regarding the proposed rules and no comments have been received.

Accordingly, the proposed amendments to 49 CFR Parts 821 and 825 are hereby adopted without change as set forth below.

Adopted: April 18, 1977.

WEBSTER B. TODD, Jr.,
Chairman.

1. In the Table of Contents in Part 821, by adding a heading for new Subpart J, and by adding headings for new §§ 821.60, 821.61, 821.62, and 821.63, as follows:

Subpart J—Ex Parte Communications

Sec.
821.60 Definitions.
821.61 Prohibited ex parte communications.
821.62 Procedures for handling ex parte communications.
821.63 Requirement to show cause and imposition of sanction.

AUTHORITY: Sec. 4, Government in the Sunshine Act, Pub. L. 94-409, amending 5 U.S.C. 556(d) and 5 U.S.C. 557; Title VI, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1421 et seq.; Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).

2. By adding a new Subpart J to Part 821 to read as follows:

Subpart J—Ex Parte Communications

§ 821.60 Definitions.

As used in this subpart:

"Board decisional employee" means a Board Member, administrative law judge, or other employee who is or who may reasonably be expected to be involved in the decisional process of the proceeding;

"Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this Part.

§ 821.61 Prohibited ex parte communications.

(a) The prohibitions of this section shall apply from the time a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply at the time of the acquisition of such knowledge.

(b) Except to the extent required for the disposition of ex parte matters as authorized by law:

(1) No interested person outside the Board shall make or knowingly cause to be made to any Board employee an ex parte communication relevant to the merits of the proceeding;

(2) No Board employee shall make or knowingly cause to be made to any interested person outside the Board an ex parte communication relevant to the merits of the proceeding.

Ex parte communications regarding solely matters of Board procedure or practice are not prohibited by this section.

§ 821.62 Procedures for handling ex parte communications.

A Board employee who receives or who makes or knowingly causes to be made a communication prohibited by § 821.61 shall place on the public record of the proceeding:

(a) All such written communications;

(b) Memoranda stating the substance of all such oral communications; and

(c) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraphs (a) and (b) of this section.

§ 821.63 Requirement to show cause and imposition of sanction.

(a) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of § 821.61, the Board, administrative law judge, or other employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(b) The Board may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the Board, consider a violation of this subpart sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.

3. In the Table of Contents in Part 825 by adding a heading for new § 825.40 as follows:

Sec.
825.40 Ex parte communications.

4. By adding new § 825.40 to Part 825 to read as follows:

§ 825.40 Ex parte communications.

(a) As used in this section:

"Board decisional employee" means a Board Member or employee who is or who may reasonably be expected to be involved in the decisional process of the proceeding;

"Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this Part.

(b) The prohibition of paragraph (c) of this section shall apply from the time a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibition shall apply at the time of the acquisition of such knowledge.

(c) Except to the extent required for the disposition of ex parte matters as authorized by law:

(1) No interested person outside the Board shall make or knowingly cause to be made to any Board employee an ex parte communication relevant to the merits of the proceeding;

(2) No Board employee shall make or knowingly cause to be made to any interested person outside the Board an ex parte communication relevant to the merits of the proceeding.

Ex parte communications regarding solely matters of Board procedure or practice are not prohibited by this paragraph.

(d) A Board employee who receives or who makes or knowingly causes to be made a communication prohibited by paragraph (c) shall place on the public record of the proceeding:

(1) All such written communications;

(2) Memoranda stating the substance of all such oral communication; and

(3) All written responses, and memoranda stating the substance of all oral responses, to materials described in paragraphs (1) and (2).

(e) Upon receipt of a communication knowingly made or caused to be made in violation of paragraph (c) of this section, the Board may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his or her interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(f) The Board may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the Board, consider a violation of this section sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.

(Sec. 4 of the Government in the Sunshine Act, Pub. L. 94-409, amending 5 U.S.C. 556 (d) and 5 U.S.C. 557; Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).)

[FR Doc.77-12298 Filed 4-27-77;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Final Regulations Regarding Areas in Which Shotshells Loaded With Steel Shot Will Be Required for Waterfowl Hunting in Hunting Seasons Commencing in 1977

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule establishes steel-shot zones for waterfowl hunting in the Atlantic Flyway and Mississippi Flyway. When eaten by waterfowl, spent lead pellets have a toxic effect. The intended effect of establishing these steel shot zones is to reduce the number of deaths to waterfowl caused by eating spent lead pellets.

EFFECTIVE DATE: May 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert I. Smith, Special Projects Coordinator, Office of Migratory Bird Management, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (202-343-8827), who is also the originator of this rule.

SUPPLEMENTARY INFORMATION: Research on the problem of lead poisoning in waterfowl has been conducted for the past 25 years. The complexities of the issue have been explored with conservationists, ammunition manufacturers, and State fish and game departments. During the past 5 years the United States Fish and Wildlife Service has studied lead poisoning of waterfowl in cooperation with organizations representing a broad cross section of interests affected by and concerned with the problem.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Service prepared a draft environmental impact statement (U.S. Department of the Interior, DES 74-76, Use of Steel Shot for Hunting Waterfowl in the United States). The draft statement contained a description of a proposed action, a review and summary of knowledge about lead poisoning in waterfowl, and an evaluation of the impacts of the proposed regulations regarding non-toxic shot.

On July 23, 1974, the Service published notice in the FEDERAL REGISTER (39 FR 26764) of the availability to the public of the draft statement. Public comments were solicited during the period July 23-November 15, 1974. In addition, public hearngs were held in each of the four flyways. Subsequently, the Service received comments from 1,045 organizations and individuals. General support of the proposal was expressed by a majority of those commenting. A Final Environmental Statement on the subject was published in January 1976.

On March 20, 1976, the Secretary of the Interior announced a plan for the progressive implementation of steel shot. According to this plan, shotshells loaded with non-toxic shot were to be required for hunting waterfowl in designated areas of the Atlantic Flyway in 1976, in designated area of the Missssippi Flyway in 1977, and in designated areas of the Central and Pacific Flyways in 1978.

On July 28, 1976, a final rule on the use of steel shot for waterfowl hunting was published in the FEDERAL REGISTER (41 FR 31386-31389). This rule went into effect on August 27, 1976. On July 28, 1976, the Service published descriptions of proposed zones where steel shot would be required in 1976 (41 FR 31395-31396). On September 13, 1976, the Service published an amendment to § 20.105e containing descriptions of nine areas where steel shot was required for waterfowl hunting in the Atlantic Flyway in 1976 (41 FR 38772-38774).

On December 23, 1976, the Service published in the FEDERAL REGISTER (41 FR 55901-55903) a description of areas in which it was proposed to require steel shot for waterfowl hunting in hunting seasons commencing in 1977. This proposed rulemaking contained descriptions of steel shot zones for Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia of the Atlantic Flyway, and Arkansas, Illinois, Indiana, Iowa, Louisiana, Ohio, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin of the Mississippi Flyway. The proposed steel shot zones were areas where annual deposits of lead shot in waterfowl feeding areas are most concentrated, or areas identified by State agencies where lead poisoning due to shot ingestion is known to occur. Further, because of limitations in the amount of ammunition that could be distributed and made available to hunters in the first year of the program, areas which included one-third of the duck harvest of a State were considered adequate for conversion to steel shot in the Mississippi Flyway States in 1977. In most cases zones were identified in the proposal as counties. It was anticipated that suggestions would be made during the public comment period to better delineate the steel shot zones.

SUMMARY OF PUBLIC COMMENT AND SERVICE RESPONSES

Valuable comments on the proposed steel shot zones for 1977 were received from December 23, 1976, to February 15, 1977 and many were incorporated during

this final rulemaking. These comments included 420 individual letters which contained signatures of 1,039 people. Twenty-two private organizations and 15 State agencies were represented by one or more letters. Forty-two individuals favored the proposal, 7 were undecided, and the remainder were opposed to one or more aspects of the proposal.

Opposition to the proposal can be categorized into six relatively distinct issues. The following is a summary of the issues listed according to frequency mentioned in the public comment. Each issue is followed by a Service response.

1. Steel shot is not as ballistically effective as lead shot and will result in increased crippling of waterfowl by hunters.

Response: Comparative tests of steel and lead shot have been conducted since 1959. Nine of these tests were reported in the Final Environmental Statement. Generally, the performance of 1¼-ounce loads of lead and 1⅛-ounce loads of steel are very similar with respect to birds bagged and birds downed but not retrieved. This has been demonstrated in controlled shooting tests as well as in actual hunting situations. Based on a review of these studies the Service has concluded that there is no significant difference in the effectiveness of lead shot loads and steel shot loads at reasonable shooting ranges.

2. Steel shot shells are too expensive, and components for handloading shells with steel shot are not available.

Response: The annual expenditure of the average participant in waterfowl hunting in 1970 was $85. In 1976 the price of steel shot-shells ranged from 6 to 9 dollars per box of 25 shells. The average waterfowl hunter will require approximately 2 boxes per year. Although steel shot ammunition costs from 2 to 4 dollars more than lead shot ammunition per box, the Service believes this is not a significant factor in the total cost of waterfowl hunting.

The Service has discussed the nonavailability of components for handloading steel shot with the manufacturers of these products. This production is not within the control of the Service. The Service has been informed by one company that components can be made available, though production in 1977 is uncertain.

3. Steel shot causes damage to gun barrels and/or is not safe to use.

Response: Steel shot is known to cause choke expansion in certain types and models of shotguns. Shotguns with thin barrels or barrels made of relatively soft steel are reported to be most susceptible to choke expansion. Manufacturers' test results made available to the Service show that for most shotguns there has been no measurable choke expansion or this expansion has been sufficiently slight (0.002 to 0.006 inch) as to have no effect on gun performance.

Split or burst barrels can result from the discharge of shot into an obstructed barrel or from a defective shell. This may occur with either lead or steel shot ammunition. Estimates provided to the Service by industry indicate approximately one thousand barrel bursts occur per year with lead shot ammunition. The possibility of a greater frequency of bursts of obstructed barrels with steel shot than with lead shot has not been substantiated in field or laboratory tests. Several barrel bursts have been recorded when steel shot was being used. The number of steel shotshells fired to date is approximately 3 million.

4. Certain areas being proposed for steel shot have very soft bottoms and/or deep water, consequently ducks do not eat lead pellets in these areas.

Response: The bottom sediments of most wetlands are soft and spent pellets may eventually sink out of reach of feeding waterfowl in areas having such conditions. Generally, this process does not occur rapidly enough to prevent the ingestion of shot by feeding waterfowl. Soft sediments probably prevent long-term buildups of shot that is available to feeding birds but they do not prevent ingestion of recent deposits.

Fifty to sixty thousand gizzards of waterfowl have been examined from throughout the United States. These samples have been taken from all types of wetlands. In all areas lead shot has been found in a portion of the gizzards collected. In some cases the frequency with which ingested shot is found increases as the current hunting season progresses.

Deep water is used by diving ducks for feeding. Generally, diving ducks ingest lead pellets at higher rates than dabbling ducks.

The Service has found no evidence that soft bottom sediments or deep water prevent the ingestion of lead pellets.

5. Lead poisoning is not a problem in the area or areas proposed, or there is insufficient evidence that waterfowl are dying of lead poisoning in these areas.

Response: It is estimated that 20 to 25 million waterfowl die each year from various causes other than being bagged by a hunter. Unless these deaths occur concentrated at a particular point in time and location, they are rarely observed. Occasionally lead poisoning causes several hundred or several thousand birds to die at one location, but such obvious die-offs are not the typical manner in which lead poisoning occurs. Generally, a relatively small portion of the waterfowl population will contain ingested lead pellets at any point in time. Depending upon diet and other variables, a portion of these birds will develop chronic lead poisoning and become more vulnerable to other forms of mortality such as predation or disease. A portion will develop acute lead poisoning and die as a direct result of lead toxicity. Deaths from either cause normally occur to individuals scattered widely, sometimes at a distance from the point where lead was ingested.

6. Steel shot is not available for all gauges of guns, therefore the regulation discriminates against those who own certain types of guns.

Response: The ammunition manufacturers have indicated that production and distribution of steel shot in various gauges will require several years to complete. This production is not within control of the Service. The Service has urged that production of steel shot ammunition in other gauges be accelerated. Approximately 85 percent of all waterfowl hunters use 12 gauge shells and 12 gauge steel shotshells have been produced by three companies. The Service is of the view that its obligation to protect waterfowl from lead poisoning does not permit it to postpone the use of steel shot until this ammunition is available in all gauges.

Changes in Proposed Zones

Several changes from the proposed steel shot zones for 1977 were incorporated into these final rules. These changes were based on information submitted by State agencies or other organizations, and on comments by persons familiar with waterfowl and waterfowl hunting in the proposed zones. Changes were made for the following reasons:

1. The distribution of waterfowl and waterfowl hunting activity could be delineated more precisely than in the proposal.

2. The State agency and the Service lacked sufficient information but had reason to believe that the proposed zones did not properly describe the areas where lead poisoning would be most likely to occur. These States requested changes in the proposed zones pending completion of ongoing or planned studies aimed at more precise identification of the problem areas in 1978.

3. Steel shotshells could not be made available to hunters due to location of the zone in relation to retail stores that supply ammunition to hunters.

4. Improve boundary descriptions to assist hunters and law enforcement officers.

The following list summarizes changes in these final rules from the steel shot zones proposed in the proposed rulemaking dated December 23, 1976 (41 FR 55901–55903) and identifies the reason or reasons for these changes.

Connecticut. Middlesex County south of Interstate Highway 95 was removed from the zone until studies in progress are completed.

Delaware. Sea duck zones are excluded. These are areas with relatively infrequent hunting activity.

Florida. Seminole and Glades Counties are excluded. The State has studies underway in these areas. Citrus County was excluded since most of the waterfowl hunting in that area occurs within an already existing steel shot zone located on the Chassahowitzka National Wildlife Refuge.

Massachusetts. This proposed zone was reduced in size to focus more precisely on those areas in which waterfowl hunting is most concentrated.

New Jersey. The counties of Cape May, Cumberland, Hudson, Middlesex, and Salem were excluded for one year to allow completion of studies by the State.

Rhode Island. Bristol County, Newport County, Block Island, Block Island Sound, and Narragansett Bay were excluded to allow completion of studies by the State.

South Carolina. Lake Marion, Lake Moultrie, and the counties of Charleston and Beaufort were excluded to allow completion of studies in progress.

Virginia. The proposed zones were reduced in size due to problems in distributing steel shotshells in a manner that would make them available to hunters using the proposed zones.

Arkansas. That portion of the Bayou Meta Wildlife Management Area that lies in Jefferson County has been added to this final rulemaking. This was added to permit the zone boundary to conform to the boundary of a major hunting area.

Illinois. The proposal included State-managed waterfowl areas, but not by name. In this final rule, State-managed waterfowl areas to be included are named.

Indiana. The counties of Pulaski, St. Joseph, Marshall, Fulton, Noble, and Whitley were included in their entirety in the proposal. These counties have been removed from the zone descriptions and the Jasper-Pulaski Fish and Wildlife Area, Mallard Roost Wetland Conservation Area, and the Menominee Wetlands Conservation Area are added. The purpose of these changes was to define more specifically areas of concentrated waterfowl hunting activity.

Iowa. The waters of the Missouri River in Fremont and Mills Counties are excluded from the zone because they do not serve as a feeding area for waterfowl.

Louisiana. Portions of Calcasieu, Cameron, and Vermilion Parishes are excluded from these final rules. This reduces the size of the proposed zone pending completion of studies by the Louisiana Wild Life and Fisheries Commission to determine the availability of spent lead shot in the coastal portions of the above-mentioned parishes.

Ohio. Sandusky County was excluded from this final rule. Waterfowl harvest records for this county do not indicate a deposition of lead shot sufficiently high to justify conversion to steel shot at this time.

Michigan. Zones for this State were described in general terms in the proposal. In this final rule the boundaries of these zones are described in more specific terms.

Minnesota. The controlled hunting zones of goose management areas included in the proposal are excluded from the final rule, with the exception of the Roseau Wildlife Management Area. Most lead shot deposited in these goose hunting areas falls in uplands rather than wetlands.

Tennessee. The proposal identified Benton County as the steel shot zone. This final rule designates specific waterfowl hunting areas within that county as the steel shot zones. The purpose of this change was to allow time for further studies by the State to determine more precisely where lead shot is being eaten by waterfowl.

OTHER INFORMATION

In the coming weeks the Service will develop a proposal for the use of steel shot on lands managed by the Service. In some cases these lands will be within the zones described in this final rulemaking. In other cases they will be in addition to the zones described in this final rulemaking. The proposal for use of steel shot on lands managed by the Service will be published in the FEDERAL REGISTER for public comment. In addition, the Service will publish an amendment to § 20.21(j) which will clarify the exemption of guns in certain gauges.

An environmental assessment of the designation of steel shot zones for 1977 was made by the Service. Based on this assessment, an environmental impact statement on this action is not required. A negative declaration was signed and filed.

RELOCATION OF STEEL SHOT REGULATIONS IN TITLE 50, CODE OF FEDERAL REGULATIONS

In 1976 steel shot zones were proposed and finalized as an amendment to § 20.105(e), Chapter 1, Subchapter B, Subpart K of the Title 50 Code of Federal Regulations. The proposed steel shot zones for 1977 were to be published as an amendment to § 20.105(e). Due to the increasing length and complexity of zone descriptions in 1977, this final ruling on steel shot zones will be identified as § 20.108, which has been reserved within Subpart K for new regulations of this type. Therefore § 20.105(e) is amended by removing that portion of (e) entitled *Atlantic Flyway. Non-toxic shot requirements.* Included under this heading are descriptions of steel shot zones in Delaware, Florida, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, and Virginia for waterfowl hunting seasons commencing in 1976.

§ 20.105(e) [Amended]

Accordingly, 50 CFR, Chapter 1, Subchapter B, Subpart K is amended by removing that part of § 20.105(e) entitled *Atlantic Flyway. Non-toxic shot requirements,* and by adding a new § 20.108 as follows:

§ 20.108 Non-toxic shot zones.

The areas described within the States indicated below are designated for the purpose of § 20.21(j) as non-toxic shot zones for waterfowl hunting seasons commencing in 1977 and terminating in 1978.

CONNECTICUT

Those portions of New Haven and Fairfield Counties bounded on the North by I95; on the East by the New Haven-Middlesex County line; on the South from where the New Haven-Middlesex line meets the shore around the most southern land to Hammonnasset Point, Madison. Inside a line from Hammonnasset Point to West Wharf, to Hogshead Point, to Guilford Point, to Mulberry Point, to Vineyard Point. From Vineyard Point around the southernmost land of Sachem Head to Joshua Point. Inside of a line from Joshua Point across Joshua Cove to Joshua, to Hoadley Point to Flying Point, to Brown Point, to Haycock Point, to Linden Point. Inside a line from Linden Point across Maltby Cove to the southernmost tip of land and thence to Jeffrey Point. Inside of a line from Jeffrey Point to Indian Neck Point, to Johnson Point, to the northern end of Kelsey Island, to Mansfield Point, to South End Point to Morgan Point to Oyster River Point, to Merwin Point. From Merwin Point around the southernmost point of land to Pond Point. Inside of a line from Pond Point, to Welch's Point, to the northern end of the breakwater at Milford Point, and to Stratford Point, Stratford; on the west by a line from Stratford Point, to Prospect Drive, west to Rt. 113 and north on 113 to Route I95.

DELAWARE

All lakes, ponds, marshes, swamps, rivers, and streams of the State and within a 150-yard zone of land adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the non-toxic shot requirement. Areas described as sea duck zones in waterfowl regulations of the State of Delaware are excluded from these provisions.

FLORIDA

In Leon County and on Lake Miccosukee which lies in Leon County and the adjacent portions of Jefferson County; and in that portion of Brevard County lying east of Interstate Highway 95.

MAINE

On the waters of the Kennebec River known as Merrymeeting Bay bounded as follows: from the high tension wires at Chops Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset, and Eastern Rivers and the Richmond-Dresden bridge on the Kennebec River, and within a 150-yard zone of land adjacent to the margins of these waters being in the counties of Cumberland, Sagadahoc and Lincoln.

MARYLAND

All waters (including lakes, ponds, marshes, swamps, rivers, streams, and Chesapeake Bay) in Worcester, Somerset, Wicomico, Dorchester, Talbot, Caroline, Queen Annes, Kent and Cecil Counties and those portions of Harford, Baltimore, and Anne Arundel Counties lying south and east of U.S. Route 1, and within a 150-yard zone of land adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

MASSACHUSETTS

Essex County—North Boundary—Massachusetts/New Hampshire line. West boundary—U.S. Rt. 1 from State line southward to juncture with 1A in Newburyport, southward on 1A to juncture with Rt. 133. South boundary—Rt. 133 eastward to juncture Rt. 128 east along 128 to West Bank of Annisquam River. East boundary—West bank of Annisquam River north to Ipswich Bay continuing north along the shoreline of Ipswich Bay and the Atlantic Ocean to New Hampshire—Massachusetts line.

Plymouth County—North boundary—Rt. 139 from Green Harbor west to juncture with 3A. West and South boundary—Rt. 3A from juncture of 139 south to juncture with Rocky Hill Road. East boundary—Line extending from juncture of Rt. 3A and Rocky Hill Road to Plymouth Lighthouse on Duxbury Beach.

Barnstable County—Barnstable Marshes—North boundary—Cape Cod Bay. West boundary—From Cape Cod Bay south along Sand Neck Road to juncture with Rt. 6A. South boundary—juncture of 6A and Sand Neck Road east along Sand Neck Road to juncture with Beach Street. East boundary—Juncture of Rt. 6A and Beach Street north along Beach Street to Cape Cod Bay.

Barnstable County—Nauset Marshes, Pleasant Bay—North boundary—Nauset Beach west along Doane Road to juncture with Nauset Road, southwest along Nauset Road to juncture of Rt. 6. West boundary—South along Rt. 6 from juncture of Rt. 6 and Nauset Road to juncture with Rt. 28. South along Rt. 28 to juncture with Shore Road. Then south along Shore Road to Chatham Lighthouse. South boundary—Line extending due east from Chatham Lighthouse to Atlantic Ocean. East boundary—Atlantic Ocean.

Bristol County—Waters of the Wareham River, Weweantic River, East Branch of the Westport River, and the West Branch of the Westport River, and the marshes adjacent to these rivers, and within a 150-yard zone of land adjacent to these rivers and marshes, seaward from the first upstream bridge.

NEW JERSEY

That portion of the State bounded on the north by Highway 36 from its intersection with the Garden State Parkway near Keyport eastward to the Atlantic Ocean (south of Raritan Bay and Sandy Hook Bay), bounded on the west by the Garden State Parkway, and bounded on the south by Highway 585 from its intersection with the Garden State Parkway eastward to the Atlantic Ocean (south of Great Egg Harbor).

NEW YORK

Nassau and Suffolk Counties and that portion of Upstate New York west of Interstate Highway 81 and north of the New York Thruway (Interstate Highway 90).

NORTH CAROLINA

1. All waters (including sounds, lakes, ponds, marshes, swamps, rivers, and streams) of Currituck, Dare, and Pamlico Counties and within a 150-yard zone of land adjacent to the margins of such waters in these 3 counties. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

2. The waters of the Cape Fear River and its tributaries in New Hanover and Brunswick Counties and a 150-yard zone of land adjacent to the waters of this river and its tributaries in these 2 counties.

PENNSYLVANIA

Crawford County; Middle Creek Wildlife Management Area in Lancaster and Lebanon Counties and the waters of the Susquehanna River beginning at the confluence of the North and West branches at Northumberland and continuing southward to the Maryland-Pennsylvania State boundary and including a 150-yard zone of land adjacent to the waters of the Susquehanna River that are described above.

RHODE ISLAND

That portion of Washington County lying south and east of U.S. Route 1 but excluding Block Island and the waters of Block Island Sound and Narragansett Bay.

SOUTH CAROLINA

Georgetown and Colleton Counties.

VIRGINIA

All waters and a 150-yard zone of land adjacent to these waters in the city of Virginia Beach and in an area between the York River and the James River bounded on the north by U.S. Highway 60, on the west by Highway 155, and on the south by Highway 5.

ARKANSAS

All waters of Poinsett and Arkansas Counties and that portion of Bayou Meta Wildlife Management Area in Jefferson County and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the non-toxic shot requirement.

ILLINOIS

1. On all waters and on all lands within 150 yards of these waters in the following counties: Marshall, Putnam, Henderson, Rock Island, Calhoun, and Jersey. Drainage ditches and temporary sheet water more than 150 yards from the above described waters are exempted from this regulation.

2. On all State managed lands and waters, including the following public hunting areas: Anderson Lake, Baldwin, Bluff Lake, Carlye Lake and subimpoundments, Chain-O-Lakes, Forbes State Park, Grass Lake, Grundy County, Horseshoe Lake (Alexander County), Horseshoe Lake (Madison County), Kankakee River, Lake DePue, Lake Shelbyville and subimpoundments, LaRue Scatters, Marshall County, Mermet, Oakwood Bottoms, Potters Marsh, Rend Lake and subimpoundments, Rice Lake, Sanganois, Sangchris Lake State Park, Savanna Ordnance, Sinnissippi Lake, Spearland, Spring Lake, Union County, Will County, William Powers, and Woodford County.

3. All waters managed for waterfowl hunting by the Illinois Department of Conservation on the Mississippi River, the Illinois River, and the Rock River from pool 12 at the city of East Dubuque south to the lock and dam at pool 26.

INDIANA

1. On all waters of Lake, Porter, LaPorte, Newton, Jasper, Starke, Elkhart, Kosciusko, LaGrange, Steuben, and Posey Counties and within 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of Lake Michigan and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

2. Within the boundaries of the following State-owned or State-operated properties: Jasper-Pulaski Fish and Wildlife Area in Pulaski County, Mallard Roost Wetland Conservation Area in Noble County, Monroe Reservoir in Monroe and Brown Counties, and Glendale Fish and Wildlife Area in Daviess County.

3. Within the proposed boundaries of the Menominee Wetlands Conservation Area in Marshall County.

IOWA

In Fremont and Mills Counties on all waters and a 150-yard zone of land adjacent to these waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Excluded from these provisions are the waters of the Missouri River and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

LOUISIANA

1. That portion of Vermilion Parish lying north of the Intercoastal Waterway.

2. That portion of Calcasieu Parish lying south of Interstate Highway 10.

3. That portion of Cameron Parish lying north of the Intercoastal Waterway.

4. On the west side of Calcasieu Lake that portion of Cameron Parish lying west of Highway 27 and north of the boundary of the Sabine National Wildlife Refuge.

5. In that portion of the State bounded as follows: From Pineville northeast along State Highway 28 to Archie, then northwest along U.S. Highway 84 from Archie to Jena, then southwest along State Highway 8 from Jena to Pollock, then south along U.S. Highway 165 from Pollock to Pineville.

6. The green-tree reservoir located on the Saline Wildlife Management Area.

OHIO

On all waters of Erie, Ottawa and Lucas Counties and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the non-toxic shot requirement.

MICHIGAN

1. That area of St. Clair, Macomb, Wayne and Monroe Counties: Beginning at a point on the Blue Water Bridge at the International boundary between the United States and Canada (Sec. 35, T7N, R17E) St. Clair County; westerly and south on highway I-94 in St. Clair, Macomb and Wayne Counties to the intersection of highway I-75 in the City of Detroit, southerly on highway I-75 in Wayne and Monroe Counties to the State line (Sec. 5, T7S, R8E); east along the State line between Michigan and Ohio to the shoreline of Lake Erie; northeasterly along the State line to the International boundary in Lake Erie; northerly along the International boundary in Lake Erie, the Detroit River, Lake St. Clair and the St. Clair River to the point of beginning.

2. That area of Iosco, Arenac, Bay, Tuscola and Huron Counties: Beginning at a point at the tip of Tawas Point in Sec. 3 T21N R8E, Iosco County; northeast, north and west on Tawas Point Road to its intersection with highway US-23 (Sec. 21 T22N, R8E); south and west on highway US-23 in Iosco and Arenac Counties to the intersection with highway M-13 (Sec. 22, T18N, R4E, Arenac County); south on highway M-13 in Arenac and Bay Counties to the intersection with interstate highway I-75 (sec. 13, T14N, R4E); south on I-75 to the intersection with highway US-10 and M-20 (Sec. 24, T14N, R4E); west on highway US-10 and M-20 to the intersection with Garfield Road (northeast corner Sec. 27, T14N, R3E); south on Garfield Road and Bay and Saginaw counties to the intersection with Tittabawassee Road (Southwest corner Sec. 35, T13N, R3E); west on Tittabawassee Road to the intersection with Graham Road (northwest corner Sec. 4, T12N, R3E); south on Graham Road to highway M-46 an M-52 (west quarter corner Sec. 28, T12N, R3E); south on highway M-52 to highway M-57 (southwest corner Sec. 7, T9N, R3E); east on highway M-57 to highway M-13 (southeast corner Sec. 13, T9N, R4E); north on highway M-13 to Burt Road (northwest corner Sec. 31, T10N, R5E) east on Burt Road to highway I-75 (Sec. 26, T10N, R6E); north on highway I-75 to high way M-46 (Sec. 23, T12N, R5E); east on highway M-46 to North Gera Road southeast corner (Sec. 27, T12N, R6E); north on North Gera Road to Highway M-15 (Sec. 23, T12N, R6E); north on highway M-15 in Saginaw and Bay Counties to Munger Road (Sec. 18, T13N, R6E); east on Munger Road (M-133)

in Bay County and Fairgrove Road (M-138) in Tuscola County to Wisner Road (southeast corner Sec. 13, T13N, R7E); north on Wisner Road to highway M-25 (Sec. 13, T14N, R7E); east and north on highway M-25 in Tuscola and Huron counties to Kinde Road (Sec. 35, T18N, R10E); east on Kinde Road to highway M-53 (southeast corner Sec. 36, T18N, R12E); north on highway M-53 to the junction with highway M-25 (Sec. 30, T19N, R13E); north to the shoreline of Lake Huron and then northwesterly from this point to the point of beginning (tip of Tawas Point in Iosco County).

3. That area of Muskegon, Newago, Ottawa, Allegan, Kalamazoo and Van Buren Counties: Beginning at the southwest meander corner of Sec. 4, T12N, R18W, Muskegon County, west on a line across Lake Michigan to the State boundary between Michigan and Wisconsin; south along the State boundary to a point directly west of the mouth of the Black River (Sec. 9, T1S, R17W) Van Buren County; east along a line to the mouth of the Black River (Sec. 9, T1S, R17W); upstream along the south shore of the Black River to highway M-31 in South Haven on M-31 to highway M-43; easterly on highway M-43 in Van Huren and Kalamazoo counties to highway US-131 (Sec. 13, T2S, R12W); north on highway US-131 to highway M-40 and M-89 (Sec. 30, T1N, R11W); west and north on highway M-89 and M-40 to highway US-31 (Sec. 4, T4N, R15W); north on highway US-31 to highway M-45 (northwest corner Sec. 26, T7N, R16W); east on highway M-45 to 68th Avenue (south quarter corner Sec. 22, T7N, R14W); north on 68th Avenue to highway I-96 (Sec. 27, T8N, R14W); west on highway I-96 to highway US-31 (Sec. 16, T9N, R16W); north on highway US-31 to highway M-46 (northwest corner Sec. 27, T10N, R16W); east on highway M-46 (Apple Avenue) to highway M-37 (southeast corner Sec. 23, T10N, R13W); north on highway M-37 to 112th Street (north quarter corner Sec. 13, T11N, R13W); west on 112th Street to Warner Road (Sec. 11, T11N, R14W); north on Warner Road to Roth Road (northeast corner Sec. 26, T12N, R14W); west on Roth Road to Maple Island Road (southwest corner Sec. 19, T12N, R14W); north on Maple Island Road to highway M-20 (southwest corner Sec. 31, T13N, R14W) and continuing north on highway M-20 to Skeels Road (northeast corner Sec. 1, T12N, R15W); west on Skeels Road to Nichols Road (Sec. 2, T12N, R16W); south on Nichols Road to Fruitvale Road (Sec. 2, T12N, R16W); west on Fruitvale Road to highway US-31 (Sec. 10, T12N, R17W); north on highway US-31 to Weinert Road (Sec. 4, T12N, R17W); west on Weinert Road to the southwest meander corner Sec. 4, T12N, R13W (the point of beginning).

4. That area of Roscommon, Missauke, Kalkaska and Crawford counties: Beginning at the intersection of State Highway M-55 and highway M-76 in Roscommon County (southeast corner Sec. 10, T22N, R1W); north on highway M-76 to the Village of Roscommon, then west and south on county road 100 to the intersection of county road 104 (Sec. 32, T24N, R3W); west on county road 104 to the intersection of highway US-27 (Sec. 33, T22N, R5W); north on highway US-27 to the intersection of Fletcher Road in Crawford County (Sec. 23, T25N, R4W); west and northwest on Fletcher Road to county road 571 in Kalkaska County (Sec. 8, T25N, R6W); south on county road 571 to highway M-55 in Missaukee County (Sec. 32, T23N, R6W); then east on highway M-55 to the point of beginning.

5. That area of Mackinac and Chippewa counties: Beginning at the point where the Mackinac Straits Bridge intersects the Lake Huron shoreline in Mackinac County north on highway I-75 to highway M-134 (Sec. 4, T42N, R3W); east on highway N-134 to highway M-129 (southeast corner Sec. 25, T42N, R1W); north on highway M-129 to business loop I-75 (Sec. 7, T47N, R1E); north on business loop I-75 to downtown Sault Ste. Marie and extending on a line northward to the International boundary between U.S. and Canada; east and south along the International boundary on the St. Marys River north channel and Lake Huron to a point west of the southwest corner of Cockburn Island (in Canada); east from that point on the International boundary in Lake Huron to the south tip of Goose Island lying southwest of Marquette Island; continuing southwest in Lake Huron to the southernmost point of Mackinac Island and then west to the point of beginning.

MINNESOTA

1. All waters within the boundaries of all State-Wildlife Management Areas and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement. Controlled hunting zones of goose management areas are excluded from this provision except the Roseau Wildlife Management Area which is included.

2. On the waters of Swan and Middle Lakes in Nicollet County, North and South Heron Lakes in Jackson County, Pelican Lake in Wright County, Bear Lake in Freeborn County, and Christina Lake in Douglas and Grant Counties and within a 150-yard zone of land adjacent to the margins of the above lakes.

MISSOURI

All waters of St. Charles County and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the nontoxic shot requirement.

TENNESSEE

Camden, Big Sandy, New Hope, Lick Creek and Harmon's Creek Wildlife Management Areas.

WISCONSIN

1. In that portion of the State lying west of the Burlington Northern Railroad in Buffalo, Trempealeau, LaCrosse, Vernon, Crawford and Grant Counties.

2. On all waters of Dodge, Green Lake, Jefferson and Winnebago Counties, and that portion of Fond du Lac County lying west of a line formed by the Fond du Lac River and Highway 41 and that portion of Lake Winnebago in Calumet and Fond du Lac Counties, and that portion of Lake Poygan in Waushara County; and within a 150-yard zone of land adjacent to the margins of these waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the non-toxic shot requirement.

3. On the following State-owned wildlife areas: Mead Wildlife Area in Marathon, Wood and Portage Counties; Mud Lake Wildlife Area in Columbia County; Theresa Marsh Wildlife Area in Dodge and Washington Counties.

AUTHORITY: Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-711).

Dated: April 25, 1977.

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

[FR Doc.77-12190 Filed 4-27-77;8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 411]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to fresh market during the weekly regulation period April 29-May 5, 1977. This regulation is needed to provide for orderly marketing of fresh navel oranges for the regulation period because of the production and marketing situation confronting the navel orange industry.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington, D.C. 20250, 202-447-3545.

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

(2) The need for this regulation to limit the quantity of navel oranges that may be marketed during the specified week stems from the production and marketing situation confronting the navel orange industry.

(i) The committee has submitted its recommendation for the quantity of navel oranges it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for navel oranges is con-

sidered to be fair to good on all sizes, except for size 56's and larger. Average f.o.b. price was $3.77 per carton on a reported sales volume of 1,009 carlots last week, compared to $3.81 per carton on sales of 1,115 carlots a week earlier. Track and rolling supplies at 543 cars were up 31 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of navel oranges which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for navel oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of navel oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on April 26, 1977.

§ 907.711 Navel Orange Regulation 411.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period April 29, 1977, through May 5, 1977, are hereby fixed as follows:

(i) District 1: 1,100,000 cartons;

(ii) District 2: Unlimited Movement; and

(iii) District 3: Unlimited Movement.

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

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

Dated: April 27, 1977.

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

[FR Doc.77-12453 Filed 4-27-77;12:02 pm]

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 TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-WE-5]

TRANSITION AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to amend the Federal Aviation Regulations to alter the Yuma, Arizona, 1,200 foot Transition Area.

New instrument approach procedures are being developed for the Marine Corps Air Station (MCAS), Yuma, Arizona, which will require designation of additional 1,200 foot Transition Area Airspace to provide controlled airspace protection for IFR arrivals for the Air Station.

DATE: Comments must be received on or before June 2, 1977.

ADDRESS: Copies of this NPRM may be obtained from, and comments should be sent to: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Specialist, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone 213-536-6182.

SUPPLEMENTARY INFORMATION:

This notice proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181).

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before June 2, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public document will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

Accordingly, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) as follows:

§ 71.181 [Amended]

1. By amending § 71.181 (42 FR 440) of Part 71 of the Federal Aviation Regulations by designating additional 1,200 foot Transition Area Airspace as follows:

YUMA, ARIZONA

Following "* * * to the United States/Mexico border;" Add: "within six miles each side of the Yuma VORTAC 211° radial, extending from the VORTAC to the United States/Mexico border, * * *."

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

Issued in Los Angeles, California on April 19, 1977.

W. R. FREHSE,
Acting Deputy Director,
Western Region.

[FR Doc.77-12093 Filed 4-27-77;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

[32 CFR Part 656]

[AR 210-9]

ENVIRONMENTAL QUALITY

Installations, Use of Off-Road Vehicles on Army Land

AGENCY: Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: These proposed regulations establish policies and procedures for the use of off-road vehicles on Army installations. The regulations implement a Department of Defense Directive on the use of off-road vehicles and are designed to protect the environment on Army installations.

DATE: Comments must be received by 28 May 1977.

ADDRESS: Comments to: HQDA—(DAEN-FEB-N) Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

Robert B. McGough, Chief Buildings and Grounds Division, Facilities Engineering Directorate, Office, Chief of Engineers, Washington, D.C. 20314, 202-693-6687.

SUPPLEMENTARY INFORMATION: The Secretary of the Army, acting through the Chief of Engineers is proposing a regulation to prescribe the policies, responsibilities, and procedures for the use of off-road vehicles on all Army installations. The regulation implements Department of Defense Directive 6050.2 and the policies and procedures of 32 CFR Part 650, "Environmental Protection and Enhancement." The proposed regulations is being published pursuant to the following authorities: Executive Order 11644, Use of Off-Road Vehicles on the Public Land; Pub. L. 88-29, Outdoor Recreation, State-Federal Programs; Pub. L. 91-190, National Environmental Policy Act of 1969; and Pub. L. 93-452, Conservation and Rehabilitation Program on Military and Public Lands. This regulation provides guidance to installation commanders in the control of off-road vehicular traffic for recreational purposes and supersedes AR 210-9 dated 14 Feb 75.

NOTE: The Office of the Chief of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

It is proposed to add a new Part 656 as set forth below:

PART 656—INSTALLATION, USE OF OFF-ROAD VEHICLES ON ARMY LAND

Sec.
656.1 Purpose.
656.2 Applicability.
656.3 Definitions.
656.4 Objectives.
656.5 Policies.
656.6 Responsibilities.
656.7 Environmental Considerations.
656.8 Guidelines and Criteria for Evaluation of Army Lands for Off-Road Vehicle Use.

AUTHORITY: 10 U.S.C. 3012.

§ 656.1 Purpose.

The purpose of this regulation is to establish uniform policies, procedures

and criteria for controlling off-road travel by off-road vehicles, and to prescribe appropriate operating conditions for use of such vehicles. This regulation implements DOD Directive 6050.2, 21 August 1974.

§ 656.2 Applicability.

(a) This regulation applies to all installations and activities in the United States under control of the Department of the Army by ownership, lease, or similar instrument, under the following conditions of use:

(1) Installations and activities in active use by the Army, those held in an inactive or standby condition for future active use by the Army, and those in an excess category. (See AR 405-90, for further guidance with respect to excess properties.)

(2) Federally operated installations and activities, or portions thereof, which are in full-time or intermittent use by the National Guard, or which are being held by the Department of the Army for use by the National Guard.

(3) Installations and activities, or portions thereof, which are in full-time or intermittent use by the Army Reserve or ROTC.

(b) This regulation does not apply to:

(1) Civil Works functions of the Corps of Engineers.

(2) Facilities occupied by Army activities as tenants when real property accountability and control is vested in another military department or Government agency, such as the General Services Administration.

§ 656.3 Definitions.

For the purpose of this regulation, the following definitions will apply:

(a) Off-road vehicle (ORV). Any motorized vehicle designed primarily for, or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, except that such term excludes any registered motorboat, any miltiary, fire, ambulance, or law enforcement vehicle when used for emergency purposes, and any vehicle whose use is authorized by the Secretary of Defense, the Secretary of the Army, or their properly designated representatives, for official use under a permit, lease, license, or contract.

(b) Official use. Use by an employee, agency, or designated representative of the Department of Defense or one of its contractors in the course of his employment, or agency representation.

§ 656.4 Objectives.

The objectives of this regulation are to insure that—

(a) The national security requirements related to Army lands are not impaired.

(b) The natural resources and environmental values are protected.

(c) Safety and accident prevention is given a paramount consideration.

(d) Conflicts of land use are minimized.

§ 656.5 Policies.

(a) As a trustee of public lands, the Army has a responsibility under Pub. L. 91-190 and Pub. L. 88-29 to protect and enhance environmental quality, conserve natural resources, and provide opportunities for outdoor recreation. However, it must be recognized that land under Army control was acquired solely for national defense purposes. Other uses are therefore secondary to mission needs.

(b) All land and water areas will be closed to off-road recreational use by ORVs except those areas and trails which are determined suitable and specifically designated for such use under the procedures established in this regulation.

(c) When ORV use is permitted, the intensity, timing, and distribution will be carefully regulated to protect the environmental values. In designating suitable sites, preference should be given to utilizing existing trails which are not used for bicycling, horseback riding or other recreational activity. Prior to designating such areas or trails for ORV use, the environmental consequences must be assessed and environmental statements prepared and processed when such assessments indicate that the proposed use will create a significant environmental impact or be environmentally controversial (Pub. L. 91-190 and AR 200-1).

(d) Persons abusing the ORV use privilege shall be barred, with their vehicles, from access to the Army installation for ORV use. Further action as appropriate may be taken under 18 U.S.C. section 1382. Violations of Federal or State laws made applicable to Army installations under title 18 U.S.C. 13 (Assimilative Crimes) may be referred to a U.S. Magistrate in accordance with AR 27-40 and AR 190-29.

(e) The limitations imposed by this regulation on off-road travel by ORVs do not apply to official use.

§ 656.6 Responsibilities.

Commanders of Army installations and activities in the United States will—

(a) Develop regulations and procedures prescribing operating conditions for ORVs which are designed to protect resource values, preserve public health, safety and welfare and minimize use conflicts. These procedures will include as a minimum:

(1) Registration—ORVs should be registered under a separate local system modeled after the system for motor vehicles established in AR's 190-5 and 190-5-1. Vehicles designed to be operated both on and off the traffic way will be registered as street vehicles in accordance with existing installation traffic regulations and will not require a separate registration for off-road use.

(2) Fees—installation commanders are authorized to impose appropriate fees and charges for ORV activities in accordance with AR 28-1, as an element of the Outdoor Recreation Program. Such fees and charges are accounted for as income to non-appropriated funds in accordance with AR 230-65.

(b) Insure that lands where off-road vehicle use will be permitted are designated in the natural resources management plan and where appropriate included as a part of the installation's master plan (AR 210-20 and AR 420-74).

(c) Provide opportunities for users to participate in the selection and designation of suitable sites and distribute information which identifies authorized sites and describes the conditions of use. Organized recreational activities involving off-road vehicles are within the scope of the Outdoor Recreation Program of Army Recreation Services and should be so established.

(d) Post appropriate signs at authorized areas and trails.

(e) Provide for the administration, enforcement, and policing of trails and areas to insure that conditions of use are met on a continuing basis.

(f) Establish appropriate procedures to monitor the effects of the use of ORVs and provide for maintenance of the ORV areas or trails. This monitoring will be the basis for changes to installation regulations to insure adequate control of ORV use, amendment of area and trail designations, or conditions of use which are necessary to protect the environment, insure the public safety and minimize conflict among users.

(g) Negotiate cooperative agreements, when appropriate, with State or local governments for the enforcement of laws and regulations relating to ORV use.

§ 656.7 Environmental considerations.

The environmental impacts of ORV use will be will be assessed in accordance with AR 200-1.

§ 656.8 Guidelines and criteria to determine suitability of Army lands for off-road vehicle use.

(a) Designation.

(1) Army lands may be designated for ORV use providing there is sufficient suitable area, a clear and demonstrated need exists, and other public lands more suitable are not available.

(2) Lands which may not be designated for ORV use are:

(i) Areas restricted for security or safety purposes, such as explosive ordnance impact areas.

(ii) Areas containing geological and soil conditions, flora or fauna or other natural characteristics of a fragile or unique nature which would be subject to excessive damage by use of ORVs.

(iii) Areas which are key fish and wildlife habitat as identified under environmental considerations § 656.8(c)(5) below.

(iv) Areas which contain archeological, historical or paleontological values; or which constitute de facto wilderness or scenic areas; or in which noise would adversely affect other uses and wildlife resources.

(v) Areas in or adjacent to outdoor recreation areas where noise or vehi-

cle emissions would be an irritant to users of the outdoor recreation area.

(vi) Noise sensitive areas such as housing, schools, churches or areas where noise or vehicular emissions would be an irritant to inhabitants.

(3) Site designation. Before designating such sites the capabilities of the ecological factors should first be ascertained in order to determine carrying capacities.

(i) Area designation. Area designation offers a greater freedom of movement and is probably preferred by users over trail designation. However, area designation may result in greater environmental damage and cause conflicts with other uses. Therefore, great care must be exercised in designating suitable sites for area use.

(ii) Trail designation. Restrictions to designated trails probably constitutes a compromise for most ORV users. However, this method is more compatible with the objective of this regulation. Therefore, when it is practicable to designate existing or proposed trails for use of ORVs without environmental despoilment, preference should be given to designating these sites. Trails currently used for hiking, bicycling, and horseback riding will not be designated for ORV use.

(iii) Use classification.

(A) Areas and trails should be classified as—

(1) Generally open to public with access controlled within manageable quotas, or

(2) Closed to the public.

(B) Where use of ORVs by installation personnel is permitted, exclusions of the public may not be justifiable except under the most compelling conditions.

(b) Zone of Use. Areas and trails shall be located to minimize:

(1) Damage to soil, watershed, vegetation or other resources of the public lands.

(2) Harassment of wildlife or significant disruption of wildlife habitat.

(3) Conflicts between ORV use and other existing or proposed recreational uses of the same or neighboring lands.

(4) Damage to overhead or underground utility distribution lines.

(c) Environmental Consideration (AR 200-1). Prior to designating areas or trails for use by ORVs, consideration will be given to the possible traumatic effects on the environment. Such considerations should not be limited to the proposed sites designated for ORV use. Some factors to consider are the effects of:

(1) Dust from the use of ORVs and emissions from internal combustion engines on air quality.

(2) Siltation in streams or other bodies of water which may result from soil erosion created by ORVs.

(3) Soil erodability and soil compaction.

(4) Impact on native and desirable species of plants with special consideration given to endangered species.

(5) Impact on wildlife, their breeding and drumming grounds, winter feeding and yarding area, migration routes and nesting areas. Also the effects of such use on the spawning, migration and feeding habits of fish and other aquatic organisms, with particular attention given to the effects on fish and wildlife species classified as rare or endangered.

(6) Excessive noise on humans and wildlife.

(7) Potential despoilment of aesthetic values or visual characteristics of the sites.

(d) Operating Criteria.

(1) Off-road vehicles shall not be operated:

(i) In a reckless, careless or negligent manner;

(ii) In excess of established speed limits;

(iii) While the operator is under the influence of alcohol or drugs. As a condition for the privilege of operating off-road vehicles on Army lands, owners and operators of such vehicles consent to submit to a test of their blood, breath, or urine for the purpose of determining the alcoholic content of their blood if cited or lawfully apprehended for any offense allegedly committed while driving or in actual physical control of an off-road vehicle on the installation while under the influence of intoxicating liquor. Failure to submit to or complete such test will result in revocation of the use permit for a period of six months (see AR 190-5).

(iv) In a manner likely to cause excessive damage or disturbance of the land, wildlife, or vegetative resources.

(v) From a half-hour after sunset to a half-hour before sunrise without lighted headlights and taillights.

(2) All off-road vehicles must conform to applicable state laws, including those with respect to pollutant emissions, noise and registration requirements.

(3) No person may operate an ORV on Army lands without a valid State operator's license or learner's permit. Unless contrary to State law, persons under the age required for State licensing may operate an ORV on Army lands providing they are under the direct supervision of an individual 18 years of age or older who has a valid operator's license and who is responsible for the acts of that person.

(4) No ORVs may operate on Army land unless equipped with brakes in good working condition.

(5) No ORV equipped with a muffler cutout, bypass or similar device, or producing excessive noise may be operated on Army lands.

(6) The carrying of firearms or other hunting instruments on any ORV will be in accordance with applicable State or Federal laws and regulations.

Dated: April 11, 1977.

LEWIS H. BLAKEY,
Deputy Director for Technology and Engineering, Directorate of Facilities Engineering.

[FR Doc.77-12185 Filed 4-27-77;8:45 am]

[33 CFR Part 207]

NAVIGATION REGULATIONS

Naval Restricted Areas in Cooper River, Charleston County, South Carolina

AGENCY: Corps of Engineers.

ACTION: Proposed rulemaking.

SUMMARY: We propose to establish two restricted areas in the Copper River and Charleston Harbor, South Carolina. Area No. 1 is located at the Charleston Naval Base between Shipyard Creek and Daniel Island. Area No. 2 is located between Shutes Folly and the Charleston Battery in the downtown Charleston area. The areas are required by the U.S. Naval Degaussing Stations at these locations to prevent interference with the high sensitivity magnetic measurements conducted at the degaussing stations.

DATES: Comments must be received on or before 1 June 1977.

ADDRESS: Comments, suggestions or objections concerning this proposal should be submitted in writing to: Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, ATTN: DAEN-CWO-N.

FOR FURTHER INFORMATION CONTACT:

Ralph T. Eppard at 202-693-5070.

SUPPLEMENTARY INFORMATION: The establishment of these restricted areas would preclude all crafts of greater than 50 feet LOA from anchoring or lying to in these areas. However, since the areas involved are not authorized anchorages for commercial vessels this would have no impact on commercial utilization of the Cooper River. Small pleasure crafts will not normally be affected by this proposal as long as they are not interfering with the degaussing range operation. We believe that establishment of these restricted areas would affect only negligible amounts of the Daniel Island total waterfront and a minor amount of the Cooper River waterfront. Accordingly, pursuant to the provisions of section 7 of the River and Harbor Act approved 8 August 1917 (40 Stat. 266; 33 U.S.C. 1) we propose to establish a regulation under 33 CFR 207.164c governing the use, administration and navigation of two restricted areas in the Cooper River and Charleston Harbor, South Carolina as outlined below.

§ 207.164c Cooper River and Charleston Harbor, South Carolina: restricted areas

(a) *The Restricted Areas.* (1) Area No. 1 is that portion of the Cooper River beginning near the westerly shore north of Shipyard Creek at "a" Latitude 32°-50'14", Longitude 79°56'11"; thence to "b" Latitude 32°50'14", Longitude 79°-55'37"; thence to "c" Latitude 32°49'41", Longitude 79°55'37"; thence to "d" Lati-

tude 32°49'41"; Longitude 79°55'52"; thence to "e" Latitude 32°49'47", Longitude 79°56'09"; and thence returning to "a" Latitude 32°50'14", Longitude 79°56'11".

(2) Area No. 2 is that portion of the Cooper River beginning at a point west of Shutes Folly Island at "a" Latitude 32°46'27", Longitude 79°55'31"; thence to "b" Latitude 32°46'39", Longitude 79°55'11"; thence to "c" Latitude 32°46'39", Longitude 79°54'51"; thence to "d" Latitude 32°46'28", Longitude 79°54'47"; thence to "e" Latitude 32°46'17", Longitude 79°54'51"; thence to "f" Latitude 32°46'17", Longitude 79°55'11"; and thence returning to "a" Latitude 32°46'27", Longitude 79°55'31".

(b) *The regulations.* (1) There shall be no introduction of magnetic material or magneto-electric field sources with the area.

(2) Ships transiting the areas will proceed without delay and shall not, except as noted below, lie to or anchor within the areas.

(i) Pleasure craft under 50 feet LOA will not normally be affected; however, such craft may be required to stand clear upon notification, in the event they are interfering with range operation.

(ii) Anchored commercial ships will be allowed to swing into the restricted area at the Shutes Folly Island site when the range is not in use. Shutes Folly Island Range usage will be indicated by range house display of the international DELTA signal flag.

(iii) This section shall be enforced by the Commandant, Sixth Naval District, Charleston, South Carolina, and such agencies as he may designate.

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

(40 Stat. 266; 33 U.S.C. 1.)

Dated: April 22, 1977.

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

[FR Doc.77-12176 Filed 4-27-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 160f]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Public Discussion of Proposed Regulations

AGENCY: Office of Education, HEW.

ACTION: Notice of Extension of Comment Period on Notice of Proposed Rulemaking to May 4.

SUMMARY: The Notice of Proposed Rulemaking for the Women's Educational Equity Act Program was published on April 1, 1977 (42 FR 17700) with a 30 day comment period ending on May 2. Ten public hearings were subsequently scheduled, the last two taking place on May 4. The extension is intended to include these hearings in the comment period.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Rulemaking was published on April 1 and the notice of public hearings was published on April 12.

Dated: April 25, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance No. 13.565, Women's Educational Equity Act Program).

[FR Doc.77-12318 Filed 4-27-77;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1050]

[CSA Instruction 6800-9]

UNIFORM FEDERAL STANDARDS

Monitoring and Reporting Program Performance

AGENCY: Community Services Administration.

ACTION: Proposed rule.

SUMMARY: The Community Services Administration is revising its policy on program progress reporting. The revision is required in order to implement the provisions of the Uniform Federal Standards. It will assure conformity with program reporting requirements of other Federal grant-in-aid programs operated by grantees.

DATE: Comments received on or before May 31, 1977 will be considered prior to publishing this policy as a final rule.

ADDRESS: Send all comments to Jacqueline G. Lemire, Community Services Administration, Office of Operations, Policy Development and Review Division, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:
Jacqueline G. Lemire (202) 254-5670.

SUPPLEMENTARY INFORMATION: The proposed rule does not make major changes in the program progress reporting requirements previously imposed by OEO Instruction 7031-1 which will be superseded. The routine submission dates have been changed to require submission 15 days after completion of the second and fourth quarters of the grantee's program year but flexibility is provided to allow administering offices the option of requiring more frequent reporting under certain conditions; and CSA Form 440, Program Progress Report, has been revised to eliminate requirements for duplicative and unnecessary information and will now require only that information previously provided by the grantee in the narrative attachment to the Report. Your comments on the proposed form will be especially appreciated. After comments have been reviewed and the proposed form has been revised, if comments warrant, it then will be submitted to OMB for clearance under the requirements of OMB Circular A-40.

Note that the PPR requirements will now cover Section 231 grantees. However, this subpart will not apply to grantees funded under Title VII. A separate subpart will be issued at a future date to cover Title VII grantees; in the meantime existing program progress reporting procedures will remain in effect.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.)

ROBERT C. CHASE,
Acting Director.

PART 1050—UNIFORM FEDERAL STANDARDS

45 CFR Part 1050 is proposed to be revised as follows:

Sec.
1050.80-1 Applicability.
1050.80-2 Standard.
1050.80-3 CSA implementing policies and procedures.

§ 1050.80-1 Applicability.

This subpart applies to all grants made to public and private organizations/agencies under Titles II and III-B of the Economic Opportunity Act of 1964, as amended when such assistance is administered by the Community Services Administration.

§ 1050.80-2 Standard.

(a) *Monitoring responsibilities (grantee).* (1) Grantees shall monitor their performance under grants and other agreements and, where appropriate, ensure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each project, function, or activity of each agreement as set forth in the approved application or awarded document.

(2) Grantees shall submit a performance report for each agreement that briefly presents the following information for each project, function, or activity involved as prescribed by CSA.

(i) A comparison of actual accomplishments with the goals established for the period, the findings of the investigator, or both. If the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(ii) Reasons why established goals were not met.

(iii) Other pertinent information including, where appropriate, analysis and explanation of cost overruns of high unit costs.

(3) (NOTE.—See CSA's implementing regulations (1050.80-3) for further details.)

(b) *Submission of performance reports.* (1) The Uniform Federal Standards require, except as provided in (i), (ii), and (iii), below, that grantees shall submit performance reports to CSA covering the same reporting period as the Financial Status Report. CSA will

require that CSA Form 440 be submitted to cover the same period as the financial reports but with less frequency. (See § 1050.80–3 for frequency of reports and reporting dates.) CSA will also require final performance report for grants with a fixed termination date. However, neither CSA nor any other Federal sponsoring agency may require reports more frequently than quarterly or less frequently than annually.

(2) CSA may waive the requirement that performance reports be submitted with the financial reports under the following circumstances:

(i) When the grantee is required to submit a performance report with a continuation or renewal application.

(ii) When CSA determines that on-site technical assistance and certified completion data will be sufficient to evaluate construction projects.

(iii) When CSA finds it necessary to get an annual progress report on a calendar basis although its usual submission requirements are based on the grantee's program year or other funding period.

(c) *Special reporting requirements (grantee).* (1) Between the required performance reporting dates, events may occur that have significant impact upon the project or program. In such instances, the grantee shall inform the appropriate CSA administering office as soon as the following types of conditions become known;

(i) Problems, delays or adverse conditions that will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(ii) Favorable development or events that enable time schedules to be met sooner than anticipated or more work units to be produced than originally projected.

(2) If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with the criteria established in § 1050.100 (CSA Inst. 6800–11) the grantee shall submit a request for budget revision.

(d) *On-site review (CSA).* CSA will make site visits as frequently as practicable to:

(1) Review program accomplishments and management control systems; and

(2) Provide such technical assistance as may be needed.

§ 1050.80–3 CSA implementing policies and procedures.

(a) *Policy.* (1) CSA desires to see its grantees established as independent, self-reliant and viable institutions within their communities. At the same time it recognizes a need for strengthening the accountability of grantees both to their communities and to CSA as the funding agency. Accordingly, regular internal self-assessment of program progress conducted by or under the direction of the grantee Board or Governing Body are essential to the effective operation of community-based antipoverty programming.

(2) CSA requires periodic reporting by grantees on the results of such self-assessments. (See (c) of this section.) CSA Form 440 will be utilized in submitting reports to CSA administering offices.

(b) *Program progress review.* (1) *Definition.* A Program Progress Review (PPR) is a process carried out by a grantee for the purpose of assessing:

(i) Accomplishments in relation to locally established goals and activities as shown in the grantee's approved CSA Form 419, Summary of Work Programs and Budget;

(ii) The extent to which the grantee is achieving the broad purposes of community action as set forth in the Economic Opportunity Act and the "Mission of the Community Action Agency";

(iii) The extent to which the grantee is meeting the general and specific standards of effectiveness described in § 1067.4 (CSA Instruction 7850–1a); and

(iv) The operating efficiency of grantee planning, project management and overall administration in addressing the problems of poverty.

(2) *Suggested elements of a PPR system.* (i) Each Board of Directors or Governing Body should assure that the grantee has developed a program progress review system that incorporates the following elements at a minimum:

(A) Clear statement of the roles of the Board or governing body, executive director, other grantee staff, policy advisory committee, target area residents and the community-at-large;

(B) Assignments of responsibilities and allocation of resources for PPR design, data gathering, data analysis, reports generation and utilization of findings for decision making.

(C) Establishment of an ongoing data collection system adequate to support periodic program progress reviews;

(D) Description of how the findings and recommendations from program progress reviews will be used for planning, corrective action, and management improvement; and

(E) Scheduling of both regular program progress reviews and special reviews of topics and projects that assume priority status.

(ii) Each program progress review should engage active board participation. Toward this end, grantees are advised to establish a Program Progress Review Committee on the board. The conduct of a program progress review must also include opportunity for the participation of the poor in the preparation and review of PPR planning process, provide information on both accomplishments and problems, and serve as a basis for followup by the grantee board and staff.

(c) *Program progress reports (CSA Form 440—submission.* (1) *Frequency.* (i) *Routine submissions.* Except as indicated in (ii) and (iii) below each grantee is responsible for submitting to the appropriate CSA Administering Office a semi-annual and an annual Project Progress Report (CSA Form 440). Reports will be submitted 15 working days following the end of the second and fourth quarters of the grantee's Program Year of Program Account 01. (If not funded for PA 01, grantee should use its highest funded Program Account as a reference point for submission of PPR reports.)

(ii) *Grants with termination dates.* If a grant has a termination date, the grantee also is responsible for filing a final Project Progress Report within 90 days following the termination date.

(iii) *Special requirement.* There may be instances where more frequent reporting will be required, e.g. in the cases of developmental grants; when the grantee has a history of poor performance; etc. In these instances the funding office may require, as a condition of the grant, that Project Progress Reports be filed on a quarterly basis. However, in keeping with the Standards, reporting cannot be required more frequently than quarterly unless an exception is obtained by CSA (Headquarters) from OMB.

(2) *Number of copies.* One copy of the report is to be sent to the appropriate CSA Administering Office. (Grantees receiving grants which are administered by both a Regional Office and a Headquarters Program Office will send a copy of the PPR to each). Additionally grantees receiving funds under sections 221 and 222(a) of the Act shall send one copy to the appropriate SEOO for information.

(d) *Availability of CSA Form 440.* Supplies of CSA Form 440 may be ordered from:

CSA Distribution Center, 5458 3rd Street NE., Washington, D.C. 20011.

ATTACHMENT

COMMUNITY SERVICES ADMINISTRATION PROJECT PROGRESS REPORT	/__/ 1st QTR /X/ 2nd QTR /__/ 3rd QTR	/__/ ANNUAL /__/ FINAL	Date Submitted:

NAME OF GRANTEE	GRANTEE NO.
	| | | | | |

PA	PROJECT TITLE
	Information, Referral and Follow-up

PROJECT GOAL -- To provide outreach, referral and follow-up services to 650 low-income target area residents using neighborhood center staff, Policy Advisory Committees and a minimum of 25 volunteers.	STANDARD(S) OF EFFECTIVENESS (NO.) A-II, III, IV, V

1. ACCOMPLISHMENTS

a. Measurable -- During this period,, 30 volunteers assisted CAA in performing outreach and home visitations. Overall, information on community programs was given directly to 500 residents; 350 were referred to other organizations for assistance; follow-up was conducted on 200 of these.

b. Non-Quantifiable -- The County Department of Human Services has formally requested the CAA to perform outreach for Title XX, Community Development and Food Stamp programs. CAA is doing preliminary eligibility screening for these programs to speed up processing. County-wide computerized I&R system is being considered by County Commission.

2. PROBLEMS

Low attendance at Policy Advisory Committee meetings. No quorum for three of last four meetings. Three PAC positions are vacant. Follow-ups hampered by (a) inadequate record-keeping in two centers and (b) lack of travel funds.

* 3. PLANNED CHANGES

Elections will be held early next month to fill vacant PAC positions. After this SEOO will conduct training for PAC members on their roles and responsibilities. Recordkeeping system is being computerized to facilitate client "tracking." Budget is being revised to allocate more funds to travel.

* 4. TRAINING AND TECHNICAL ASSISTANCE NEEDS

Outreach supervisors need training in planning center activities. PAC members need motivation; contact with Federal officials would help.

5. ASSESSMENT OF EFFECTIVENESS

Service delivery remains generally efficient (Standard A-II) but lack of participation by low-income (Std. A-III) causes concern. Greater involvement of volunteers (Stds A-IV and A-V) has improved CAA's "image" in community.

6. NO. PERSONS SERVED AND UNIT COST --

SERVICE	No. SERVED	EXPENDITURES	UNIT COST
Outreach	500	$25,000	$50
Referral	350	7,000	20
Follow-up	200	9,000	45
Admin.	---	5,000	--

*Do not complete when filing final report or in annual reports for individual projects which will not be refunded.

CERTIFICATION

The undersigned certify that this report has been completed in accordance with applicable instructions; that it is true to the best of their knowledge, information and belief; and that it has been approved, or reviewed and approves as indicated in Item 7.

7. THIS REPORT HAS BEEN (Check appropriate box.)

☐ APPROVED BY THE GRANTEE'S GOVERNING BOARD

☐ REVIEWED BY THE GRANTEE'S ADMINISTERING BOARD AND APPROVED BY ITS GOVERNING OFFICIALS

8. TYPED NAME, AND TITLE OF PRINCIPAL GOVERNING OFFICIAL OR PRINCIPAL OFFICER OF GOVERNING BOARD	9. SIGNATURE
10. DATE	11. DATE OF BOARD APPROVAL

INSTRUCTIONS FOR COMPLETING CSA FORM 440

There should be a brief report for each project goal listed on the approved CSA Form(s) 419. Therefore, there should be a separate CSA Form 440 for each goal but completion of the "Certification" section is required on page 1 only. (NOTE.—The annual report should give a separate summary for the entire program year for the project as a whole in addition to progress toward each goal. In this case, mark Summary in the Project Goal box.)

In addressing topics 1 through 6 on the Form 440, the following information should be included for each goal:

ITEM

1. Accomplishments: (a) Measurable—Describe achievements in relation to approved goals in measurable terms; include unanticipated benefits to community or target groups; (b) Non-quantifiable—Give brief description on non-quantifiable accomplishments.
2. Problems—Reasons for failure to reach project goals.
3. Planned changes[1]—Indication of planning or project management changes scheduled as a result of PPR analysis.
4. Training and technical assistance needs[1]—Description of assistance needed from CSA or other sources.
5. Assessment of effectiveness—Assessment of grantee status with respect to general and/or specific standards of effectiveness applicable to this goal. Appraise effectiveness in light of costs and other uses of resources.
6. No. person served and unit cost—Nonduplicated count. Specify type of service.

[FR Doc.77-12004 Filed 4-27-77;8:45 am]

[1] Do not complete when filing final report or in annual reports for individual projects which will not be continued or renewed in the next program year.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 401]

[CGD 77-045]

GREAT LAKES PILOTAGE RATES

Correction

In FR Doc. 77-11358 appearing at page 20162 in the issue for Monday, April 18, 1977, on page 20163, the 6th line from the top of the middle column now reading "Lakes Huron and Michigan. All three * * *" should have read "Lakes Huron and Michigan. All three lakes are included within the same pilot-".

The signature which appears in the third column of page 20164, now reading "O. W. Silver," should read "O. W. Siler."

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 20828]

COMPUTER INQUIRY

Notice Listing Parties in Proceeding

AGENCY: Federal Communications Commission.

ACTION: Notice with service list.

SUMMARY: The Commission is publishing a list of those parties who will be participating in the new computer inquiry rulemaking proceeding. This list is being prepared because additional parties have expressed their desire to participate. The purpose of the list is to enable parties to the proceeding to serve the parties listed with a copy of their comments and reply comments.

DATES: Comments must be received on or before May 16, 1977, and Reply Comments must be received on or before June 30, 1977.

ADDRESS: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James K. Smith, Common Carrier Bureau, 632-9342.

SUPPLEMENTARY INFORMATION:

Released: April 21, 1977.

1. A Supplemental Notice of Inquiry and Enlargement of Proposed Rulemaking (FCC 77-151) which expanded the scope of Docket No. 20828 was issued on March 8, 1977. Parties not listed in the service list attached to the Supplemental Notice who were interested in participating in this proceeding were requested to file a notice of intent to participate by March 25, 1977. In view of the additional responses, a revised service list has been prepared to reflect any additions or corrections to the initial service list. (See Attachment A.)

2. Parties to this proceeding should serve a copy of all pleadings in this proceeding on those parties listed in Attachment A. At least one copy per party should be served on those firms representing more than one party. To the extent that other documents may be entered into the record which are not served on the parties listed in Attachment A, reference should be made to the Commission's public file in Docket No. 20828 for the complete record. Comments and other documents filed in this proceeding will be available for public inspection in the Docket Reference Room in the Commission's offices at 1919 M Street, NW., Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
DANIEL R. OHLBAUM,
Acting Deputy Chief,
Common Carrier Bureau.

ATTACHMENT A

James G. Buckley, Jim Buckley and Associates, 1319 F Street, N.W., Room 711, Washington, D.C. 20004.

Jeremiah Courtney, Esq., Ad Hoc Telecommunications Committee, 2120 L Street, N.W., Washington, D.C. 20037.

Charles R. Cutler, Esq., Kirkland, Ellis & Rowe, 1776 K Street, N.W., Washington, D.C. 20006, Counsel for Aeronautical Radio, Inc.

Gerald M. Lowrie, American Bankers Association, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Aloysius B. McCabe, Esq., Michael Yourshaw, Esq., Kirkland, Ellis & Rowe, 1776 K Street, N.W., Washington, D.C. 20006. Counsel for American Newspaper Publishers Association; Associated Press; Commodity News Services, Inc.

Michael D. Campbell, Esq., Stuart G. Meister, Esq., American Satellite Corporation, 20301 Century Blvd., Germantown, Maryland 20767.

Alfred A. Green, Esq., Cornelia McDougald, Esq., H. John Hokenson, Esq., Edgar Mayfield, Esq., American Telephone & Telegraph Company, 32 Avenue of the Americas, New York, New York 10013.

Carol A. Cohen, Esq., Applied Data Research, Inc., Route 206 Center, Princeton, New Jersey 08540.

Herbert E. Marks, Esq., Stephen R. Bell, Esq., Richard P. Carr, Esq., Wilkinson, Cragun & Barker, 1735 New York Avenue, N.W., Washington, D.C. 20006. Counsel for Remote Processing Services Section (RPSS) of the Association of Data Processing Service Organizations; Independent Data Communications Manufacturers Association, Inc.

Ben Harty, Esq., Vice President, Boeing Computer Services, Inc., 177 Madison Avenue, Morristown, New Jersey 07960.

Arthur Scheiner, Esq., Michael H. Rosenbloom, Esq., Wilner & Scheiner, 2021 L Street, N.W., Washington, D.C. 20036. Counsel for Boeing Computer Services, Inc.

Paul S. Hoffman, Vice President, Bowne and Company, Inc., 345 Hudson Street, New York, New York 10014.

Tedson J. Meyers, Esq., Michael W. Faber, Esq., Peabody, Rivlin, Lambert & Meyers, Connecticut Building, 12th floor, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036. Counsel for Citicorp; Bunker Ramo Corporation.

Joseph M. Kittner, Esq., Peter M. Anderson, Esq., McKenna, Wilkinson & Kittner, 1150 17th Street, N.W., Washington, D.C. 20036. Counsel for the Computer and Business Equipment Manufacturers Association; McDonnell Douglas Corporation.

John S. Voorhees, Esq., Howrey & Simon, 1730 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Counsel for the Computer and Business Equipment Manufacturers Association.

Robert P. Bigelow, Editor, Computer Law and Tax Report, 28 State Street, Suite 2200, Boston, Massachusetts 02109.

William K. Coulter, Esq., Communications Satellite Corporation, 950 L'Enfant Plaza, S.W., Washington, D.C. 20024.

James T. Roche, Esq., COMSAT General Corporation, 950 L'Enfant Plaza, S.W., Washington, D.C. 20024.

Terry G. Mahn, Esq., Computer and Communications Industry Association, 1911 N. Fort Myer Drive, Rosslyn, Virginia 22209.

Thomas L. Jones, Esq., Continental Telephone Corporation, 1800 K Street, N.W., Suite 629, Washington, D.C. 20006.

Philip C. Onstad, Manager, Telecommunications Policies, Control Data Corporation, 500 West Putnam Avenue, Greenwich, Connecticut 06830.

John Sodolski, Staff Vice President, Electronic Industries Association, 2001 Eye Street, NW., Washington, D.C. 20006.

Henry Goldberg, Esq., Thomas J. Keller, Esq., Verner, Liipfert, Bernhard & McPherson, 1660 L Street, N.W., Suite 1000, Washington, D.C. 20036. Counsel for French Telegraph Cable Co.

David Sherman, Esq., General Electric Company, 401 N. Washington Street, Rockville, Maryland 20850.

Richard A. Fazzone, Esq., General Electric Company, 2500 Cambridge Road, Schenectady, New York 12304.

Edward P. Taptich, Esq., McKenna, Wilkinson & Kittner, 1150 17th Street, N.W., Washington, D.C. 20036. Counsel for General Electric Company.

Spence W. Perry, Esq., General Services Administration, 18th and F Streets, N.W., Room 4008, Washington, D.C. 20405.

James M. Baisley, Esq., 400 North Wolf Road, Northlake, Illinois 60614. Counsel for GTE Automatic Electric, Inc.

Allen R. Frischkorn, Jr., Esq., 1120 Connecticut Avenue, N.W., Suite 900, Washington, D.C. 20036. Counsel for GTE Automatic Electric, Inc.; GTE Data Services, Inc.

James V. Carideo, Esq., P.O. Box 1548, Tampa, Florida 33601. Counsel for GTE Data Services, Inc.

Richard Cahill, Esq., Richard McKenna, Esq., One Stamford Forum, Stamford, Connecticut 06904. Counsel for GTE Domestic Telephone Operating Companies.

Ruth L. Prokop, Esq., 1120 Connecticut Avenue, N.W., Washington, D.C. 20036. Counsel for GTE Domestic Telephone Operating Companies.

Andrew M. Wolfe, Esq., Harrick & Smith, 100 Federal Street, Boston, Massachusetts 02110. Counsel for Incoterm Corporation.

David R. Anderson, Esq., Wilmer, Cutler & Pickering, 1666 K Street, N.W., Washington, D.C. 20006. Counsel for International Business Machines Corporation.

J. Gordon Walter, Esq., Senior Attorney, IBM Corporation, Old Orchard Road, Armonk, New York 10504.

Agatha M. Modugno, Esq., Legal Department, ITT Domestic Transmission Systems, Inc., 67 Broad Street, New York, New York 10004.

Gerald A. Poch, ITT—North American Telecommunications Group, 320 Park Avenue, New York, New York.

Joseph J. Jacobs, Esq., Vice President and General Attorney, ITT World Communications, Inc., 67 Broad Street, New York, New York 10004.

David McCabe, 618 A Street, S.E., Apt. 4, Washington, D.C. 20003.

Michael H. Bader, Esq., Kenneth A. Cox, Esq., William J. Byrnes, Esq., 1730 M Street, N.W., Washington, D.C., 20036. Counsel for MCI Telecommunications Corporation; Microwave Communications, Inc. and N-Triple-C, Inc.

National Burglar and Fire Alarm Association, 1730 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Eugene Strange, President, National Communications Services, 107 St. Andrews Drive, Vienna, Virginia 22180.

William B. Moriarty, II, National Data Corporation, One National Data Plaza, Atlanta, Georgia 30329.

Ralph W. Christy, Esq., Alston, Miller & Gaines, 1800 M Street, N.W., Suite 1000, Washington, D.C. 20036. Counsel for National Data Corporation.

Thomas W. Kern, Manager, Systems Standards, Industry Standards and Relations, NCR Corporation, Main and "K" Streets, Dayton, Ohio 45479.

General Counsel, Executive Office of the President, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C. 20504.

Raymond Panko, 808 Coleman Avenue, Apt. 12, Menlo Park, California 94025.

David R. Ellis, Esq., RCA American Communications, Inc., 201 Centennial Avenue, Piscataway, New Jersey 08854.

Donald J. Elardo, Esq., RCA Global Communications, Inc., 60 Broad Street, New York, New York 10004.

David J. Cook, Esq., Nixon, Hargrave, Devans and Doyle, Lincoln First Tower, Rochester, New York 14603. Counsel for Rochester Telephone Corporation.

John R. Bonica, Rutgers Journal of Computers and the Law, 180 University Avenue, Newark, New Jersey 07102.

F. Sherwood Lewis, Esq., Assistant Corporate Counsel, Sander Associates, Inc., Daniel Webster Highway South, Nashua, New Hampshire 03061.

F. Thomas Tuttle, Esq., Counsel—Regulatory Matters, Satellite Business Systems, 1750 K Street, N.W., Washington, D.C. 20006.

Philip S. Abrams, Vice President, Scientific Time Sharing Corporation, 7316 Wisconsin Avenue, Suite 207, Bethesda, Maryland 20014.

David B. Goldstein, Esq., Davis, Wright, Todd, Riese & Jones, 4200 Seattle-First National Bank Building, Seattle, Washington 98154. Counsel for Seattle-First National Bank.

John L. Bartlett, Esq., Kirkland, Ellis & Rowe, 1776 K Street, N.W., Washington, D.C. 20006. Counsel for Securities Industry Automation Corporation.

John V. Kenney, Esq., 1620 Eye Street, N.W., Suite 615, Washington, D.C. 20006. Counsel for Southern Pacific Communications Company.

Frank M. Lesher, Esq., Sperry Univac Division, Sperry Rand Corporation, P.O. Box 500, Blue Bell, Pennsylvania 19422.

Lloyd I. Krause, Stanford Research Institute, Menlo Park, California 94025.

Philip M. Walker, Esq., Telenet Communications Corporation, 1050 17th Street, N.W., Washington, D.C. 20036.

Donald E. Ward, Esq., 1050 17th Street, N.W., Suite 840, Washington, D.C. 20036. Counsel for Telenet Communications Corporation.

Fred W. Morris, President, Tele-Sciences Corporation, 9315 Hollyoak Court, Washington, D.C. 20034.

Merrikay S. Hall, Hughes, Hubbard & Reed, One Wall Street, New York, New York 10005. Counsel for Thrift Transfer Services, Inc.

Roderick A. Mette, Esq., 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Counsel for TRT Telecommunications Corporation.

William M. Combs, President, Tymnet, Inc., 10261 Bubb Road, Cupertino, California 95014.

John O. Somers, Esq., P.O. Box 11315, Kansas City, Missouri 64112. Counsel for United Computer Systems, Inc.

Thomas J. O'Reilly, Esq., Chadbourne, Park, Whiteside & Wolff, 1150 17th Street, N.W., Washington, D.C. 20036. Counsel for United States Independent Telephone Association.

John M. Lothschuetz, Esq., Carolyn C. Hill, Esq., 1800 K Street, N.W., Suite 1102, Washington, D.C. 20006. Counsel for United Systems Service, Inc., on behalf of the member companies of the United Telephone System.

Warren E. Baker, Esq., P.O. Box 11315, Kansas City, Missouri 64112. Counsel for United Systems Service, Inc., on behalf of the member companies of the United Telephone System.

Charles M. Meehan, Esq., Keller & Heckman, 1150 17th Street, N.W., Suite 1000, Washington, D.C. 20036. Counsel for Utilities Telecommunications Council.

Stephen C. Weingarten, Esq., Western Union International, Inc., One WUI Plaza, New York, New York 10004.

Joel Yohalem, Esq., Robert N. Green, Esq., Western Union Telegraph Company, 1828 L Street, N.W., Washington, D.C. 20036.

James H. Carlisle, The Annenberg School of Communications, University of Southern California, University Park, Los Angeles, California 90007.

Kenneth Robinson, Esq., U.S. Department of Justice, Constitution Avenue at 10th Street, N.W., Washington, D.C. 20530.

John L. Wheeler, Xerox Corporation, Xerox Square 114, Rochester, New York 14644.

[FR Doc.77-12187 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21206; RM-2837]

FM BROADCAST STATION IN FEDERALSBURG, MARYLAND

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken proposing to assign a first Class A FM channel to Federalsburg, Maryland. Petitioner, Philip G. D'Adamo, states that the community is in need of a local station in order to provide full coverage of local news, community affairs, weather information and entertainment programming.

DATES: Comments must be received on or before May 31, 1977, and reply comments must be received on or before June 21, 1977.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Policy and Rules Division, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 22, 1977.

In the matter of amendment of section 73.202(b), Table of assignments, FM broadcast stations (Federalsburg, Maryland).

1. *Petitioner, proposal and comments:* (a) Petition for rulemaking[1] filed January 21, 1977, by Philip G. D'Adamo ("petitioner"), proposing the assignment of Channel 296A to Federalsburg, Maryland, as a first FM assignment to that community.

(b) The channel could be assigned in full conformity with our minimum distance separation requirements. There were no oppositions to the proposal.

(c) Petitioner states that, if the channel is assigned, he will file an application to construct a station.

2. *Community data:* (a) *Location:* Federalsburg is located in Caroline County, approximately 113 kilometers (70 miles) from Baltimore, Maryland.

(b) *Population:* Federalsburg—1,917, Caroline County—19,781.[2]

(c) *Local broadcast service:* There is no local broadcast service in Federalsburg or Caroline County.

3. *Economic data:* Petitioner states that Federalsburg supports a business center which serves not only the residents of the community but also draws trade from neighboring districts. In

[1] Public Notice of the filing of the petition was given on February 22, 1977 (Report No. 1030).

[2] Both population figures are taken from the 1970 U.S. Census.

support of its proposal, petitioner has submitted population and demographic data and a profile of the local economy. It adds that the proposed station would provide full and complete coverage of community affairs, local news, weather information and entertainment programming not currently available on a local basis.

4. In view of the apparent need for a local broadcast service in Federalsburg and Caroline County, we believe that consideration of the proposed FM assignment in a rule making proceeding would be in the public interest.

5. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202 (b) of the Commission's Rules, with regard to Federalsburg, Maryland, as follows:

City	Channel No.	
	Present	Proposed
Federalsburg, Md		296A

6. Authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

7. Interested parties may file comments on or before May 31, 1977, and reply comments on or before June 21, 1977.

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

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth above.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also exected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commissions' Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-12207 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21200; RM-2784]

FM BROADCAST STATION IN FLORENCE, OREGON

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: A notice of proposed rulemaking is given concerning a proposal by Mr. Charles Graham of the Gentle Shepherd Broadcasting Company to assign Class C Channel 284 to Florence, Oregon, as a first aural service to the community.

DATES: Comments are to be filed on or before May 31, 1977, and reply comments on or before June 21, 1977.

ADDRESS: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Victor D. Ines, Broadcast Bureau, telephone 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 22, 1977.

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations. (Florence, Oregon, Docket No. 21200, RM-2784.

1. *Petitioner, Proposal and Comment.* (a) Notice of proposed rulemaking is givent concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) as concerns Florence, Oregon.

(b) A petition for rule making was filed by Mr. Charles Graham of the Gentle Shepherd Broadcasting Company ("petitioner") through his engineer, proposing the assignment of Class C Channel 284 [1] to Florence, Oregon, as a first aural assignment to the community. No oppositions have been received.

2. *Community Data.* (a) *Location.* Florence is located on the mid-coast of Oregon, approximately 84 kilometers (52 miles) west of Eugene, and 211 kilometers (131 miles) southwest of Portland, Oregon.

(b) *Population.* Florence, 2,246; Lane County, 213,358 (1970 U.S. Census).

(c) *Local Broadcast Service.* There is presently no local aural service in the community.

(d) *Economic Data.* Petitioner has furnished sufficient information regarding the social, governmental and economic factors which demonstrates Florence's need for an FM channel assignment. It appears that the lumber industry plays a major role in the area's economy and the largest occupational grouping involves persons working in lumber, plywood and paper manufacturing. An initial review of petitioner's data would indicate the community could warrant an FM assignment.

3. *Preclusion studies.* Twenty-one communities with populations greater than 2,000 persons would be precluded if Channel 284 were assigned to Florence; nine of these communities [2] are without

[1] Additional data was provided in response to an August 5, 1976, letter to petitioner advising him of the need to provide specific information concerning: (1) Justification for a Class C versus a Class A assignment; (2) extent of proposed coverage and areas and populations that would receive first and second FM service from the proposed assignment; and (3) extent of present nighttime AM service.

[2] Altamont, Oregon (pop. 15,746); Ashland, Oregon (pop. 12,342); Brookings, Oregon (pop. 2,720); Central Point, Oregon (pop. 4,004); Coos Bay, Oregon (pop. 13,466); Coquille, Oregon (pop. 4,437); Cottage Grove, Oregon (pop. 6,004); Cresent City North, California (pop. 3,053); Cresent City, Calif. (pop. 2,586); Fruitdale, Oregon (pop. 2,655); Grants Pass, Oregon (pop. 12,455); Klamath Falls, Oregon (pop. 15,775); Medford, Oregon (pop. 28,454); Myrtle Creek, Oregon (pop. 2,733); Myrtle Point, Oregon (pop. 2,511); North Bend, Oregon (pop. 8,553); Reedsport, Oregon (pop. 4,039); Roseburg, Oregon (pop. 14,461); South Medford, Oregon (pop. 3,497); Sutherlin, Oregon (pop. 3,070); and Winston, Oregon (pop. 2,468).

FM assignments. In petitioner's preclusion study for Channel 285A, a larger than actual area was shown to be already precluded by Channel 288A at Coos Bay, Oregon.[3]

4. *Coverage.* Using the supplementary data requested by the Commission, petitioner indicates that a Class C station operating with 100 kW ERP, and a 1,000 foot antenna, would provide a first FM service to an area of approximately 1,165 square kilometers (450 square miles) with a population 4,574. It is also shown that the proposed station would not provided to an area of approximately 1,575 square kilometers (608 square miles) with a population of 8,124. Additionally, petitioner's exhibits show one AM station providing service to nearly all this first FM area at night. This would indicate that the proposed station would not provide any significant first aural service, but it would provide a second aural service to 1,165 square kilometers (450 square miles) with a population of 4,574 persons.

5. *Comments* (a) Although it has been usual Commission policy to assign Class C channels only to communities of over 10,000 persons, exceptions have been made when the assignment would result in a large first or second FM service[4] or when the assignment of a Class C channel would enable a large rural area to be served.[5] Since petitioner's Roanoke Rapids (9 F.C.C. 2d 672 (1967)) and Anamosa-Iowa City (46 F.C.C. 2d 520 (1974)) showings indicate a substantial area and population would receive a first FM and second aural service, possibly falling into one or more exceptions to our general policy regarding Class C assignments, it appears a rulemaking proceeding would be appropriate to further evaluate petitioner's request. However, in order for the Commission to fully evaluate the need for a Class C station, petitioner should furnish data indicating the area and populations which would be served by a Class A station, so that the advantages of a Class C versus a Class A assignment might be more fully illustrated.

(b) Petitioner should indicate whether there are any other channels available for assignment to the nine communities underlined in the list in footnote 2 which are without FM assignments. Petitioner should also reaffirm his interest in the channel.

6. *Proposed amendment to the FM Table of Assignments.* In view of the above, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with regard to the community below, as follows:

City	Channel No.	
	Present	Proposed
Florence, Oreg		231

7. *Authority.* The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

8. *Comments and Replies.* Interested persons and parties may file comments on or before May 31, 1977, and reply comments on or before June 21, 1977.

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

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this Notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service. Pursuant to applicable procedures* set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-12208 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

RADIO BROADCAST SERVICES

Clear Channel Broadcasting in the Standard Broadcast Band: Order Extending Time for Filing Reply Comments

AGENCY: Federal Communiactions Commission.

ACTION: Order.

SUMMARY: Action taken on request for extension of time to file reply comments in the Clean Channel proceeding. Petitioner, Northern Television, Inc., requested additional time so that it could obtain more definitive information concerning skywave propagation characteristics. Request was granted in part and denied in part.

DATE: Reply comments must be received on or before June 27, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 18, 1977.

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of Clear Channel Broadcasting in the Standard Broadcast Band, Docket No. 20642.[1]

1. The Commission presently has before it a petition requesting an extension of time for filing reply comments regarding the notice of inquiry and notice of proposed rulemaking in the above-captioned proceeding, 40 FR 58467. Northern Television, Inc. ("Northern") requests that the date be extended from April 26, 1977, to July 25, 1977.

2. Northern states that additional time is necessary since it has just em-

[3] This larger area appears to have been mistakenly based on third-adjacent channel, Class A-to-Class C, rather than the appropriate Class A-to-Class A separation criteria which are 65 miles and 15 miles respectively.

[4] See, e.g., Lyons, Kansas, 42 F.C.C. 2d 215, 216 (1973); Lexington, Missouri, 53 F.C.C. 2d 893 (1975).

[5] See, e.g., Clinton, Oklahoma, 7 F.C.C. 2d 836, 839 (1967); Saratoga, Wyoming, 41 FR 26575, 37 R.R. 2d 813 (1976).

[1] See 42 FR 6854, Feb. 4, 1977.

ployed a new consulting engineer who advises that more definitive information concerning skywave propagation characteristics is necessary in order to respond to this aspect of the proceeding. A search has been undertaken for authoritative data in various publications and from other sources.

3. On April 13, 1977, acting upon a request by Daytime Broadcasters Association, that the date for filing reply comments in this proceeding be extended to July 26, 1977, the Commission adopted an Order stating that, while good cause had been shown for some additional time, it did not believe that a sufficient showing had been made to justify an extension of the length requested. The date for filing reply comments was accordingly extended to and including June 27, 1977. The Commission believes that the foregoing extension is adequate also for the purposes indicated in Northern's request.

4. Northern's petition is granted to the extent indicated in the Order of April 13, 1977, and is denied insofar as it seeks an extension beyond June 27, 1977.

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

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

[FR Doc.77-12209 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 20548]

RADIO BROADCAST SERVICES

Multiple Ownership of Standard, FM, and Television Broadcast Stations; Order extending time for filing comments and reply comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: Extension of time in which to file Comments and Reply Comments in Docket No. 20548 is granted in order to allow parties desiring to submit Comments further time to analyze the Notice of Proposed Rule Making.

DATES: Comments must be received on or before May 23, 1977, and reply comments must be received on or before June 2, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Dennis S. Kahane, Broadcast Bureau, telephone 202-632-9356.

SUPPLEMENTARY INFORMATION:

Adopted: April 21, 1977.

Released: April 22, 1977.

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commisison's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations.

1. On April 13, 1977, Metromedia, Inc. filed a "Motion For Extension Of Time" in which to file comments in the above-captioned proceeding. On April 14, 1977, American Broadcasting Companies, Inc. filed a "Statement In Support of Motion For Extension Of Time." The Further Notice Of Proposed Rule Making was adopted on March 9, 1977, and publication was made in the FEDERAL REGISTER on March 25, 1977. The dates for filing comments and reply comments are presently April 22, 1977, and May 3, 1977, respectively.

2. Metromedia, Inc. requests that the time to file comments be extended by thirty days; American Broadcasting Companies, Inc. supports this request, and requests additionally that the time to file reply comments also be extended by thirty days. Both parties state that additional time is necessary for the analysis required in meaningful comments.

3. We recognize that the proposals made in this docket require detailed study. We find that the public interest would be served by an extension of the comments and reply comments dates.

4. Therefore, *it is ordered,* That the request of Metromedia, Inc., and the request of American Broadcasting Companies, Inc. are granted, and the dates for filing comments and reply comments are extended to and including May 23, 1977, and June 2, 1977, respectively.

5. This action is taken pursuant to authority found in § 4 (i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 and 1.46 of the Commission's Rules.

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

[FR Doc.77-12206 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21207; RM-2520]

TV BROADCAST STATION IN ALTOONA, PENNSYLVANIA

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rulemaking.

SUMMARY: Notice proposes to substitute TV Channel 23 for Channel 38 in Altoona, Pennsylvania. Action initiated by petition for rulemaking filed by John R. Powley.

DATES: Comments must be received on or before May 31, 1977, and reply comments on or before June 21, 1977.

ADDRESSES: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Gordon Godfrey, Policy and Rules Division, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 22, 1977.

In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations (Altoona, Pennsylvania).

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration a petition for rule making filed by John R. Powley ("Powley") and an opposition filed by Nittany Communications, Inc. ("Nittany"), applicant for Channel 29, State College, Pennsylvania (BPCT-4847). Powley requests that the Television Table of Assignments §73.606 (b) of the Commission's Rules) be amended by substituting UHF Channel 23 for UHF Channel 38 in Altoona, Pennsylvania, and that the construction permit he holds for Channel 38 be modified to specify Channel 23 accordingly.

2. Altoona (pop. 63,115), seat of Blair County (pop. 135,116)[1], is located approximately 130 kilometers (80 miles) east of Pittsburgh, Pennsylvania. Altoona is currently assigned Channels 10, 38, 47 and *57.[2] Channels 10 (WTAJ-TV) and 38 (WOPC) are occupied.

3. Powley, permittee of Station WOPC, Channel 38, Altoona, states that a Channel 23 substitution would increase mileage separations, permit great flexibility in transmitter site selection, improve coverage and allow Powley to increase facilities through the purchase of used equipment. Nittany opposes the petition claiming that Powley has failed to support his contentions that the public interest would be furthered by the proposal.

4. While technical differences between Channels 23 and 38 are not significant, Powley states that used equipment is available which would allow him to operate with increased facilities on Channel 23. He presently operates with 63.1 kW power on Channel 38. If, as a result of this proceeding, the petitioner can expedite operation with improved transmitting facilities, then the public interest could be served by the improved reception and the additional service which could result.

5. A staff engineering analysis indicates that Channel 23 could be substituted for Channel 38 in Altoona without requiring any other changes in the Television Table of Assignments. A Channel 23 assignment would result in new preclusion only on Channel 30 over a very limited area in Somerset County, Pennsylvania. Channel 60 remains available

[1] Both population figures are taken from the 1970 U.S. Census.

[2] A proposal to assign VHF Channel 12 to Altoona is presently pending in the VHF Drop-In proceeding, Docket No. 20418, 42 FR 16782 (March 30, 1977).

for assignment to any community in this area should future demand arise. Furthermore, the deletion of Channel 38 at Altoona would increase the the availability of related channels in other areas. Thus, this proposal would appear to provide for more efficient use of the broadcast spectrum.

6. Powley also requests that the Commission issue an order requiring WOPC to show cause why its construction permit should not be modified to specify operation on Channel 23. No show cause order is necessary, as the Commission views the order request as consent to the proposed modification. If it is decided to amend the Table of Assignments as proposed, the petitioner's authorization will be modified at that time.[3]

7. In view of the above, we are convinced that a rule making proceeding should be instituted to obtain further comments on this proposal. Canadian concurrence must be sought, as well, since the proposed location is within 250 miles of the United States-Canadian border. Therefore, we propose to consider the following revision in the Television Table of Assignments (§ 73.606 (b) of the Rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Altoona, Pa..	10—,38—,47,*57+	10—,23—,47,*57+

8. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

9. Interested parties may file comments on or before May 23, 1977, and reply comments on or before June 21, 1977.

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

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rulemaking.* All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-12205 Filed 4-27-77;8:45 am]

[3] Following a modification approach here does not raise a problem as already assigned UHF Channel 47 remains available should any other person express an interest in operating a commercial station in Altoona. In addition, VHF Channel 12 would also be available if assigned in Docket 20418.

[47 CFR Part 73]

[Docket No. 21208; RM-2766]

TV BROADCAST STATIONS IN BLOOMINGTON, HIGHLAND, AND KIELER WISCONSIN

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rulemaking.

SUMMARY: Notice proposes to assign UHF television channels reserved for noncommercial educational use at Bloomington (Channel *49), Highland (Channel *51) and Kieler (Channel *46), Wisconsin. Action initiated by petition for rulemaking filed by Educational Communications Board of the State of Wisconsin.

DATES: Comments must be received on or before May 31, 1977, and reply comments on or before June 21, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Gordon Godfrey, Policy and Rules Division, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 22, 1977.

In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations (Bloomington, Highland, and Kieler, Wisconsin).

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration a petition for rulemaking filed by the Educational Communications Board of the State of Wisconsin ("ECB"). The petition seeks amendment of § 73.606(b) of the Commission's Rules, the Television Table of Assignments, by assigning channels and reserving them for noncommercial educational use, at Bloomington (Channel *38), Highland (Channel *51) and Kieler (Channel *46).

2. The Wisconsin Educational Television Network is composed of a combination of ECB owned and affiliated stations. ECB states that, when the Park Falls, Wisconsin, station for which it has been granted a construction permit (BPET-550) is on the air, service will be rendered to approximately 97.4 percent of the population and 94 percent of the area within the state. Petitioner indicates that approximately 25,000 people in the southwest corner of the state do not receive adequate educational television service. ECB desires to operate high-powered translators[1] on the requested channels in order to serve these people.

3. Highland (pop. 785; Iowa County, pop. 19,306), Kieler, a small unincorporated community approximately 10 kilometers (6 miles) northwest of Dubuque, Iowa, and Bloomington (pop. 719), both in Grant County (pop. 48,398) are located in the southwest corner of

[1] Pursuant to paragraph 4 of the Report and Order in Docket No. 18861, 36 FR 19588, 23 R.R. 1504 (1971) and §§ 74.702(g) and 74.735(e) of the Rules, high-powered UHF translators may be operated only on unoccupied channels which are listed in the Television Table of Assignments.

the state of Wisconsin. All population figures are taken from the 1970 U.S. Census.

4. The proposed assignments of Channel *51 to Highland and Channel *46 to Kieler meet the Commission's separation requirements and other technical criteria. However, the proposed assignment of Channel *38 to Bloomington would be short-spaced by approximately 29 kilometers (18 miles) to a proposed assignment of Channel *38 to Fort Madison, Iowa (Notice of Proposed rulemaking, Docket No. 20878, published in the FEDERAL REGISTER on July 20, 1976, 41 FR 29869). Although Channel *38 is not available, Channels 49, 56, 64 or 67 could be assigned to Bloomington in conformance with the Commission's separation requirements and other technical criteria. Accordingly, we proposed to consider the assignment of Channel *49 to Bloomington, Wisconsin. Petitioner should, in comments, indicate its intention to apply for this channel if it is assigned.

5. The Commission is persuaded that a rulemaking proceeding should be instituted to obtain comments on this proposal. Therefore, we propose to consider the following revisions in the Television Table of Assignments (§ 73.606(b) of the Rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Bloomington, Wis.		*49
Highland, Wis.		*51
Kieler, Wis.		*46+

6. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

7. Interested parties may file comments on or before May 31, 1977, and reply comments on or before June 21, 1977.

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

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be funrished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-12204 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21195; Rm 2823]

FM BROADCAST STATIONS; KANSAS

Proposed Changes in Table of Assignments

Correction

In FR Doc. 77-11568 appearing at page 20643 in the issue for Thursday, April 21, 1977, make the following changes:

1. The preamble, which includes all of the information from "ACTION", down to and including "SUMMARY", should be tranferred to appear as the preamble in FR Doc. 77-11569 on page 20644. The information in FR Doc. 77-11569 which appears under these same headings should be transferred to appear as the preamble to FR 77-11568 on page 20643.

2. In FR Doc. 11568 on page 20643, under "SUPPLEMENTARY INFORMATION", in the first line after the "Release date", the third word which new reads "nad", should read "and".

NATIONAL TRANSPORTATION SAFETY BOARD

[49 CFR Part 804]

RULES IMPLEMENTING THE GOVERNMENT IN SUNSHINE ACT

Proposed Amendment

AGENCY: National Transportation Safety Board.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed amendment is to provide the public with additional guidance on the National Transportation Safety Board's interpretation of the Government in the Sunshine Act definition of a meeting.

DATE: Comments must be received by May 25, 1977.

ADDRESS: Submit written comments to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

FOR FURTHER INFORMATION CONTACT:

Mr. Fritz L. Puls, (202) 426-8911.

SUPPLEMENTARY INFORMATION: The National Transportation Safety Board (Board), on March 10, 1977, at 42 FR 13284, published its rules implementing the Government in the Sunshine Act (5 U.S.C. 552b). During the Board's finalization of that regulation, the Members of the Board were of the opinion that there is one type of gathering of the Members and staff which is not a meeting for purposes of the Act. To provide the public with additional guirance on the Board's interpretation of the statutory definition of a meeting, this amendment to the Board's rules is being proposed.

On infrequent occasions following accidents being investigated by the Board's staff, the staff may believe that there is a need to brief the Board concerning divergent possibilities being pursued and technical complexities which may be involved. This briefing serves a dual purpose: (1) It permits the Members to be privy to the latest investigative findings and possibilities; and (2) it enables the Members to be briefed as to any unusual technical aspects of the accident, knowledge which they will need before deliberating on an accident report or safety recommendation.

Such briefings will be exploratory in nature and will not be deliberations which "result inthe joint conduct or disposition of official NTSB business."

The deliberative process does not commence until after a proposal has been finalized by the staff and submitted to the Board. At that time, all discussions by a quorum of the Board would be subject to the Act.

The Board has concluded that these informational briefings are outside the scope of the Act. Justifications for not opening these briefing meetings to the public are based on the Board's specific experience that these sessions inevitably involve preliminary facts, untested information, and unsubstantiated allegations. Such sessions, if open, would foster unwarranted speculation and publicity concerning the probable cause of an accident and encourage the dissemination of potentially misleading information. The Board, therefore, believes that open briefings of this particular type would be at variance with the Board's statutory responsibilities and contrary to the public interest.

Accordingly, the National Transportation Safety Board proposes to amend Part 804, Chapter VIII, Title 49, Code of Federal Regulations, as follows:

1. By adding a new paragraph (c) to the definition of "Meeting" in § 804.3 to read as follows:

§ 804.3 Definitions.

* * * * *

(c) An internal session attended by three or more Members for which the sole purpose is to have the staff brief the Board concerning an accident, incident, or safety problem.

(5 U.S.C. 552b.)

Signed at Washington, D.C., on April 25, 1977.

WEBSTER B. TODD, Jr.,
Chairman.

[FR Doc.77-12299 Filed 4-27-77;8:45 am]

notices

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

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON AGENCY ORGANIZATION AND PERSONNEL

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Agency Organization and Personnel of the Administrative Conference of the United States, to be held at 10:00 a.m., May 10, 1977 in the Conference's library, 2120 L Street NW., Suite 500, Washington, D.C.

The Committee will meet to consider: (1) Progress report on Professor Park's study of agency experience under the Federal Advisory Committee Act. (2) Plans for the conduct of regulatory agency management seminars for new agency appointees (see 1 CFR 310.4). (3) Status report on other pending projects.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Richard K. Berg, 202-254-7020. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

APRIL 26, 1977.

[FR Doc.77-12410 Filed 4-27-77;8:45 am]

DEPARTMENT OF AGRICULTURE

COLLECTION AND USE OF DEPOSITS UNDER THE KNUTSON-VANDENBERG ACT

Proposed Policy

Notice is hereby given that the Forest Service is proposing to revise its policy on collection and use of deposits for sale area improvement authorized by the Knutson-Vandenberg Act of 1930 to comply with section 18 of the National Forest Management Act of 1976.

The proposed revision includes deletion of Forest Service Manual direction concerning legal and administrative collection limits and new direction on expanded use of K-V funds for protecting and improving the future productivity of the renewable resources of the forest land. The Act applies to existing as well as new timber sales.

All persons who wish to submit written data, views, or objections pertaining to the proposed revision may do so by submitting them to the Chief, Forest Service, U.S. Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, on or before May 27th, 1977.

The proposed revised wording follows:

TITLE 2400—TIMBER MANAGEMENT

2477 *Collection and use of deposits for sale area improvement.* In 1930 Congress passed the Knutson-Vandenberg Act. That Act as amended by the National Forest Management Act of 1976 is hereafter referred to as the K-V Act. It authorizes the collection of K-V funds for doing reforestation, timber stand improvement, and other activities needed to protect and improve the future productivity of renewable resources on areas cut over by the purchaser. These activities are hereafter referred to as sale area improvement (SAI) work and apply only to lands with full National Forest status (FSM 2406.5).

2477.01 *Authority.* Authority for requiring purchasers of National Forest timber to make deposits to finance the cost of sale area improvement on areas cut over by them is given in the Knutson-Vandenberg Act of June 9, 1930 (46 Stat. 527; 16 U.S.C. 576-576b) as amended by the National Forest Management Act of October 22, 1976 (Pub. L. 94-588) (FSM 1021). Amounts collected for K-V purposes are considered receipts from the sale of National Forest timber and are subject to the revenue sharing provisions of 16 U.S.C. 500.

2477.02 *Objective.* The objective is to protect and improve the future production of the renewable resources on a timber sale area. This is to be accomplished through the collection and efficient use of funds for sale area improvement as authorized and intended by the K-V Act as amended.

2477.03 *Policy.* K-V funds will be collected and used to the fullest practicable extent to protect and improve the future productivity of the various renewable resources on timber sale areas. Activities included in the SAI Plan must meet the following criteria:

1. Be compatible with existing land and resourcec management plans for the area. Be covered in the Environmental Analysis Report for the timber sale.
2. Meet the basic forest management needs identified in the land use plan for the area.
3. Be multiple use activities of mitigation and enhancement needed on the sale area which can logically and most efficiently be accomplished along with any silvicultural activities associated with the timber sale, such as establishment and/or improvement of wildlife and fisheries habitat.
4. Must not be the responsibility of the timber purchaser or a National Forest permittee.

Sale area improvement (SAI) Plans will be designed to accomplish all work as soon as possible, consistent with the needs of the specific area. It should be practicable to do a high percentage of work within 3 years after sale closure. Any work which involves holding K-V funds for more than 5 years after closure of sale must be specifically justified in Regional instructions. In no case will use of K-V funds be planned for more than 10 years after sale closure. Each Region will develop time schedules to serve as controls in programming SAI work. These controls will cover:

1. The time period after logging in which each job normally will be accomplished.
2. The maximum number of years which K-V funds may be held for each such job.
3. Action to be taken if it becomes necessary to exceed maximum periods in unusual cases.

Ordinarily a sale should not be offered unless sufficient K-V funds can be collected to do the reforestation work in accord with the Land Management Plan for the sale area. Exceptions may be made where the timber value of the existing stand is insufficient to provide the needed K-V funds, but the potential benefit from harvesting the existing stand and establishing a new stand would give the project priority for use of appropriated reforestation funds (FSM 2403.2) or where other uses preclude the need for reforestation.

Additional proposed changes to the Forest Service Manual may be reviewed at the Chief's office, Washington, D.C., or any Regional Forester's office. These locations are listed in the Code of Federal Regulations, Title 36, Chapter 11, Part 200. The proposed changes include:

Forest Service Manual 2477.04—Responsibility.
Forest Service Manual 2477.1—Kinds of Work Authorized.
Forest Service Manual 2477.11—Limitations of Work.
Forest Service Manual 2477.2—Controlling Collection of Knutson-Vandenberg Funds.
Forest Service Manual 2477.21—Minimum Deposits to National Forest Fund.
Forest Service Manual 2477.22—Sale Area Improvement Plans.
Forest Service Manual 2477.23—Distribution of Stumpage Payments.
Forest Service Manual 2477.3—Expeditures.
Forest Service Manual 2477.31—Pooling Knutson-Vanderberg Funds.
Forest Service Manual 2477.32—Programming Expenditures.
Forest Service Manual 2477.4—Determining Status of Knutson-Vandenberg Fund Balances.

REXFORD A. RESLER,
Associate Chief.

[FR Doc.77-13342 Filed 4-27-77;8:45 am]

Forest Service

OCHOCO 10-YEAR TIMBER MANAGEMENT PLAN

Availability of Draft Environmental Statement; Extension of Review Period

The Notice of Availability for the Ochoco 10-Year Timber Management

Plan, Ochoco National Forest, Oregon, USDA-FS-R6-DES(Adm)-77-7, that appeared in the FEDERAL REGISTER, Volume 42, Number 37, 42 FR 10884, Thursday, February 24, 1977, is corrected to extend the review period to May 7, 1977.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing, and Budgeting.

APRIL 20, 1977.

[FR Doc.77-12142 Filed 4-27-77;8:45 am]

WESTERN SPRUCE BUDWORM MANAGEMENT PLAN; NORTHERN REGION—MISSOULA, MONTANA 59801

Extension of Public Response Period to May 4, 1977, for Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a statement for Management of the Western Spruce Budworm in the Northern Region. Forest Service Report Number USDA-FS-R1-DES-Adm-77-9.

The USDA-Forest Service, in cooperation with the Idaho Department of Public Lands and the Montana Department of Natural Resources and Conservation, is considering managing western spruce budworm on 987,319 acres out of a total infestation of 3,151,985 acres. The statement incorporates all affected lands with aerially visible defoliation in 1976, regardless of ownership, including lands administered by the USDA-Forest Service, USDI-Bureau of Land Management, USDI-National Park Service, USDI-Bureau of Indian Affairs, and State and private lands.

This draft environmental statement was transmitted to CEQ on March 21, 1977.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Montana 59807.
USDA, Forest Service, Forest Supervisor's Offices in Northern Region.

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

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

Comments concerning the proposed action and request for additional information should be addressed to Regional Forester, Robert H. Torheim, Federal Building, P.O Box 7669, Missoula, Montana 59807.

Due to the size and magnitude of the proposed western spruce budworm management plan, the date comments must be received has been extended from April 19, 1977 to May 4, 1977. Comments must be received by May 4, 1977, in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.77-12245 Filed 4-27-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26354]

NORTH CENTRAL AIRLINES, INC.

Certificate Application (Milwaukee/Duluth/Superior-Winnipeg)

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on March 15, 1977 (42 FR 6868), and subsequently postponed, is assigned to be held on May 31, 1977, at 9:30 a.m., in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., April 22, 1977.

KATHERINE A. KENT,
Administrative Law Judge.

[FR Doc.77-12200 Filed 4-27-77;8:45 am]

[Order 77-4-121; Dockets 30160 and 30161]

NORTHWEST AIRLINES, INC.

North/Central Pacific Commodity Rates on Automobiles; Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of April, 1977.

By tariff revisions[1] filed for effectiveness December 29, 1976, Northwest Airlines, Inc. (Northwest) proposes to establish specific commodity rates for passenger automobiles from Detroit to Tokyo at rates per kg. of 79, 66 and 62 cents for minimum weights of 2,650, 4,083 and 5,445 kgs., respectively. The proposed rates are not subject to the cubic dimensional weight rule; apply only on shipments accepted after all other revenue traffic is accommodated; are subject to a 3-car minimum; and, have an expiry date of December 31, 1977.

Complaints have been filed by Japan Air Lines Company, Ltd. (JAL) and The Flying Tiger Line Inc. (Flying Tiger) variously requesting rejection, in the alternative, suspension and investigation. The complaints allege, inter alia, that the yield from the proposed level is significantly below Northwest's forecast noncapacity costs; that the proposal substantially undercuts existing charter rates in this market as well as other specific commodity rates; that to permit this rate level will ultimately result in other low level rates on other commodities; that there is no long-term benefit to diversion of traffic which places so little value on air service; that in view of the substantial amount of automobile traffic moving via surface, based upon these low rates, this traffic could become a major source of westbound revenue; and that this proposal is at odds with the Board's policy statement that less reliance should be placed upon discounted commodity rates to move large portions of international traffic.

In support of its proposal and in answer to the complaints, Northwest asserts, inter alia, that the proposed rates are well above surface rates and have been set at the maximum level that this traffic will bear; that the current market penetration in automobile traffic by air is less than one-half of one percent; that restrictions have been built into the rates to prevent dilution of traffic; that the high cost of air freight is borne solely by the individual consumer, so it is fallacious to allege that the automobile manufacturers would assume a major role in transpacific air freight;[2] that these rates address a specific market need and could never become a burden on the general commodity rate structure; that complainants' comparison with charter rates is totally irrelevant since this proposal is to transport traffic in scheduled service capacity that would otherwise go unused; that the proposed level recovers noncapacity costs and contributes from 12 to 28 percent to the remaining capacity cost associated with this traffic; and that it is estimated that over $275,000 in additional revenues will be generated by these rates annually.

Upon consideration of the tariff filing, the complaints, the answer thereto, and all other relevant matters, the Board has concluded that the complaints should be dismissed.[3]

Flying Tiger contends that the proposed rates are below costs based upon the application of the Board's Version VI costing methodology and estimates of incremental fuel costs. Based upon Northwest's financial reports for the year ending September 1976, the proposed rate levels would cover handling costs, make a contribution to the costs of transporting such traffic and have a minimal potential for diversion. As shown by Flying Tiger, U.S. Department of Commerce data for the three-year period ended December 31, 1975, indicated that the air transport industry moved only 675,000 pounds (about 180 units) of automobiles between the United States and Japan. At present rates, the industry's total revenues from this traffic were approximately $200,000 annually. In addition, Northwest has placed a "space-available" restriction on the proposed

[1] Revisions to Air Tariffs Corporation, Agent, Tariff C.A.B. No. 64.

[2] Northwest states that the existing and potential market for air transport of automobiles from Detroit to Tokyo is for such specific purposes as trade shows, environmental tests, etc.

[3] The Board can find no basis upon which to reject Northwest's proposal.

rates in order to minimize the risk of displacing higher-rated traffic.

The proposal has, according to the carrier, the capability of attracting additional volumes of new traffic that would traditionally move via surface mode with a minimal possibility for diverting existing traffic. We believe that the market effect of these rates will be de minimus and the establishment of an expiry date, now only about eight months away, will permit the generative ability of these rates to be assessed in the event Northwest desires to extend their effectiveness.

Accordingly, *It is ordered*, that:

The complaints of Japan Air Lines Company, Ltd. in Docket 30160 and The Flying Tiger Line Inc. in Docket 30161 be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12201 Filed 4-27-77;8:45 am]

[Order 77-4-115; Dockets 30782, etc.]

SAN FRANCISCO-TORONTO/MONTREAL, ET AL.

Route Proceeding, Application, and Motion

San Francisco-Toronto/Montreal, route proceeding, Docket 30782; Applications of American Airlines, Inc. and United Air Lines, Inc., Dockets 27538 and 27730; Applications of Hughes Air Corp. d/b/a Hughes Airwest and Western Air Lines, Inc. Dockets 28251 and 29114; Motion of Continental Air Lines, Inc. Docket 27932.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of April, 1977.

ORDER

On May 8, 1974, a new bilateral air transport agreement between the United States and Canada was signed.[1] This agreement provides for a number of new routes for United States and Canadian carriers, including nonstop authority between San Francisco, on the one hand, and Toronto and Montreal, on the other hand.[2] The agreement also provides, inter alia, for nonstop authority between Spokane and Vancouver.[3] By this order, we shall act on several pending matters concerning implementation of United States carrier service over these two routes as authorized by the agreement.

American Airlines (Docket 27538) and United Air Lines (Docket 27730) have filed applications for amendments of their certificates of public convenience and necessity to include San Francisco-Toronto/Montreal nonstop authority.[4]

Currently, American provides a daily one-stop round trip in the San Francisco-Toronto market; United provides a daily two-stop westbound flight only; while Canadian Pacific provides two daily three-stop flights westbound, and a daily three-stop flight eastbound. There is presently no single-plane service in the San Francisco-Montreal market. We further note that the San Francisco-Toronto market generated over 66,000 true O&D passengers during calendar year. 1975, while the San Francisco-Montreal market generated over 23,000 true O&D passengers.[5]

Hughes Airwest (Docket 28251) and Western Air Lines (Docket 29114) have filed applications for amendments of their certificates of public convenience and necessity to include Spokane-Vancouver nonstop authority. Airwest has also filed a motion for hearing.[6]

Upon consideration of the foregoing and other pertinent matters, we have determined (a) to institute a proceeding for the purpose of considering the need for U.S.-flag service between San Francisco, on the one hand, and Toronto and Montreal, on the other hand; (b) consolidate for hearing the applications of American and United insofar as they conform to the scope of this proceeding; and (c) deny the motion of Airwest for hearing on its application for Spokane-Vancouver authority.

American and United have not submitted sufficient information for us to determine the environmental consequences of the proposed certificate amendments at this time. Therefore, we will require these carriers and any other carrier filing an application in this proceeding to file the information set forth in Part 312 of the Board's Procedural Regulations within 30 days of the date of adoption of this order.

Turning to the Spokane-Vancouver market, during calendar year 1975, only 3,960 true O&D passengers traveled between those points.[7] In view of the extremely small size of the market and the lack of Canadian authority on the route, we have determined that neither the needs of the market nor the maintenance of U.S.-flag position in the market requires an immediate hearing, with its attendant use of the Board's limited resources.

Looking ahead, we contemplate the institution of proceedings, consistent with the Board's workload to consider the grant of new authority over the Los Angeles-Montreal, Cleveland-Toronto/Montreal, Detroit-Montreal, and Houston/Dallas-Fort Worth-Toronto/Montreal routes all of which, with the exception of Cleveland-Toronto,[8] are not effective for the U.S. until April 1979. The issue of the Los Angeles-Montreal market will be set for hearing within 6 to 9 months and the other routes within 12 to 18 months.

In view of the fact that the bilateral agreement provides that the same U.S. carrier must be authorized to serve both the Los Angeles-Toronto and Los Angeles-Montreal markets and that American already has nonstop authority in the former market, we believe that it will be essential, in considering the Los Angeles-Montreal route and in the interests of equity and flexibility, to reexamine the question of carrier selection in the Los Angeles-Toronto market, and to consequently place in issue the suspension/deletion of American's authority in the Los Angeles-Toronto market.

Lastly, we note that Continental Air Lines has filed a motion, in Docket 27932, wherein the carrier requests that the Board promptly institute a proceeding or proceedings designed to implement the bilateral air transport agreement between the United States and Canada. To the extent not granted by our actions taken herein, the motion of Continental will be denied at this time.

Accordingly, *It is ordered*, That:

1. A proceeding to be known as the San Francisco-Toronto/Montreal Route Proceeding, Docket 30782, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

2. The proceeding instituted by paragraph 1 above shall include consideration of the following issues:

a. Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in nonstop foreign air transportation between San Francisco, California, on the one hand, and Toronto, Ontario and Montreal, Quebec, on the other hand?

b. If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

c. What conditions, if any, should be placed on the operations of such carrier(s)?

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[1] TIAS No. 7824.

[2] The agreement provides that United States carrier service on the San Francisco-Toronto portion of this route shall not be inaugurated prior to April 30, 1978, while service over the San Francisco-Montreal portion shall not be inaugurated prior to April 29, 1979. Authority for a Canadian carrier over the entire route becomes effective on April 29, 1979.

[3] This authority became effective upon the date the agreement was signed. The agreement provides for only United States carrier service on the Spokane-Vancouver route.

[4] American has recently been awarded route authority in the Chicago-Montreal Route Proceeding (Docket 21932) that permits the carrier to provide single-plane San Francisco-Montreal service. American has indicated that it plans to introduce such service in the near future.

[5] Source: Air Passenger Origin and Destination—Canada-United States Report 1975 (Ottawa: Ministry of Industry, Trade and Commerce, July, 1976.)

[6] Western filed an answer in opposition to Airwest's motion for hearing stating that Airwest had not submitted the information required by the Board's rules. Airwest responded by filing a motion to defer action on its motion and, on August 26, 1976, filed an amended motion for hearing. On March 23, 1977, Airwest filed a motion for a determination on its request for hearing.

[7] Source: Air Passenger Origin and Destination—Canada-United States Report 1975.

[8] A temporary award on this route was made to Allegheny to run until 60 days after final decision on the permanent certification of a carrier for the route. Order 76-5-66, April 28, 1976.

3. Insofar as they conform to the scope of the proceeding set forth in paragraph 2 above, the applications of American Airlines, in Docket 27538, and United Air Lines, in Docket 27730, be and they hereby are consolidated with the proceeding instituted by paragraph 1 above; to the extent not consolidated, the foregoing applications be and they hereby are dismissed with out prejudice;

4. American Airlines, United Air Lines, and any other carrier filing an application in this proceeding, shall file an environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 30 days of the date of adoption of this order;

5. The motions of Hughes Airwest for hearing of its application for nonstop authority between Spokane, Washington, and Vancouver, British Columbia, in Docket 28251, be and they hereby are denied;

6. To the extent not granted herein, the motion of Continental Air Lines for prompt institution of proceedings designed to implement the air transportation agreement between the United States and Canada, in Docket 27932, be and hereby is denied; and

7. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days from the date of adoption of this order and answers thereto shall be filed within ten days thereafter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12198 Filed 4-27-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Tuesday, May 17, 1977, at 9:00 a.m. in Room 5230 Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including tehnical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review the findings of each member on the lower category of microprocessor applications.

(4) Review of the higher level usage of microprocessor applications.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 8, 1976, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3012 U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on December 28, 1976 (41 FR 56377).

Date: April 25, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.77-12202 Filed 4-27-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

CHANGE OF MISSION AT FORT STEWART, GEORGIA

Filing of Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army, on April 20, 1977, provided the Council on Environmental Quality, a Draft Environment Impact Statement (DEIS) concerning the permanent stationing of the 24th Infantry Division (—) at Fort Stewart and Hunter Army Airfield, Georgia, and the conversion of this Unit from an infantry to a mechanized division.

Copies of the statement have been forwarded to concerned Federal, State and local agencies. Interested organizations or individuals may obtain copies from Commander, 24th Infantry Division (—) and Fort Stewart, Attention: AFZP-FEC, Fort Stewart, Georgia, 31313, telephone 912-767-4798.

In the Washington area, inspection copies may be seen during normal duty hours in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone 202-694-3434.

CHARLES R. FORD,
Acting Assistant Secretary of the Army (Civil Works).

[FR Doc.77-12141 Filed 4-27-77;8:45 am]

Department of the Navy

ALTERNATIVE PIPELINE ROUTES FROM NAVAL PETROLEUM RESERVE NO. 1 (ELK HILLS), TUPMAN, CALIFORNIA

Public Hearings and Availability of Draft Environmental Impact Statement

Notice is hereby given that public hearings will be held for the purpose of receiving oral and written statements and testimony concerning the Draft Environmental Impact Statement (DEIS) for the construction of a pipeline to convey up to 250,000 barrels per day of crude oil from Naval Petroleum Reserve No. 1 (Elk Hills), Tupman, California to market. The public hearings will be held on the following dates at the following locations and times:

MAY 18, 1977

City Council Chambers, City Hall, Sixth and Elm Streets, Coalinga, California. The hearing will run from 1:00 p.m. to 5:00 p.m.

in the afternoon, with the evening session beginning at 7:00 p.m.

MAY 20, 1977

City Council Chambers, 1501 Truxton Avenue, Bakersfield, California. The hearing will run from 9:00 a.m. to 11:45 a.m., 2:00 p.m. to 5:00 p.m., with the evening session beginning at 7:00 p.m.

MAY 21, 1977

Auditorium at "The Fort," North Tenth and West Ash Streets, Taft, California. The hearing will run from 9:00 a.m. to 11:45 a.m. and 1:00 p.m. to 3:30 p.m.

MAY 23, 1977

City Council Chambers, 990 Palm Street, San Luis Obispo, California. The hearing will run from 2:00 p.m. to 5:00 p.m., with the evening session beginning at 7:00 p.m.

MAY 24, 1977

Hilton Inn, 600 Esplanade Drive, Oxnard, California. The hearing will run from 9:00 a.m. to 11:45 a.m., 2:00 p.m. to 5:00 p.m., with the evening session beginning at 7:00 p.m.

MAY 26, 1977

Convention Center, 303 North E Street, San Bernardino, California. The hearing will run from 9:00 a.m. to 11:45 a.m., 2:00 p.m. to 5:00 p.m., with the evening session beginning at 7:00 p.m.

The express purpose of this pipeline construction is to provide pipeline capacity for the transport of crude oil from Elk Hills at the maximum efficient rate of production as directed by Public Law 94-258, enacted April 5, 1976. The law requires pipeline completion by April 5, 1979. The draft statement is in three parts, reflecting three different crude oil pipeline routes presently being considered: (1) Elk Hills to Coalinga, California; (2) Elk Hills to Port Hueneme, California; (3) Elk Hills to Standard Oil of Ohio (SOHIO), proposed pipeline near Redlands, California. Final route selection is anticipated in late 1977 after the ultimate action on the SOHIO route, the comments received pertaining to this DEIS, and other factors can be assessed. In the meantime, this DEIS for three alternative routes is being processed so that the project can proceed promptly to construction and meet the April 5, 1979, date after route selection is made.

Interested individuals, representatives of organizations, and public officials wishing to make oral presentations at the hearings should contact the Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Elk Hills, P.O. Box 40, San Bruno, CA 94066 prior to May 13, 1977. Written comments concerning the DEIS also will be received by the Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Elk Hills, until June 29, 1977. Oral statements at the hearings will be limited to ten (10) minutes, unless previous arrangements for more time have been made. Written copies of these comments are not required; however, if they can be made available at the time of the hearings it will be appreciated. To the extent that time remains after the presentations by those who have given advance notice, the hearing officer will provide others present an opportunity to make a statement. Since all presentations will become a part of the record, it is requested that no presentation be made at more than one location.

A copy of the DEIS is available for review at the following locations:

Aveny Branch Library, 236 Fresno, Avenal, CA 93204.
San Luis Obispo County Library, Avila Beach Branch, 191 San Miguel, Avila Beach, CA 93424.
Kern County Library, 1315 Truxton Avenue, Bakersfield, CA 93301.
Coalinga Unified School District Library, 305 North 4th Street, Coalinga, CA 93201.
Colton Public Library, 380 North La Cadena Drive, Colton, CA 92324.
Fresno County Public Library, 2420 Mariposa Street, Fresno, CA 93721.
Kings County Library, 401 North Douty Street, Hanford, CA 93230.
Los Angeles Public Library, 320 West Temple Street, P.O. Box 111, Los Angeles, CA 90053.
Oxnard Public Library, 214 South C Street, Oxnard, CA 93030.
Palmdale Library, 902 East Avenue 09, Palmdale, CA 93550.
Port Hueneme Library, 510 Park Avenue, Port Hueneme, CA 93041.
Santa Barbara Public Library, 40 East Anapamu Street, P.O. Box 1019, Santa Barbara, CA 93102.
San Bernardino County Library, 104 West 4th Street, San Bernardino, CA 92415.
San Luis Obispo County Library, 888 Morro Street, San Luis Obispo, CA 93401.
Taft Branch Library, 27 Emmons Park Drive, Taft, CA 93268.
Ventura County Library Services Agency, 651 East Main Street, P.O. Box 771, Ventura, CA 93001.

Copies of the DEIS also are available at cost from the Officer in Charge of Construction, Naval Facilities Engineering Command Contracts Elk Hills, P.O. Box 40, San Bruno, CA 94066.

For further information contact Mr. Richard T. Russell, P.E., Environmental Coordinator, Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Elk Hills, P.O. Box 40, San Bruno, CA 94066, telephone number 415-871-6600, extension 2507.

Dated: April 22, 1977.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.77-12115 Filed 4-27-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

MODEL CODE FOR ENERGY CONSERVATION IN NEW BUILDING CONSTRUCTION

Public Meeting

The Energy Research and Development Administration (ERDA) is guiding, and providing research and development support to the major national building code organizations in their efforts to develop a model energy conservation code for new building construction. The National Conference of States on Building Codes and Standards (NCSBCS) is coordinating the work in this area by the Building Officials and Code Administrators International, Inc. (BOCA), the International Conference of Building Officials (ICBO), and the Southern Building Code Congress International, Inc. (SBCC).

This model code is being developed to serve two major purposes.

First. To provide, in language compatible with current building codes, energy conservation standards for new building construction that are based upon the technical criteria developed by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), known as ASHRAE Standard 90-75.

Second. To take into account codes reflecting a concern for energy conservation that have already been developed by various model code groups. This was done to ensure that the model code is compatible, and therefore, acceptable to all the concerned code groups. In contrast to other available codes which have not considered all of the building components and/or building types included in the ASHRAE Standard 90-75, this new model code takes a more comprehensive approach.

This model code will be of particular interest to state and local officials responsible for preparing and implementing "State Energy Conservation Plans" as described under Title III of Pub. L. 94-163, known as the "Energy Policy and Conservation Act of 1976" (EPCA).

The ERDA issued a "Request for Public Comments" on the preliminary draft of this model code in the FEDERAL REGISTER, Volume 42, Number 38, on February 25, 1977, 42 FR 11037. All comments were to have been submitted no later than March 31, 1977, to the prime contractor of this joint effort: The National Conference of States on Building Codes and Standards.

Notice is hereby given by ERDA that a Public Meeting will be held to assure that all comments and recommendations have been received from all segments of the public and private industry which might be affected by this model code.

This Public Meeting will be held for one day on May 12, 1977, from 9:00 a.m. to 5:00 p.m. (local time) in the Georgetown Room, Key Bridge Marriott Hotel, 1401 Lee Highway (Rosslyn), Arlington, Virginia.

The Public Meeting will provide an opportunity for interested persons or organizations to participate through submission of written comments, suggestions, or oral presentations. An agenda will be prepared for both "scheduled speakers" and open discussion. Interested persons or organizations wishing to appear as "scheduled speakers" must submit the name of the speaker and a copy of the prepared comments no later than the close of business on May 5, 1977. All written comments should be sent to the primary contractor of this joint effort: The National Conference of States on Building Codes and Standards, 1970 Chain Bridge Road, McLean, Virginia 22101.

Technical review of comments will be made by the members of the team responsible for developing the model code.

GENE G. MANNELLA,
Acting Assistant Administrator for Conservation.

[FR Doc.77-12239 Filed 4-27-77;8:45 am]

ADVISORY COMMITTEE ON GEOTHERMAL ENERGY; LEGAL AND INSTITUTIONAL SUBCOMMITTEE

Meeting

APRIL 26, 1977.

In accordance with provisions of Pub. L. 92-463 (Federal Advisory Committee Act), the Legal and Institutional Subcommittee of the Advisory Committee on Geothermal Energy will hold its first meeting on Friday, May 13, 1977, from 10:30 a.m. to 4:30 p.m., Room 2575, Tishman Building, 525 Market Street, San Francisco, California. This meeting will be open to the public. The purpose of this meeting is: to review plans and activities of the Division of Geothermal Energy, U.S. Energy Research and Development Administration; in particular, to discuss and to provide advice on programs and approaches to effective government-industry cooperation with respect to legal and institutional problems in the development of geothermal energy.

Then tentative agenda for the meeting is as follows:

10:30 a.m. Introductory Remarks—Mr. Joseph W. Aidlin, Chairman.
11:00 a.m. Consideration of Tax Legislation.
12:30 p.m. Lunch.
1:30 p.m. Consideration of Environmental Policy.
3:00 p.m. Revision of Leasing Procedures and Requirements.
4:30 p.m. Adjournment.

Practical considerations may dictate alterations in the above agenda. This will be a working meeting and the Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business. With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than May 7, 1977, to the Director, Division of Geothermal Energy, U.S. Energy Research and Development Administration, 20 Massachusetts Avenue, NW., Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on May 9, 1977, to the Division of Geothermal Energy, Energy Research and Development Administration, Helen Krupovich on 202-376-4904 between 8:30 a.m. and 5 p.m., e.s.t.

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

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

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

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

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77-12277 Filed 4-27-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 720-2; OTS-081004]

CANDIDATE LIST OF CHEMICALS

Availability

On March 9, 1977 the Environmental Protection Agency (EPA) published proposed regulations (40 CFR Part 700, 710; 42 FR 13130) for compilation of the inventory of chemical substances required by section 8(b) of the Toxic Substances Control Act (90 Stat. 2003, 15 U.S.C. 2601 et seq.) on April 12, 1977, the Agency published a supplemental notice to these proposed regulations, 42 FR 19298. Both of these notices explained that in order to aid in compilation of the initial inventory, EPA would publish a candidate list of chemicals which we have reason to believe have been manufactured or processed in the United States during the period July 1, 1974, to the present. This notice announces the availability of the candidate list. Persons are referred to the notice of proposed rulemaking for the way in which the Agency proposes to use this document.

EPA will make one copy of the candidate list, either printed or microfiche, available to each interested organization and to individuals who are not associated with interested organizations at no cost as long as supplies last. Additional copies may be obtained through the Government Printing Office.

1. A request for either a printed or microfiche copy should be sent to:

Candidate List, OTS (TS-799), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The mail stop notation (TS-799) must be on the request.

The coupon at the end of this notice may be used for a request. All requests must contain the firm name, address, city, state, and zip code and the name and signature of the orderer. Copies cannot be mailed unless the zip code is provided. Requests will be processed on a first come, first served basis, and the candidate lists will be mailed as soon thereafter as possible. (NOTE.—Some persons have been incorrectly advised that being on the Industry Assistance Office mailing list will automatically provide them with a candidate list. This is not true; each party desiring a copy must make application.)

2. Alternatively, a copy, either printed or microfiche, may be acquired at any one of the EPA Regional Offices listed below. Persons picking up these copies will be required to sign for them giving their own name and organization name and address. Regional Office will not mail candidate lists. However, Regional Office personnel can assist in answering questions with regard to the inventory and the reporting requirements.

Region I—Boston, MA 02203. Attn: Dr. Charles Lincoln, Room 2203, JFK Fed. Bldg., 617-223-5126.
Region II—Edison, NJ 08817. Attn: William Librizzi, Bldg. 209, Raritan Depot, 201-321-6673.
Region III—Phila., PA 19106. Attn: Ralph Rhoades, 6th and Walnut Streets, 215-597-4058.
Region IV—Atlanta, GA 30308. Attn: Asa B. Foster, 345 Courtland St. NE., 404-881-3454.
Region V—Chicago, IL 60604. Attn: Karl Bremer, 230 South Dearborn Street, 312-353-2072.
Region VI—Houston, TX 75270. Attn: Dr. Norm Dyer, 1201 Elm St., First Int'l. Bldg., 214-749-1121.
Region VII—Kansas City, MO 64108. Attn: Dr. Max Wilcomb, 1735 Baltimore Street, 816-374-3037.
Region VIII—Denver, CO 80203. Attn: Ralph Larsen, 1860 Lincoln Street, 303-837-3926.
Region IX—San Francisco, CA 94111. Attn: Bob Kuykendall, 100 California Street, 415-556-3352.
Region X—Seattle, WA 98101. Attn: Dr. Jim Everts, 1200 6th Avenue, 206-442-1030.

3. Additional printed copies may be obtained by written request from:

Superintendent of Documents, Government Printing Office (GPO), Washington, D.C. 20402.

Requests should specify the document number as follows: GPO No. 055-007-00001-2 and be accompanied by check or money order in the amount of $14.00 per copy.

4. Additional microfiche sets may be obtained from:

National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

These requests should indicate No. PB 265-371 and be accompanied by check or money order in an amount of $9.00 per microfiche set.

5. A computer-readable version of the candidate list may be obtained by written request to:

Computer List, OTS (TS-557), Attn: Kenneth Olsen, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All requests must be signed by an official of the organization requesting the tape, and each written request must include the organization's specific agreement to the following conditions:

(a) The tape may be used only within the organization's internal operations. Neither copies of the tape nor information derived therefrom may be distributed outside the organization.

(b) The tape and all copies made therefrom shall be returned to OTS or certified in writing as destroyed by December 1, 1977.

Persons requesting the computer-readable version of the candidate list are required to purchase the Chemical Abstracts service User Documentation for the Toxic Substances Control Act Candidate List of Chemical Substances in Computer-Readable Form. This documentation package is available from Chemical Abstracts Service (CAS) at a price of $50.00. Requests for the documentation package must be accompanied by payment and should be addressed to:

Marketing Department, Chemical Abstracts Service, P.O. Box 3012, Columbus, OH 43210.

A sample magnetic tape containing CAS Registry Nomenclature data in Standard Distribution Format is included as part of the documentation package. This tape will be distributed in 9-track mode, either at a density of 800 bpi or at a density of 1600 bpi. The tape will be distributed with a standard IBM OS/360 label or with "no label." When ordering the documentation package, the requester must specify the density option and the label option required.

Neither EPA nor CAS shall provide software to search the computer-readable version of the candidate list.

Potential requestors of this tape are advised to carefully consider the value of trying to match complex chemical names in a computer system as opposed to using the alphabetical listing available in the printed inventory. As an additional aid, a structure search computer system (SSS) developed by EPA is available. This SSS system allows the user to dial a commercial computer, enter the structural diagram, and have the candidate list searched to determine if that structure is in the data base. The result of the search is a CAS Registry Number, code designation number, and all available CAS names and synonyms. For details and cost, contact the EPA Industry Assistance Office (202/755-0535).

6. The Government Printing Office has arranged to place a copy of the candidate list in each of its own Regional Depository Libraries and in the more than 1,000 depository libraries throughout the country. The State librarian or local library can assist in identifying the location of the nearest depository library.

Instructions for actual reporting will be forthcoming when the regulations proposed in the March 9 FEDERAL REGISTER notice are finalized. In the interim, Regional personnel and the Industry Assistance Office in headquarters will assist in any way possible to prepare for reporting.

Comments and suggestions on the candidate list should be addressed to:

John B. Ritch, Jr., Office of Toxic Substances (TS-788), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Any comments received will be included in the public file of comments regarding the proposed inventory reporting requirements and will be available for public inspection at the Office of Toxic Substances, Room 715, East Tower, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, from 8:30 a.m. to 4:30 p.m., Monday through Friday.

Dated: April 22, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

Candidate List (TS-799)
Environmental Protection Agency _____ (Date)
401 M Street, S. W.
Washington, D. C. 20460

Gentlemen:

Please mail to the address below one (1) copy of the candidate inventory list in

☐ Hard Copy Printed Form ☐ Microfiche

_____
Name
_____
Firm Name
_____
Address or P. O. Box
_____
City State Zip

_____
Signature

[FR Doc.77-12122 Filed 4-27-77;8:45 am]

CHEVRON CHEMICAL CO. AND E. I. DU PONT DE NEMOURS CO.

[FRL 719-6; PF69]

Filing of Pesticide Petitions

Pursuant to the provisions of Section 403(d)(1) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP7F1910. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. Proposes amending 40 CFR 180.205 by establishing a tolerance for residues of the pesticide paraquat (1,1-dimethyl-4,4'-bipyridinium) in or on the raw agricultural commodity beans (dry) at 0.3 part per million (ppm). Proposed analytical method for determining residues is by freeing the paraquat cation with sulfuric acid, reduction by sodium dithionite, and determination by spectrophotometer. PH25 (202/426-2632).

PP7F1909. E. I. du Pont de Nemours and Co., Wilmington DE 19898. Proposes amending 40 CFR 180.303 by establishing a tolerance for the combined residues of the insecticide oxamyl (methyl N',N'-dimethyl-N-[(methylcarbamoyl)oxy]-1-thiooxamidate) in or on the raw agricultural commodity citrus fruits at 3 ppm. Proposed analytical method for determining residues is a gas chromatographic procedure using a flame photometric detector. PH12 (202/426-9425).

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide

Programs, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 18, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-12127 Filed 4-27-77;8:45 am]

[PP6F1671/PW9; FRL 719-5]

FMC CORP. PESTICIDE PETITIONS

Withdrawal

On March 12, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 10709) that FMC Corp., 2000 Market Street, Philadelphia, PA 19103 had filed a petition (PP 6F1671). This petition proposed the establishment of tolerances for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl - 7 - benzofuranyl - N - methylcarbamate); its carbamate metabolite 2,3 - dihydro - 2,2 - dimethyl - 3 - hydroxy - 7 - benzofuranyl - *N* - methylcarbamate; and its phenolic metabolites 2,3 - dihydro - 2,2 - dimethyl - 7 - benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, 2,3 - dihydro - 2,2 - dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity onions (dry bulbs only) at 1 part per million (ppm), of which no more than 0.4 ppm is carbamates.

FMC Corp. has withdrawn this petition without prejudice in accordance with the regulations (40 CFR 180.8 pertaining to Section 408 of the Federal Food, Drug, and Cosmetic Act 346a(d)).

Dated: April 18, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-12126 Filed 4-27-77;8:45 am]

[FRL 719-7; OPP-210008]

ENDRIN: RISKS AND BENEFITS FROM PINE MOUSE CONTROL IN ORCHARDS

Public Hearing

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of Public Hearing.

SUMMARY: There will be a one day informational hearing to solicit comments and information relevant to EPA's review of the risks and benefits associated with the use of endrin in orchards located in the northern portion of the geographic range of the pine mouse. The hearing will be held on Thursday, May 19, 1977, in the Conference Room, Department of Environmental Conservation Regional Headquarters, 21 S. Putt Corners Road, New Paltz, New York 12561. On the afternoon of Wednesday, May 18, a field trip to inspect local orchards is planned.

FOR FURTHER INFORMATION CONTACT:

Dr. Stanley Fenichel, Pesticide Branch, EPA Region II, 26 Federal Plaza, New York, New York 10007, 212-264-8359.

SUPPLEMENTARY INFORMATION: The EPA published a notice of rebuttable presumption against registration (RPAR) on endrin on July 27, 1976 (41 FR 31316), setting forth an account of the apparent risks associated with the use of endrin. Prior to any decision to take regulatory action, it is desirable that a risk/benefit analysis be conducted on a use-by-use basis. While benefits data have been received through the U.S. Department of Agriculture concerning the use of endrin to control pine mice (*Microtus pinetorum*) in orchards in Georgia, South Carolina, North Carolina, Virginia, West Virginia, and Maryland, it has come to EPA's attention that the State of New York, which cancelled this use of endrin in 1970, has experienced some difficulty in controlling pine mice with alternative methods. Additionally, other States on the northern limits of pine mouse distribution (Ohio, Pennsylvania, Delaware, New Jersey, and the New England States) do not necessarily recommend the use of endrin for this purpose and have not been included in our present economic analysis. The EPA wishes to have a full record, where possible, to aid in its regulatory decisions; therefore, an informational hearing has been scheduled.

EPA is especially interested in obtaining reliable estimates of damage caused by pine mice, infested acreage, efficacy of substitutes, relative costs of alternative methods, and documentation of any adverse effects on man or the environment. For the latter, such evidence may include, but is not limited to, mortality of non-target organisms such as fish and wildlife. Further, EPA solicits information and comments relating to the cancellation of such use in New York and the rationale for the lack of a recommendation for use of endrin for this purpose by several States.

Interested persons are invited to attend this public hearing and to submit oral or written statements if they so desire. However, there will be time limitations for oral presentations; anyone wishing to make an oral statement is requested to contact Dr. Stanley Fenichel for additional instructions. A written copy of any oral remarks must be submitted at the time they are made. Written statements will be accepted at the hearing or may be mailed to Dr. Fenichel at the address given above. A report indicating EPA's current understanding of the economics of pine mouse control is available on request (single copies only) from the Office of Special Pesticide Review (WH-566), Office of Pesticide Programs, EPA, ATTN: Dr. Barbehenn, 401 M Street SW., Washington, D.C. 20460, 202-755-8050.

(Section 21(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 7 U.S.C. 136(a) et seq.).

Dated: April 21, 1977.

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

[FR Doc.77-12120 Filed 4-27-77;8:45 am]

[FRL 720-1; OPP-210009]

ENDRIN: RISK/BENEFIT EVALUATION FOR CONTROL OF CUTWORMS ON SMALL GRAINS

Public Hearing

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of Public Hearing.

SUMMARY: There will be a one day informational hearing to solicit comments and information relevant to EPA's review of the risks and benefits associated with the use of endrin to control army and pale western cutworms on small grains. The hearing will be held on Thursday, May 26, 1977, in Room 140, Federal Building, 601 East 12th Street, Kansas City, Missouri.

FOR FURTHER INFORMATION CONTACT:

Mr. John C. Wicklund, Pesticide Branch, EPA Region VII, 1735 Baltimore Avenue, Kansas City, Missouri 64108 (816) 374-3036.

SUPPLEMENTARY INFORMATION: The EPA published a notice of rebuttable presumption against registration (RPAR) on endrin on July 27, 1976 (41 FR 31316), setting forth an account of the apparent risks to man and the environment associated with the use of endrin. One concern was the massive incident involving the use of endrin to control army cutworms on wheat in Kansas and Oklahoma during February-March, 1976. While some misuse seems apparent in this episode, there remains substantial question as to the practical extent to which environmental contamination and human exposure from this use can be avoided or minimized. Available data from Kansas indicates that some contamination of fish was still present at least 3 or 4 months after the episode.

Data provided by the U.S. Department of Agriculture has been used to assess the benefits associated with the use of endrin to control cutworms on small grains. EPA wishes to determine how the risks might be minimized by appropriate restrictive actions at the Federal, State, and local level; therefore, an informational hearing has been scheduled.

Subjects to be covered may include, but are not limited to, the use of scouting, estimating economic thresholds, methods of application, efficacy of substitute chemicals, weather factors, label restrictions, special state or local restrictions, educational programs, monitoring programs, restrictions on fishing and damage compensation.

Interested persons are invited to attend this public hearing and to submit oral or written statements if they so desire. However, there will be time limitations for oral presentations; anyone wishing to make an oral statement is requested to contact Mr. John Wicklund for additional instructions. A written copy of any oral remarks must be submitted at the time they are made. Written statements will be accepted at the hearing or may be mailed to Mr. Wicklund at the address given above. Post-hearing statements will be welcome prior to June 15, 1977, and should be directed to the Office of Special Pesticide Review (WH-566), Office of Pesticide Programs, EPA, ATTN: Dr. Barbehenn, 401 M Street SW., Washington, D.C. 20460, 202-755-8050.

(Section 21(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: April 21, 1977.

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

[FR Doc.77-12121 Filed 4-27-77;8:45 am]

[FRL 719-1]

PROPOSED TECHNICAL GUIDANCE MANUAL FOR EVALUATING COOLING WATER INTAKE STRUCTURES AND THERMAL DISCHARGES

Availability and Request for Comments

Section 316(a) of the Federal Water Pollution Control Act (86 Stat. 816, et seq.; 33 U.S.C. 1251 et seq., hereinafter referred to as the "Act") provides that whenever a discharger can demonstrate to the satisfaction of the Administrator (or, if appropriate, the State) that a proposed thermal effluent limitation is more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, the Administrator (or the State) may impose a less stringent limitation with respect to the thermal component of the discharge.

Section 316(b) of the Act requires that the location, design, construction and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

Notice is hereby given that the United States Environmental Protection Agency has prepared proposed technical-guidance manuals to assist the permitting authority, industry and members of the public in designing and implementing appropriate biological and engineering studies and other projects associated with the collection of data and information for consideration by the permitting authority in its evaluation of cooling water intake structures and discharges of waste heat. Copies of the proposed manuals can be obtained by writing to:

Industrial Permits Branch, Permits Division (EN-336), Office of Water Enforcement, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Interested persons are invited to submit written comments on the proposed manuals to the Industrial Permits Branch at the above address. All comments received on or before July 1, 1977, will be considered.

In addition, the Agency is also concerned with a number of issues that are outside the subject matter of the manuals, but nevertheless are important in decision-making under section 316. Comments and suggestions are requested on the section 316 process in general, including: (1) The extent to which, if at all, the balanced, indigenous aquatic community must be determined with reference to existing water quality (for example, can the balanced, indigenous aquatic community be defined in terms of an existing water quality, which is characterized by an assemblage of predominately pollution-tolerant organisms) and (2) the criteria for identifying situations, particularly where the balanced, indigenous aquatic community contains migratory or transitory populations, in which the scope of the study should be expanded beyond the immediate water body.

The publication and distribution of these proposed manuals do not constitute a statement of limitation on the scope of the Agency's duties and responsibilities under the Act.

Dated: April 21, 1977.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

[FR Doc.77-12124 Filed 4-27-77;8:45 am]

[FRL 719-8; OPP-180114]

TEXAS DEPARTMENT OF HEALTH RESOURCES

Issuance of a Specific Exemption To Use Strychnine Sulfate To Control Rabid Feral and Stray Dogs

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Texas Department of Health Resources (hereafter referred to as the "Applicant") to use 5,000 tablets of strychnine sulfate for the control of rabid feral and stray dogs in Laredo, Texas. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303) which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-315, Washington, D.C. 20460.

The section 18 regulations provide that the Administrator may grant an emergency exemption to a Federal or State agency when the following conditions exist:

(a) A pest outbreak has or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use. 40 CFR 166.1.

The exemption was also subject to the provisions of 40 CFR Part 164, specifically, Subpart D, published in the FEDERAL REGISTER on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. Therefore, the exemption cannot be granted without the requirement of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 6 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and

(2) That there is no other feasible solution to such risk; and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and

(4) That the public interest requires the granting of the requested use as soon as possible. 40 CFR 164.133.

It should also be noted that a rebuttable presumption exists against registration of rodenticide products containing strychnine and strychnine sulfate which are registered for outdoor, above-ground use (see FEDERAL REGISTER of December 1, 1976, p. 52810); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

According to the Applicant, an epizootic of rabies began on November 26, 1976,

and is continuing in Laredo, Texas. As of January 31, 1977, thirty-eight (38) humans had taken the post-exposure treatment as a result of this outbreak. Nineteen (19) of those people were bitten by confirmed rabid dogs and nineteen others were contacts of sufficient significance to require vaccination treatment. On February 1, the City Council of Laredo declared an emergency and urgently requested the Applicant to initiate a poison bait program as a supplemental method in controlling the feral and stray dogs. The Applicant estimated that the population of these animals in Laredo is between 6,000 to 7,500. The Applicant believes that the initial epizootic may have reached its upper limits of individual cases, but the secondary cases with possible incubation periods ranging from three weeks to six months are yet to come. A stray dog pickup program is already in effect in Laredo. However, if the stray dog pickup does not meet its anticipated effectiveness, the poison bait plan may be required to reach the goal of 5,000 stray dogs eliminated by the end of July, 1977.

The Applicant stated that the poison bait program will be initiated when either (a) confirmed rabies cases in dogs exceed five (5) in a given week, or (b) there is an accumulated total of ten (10) confirmed rabies cases in dogs in a month, or (c) a human death occurs as a result of rabies. The proposed program is described below.

The poison to be used is strychnine sulfate, which will be purchased in tablet form containing 2 grains active ingredient. Five thousand (5,000) of these tablets will be needed for this program. Each tablet will be placed in a one inch cube of either condemned beef or horse carcass not suitable for human consumption. Each bait will have the outside surface coated with green or blue dye for easy identification and to serve as a detractant to man. The individual bait will be offered to an observed dog, which will be watched until the bait is taken. Any animal taking the bait will be removed from the area following death, and taken to the designated disposal unit. If the bait is refused, it will be retrieved. This technique will be used in the residential area of the city, and the baits will be placed only on city property, such as streets and sidewalks. No baits will be placed on private property. Only the employees of the Zoonosis Control Division of the Texas Department of Health Resources will perform the poison bait program. All poisoned carcasses and unused baits will be buried at least six feet deep in an appropriate landfill.

In conjunction with this stray dog poisoning program, the Fish and Wildlife Service of the U.S. Department of the Interior is initiating a feral dog elimination program. It is offering its personnel and trap equipment to control these feral dogs. If the feral dog program does not produce the desired results, it may be necessary to place poison baits in four areas on the perimeter of the city at dark, and retrieve the baits before daylight the next day. These areas consist of city dumping grounds and landfills and are delineated on a map of Laredo submitted with this application. The number of baits used in this special project would not exceed one hundred (100) on any one night. A thorough mapping of the bait sites will be kept, along with an audit plan to assure complete knowledge of the pesticide used in these special areas. All Agencies responsible for allowing use of the pesticide will be notified immediately of the projected initiation date

On March 9, 1972, the Administrator of EPA cancelled and suspended the registration of strychnine and 1080 (sodium monofluoroacetate) for predator control, without distinguishing between rabid and non-rabid predators. Dogs would be included in this suspension order. The order was not contested, and consequently, no fact finding hearings were held.

EPA has determined that an extremely critical situation has occurred in Laredo, Texas, and that the proposed program would aid in containing the present rabies epidemic. The Atlanta office of the Center for Disease Control of the U.S. Department of Health, Education, and Welfare has advised EPA that a public health emergency does exist in Laredo, and that all appropriate measures, including poison bait programs, should be taken immediately in order to alleviate this emergency.

In light of the above information and pursuant to the controlling regulations, the EPA has determined that (a) a pest outbreak of rabid stray and feral dogs has occurred in Laredo, Texas; (b) there is no pesticide presently registered for use in suppressing populations of rabid stray and feral dogs; (c) the application presented a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health; (d) there was no other feasible solution to such human health risk; (e) the time available to avert the risk to human health was not sufficient to convene a hearing; and (f) the public interest required the granting of the request use as soon as possible. Accordingly, the Applicant was granted a specific exemption to use the pesticide noted above until August 31, 1977, to the extent and in the manner set forth in the application. The specific exemption was also subject to the following conditions:

1. Tablets containing 2 grains of strychnine sulfate will be used. The dosage rate will be one (1) tablet per one inch cube of meat;

2. Each bait will have the outside surface coated with a green or blue dye for identification purposes and to detract humans;

3. The individual bait will be offered to an observed dog, which will be watched until the bait is taken. Any animal taking the bait will be removed upon death and taken to a designated disposal site. If the bait is refused, it will be retrieved;

4. The citizens of Laredo, Texas, shall be kept informed of this poisoning program through appropriate media;

5. Baits will be placed on city property only;

6. If poison baits are left overnight in the four areas designated on the map around the perimeter of Laredo, appropriate safeguards such as warning signs, should be taken to prevent unauthorized persons from coming in contact with these baits. Uneaten baits and poisoned carcasses will be removed by daylight the next morning;

7. All carcasses and unusued bait will be buried at least six feet deep in an appropriate landfill;

8. This program will be initiated when one of the following occurs: (a) confirmed rabies cases in dogs exceeds five in one week, (b) there is an accumulated total of ten confirmed rabies cases in dogs in a month, or (c) a human death occurs as a result of rabies;

9. The EPA will be notified by telegram immediately upon initiation of this program;

10. Up to 5,000 tablets of strychnine sulfate may be used; and

11. Only the employees of the Zoonosis Control Division of the Texas Department of Health Resources are authorized to perform this poison bait program.

Dated: April 20, 1977.

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

[FR Doc.77-12125 Filed 4-27-77;8:45 am]

[FRL 718-8]

GREAT LAKES WATER QUALITY AGREEMENT

Open Public Meetings

Article IX of the Great Lakes Water Quality Agreement of 1972 stipulates that "the Parties shall conduct a comprehensive review of the operation and effectiveness of this Agreement during the fifth year after its coming into force." The United States and Canada are now in the process of this review, which will assess the effectiveness of both countries' efforts to improve the water quality of the Great Lakes. Federal, state, and provincial agencies in both countries will be examing the programs created to carry out the provisions of the Agreement and seeking new and more effective ways to restore and preserve this largest freshwater resource in the world.

In the United States, responsibility for the review of the technical aspects of the Agreement has been vested in a Senior Review Group under the chairmanship of Barbara Blum, Deputy Administrator of the Environmental Protection Agency. Membership includes senior staff from all interested U.S. Federal and state agencies.

Desirous of having maximum public input in the review process, the Senior Review Group will hold four public meetings to allow Great Lakes area citizens and interested groups to express their concerns and make suggestions directly to members of the review group, who will also answer questions on all aspects of the Agreement.

The meetings are scheduled as follows:

JUNE 3, 1977—DULUTH, MINNESOTA

Duluth Radisson Hotel, Great Hall, Fifth Avenue West and Superior Street, Duluth, Minnesota; 10 a.m.-4 p.m.

JUNE 6, 1977—CHICAGO, ILLINOIS

Pick Congress Hotel, Florentine Room, 520 South Michigan, Chicago, Illinois; 10 a.m.–4 p.m.

JUNE 7, 1977—DETROIT, MICHIGAN

Detroit Cadillac Hotel, 1114 Washington Boulevard, Detroit, Michigan; 10 a.m.–4 p.m.

JUNE 14, 1977—ROCHESTER, NEW YORK

Americana of Rochester, Ball Room, 70 State Street, Rochester, New York; 10 a.m.–4 p.m.

Written comments and suggestions will be welcomed until July 1, 1977. They may be addressed, as may any questions regarding the meetings, to:

Conrad O. Kleveno, Executive Secretary, U.S.-Canada Agreement, U.S. Environmental Protection Agency (A-106); 401 M Street SW., Washington, D.C. 20460, 202-755-8712.

Dated: April 22, 1977.

G. WILLIAM FRICK,
General Counsel,

[FR Doc.77-12123 Filed 4-27-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PRIVACY ACT OF 1974

System Cancellation: EEOC-1

Notice is hereby given that the Equal Employment Opportunity Commission (hereafter, the Commission) voted on April 19, 1977, to cancel, its system of records designated "EEOC-1, Affirmative Action Plan Employee Data." This system was published at 41 FR 42170. The records described under the heading "EEOC-1" were those furnished to the Dallas Regional Office by employers who, as provided for at subsection 705(g)(3) of Title VII, sought technical assistance in the development of affirmative action plans. The Dallas Regional Office of the Commission no longer maintains such files. Accordingly, the system is hereby cancelled, effective upon publication of this notice.

Signed at Washington, D.C., this 20th day of April, 1977.

ETHEL BENT WALSH,
Vice Chairman.

[FR Doc.77-12140 Filed 4-27-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21201; FCC 77-269; File No. TS 46-75]

AMERICAN SATELLITE CORP. AND SOUTHWESTERN BELL TELEPHONE CO.

Memorandum Opinion and Order

Adopted: April 14, 1977.

Released: April 26, 1977.

In the Matter of American Satellite Corporation, Complainant v. Southwestern Bell Telephone Company, Defendant.

1. We have before us for consideration (1) a formal complaint filed on October 23, 1975 pursuant to section 208 of the Communications Act of 1934, by American Satellite Corporation (Complainant) against Southwestern Bell Telephone Company (Defendant); (2) an answer, including a request for dismissal, timely filed on December 8, 1975 by Defendant; and (3) a reply to the answer and an opposition to the request for dismissal timely filed on December 23, 1975 by Complainant.

2. Complainant alleges that, during the period between July 9, and September 30, 1975, certain actions of Defendant caused serious service impairments and interruptions to its customer, the Exxon Corporation in Houston, Texas, and asserts that these actions caused irreparable harm to its business relationship with Exxon, expenditure of thousands of dollars in unnecessary technician maintenance fees, and loss of hundreds of dollars in revenue because of required refunds to Exxon for impaired or interrupted service. Complainant contends that Defendant's actions violated sections 201(b) and 202(a) of the Communications Act, 47 U.S.C. 201(b) and 202(a). In addition, Complainant alleges that Defendant engaged in practices which foreclosed the establishment of through routes and denied interconnection services similar to those it provides to the Long Lines Department of its parent company, AT&T, and thereby knowingly violated the Commission's cease and desist order in Docket No. 19896. (See Bell System Tariff Offerings, 46 FCC 2d 413, 439 (1974), aff'd sub nom Bell Tel. Co. of Pennsylvania v. FCC, 503 F. 2d 1250 (1974), cert. den., 422 U.S. 1026 (1975).) Complainant also contends that Defendant violated the terms and spirit of the settlement agreement in Docket No. 20099 as it pertains to testing procedures to be followed by Bell System companies. See AT&T et al. (Offer of Facilities for Use by Other Common Carriers, 52 FCC 2d 727, 733, 740 (1975), and Appendix D thereto).[1] As relief, Complainant requests that we: (1) impose forfeitures pursuant to Section 205 of the Act (47 U.S.C. 205) of $1,000 per offense per day totalling $1,328,000; (2) impose forfeitures pursuant to Section 202 of the Act (47 U.S.C. 202) totalling $2,575; and (3) order payment of damages pursuant to sections 206 and 207 of the Act (47 U.S.C. 206, 207) of $11,697.65 to cover alleged employee-related costs and loss of revenue.

3. Complainant is a domestic satellite communications common carrier authorized to establish interstate channels of communication. During June of 1975, Defendant installed, at the request of Complainant, voice grade local distribution facilities and trunk terminating equipment for 23 circuits serving Exxon's Los Angeles, California and Houston, Texas facilities. These circuits together with Complainant's satellite circuits replaced private line terrestial circuits previously provided to Exxon by AT&T Long Lines. The ASC circuits were terminated in Defendant-provided Centrex equipment located on Exxon's premises

[1] The issues presented by the complaint involve application of policies we have developed in past proceedings concerning a specialized common carrier's need to interconnect with carriers having local exchange facilities in order to provide its customers with end-to-end service. See Specialized Common Carrier Services, 29 FCC 2d 870 (1971), aff'd sub nom, Washington Utilities and Transportation Commission v. FCC, 513 F 2d 1142 (9th Cir. 1975); Domestic Communications Satellite Facilities 35 FCC 2d 844 (1972). We have required established carriers with local exchange facilities to provide in their tariffs an option to permit specialized common carriers and their customers, including domestic satellite carriers such as the Complainant, to obtain from the local exchange carrier, local distribution service or facilities under reasonable terms set forth in the tariffs and to insure access by all satellite carriers, on nondiscriminatory terms, to those interconnection facilities that are necessary for originating or terminating the interstate services they are authorized to provide. We ordered AT&T and its subsidiary operating companies in Docket No. 19896 to furnish to specialized common carriers the interconnection facilities essential to the rendition of all of their authorized interstate and foreign communications services, including interconnection by the specialized carriers into a telephone company's local exchange facilities for the purpose of furnishing Foreign Exchange (FX) services or for the purpose of insertion into telephone company Common Control Switching Arrangements (CCSA). We further ordered AT&T and the Bell System companies to cease and desist from engaging in policies and practices which denied such facilities and directed them to file with the Commission tariff schedules to cover interconnection facilities for all authorized interstate and foreign communications services of specialized common carriers. Those tariffs were the subject of our review in a subsequent proceeding, Docket No. 20099 which culminated in a Settlement Agreement between AT&T, the associated Bell Companies and the other carriers party to it (including the Complainant). The agreement, in part, permitted the offer of interconnection facilities without many of the restrictions formerly imposed by the tariffs, enlarged the scope of the offering, established new levels of charges for certain categories of facilities, and, particularly important to the complaint now before us, established generally applicable operating and technical relationships between Bell and other common carriers. In accepting the settlement as a disposition, without prejudice, of Docket No. 20099, we stated that we believed that its terms, including the responsibilities undertaken by the parties, ". . . are in the public interest because they expedite and further the implementation of established Commission policy." Offer of Facilities for Use by Other Common Carriers, 52 FCC 2d at 732 (1975). In addition, we stated that we expected all parties to the Settlement Agreement to, not only comply with its terms, but also to adhere to its spirit. Finally, we made it clear that no one was precluded from bringing to our attention any matter believed to require our action. (We note that tariff provisions effective subsequent to the filing of the complaint herein limit the telephone company's responsibility for problems concerning the connection of satellite circuits to the switched telephone network. See Satellite Facilities for Communications Services et al., 61 FCC 2d 139 (1976).)

in Houston. On July 9, 1975, Complainant allegedly identified a problem with the circuits, improper terminal balance or improper echo return loss. Complainant alleges that excessive echo within the circuits was experienced because of improperly configured trunk terminating equipment supplied by Defendant. The excessive echo was allegedly caused by impedance imbalance resulting from the improper adjustment of trunk terminating equipment called "hybrids," the purpose of which was to enable the balancing of the impedances of the four-wire ASC-provided trunk terminating on the two-wire Defendant-provided Centrex switching equipment. When the hybrids were properly adjusted, echo in the circuits was minimized, thereby maximizing a parameter know as echo return loss. When the hybrids were improperly adjusted, an unacceptable degree of echo was experienced. Complainant points out, and Defendant does not deny, that the hybrids associated with the EXXON circuits and adjustments thereto were at all times under the exclusive control of Defendant.

4. On July 9, 1975, Complainant wrote to Defendant in an attempt to report the problem its customer was experiencing. Receiving no reply, Complainant contacted Defendant by telephone on August 8, 1975 and was allegedly informed that repair work would be completed by August 22, 1975. No such work was accomplished by that date, and the tests requested by Complainant were not begun until September 22, 1975. Complainant also alleges that, despite frequent contacts between the two parties prior to September 22, 1975, Defendant not only declined to provide technicians and craftsmen to assist ASC technicians, but refused to admit that any problem existed and represented the circuits to be good. On September 22, 1975, Defendant conducted certain tests and allegedly again represented to Complainant that all circuits reported good. However, Complainant contends that, although its independent voice tests still showed the continued existence of an unacceptable degree of echo, Defendant refused to cooperate with ASC technicians in running duplicate tests to verify its conclusions. Complainant states that on September 23, 1975, it was informed by Defendant that only two of the twenty-three circuits involved had actually been tested. On September 25, 1975, Defendant provided a craftsman to assist ASC technicians. Complainant's test findings indicated that sixteen of the twent-three circuits did not meet specification requirements contained in the Bell System's OCCEI-2 (Interface Descriptions for Bell-Provided Station Equipment Which Terminates An Other Common Carrier Channel At A Customer Premises),[2] specifically, that sixteen circuits 1975, Defendant found that all of the circuits with a bad echo return loss were improperly equipped with 990 ohm hybrids while the good circuits were provided with 600 ohm hybrids. The circuits were modified, adjusted and tested on September 30, 1975 to indicate an echo return loss within the normal range for circuits of their type. However, Complainant contends that Defendant's refusal to recognize the existence of a problem and conduct appropriate tests without delay, misrepresentation of the facts, and general lack of cooperation was contrary to the spirit of the Settlement Agreement in Docket No. 20099. Furthermore, Complainant claims that as a result of Defendant's actions, Exxon unfairly assumed that Complainant could not properly engineer circuits, could not secure the cooperation of the telephone company, and therefore could not provide quality end-to-end service.

5. Defendant moves to dismiss the complaint for failure to state any claim or cause of action under the Communications Act, the Commission's Rules, or an order issued by the Commission because (1) Complainant lacks standing to bring the complaint; and (2) no violation of a Commission order or rule has been shown. In support, Defendant first points out that the trunk terminating equipment involved was actually provided to EXXON pursuant to Complainant's request and at no time during the period in question was there any defect or deficiency in the local loop voice grade facilities provided to Complainant between the EXXON premises and Complainant's terminus in Houston. Secondly, Defendant contends that there was no discrimination against Complainant or violation of the Commission's cease and desist order in Docket No. 19896 since there were not material differences in transmission parameters in the trunk terminating equipment provided to EXXON when it received private line service from AT&T and the trunk terminating equipment furnished to EXXON for use in conjunction with Complainant's services.

6. Defendant generally denies all allegations of lack of cooperation with Complainant and unreasonable delay in processing Complainant's trouble reports. As affirmative defenses, Defendant first alleges that Complainant's acceptance of the circuits and termination facilities at the time of the cutover precluded its subsequent complaint of violation of the Act or Commission orders.[3] In support, Defendant states that cutover procedures requested by Complainant were followed without complaint and that Complainant accepted the circuits after its representative conducted voice tests had a measured echo return loss of 9dB or less. Complainant alleges that although Defendant's technicians thereafter conducted further tests, they refused to continue to work cooperatively with ASC technicians. On September 29, on each circuit.[4] Secondly, Defendant maintains that Complainant's July 9, 1975 letter, and the test results attached thereto, did not allege with sufficient specificity the problem it purported to reflect to enable proper analysis. Defendant contends that the letter, which it claims was not received until July 22, 1975, alleged inconsistency in performance and violations of interface specifications, but failed to specify such inconsistent performance or what violations of interface specifications occurred. Defendant therefore contends that the letter was not reasonable notice of the existence of any condition for which it was responsible. Finally, Defendant disputes Complainant's method of computation of forfeitures and argues that Complainant is not entitled to recover the damages it seeks. Defendant asserts that computation of forfeitures must allow reasonable time for corrective action to be taken, and contends that any violation of the Act or of a Commission order with regard to the circuits can only be construed as a single violation and not a separate violation for each circuit since the circuits were one package requested by one order. Defendant's claim that Complainant is not entitled to recover damages is based on the argument that the damages allegedly incurred were not attributable to the local loop voice-grade circuits provided to Complainant, but only to trunk termination facilities provided to EXXON at the request of Complainant. However, assuming that Complainant is entitled to recover damages, Defendant argues that its liability is limited by § 2.1.3(B) and 2.4.4(A)(1) of its Tariff F.C.C. No. 65 (Facilities for Other Common Carriers).[5]

DISCUSSION

6. We will deny Defendant's motion for dismissal of the complaint. We be-

[2] OCCEI-2 refers to bulletin number two of Bell-other common carrier engineering interface specifications prepared pursuant to Docket 20099 upon consultation with other common carriers such as Complainant.

[3] The period during which Defendant installed the terminating equipment is called the "cutover period."

[4] Defendant also points out that Complainant's order on behalf of EXXON for trunk terminating equipment and local loop voice-grade facilities specified the reuse of house cable pairs then in use on EXXON's premises for Bell System services. It states that the trunk terminating equipment was therefore the very same equipment that previously had been used in providing Bell System private line services, that no changes were made during installation and that Complainant did not mention at that time any problem of excessive echo or terminal imbalance.

[5] Section 2.1.3(B) of Defendant's Tariff F.C.C. No. 65 provides:

The liability of the Telephone Company for damages arising out of delays in installation or restoration of facilities or out of mistakes, omissions, interruptions, or errors or defects in transmission occurring in the course of providing facilities shall in no event exceed the amount of the allowance, if any, available under 2.4.4 following. There shall be no liability to the Telephone Company for damages arising out of the fault of facilities or equipment furnished by other than the Telephone Company or caused by the negligence of other than the Telephone Company.

Section 2.4.4(A)(1) provides:

For facilities within an exchange no credit shall be allowed for an interruption of less than 24 hours. The OCC shall be credited for an interruption of 24 hours or more at the rate of 1/30 of the monthly charge for the facility for each period of 24 hours or major fraction thereof that the interruption continues from the time of notice to the Telephone Company that an interruption has occurred.

lieve that Complainant has stated a cause of action under the Communications Act as required by Section 1.722 of our rules[6] and has standing to bring the instant complaint. Section 208 of the Act provides that "any person" may apply to this Commission by petition concerning "* * * anything done or omitted to be done * * *" by a common carrier subject to the Act. Thus, standing to bring a complaint under the Act is not limited to customers of a carrier, but includes "any person" alleging a violation of a provision of the Act, a Commission order, or a Commission rule or regulation.[7] Section 208 of the Act also provides that, "No complaint shall at any time be dismissed because of the absence of direct damage to the complainant." Complainant is entitled to bring the instant complaint under that section. It is also clear that Complainant may seek damages under Sections 206 and 207 of the Act for any violation of the Act which may be found upon complaint to this Commission. See *Cruces Cable Company, et al.*, 35 FCC 2d 707, 709 (1972). Section 206 provides that if any carrier commits an act prohibited by the Communications Act, the carrier may be held liable for damages. Section 207 in turn holds that "any person" claiming to be so damaged may either make a complaint to this Commission respecting the damages or may file suit in federal district court. The instant complaint expressly alleges economic injury resulting from violations of both the Act and our cease and desist order in Docket No. 19896 and the Settlement Agreement in Docket No. 20099. Violations of our cease and desist order would be contrary to section 205 and violations of the Settlement Agreement could constitute unreasonable practices under sections 201(b) and 202(a) of the Act. Complainant has standing to bring a complaint for recovery of damages caused by any violations of the Act whether they occurred in connection with facilities acquired directly from Defendant by Complainant for its own use, or facilities provided to its customer as part of the end-to-end service it offers.

7. Defendant's argument that no violation of any Commission order is stated in the complaint is misplaced. In order to state a cause of action under the Act, our rules require that a complainant specify the provision of the Act, or Commission order or rule or regulation alleged to have been violated and the facts claimed to constitute such violation. A complainant is not required to conclusively demonstrate in the complaint that a violation has occured, but merely is required to allege facts, which if proven true, would constitute a violation of the Act, or of a Commission order, rule or regulation. The arguments asserted by Defendant in its motion for dismissal go to the merits of the complaint and not to its legal sufficiency.

8. Defendant's conduct as set forth in the pleadings before us raises serious questions whether it is failing to comply with the letter and spirit of our orders in Docket Nos. 19896 and 20099 or unreasonably delaying implementation of our policy decisions upon which they are based. See footnote 1. We cannot accept, on their face, the affirmative defenses raised by Defendant which appear to avoid the heart of the issue before us. Complainant's acceptance of the circuits following cutover procedures does not preclude it from bringing the instant complaint. Difficulty with facilities not detected upon acceptance may be discovered later when the facilities are in use. The Setttlement Agreement itself anticipates the possibility of occassional trouble reports and provides procedures to be followed by both the Bell System company and the other common carrier (OCC) involved. Manifestly, Complainant's acceptance of the circuits did not preclude it from submitting a later trouble report to Defendant with the reasonable expectation that Defendant's personnel would initiate the required trouble identification and reporting procedures. The issue before us is not the effect of Complainant's acceptance of the circuits following the installation procedure, but rather the effect of Defendant's pattern of conduct following receipt of Complainant's July 9, 1975 letter.

9. The letter, on its face, constitutes a trouble report. The Settlement Agreement provides that when an OCC assumes trouble report handling in multicarrier systems, it will routinely make tests of its portion of the facilities when appropriate to provide initial isolation of its services. The Settlement Agreement also provides:

> When OCC services are not apparently involved or where initial tests do not indicate failure of OCC facilities, the report will be referred to Bell with pertinent report detail and any preliminary test information, including the circuit identification number when possible. If sectionalized to the Bell provided End Link or LVGE, the OCC will refer the trouble to the appropriate Bell TRCO for clearance. Offer of Facilities for Use by Other Common Carriers, supra at 814.

Complainant's letter stated that tests were conducted on the circuits involved to determine "* * * the degree of balance of the hybrid in the number six interface."[8] The letter indicated that the test results showed "* * * an inconsistency in performance and violation of the number six interface specification * * *," and attached a copy of those test results (including identification of the circuits involved). It specifically requested Defendant to study the information contained therein and to contact the Complainant so that corrective action could be planned. Therefore, we cannot agree with Defendant that the letter failed to give reasonable notice of the existence of any condition for which it may have been responsible.

10. We are given no indication that Defendant made any attempt to clarify with Complainant any difficulty it had in determining the precise nature of the trouble complained of in the letter. In fact, it does not appear that any response to the trouble report was made by Defendant until Complainant made further inquiry on August 8, 1975. Thus, even if we were to accept Defendant's assertion that it did not receive the letter until July 22, 1975, we are not provided with an explanation of what action, if any, was taken during the 17-day period prior to August 8, 1975, other than that the letter was forwarded to Defendant's Trouble Reporting Control Office (TRCO).

11. Defendant's apparent pattern of unresponsiveness to Complainant's trouble report clearly raises a question of whether Defendant engaged in an unreasonable practice. The Settlement Agreement requires that a Bell test center, upon receipt of a trouble report from an OCC, will make circuit identification and sectionalization tests and, if the trouble is sectionalized to Bell facilities, will repair those facilities.[9] The Settlement Agreement further provides:

> The telephone company trouble test center, upon receipt of the trouble report, will conduct independently or cooperatively with the OCC any additional test required to identify and clear the trouble. On those cases where dispatch is required, the Operating Telephone Company will dispatch the first available qualified repair craftsman in the order in which trouble reports are received.
>
> After each trouble report requiring the dispatch of a craftsman to the OCC patron's premise or OTC switch room, the telephone company craftsman upon completing work on the facility or terminating equipment will contact the Trouble Report Control Office (TRCO). The TRCO will advise the OCC that the trouble has been cleared. The tests required by the OCC may consist of giving an open or short on each pair to verify con-

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[6] Section 1.722 provides:

A formal complaint shall be so drawn as to advise the Commission and the defendant fully wherein the provisions of the Communications Act, or an order, rule, or regulation of the Commission have been violated, as to the facts claimed to constitute such violation, including such data as will identify with reasonable certainty the communications, transmission, or other services complained of (as well as any other appropriate facts elicited by § 1.723); and as to the relief sought.

[7] Section 3(1), 47 U.S.C. 153(1), of the Act defines "person" as an individual, partnership, association, joint stock company, trust or corporation.

[8] The term "number six interface" refers to the specification entitled "Interface No. 6" contained in Bell's OCCEI-2 (Interface Descriptions for Bell-Provided Station Equipment Which Terminates An Other Common Carrier Channel At a Customer Premises). The test results contained in Complainant's letter were expressed in terms of "singing path loss", a method of testing for imbalance used when the circuit is in an idle (or dialing) position. Complainant states that it is a test "* * * devised for special case application where an OCC desires to obtain a minimal feel for the balance of the termination, but does not have the cooperation of the local telephone company required to make echo return loss singing point tests." Sections D.2.C and D.4.B.1 of Interface No. 6 provide singing path loss requirements

[9] See Offer of Facilities for Use by Other Common Carriers, supra at 814.

tinuity, a talking test and/or the sending and receiving of a 1004 Hz tone in cases where the telephone company craftsman is equipped with the necessary test equipment. Upon satisfactory completion of these tests, the OCC will indicate to the Bell craftsman or TRCO acceptance of the restored circuit. See Offer of Facilities for Use by Other Common Carriers, supra at 815.

The provisions recognize the need for cooperative trouble identification between an OCC and the telephone company. This need is based on the premise that the telephone company may be in a position to conduct tests involving its facilities that cannot be conducted by an OCC or may be able to assist the OCC in conducting necessary tests involving both carriers' facilities. In response to Complainant's allegations that Defendant was uncooperative in providing craftsmen to assist its technicians, Defendant provides us with only a general denial. Furthermore, Defendant fails to provide us with a convincing explanation for the lengthy delay for isolating and correcting the echo return loss problem. Defendant admits that on August 8, 1975, it informed Complainant that it could not guarantee that any tests could be conducted prior to August 22, 1975 "* * * because of the heavy work volume * * *." Defendant also admits that testing was not initiated until a month after that date, on September 22, 1975 and, even then, only two of the twenty-three circuits involved were tested. We are informed that all twenty-three circuits were not, in fact, tested until September 25, 1975. Defendant further admits that corrective action was additionally delayed until September 30, 1975 because its personnel incorrectly computed echo return loss average in the initial tests.

12. The complaint therefore raises substantial questions of fact concerning Defendant's compliance with our cease and desist order in Docket No. 19896 and the Settlement Agreement in Docket No. 20099. Questions are raised whether Defendant hindered the establishment by Complainant of through routes between EXXON's Houston and Los Angeles offices and, in addition, denied Complainant reasonable interconnection services including maintenance service, similar to those provided to AT&T's Long Lines Department. Defendant's delay in acting upon the trouble report raises questions whether it has violated section 201(b) of the Communications Act by engaging in any unjust or unreasonable practice, and section 202(a) by subjecting Complainant to any "undue or unreasonable prejudice or disadvantage." We therefore will hold an evidentiary hearing to be held to resolve these issues.

13. Finally, it is clear that Defendant may limit its liability in the absence of willful misconduct. *Western Union Telegraph Company* v. *Esteve Brothers and Company*, 256 U.S. 567, at 569 (1921). We will designate an issue to determine whether any actions of the defendant found to be in violation of the Act entitling Complainant to damages under section 207 constitute willful misconduct. For any such finding made, § 2.1.3 (B) of AT&T's Tariff F.C.C. No. 65 will not apply to limit Defendant's liability. However, anticipating a finding that § 2.1.3(B) limits Defendant's liability, we will designate an issue to determine whether the measure of Defendant's liability as provided in § 2.4.4(A)(1) of the tariff is just and reasonable.

14. *Accordingly, it is ordered*, pursuant to sections 4(i), 4(j), 201, 202, 205, 206, 207, 208 and 209 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 202, 205, 206, 207, 208 and 209, That this matter is designated for hearing on the following issues:

(1) To determine the facts and circumstances surrounding the echo return loss problem experienced by Complainant's customer, EXXON Corporation, from July 9, 1975 to September 30, 1975 with regard to the twenty-three circuits provided by Complainant and terminating in Defendant-provided Centrex equipment on EXXON's premises in Houston, Texas;

(2) To determine what actions were taken by Complainant to determine the cause of the problem and obtain Defendant's assistance in correcting the problem;

(3) To determine whether the cause of the problem could only be isolated and corrected by the Defendant;

(4) To determine what actions were taken by Defendant to locate the source of and correct the cause of the problem;

(5) To determine what standards and procedures, if any, Defendant has developed pursuant to the Settlement Agreement in Docket No. 20099 for responding to trouble reports from OCCs and locating the source and correcting the cause of such reports, and whether such standards and procedures are similar to those that would be applied to AT&T Long Lines under circumstances similar to those determined in issue (1);

(6) To determine whether Defendant unreasonably delayed or was otherwise uncooperative with Complainant in responding to trouble reports from July 9, 1975 to September 30, 1975 and in locating the source and correcting the cause of the echo return loss problem in issue (1);

(7) To determine whether Defendant's pattern of conduct during the period from July 9, 1975 to September 30, 1975 was consistent with the requirement of the Settlement Agreement in Docket 20099;

(8) To determine whether Defendant violated the Cease and Desist Order issued in Docket No. 19896 by engaging in a practice, deliberate or otherwise, which foreclosed the establishment by Complainant of through routes for its customers, EXXON, or by denying to Complainant reasonable interconnection services, including maintenance service, similar to those provided to the AT&T Long Lines Department;

(9) To determine whether Defendant engaged in unjust and unreasonable practices in connection with the providing of interconnection facilities for interstate communications service to Complainant and EXXON, in violation of section 201(b) of the Act;

(10) To determine whether Defendant subjected Complainant to any undue or unreasonable prejudice or disadvantage in connection with the providing of interconnection facilities for interstate communications service to Complainant and EXXON in violation of section 202(a) of the Act;

(11) To determine whether forfeitures should be imposed pursuant to section 205 of the Act for any violations determined in issues (7) through (9) above;

(12) To determine whether forfeitures should be imposed pursuant to section 202 (c) of the Act for any violations determined in issue (10) above;

(13) To determine whether any of the actions of the Defendant found to be unlawful in issues (7) through (10) constitute willful misconduct;

(14) To determine whether the measure of Defendant's liability as provided in § 2.4.4 (A)(1) of AT&T's Tariff F.C.C. No. 65 is just and reasonable; and

(15) To determine what damages, if any, should be awarded to Complainant for any violation found under issues (7) through (10) above.

15. *It is further ordered*, That the hearing in this proceeding shall be held before an Administrative Law Judge at a time and place to be specified by subsequent order; and that such Administrative Law Judge shall, upon closing of the record, prepare and issue an initial decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's Rules (47 CFR 1.276 and 1.277), after which the Commission shall issue its decision as provided in § 1.282 of the Commission's Rules (47 CFR Section 1.282).

16. *It is further ordered*, That American Satellite Corporation, Southwestern Bell Telephone Company and the Chief, Common Carrier Bureau are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-12178 Filed 4-27-77;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

SPECIAL COMMITTEE No. 70

MINIMUM PERFORMANCE STANDARDS (MPS)—MARINE LORAN-C RECEIVING EQUIPMENT

Notice of 2nd meeting: Monday, May 16, 1977—10 a.m. (morning meeting only); Room 305-A, Federal Office Building, 26 Federal Plaza, New York, New York.

AGENDA

1. Call to order; introduction of moderator.
2. Introduction of attendees; appointment of secretary.
3. Adoption of agenda.
4. Report on first meeting, April 20, 1977.
5. Reports on work assignments.
6. Progress reports on incompleted work assignments.
7. Discussion of problem areas.
8. Review of terms of reference.
9. Solicitation of additional work assignments.
10. Other business.
11. Establishment of next meeting date.

HOWARD L. PETERSON,
Executive Secretary, RTCM.

SPECIAL COMMITTEE No. 66

RECEIVER STANDARDS FOR THE MARITIME MOBILE SERVICE

Notice of 39th meeting: Tuesday, May 17—9:30 a.m. (all-day meeting); Conference Room A-205, 1229 20th Street NW., Washington, D.C.

AGENDA

1. Call to order; chairman's report.
2. Adoption of agenda; appointment of rapporteur.
3. Acceptance of SC-66 summary record.
4. Continue preparation of MMS R-5, standard for "General Purpose Marine Receivers."
5. Discussion of problem areas.
6. Solicitation of work assignments.
7. Other business.
8. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 U.S. Highway No. 1, Elizabeth, N.J. 07202, Phone 201-527-0300.

SPECIAL COMMITTEE No. 65

SHIP RADAR

Notice of 55th meeting: Wednesday, May 18, 1977—1:30 p.m.; Conference Room 7317, 2025 M Street NW., Washington, D.C.

Working group schedule: Collision Avoidance W. G., Room 7317, May 18, 9:30 a.m.

AGENDA

1. Call to order; chairman's report; adoption of agenda.
2. Acceptance of SC-65 summary records; appointment of rapporteur.
3. Progress report of collision avoidance working group.
4. Progress report of basic radar working group.
5. Status reports on other working groups.
6. Mini-meeting of REWG.
7. Other business.
8. Establishment of next meeting date.

Irvin Hurwitz, Chairman, SC-65, Federal Communictaions Commission, Washington, D.C. 20554, Phone 202-632-7197.

EXECUTIVE COMMITTEE MEETING

THURSDAY, MAY 19, 1977

The next Executive Committee Meeting will be Thursday, May 19, 1977, at 9:30 a.m., in Conference Room 847, 1919 M Street NW., Washington, D.C.

AGENDA

1. Call to order; chairman's report.
2. Introduction of attendees; adoption of agenda.
3. Acceptance of minutes of executive committee meetings.
4. Progress reports on currently active committees.
5. Status reports on other committees.
6. Review of terms of reference for special committees.
7. New membership applications for executive committee approval.
8. Report on 1977 Valley Forge assembly meeting.
9. Acceptance of FY-1977 second quarter financial statements.
10. Appointment of budget finance working group.
11. Report on status of Lake Carriers' Association.
12. Appointment of constitution revision working group.
13. Discussion on MRT reprint and distribution planning.
14. Discussion of secretariat staffing.
15. Summary reports and announcements.
16. New business.
17. Establishment of next meeting date.

To comply with the advance notice requirements of Pub. L. 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat, phone 202-632-6490.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-12179 Filed 4-27-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NATURAL GAS ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Natural Gas Advisory Committee will hold a meeting Tuesday, May 24, 1977, at 10 a.m., Conference Room B, Old Labor Building, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.

This Committee was established to provide the Administrator, Federal Energy Administration, with advice with respect to implementation of programs that affect gas transmission and distribution activities.

The agenda for the meeting is as follows:

1. Scenarios for New Residential Hookups for Natural Gas Service.
2. Natural Gas Storage Requirements in Light of Increasing Residential Load for Natural Gas Sales.
3. Opinions by the Committee on an Accurate and Creditable Government Oil and Gas Reserve Estimation and Reporting System.
4. Briefing for the Committee on the Various Aspects of the President's Energy Policy Pertaining to Natural Gas.
5. Public Comment (10 Minute Rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, 202-566-9969, and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on April 22, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-12158 Filed 4-25-77;12:55 pm]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC., ET AL.

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 San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 18, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

American Export Lines, Inc.
Atlantic Container Line (G.I.E.)
Dart Containerline Co., Ltd.
Hapag-Lloyd AG
Sea-Land Service, Inc.
Seatrain International, S.A.
United States Lines, Inc.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, 17 Battery Place, Suite 727, New York 10004.

Agreement No. 10294, among American Export Lines, Inc., Atlantic Container Line (G.I.E.), Dart Containerline Co., Ltd., Hapag-Lloyd AG, Sea-Land Service, Inc., Seatrain International, S.A. and United States Lines, Inc. applies to shipments from, to or via Atlantic and Gulf ports of the United States moving in marine container units stuffed by shippers and/or stripped by consignees, or any agent or contractor of such shippers and/or consignees. The agreement applies to containers loaded with any number of mixed commodities by any person, as defined by the Shipping Act, 1916, but not limited to forwarders, consolidators and non-vessel operating common carriers, on behalf of any number of multiple shippers. The parties shall not make or give, directly or indirectly, any payment, allowance, or other compensation for the consolidation or deconsolidation of shipments subject to this agreement performed at any place other than a deepsea waterfront facility.

By order of the Federal Maritime Commission.

Dated: April 19, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12413 Filed 4-27-77;9:12 am]

INTER-AMERICAN FREIGHT CONFERENCE

Agreements Filed

Notice is hereby that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 18, 1977. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Kenneth D. Thornton, Executive Administrator, Inter-American Freight Conference, Section A, 17 Battery Place, New York, New York 10004.

Agreements Nos. 9648-A-9, 10 and 11 would amend, respectively, various articles of the Inter-American Freight Conference Agreement to (1) increase the admission fee from $5,000 to $15,000 and provide for the distribution of said fee among the four conference sections; (2) double the maximum dollar fines which may be imposed by the Neutral Body for the first, second, third, fourth and subsequent breaches of the conference agreement to, respectively, $20,000, $30,000, $40,000 and $50,000; and (3) increase from $15,000 to $30,000 the security bond required to be deposited with the conference by a member line.

Dated: April 22, 1977.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12252 Filed 4-27-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP77-54]

ARKANSAS LOUISIANA GAS CO.

Proposed Rate Increase

APRIL 21, 1977.

Take notice that Arkansas Louisiana Gas Company ("Arkla") on April 15, 1977 tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 3. The proposed changes affect one rate schedule, Arkla's FPC Gas Rate Schedule No. X-26, under which gas is sold to only one customer, namely, Cities Service Gas Company, at a point of delivery near Jane, Missouri, and would increase revenues from jurisdictional sales and service by approximately $2.2 million based on the 12-month period ending December 31, 1976, as adjusted. Arkla states that the rate increase is necessitated by a revenue deficiency caused by increases in plant and related cost of service items, including increases in costs of operation, services, taxes, employee wages, pensions and benefits and other costs. The proposed effective date is June 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12174 Filed 4-27-77;8:45 am]

[Docket No. ER77-223]

BANGOR HYDRO-ELECTRIC CO. AND CENTRAL MAINE POWER CO.

Notice of Initial Rate Filing

APRIL 22, 1977.

Take notice that Bangor Hydro-Electric Company (Bangor) and Central Maine Power Company (Central Maine) on March 3, 1977, tendered for filing as an Initial Rate Schedule an Electric Generating Capability Sales Agreement. Bangor and Central Maine indicate that the Agreement provides for the sale by Bangor to Central Maine of 41210 KW of electric generating capability during October 1, 1976 through October 31, 1976, and the total output associated therewith.

Bangor and Central Maine request that the Commission waive its notice requirements under Section 35.3 of its Regulations and allow the Agreement to become effective as of October 1, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should should be filed on or before May 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12216 Filed 4-27-77;8:45 am]

[Docket No. ER76-556]

BOSTON EDISON CO.

Notice of Filing of Settlement Agreement

APRIL 22, 1977.

Take notice that Boston Edison Company (Boston Edison) on April 20, 1977, tendered for filing to the Presiding Administrative Law Judge a Settlement Agreement between itself and the Braintree Electric Light Department (Braintree) and a Motion to Certify Settlement Agreement and Record to the Commission. Boston Edison states that the Settlement Agreement provides for a reduction in the transmission rate Edison has charged Braintree.

Boston Edison states that copies of the filing were served upon Braintree and

the Cambridge Electric Light Company, the other intervenor in the proceeding.

Any person desiring to protest said filing should file a protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.10). All such protests should be filed on or before May 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12217 Filed 4-27-77;8:45 am]

[Docket No. ER77-293]

CENTRAL ILLINOIS LIGHT CO.

Notice of Filing

APRIL 22, 1977.

Take notice that on April 8, 1977, Central Illinois Light Company (CIL) tendered for filing a series of letter agreements between CIL and the City of Springfield, Illinois (Springfield) which amended and supplemented the Interchange Agreement dated December 27, 1966 between CIL and Springfield (CIL Rate Schedule FPC No. 11) by increasing rates for certain services and by providing for additional services, as follows:

Rate changes

(a) *Maintenance energy*—The rate for maintenance energy was increased from a flat 5 mills per kWh to incremental (out-of-pocket) costs plus 10 percent.

(b) *Emergency energy*—The rate for emergency energy was increased from a flat 12.5 mills per kWh to 17.5 mills per kWh or incremental cost plus 10 percent, whichever is greater.

New services

(a) *Short term contract capacity*—This is firm capacity provided for purposes other than maintenance for a short period of time and on relatively short notice.

(b) *Short-term non-firm capacity*—This is non-firm capacity which is essentially surplus capacity of the seller.

CIL states that these letter agreements were necessary because the rates and services in the 1966 Interchange Agreement were no longer adequate to compensate the seller for service provided or to permit the benefits of coordination which were originally contemplated by that agreement to occur. The earliest of these letter agreements is dated February 15, 1974. CIL has requested waiver of the Commission's notice requirements in order to permit each of these letter agreements to become effective for the periods during which the transactions thereunder occurred.

Also on April 8, 1977, CIL tendered for filing an Interconnection Agreement dated December 15, 1976 between CIL and Springfield, which supersedes the 1966 Interconnection Agreement in its entirety. The 1976 Interconnection Agreement provides for service between CIL and Springfield under the following service schedules:

Service Schedule A—Capacity Additions, Demand and Reserve
Service Schedule B—Emergency Service
Service Schedule C—Coordination of Scheduled Maintenance of Generating Facilities
Service Schedule D—Interchange Energy
Service Schedule E—Short-Term Firm Power
Service Schedule F—Short-Term Non-Firm Power

CIL has requested waiver of the Commission's notice requirements so that the 1976 Interconnection Agreement may be made effective as of December 15, 1976, the date of its execution.

CIL states that the rates in the various letter agreements and/or the 1976 Interconnection Agreement will result in an increase in revenues for service to Springfield of more than $50,000. However, CIL states that these rates are no higher than the rates in interconnection agreements which it has with other utilities. Therefore, it has requested waiver of the requirements of Sections 35.13(b)(4) and 35.13(b)(5) of the Commission's regulations with respect to the submittal of a detailed cost of service study and testimony and exhibits in support of the rate increase. CIL has also requested waiver of the requirements of Section 35.13(b)(1) of the Commission's regulations with respect to comparative billing information, to the extent that such information has not been provided in its filing.

CIL states that Springfield concurs in the filing of each of the letter agreements and of the 1976 Interconnection Agreement, and in the requests for waiver of the Commission's regulations. Copies of the filing have been mailed to Springfield and to the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12213 Filed 4-27-77;8:45 am]

[Docket No. CP77-335]

COLORADO INTERSTATE GAS CO.

Application

APRIL 21, 1977.

Take notice that on April 12, 1977, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77-335 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon 13 minor measurement and related facilities formerly used in connection with gas sales and exchange arrangements, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon various minor measurement and related facilities, as follows:

1. *Powell Sales Meter Station*, Section 6, Block 3, AB&M Survey, Carson County, Texas.
2. *PEPL-Sanford Sales Meter Station*, Section 3, Block Y-2, T.T.R.R. Survey, Hutchinson County, Texas.
3. *Moore County Sales Meter Station*, Section 90, Block 46, H&TCRR Survey, Hutchinson County, Texas.
4. *Sneed Sales Meter Station*, Section "Shelton," Block 3, G&M Survey, Moore County, Texas.
5. *Straight Sales Meter Station*, Section 8, Township 5 North, Range 15 East, Texas County, Oklahoma.
6. *Michigan Wisconsin Sales Meter Station*, Section 31, Township 5 North, Range 21 East, Beaver County, Oklahoma.
7. *Rolla Sales Meter Station*, Section 4, Township 35 North, Range 40 West, Morton County, Kansas.
8. *Hickock Sales Meter Station*, Section 13, Township 29 South, Range 36 West, Grant County, Kansas.
9. *NNG-Hugoton (HFC No. 2) Sales Meter Station*, Section 29, Township 25 South, Range 35 West, Kearny County, Kansas.
10. *Phillips Sales Meter Station*, Section 6, Block 6T, T&NORR Survey, Moore County, Texas.
11. *Hooker Sales Meter Station*, Section 1, Township 4 North, Range 16 East, Texas County, Oklahoma.
12. *20-Inch Hooker Lateral*, Texas County, Oklahoma.
13. *PSC of Oklahoma Sales Meter Station*, Section 34, Township 6 North, Range 10 East, Caddo County, Oklahoma.

Applicant states that these 13 facilities were constructed and/or operated under authority granted in various dockets and are no longer required for use in connection with any of Applicant's existing operations. Applicant further states that reusable salvaged materials removed upon abandonment would be retained for future use elsewhere on its system.

It is stated that six of the facilities proposed to be abandoned are meter stations which were installed and operated to measure deliveries under short-term sales or exchange arrangements which have since expired. The meter stations which fall into this category are listed as follows:

Short-term sales/exchange meter stations

Meter station name	Other parties [1]	Special rate schedule	
		No.	Canceled
PEPL-Sanford	PEPL	X-6	June 18, 1959
	PEPL	X-19	Sept. 11, 1965
	PEPL	X-32	Jan. 1, 1969
Straight	Cities	X-10	Jan. 1, 1963
	Cities, PEPL	X-15	Do.
Michigan-Wisconsin.	Mich-Wisc	X-25	Dec. 15, 1967
Rolla	PEPL	X-6	June 18, 1959
	Cities, PEPL	X-15	Jan. 1, 1963
	PEPL	X-19	Sept. 11, 1965
Hickock	PEPL	X-6	June 18, 1959
	PEPL	X-19	Sept. 11, 1965
NNG Hugoton (HFC No. 2).	NNG	X-23	May 9, 1969

[1] The abbreviations used stand for: PEPL—Panhandle Easter Pipe Line Co., Cities—Cities Service Gas Co. Mich-Wis—Michigan Wisconsin Pipe Line Co., NNG—Northern Natural Gas Co.

Applicant states that the Powell, Moore County, and Sneed Sales Meter Stations, were last used to measure a portion of the deliveries to Natural Gas Pipeline Company of America (NGPL) under Applicant's Rate Schedule F-1, and since Applicant's field pressures upstream of the three meter stations have subsequently declined to levels substantially below the required pressures for delivery to NGPL, the three meter stations are no longer in use and both Applicant and NGPL agree that they should be abondoned and removed from the current service agreement between the parties for service under Rate Schedule F-1. Deliveries to NGPL have been consolidated at other delivery points under the Rate Schedule F-1 service agreement, it is said.

It is stated that the Phillips and PSC of Oklahoma meter stations were used to measure direct sales volume, and the Phillips Station was utilized in connection with a short-term direct sale to Phillips Petroleum Company (Phillips) to enable Phillips to maintain production of butadiene at its plant near Borger, Texas. The sales have been terminated; the meter station is no longer in use and is not expected to be useful in the future, it is said. Applicant states that the PSC of Oklahoma Station was used to measure short-term direct sales volumes to the Public Service Company of Oklahoma under an arrangement which involved a jurisdictional exchange with NGPL under Applicant's Rate Schedule X-29, and the exchange and sale were terminated and the rate schedule canceled effective May 10, 1970. Applicant further states that the Hooker Sales Meter Station and 20-inch lateral (approximately 1 mile in length) were constructed in 1954 in connection with a sale of gas to NGPL presently being made under Rate Schedule H-1. Applicant indicates that a new delivery point (Forgan) has been installed and Applicant and NGPL have now agreed that, operationally, it would be infeasible to utilize the Hooker delivery point in the future and that the meter station and lateral should be abandoned.

Applicant asserts that the 13 facilities proposed to be abandoned are no longer in service, and Applicant believes that there is no practical use for these facilities at their existing locations in the forseeable future. Applicant states that by abandoning and salvaging these pipeline and measurement facilities, it would be possible to make use of the salvage materials elsewhere on Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 13, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.-10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12168 Filed 4-27-77;8:45 am]

[Docket No. CP77-339]

COLUMBIA GAS TRANSMISSION CORP.

Application

APRIL 21, 1977.

Take notice that on April 13, 1977, Columbia Gas Transmission Corporation (Applicant) 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP77-339 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, measurement and compressor facilities and a new point of delivery of new gas supplies to National Fuel Gas Supply Corporation (National Fuel) in Warren County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that approximately 17,000 acres located primarily in Harmony Township, Chautauqua County, New York are presently under development and of this acreage, Applicant controls approximately 6,500 acres and independent producers control approximately 10,000 acres. It is stated that 43 wells, having average recoverable reserves of an estimated 200,000 Mcf per well, would be available for delivery by November 1, 1977 from this area, and of the 43 wells, Applicant would drill 6 wells, one of which is already completed and ready to be produced. Applicant states that pursuant to farmout and other agreements, it would obtain gas purchase rights for the remaining 37 wells and any future wells drilled in the development acreage. It is stated that pursuant to an advance payment agreement with Applicant dated August 7, 1975, Resource Exploration, Inc. (Resource) had drilled 62 gas wells and plans development of extensive acreage in the adjacent area of North Harmony Township, Chautauqua County, New York, with estimated recoverable reserves in the area of 17,000 Mcf. Applicant proposes the construction and operation of certain pipeline, measurement and compressor facilities in order to make these reserves available to to its existing interstate markets. It is stated that this new gas supply would be delivered to National Fuel at a new point of delivery located in Sugar Grove, Warren County, Pennsylvania and by displacement would become available to Applicant's existing interstate markets

Applicant proposes to construct and operate 9.8 miles of 6-inch transmission pipeline, a 350 horsepower compressor station and two related measuring facilities at a cost of approximately $1,281,-000, which cost Applicant states it would finance from funds generated internally.

Applicant states that a gas purchase measuring facility would be located in Chautauqua County, New York, at the north terminus of the proposed pipeline of which approximately 8.7 miles would be located in Chautauqua County, New York and approximately 1.1 miles would be located in Warren County, Pennsylvania. An interconnecting measuring facility would be located at the southern terminus of this proposed pipeline near the new point of delivery from Applicant to National Fuel, and the proposed compressor station would be located in Warren County, Pennsylvania near the southern terminus of the proposed pipeline, it is said.

It is indicated that both Applicant and National Fuel approved of the new point of delivery by a letter agreement dated September 1, 1976, and Applicant has agreed to reimburse National Fuel for the cost of any construction required to establish the proposed point of delivery.

It is stated that deliveries made to National Fuel near Sugar Grove would be a part of their total entitlement from Applicant, and deliveries to National Fuel

at currently existing points of delivery would be reduced by the amount of the deliveries made at Sugar Grove. Volumes delivered to National Fuel at Sugar Grove would, by displacement, become available to all of Applicant's existing interstate markets, it is said.

Applicant asserts that the proposed construction and operation of certain natural gas facilities would permit the delivery of a new supply of natural gas to the interstate market.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 13, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12167 Filed 4-27-77;8:45 am]

[Docket No. CP77-246]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Application

APRIL 22, 1977.

Take notice that on April 11, 1977, Columbia Gas Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Avenue, Houston, Texas 77027 (Applicants) filed in Docket No. CP77-246 a joint application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretation (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day for Wheeling-Pittsburgh Steel Corporation (Wheeling-Pittsburgh), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to transport up to 5,000 Mcf of natural gas per day for Wheeling-Pittsburgh for 2 years. Applicants state that Columbia Gulf would receive the subject gas at the tailgate of Exxon's Garden City plant, Louisiana from Trunkline Gas Company (Trunkline) and would redeliver such volumes to Columbia Transmission for Wheeling-Pittsburgh's account.

It is stated that Columbia Gulf would charge Wheeling-Pittsburgh 29.34 cents for such transportation services and would retain for company-use and unaccounted-for gas a percentage of the total volume of gas delivered into its system by Trunkline for Wheeling-Pittsburgh's account, which percentage is currently 2.5 percent.

Applicants state that Wheeling-Pittsburgh may arrange an alternate route to transport its available volumes of intrastate natural gas from New Mexico, and under such an alternate arrangement, Panhandle Eastern Pipe Line Company (PEPL) would deliver up to 5,000 Mcf of natural gas per day to Columbia Transmission at an existing point of receipt from PEPL in Lucas County, Ohio. The designation of the point of receipt from PEPL or Trunkline is to be at the sole discretion of Columbia Transmission and Columbia Gulf, it is said.

It is stated that Columbia Transmission would receive up to 5,000 Mcf per day from Columbia Gulf for Wheeling-Pittsburgh's account in Boyd County, Kentucky at an existing point of receipt or from PEPL in Lucas County, Ohio at an existing point of receipt and would transport and redeliver such gas for Wheeling-Pittsburgh's account to existing points of delivery to Columbia Gas of Ohio, Inc. (Columbia Ohio), Columbia Gas of West Virginia, Inc. (Columbia W. Va.) and Columbia Gas of Pennsylvania, Inc. (Columbia Pennsylvania), all of whom are wholesale customers of Columbia Transmission.

Applicants state that Wheeling-Pittsburgh has been advised by Columbia Ohio that on February 1, 1977, its Steubenville plant in Ohio would receive only plant maintenance gas, and that Columbia W. Va. and Columbia Pennsylvania had both increased curtailments to Wheeling-Pittsburgh plants. On January 31, 1977, Columbia Transmission was granted temporary authorization to transport up to 5,000 Mcf of natural gas per day for Wheeling-Pittsburgh in Docket No. CP77-165, and deliveries under such authorization commenced on February 4, 1977. Pursuant to the Commission order of February 24, 1977, amended March 2, 1977, Applicants received authorization to transport up to 7,000 Mcf of natural gas per day for Wheeling-Pittsburgh, and deliveries under the amended authorization commenced on March 5, 1977. Applicants state that this transportation agreement reduces the volumes proposed to be transported from 7,000 Mcf of natural gas per day to 5,000 Mcf of natural gas per day.

It is stated that Columbia Transmission would charge Wheeling-Pittsburgh 22.21 cents per Mcf and would retain for company-use and unaccounted-for gas a percentage of the total volume of gas delivered into its system by either Columbia Gulf or PEPL which is currently 3.1 percent.

Applicants state that Wheeling-Pittsburgh has contracted with Elk Oil Company (Elk) to purchase gas for a period of 184 days with the option to renew for a period ending March 31, 1978. Elk has contracted to sell a minimum of 2,000 Mcf of natural gas per day on a take or pay basis to Wheeling-Pittsburgh from certain of its leaseholds in Lea County, New Mexico, and Elk further agrees to a maximum delivery of 5,000 Mcf of natural gas per day, it is said. It is stated that Wheeling-Pittsburgh would pay Elk $2.25 per Mcf plus Btu adjustments for both the primary and renewal terms of the agreement.

Applicants assert that Wheeling-Pittsburgh, the ninth largest steel producer in the United States, is an integrated steel company manufacturing plates, hot and cold rolled sheets, coated sheets, tin mill products, welded and seamless tubular products and semi-finished steel.

The gas proposed to be transported is subject to diversion to Columbia Transmission in emergency periods when, in Columbia Transmission's sole judgment, such gas is required for the protection of Priority 1 requirements on its system, it is said.

Applicants state that they would not be required to construct any additional facilities to perform the proposed transportation services. Applicants further state that the volumes of natural gas proposed to be transported would be used for Priority 2 purposes, and specifically as plant protection and process fuel, and would be consumed at Wheeling-Pittsburgh plants located in Ohio, West Virginia and Pennsylvania.

It is stated that Wheeling-Pittsburgh has been notified by Columbia Ohio that effective February 1, 1977, its Steubenville plant in Ohio would be completely curtailed which would cause closure of that facility without the availability of "self help" gas (except for plant maintenance). It is indicated that Wheeling-Pittsburgh's other plants for which transportation is sought have been curtailed in the following manner:

[In 1,000 ft³/d]

Locations	Priority 2	
	Requirements	Curtailment
Martins Ferry, Ohio	1,849	1,053
Yorkville, Ohio	4,504	2,465
Beech Bottom, W. Va	775	207
Follansbee, W. Va	1,135	601
Benwood, W. Va	2,562	1,713
Wheeling, W. Va	550	135
Allenport, Pa	6,375	2,736
	All priorities	
Martins Ferry, Ohio	1,948	1,110
Yorkville, Ohio	4,529	2,486
Beech Bottom, W. Va	1,225	658
Follansbee, W. Va	1,358	823
Benwood, W. Va	2,881	2,033
Wheeling, W. Va	550	135
Allenport, Pa	11,536	7,653

Applicants indicate that Wheeling-Pittsburgh needs the gaseous fuels at its individual plants for processes for which it is not feasible to substitute an alternate fuel.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12214 Filed 4-27-77;8:45 am]

[Docket No. ER77-302]

THE CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

APRIL 22, 1977.

Take notice that on April 13, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated February 1, 1977 between (1) CL&P and The Hartford Electric Light Company (HELCO), and (2) Central Maine Power Company (CMP).

CL&P states that the Purchase Agreement provides for a sale to CMP of a specified percentage of capacity and energy from eleven gas turbine generating units (Norwalk Harbor, Devon, Enfield, Branford, Middletown, Torrington Terminal and South Meadow) during the period from February 1, 1977 to April 30, 1977 together with related transmission service.

CL&P states that questions as to CMP's Capability Responsibility Obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the Term of this Purchase Agreement affected the amounts of gas turbine capacity that could be purchased by CMP and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit CMP to receive urgently needed capacity, the Commission, pursuant to Section 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on February 1, 1977.

CL&P states that the capacity charge for the proposed service was a negotiated rate. The monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the NEPOOL Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts of winter capability which CMP is entitled to receive, reduced to give due recognition of the payments made by CMP for transmission services on intervening systems, and the variable maintenance charge was arrived at through negotiations.

HELCO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut and CMP, Augusta, Maine.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12228 Filed 4-27-77;8:45 am]

[Docket No. ES77-19]

DELMARVA POWER & LIGHT CO.

Application for Authority To Acquire Securities

APRIL 19, 1977.

Take notice that Delmarva Power & Light Company on March 4, 1977 filed its Application for authority to acquire certain long-term unsecured promissory notes of Delmarva Power & Light Company of Maryland, its wholly-owned subsidiary.

Under the Application, Delmarva asks authority from the Commission, under section 203 of the Federal Power Act, to purchase and acquire, from time to time during the period ending January 2, 1979, the aggregate amount of $23,800,000 in 30-year promissory notes of its Maryland subsidiary, together with additional notes in the aggregate amount of $4,200,000 to be issued by the Maryland subsidiary in refinancing certain 30-year promissory notes of the subsidiary maturing on various dates between April 1, 1977 and January 1, 1979. All such notes shall be purchased for cash, at face value plus accrued interest, if any, except that notes being refinanced shall be exchanged for new notes. The Maryland subsidiary will use the proceeds to provide funds for necessary facilities for the rendition of electric service within the territory served by the Maryland subsidiary, and to refinance outstanding obligations.

An Application has been filed with the Public Service Commission of Maryland for authority to Delmarva of Maryland to issue and sell the promissory notes described above, at a rate of interest to be established by the Commission, and for Delmarva to purchase and acquire such notes and to pledge them, when purchased, under its Deed of Trust with Chemical Bank, dated as of October 1, 1943.

Any person desiring to be heard, or to protest the above Application, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. Such petition or protest should be filed on or before April 29, 1977. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this Application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12171 Filed 4-27-77;8:45 am]

[Docket No. ER77-296]

ELECTRIC ENERGY INC.

Filing

APRIL 21, 1977.

Take notice that on April 12, 1977, Electric Energy, Inc. tendered for filing Supplement No. 9 to Rate Schedule FOC No. 8, dated March 11, 1977, and entitled "Third Revised Service Schedule B" to the Interim, Supplemental and Surplus Power Agreement, Amendment No. 5. This agreement is between Electric Energy, Incorporated (EEInc) and its Sponsoring Companies (Central Illinois Public Service Company (CIPS), Illinois Power Company (IP), Kentucky Utilities Company (KU), and Union Electric Company (UE)).

The Company states that copies of Third Revised Service Schedule B have been sent to all the parties, to the Missouri Public Service Commission, Jefferson City, Missouri, the Illinois Commerce Commission, Springfield, Illinois, the Kentucky Public Service Commission, Frankfort, Kentucky, and to the United States Energy Research and Development Administration (ERDA).

The Company further states that Third Revised Service Schedule B provides for an increase in the reservation charge for the supply of Supplemental Power by the Sponsoring Companies to EEInc.

The Company requests that Third Revised Service Schedule B be permitted to become effective on June 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12166 Filed 4-27-77;8:45 am]

[Docket No. ER77-303]

EL PASO ELECTRIC CO.

Filing of Notice of Cancellation

APRIL 22, 1977.

Take notice that El Paso Electric Company (El Paso Electric), on April 12, 1977 tendered for filing a Notice of Cancellation of its Export Rate Schedule FPC No. 6, and supplements thereto, with El Paso City Lines, Inc. El Paso Electric requests a waiver of the Commisison's notice requirements so that the Notice of Cancellation becomes effective on April 12, 1977.

The filing indicates that a copy of the Notice of Cancellation was served upon the City of El Paso, Texas, which has acquired the facilities of El Paso City Lines, Inc. served under Export Rate Schedule FPC No. 6, and upon the Transportation Corporation of El Paso, a franchisee of the City of El Paso.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12215 Filed 4-27-77;8:45 am]

[Docket No. CS73-34]

GREAT SOUTHERN OIL & GAS CO., INC.

Petition for Waiver

APRIL 22, 1977.

Take notice that Great Southern Oil & Gas Co., Inc. (Applicant), P.O. Box 52957, OCS, Lafayette, Louisiana 70505, filed a petition for waiver of § 157.40(c) of the Commission's regulations.

Applicant states that insofar as he may make any sales of gas produced from properties acquired from two large producers, Cities Service Oil Company and Perry R. Bass, he will not seek a higher price than that permitted by general area rate orders.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 16, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12220 Filed 4-27-77;8:45 am]

[Docket No. E-9579]

IDAHO POWER CO.

Order Providing for Hearing

APRIL 20, 1977.

On February 9, 1976, the National Marine Fisheries Service,[1] Idaho Fish and Game Department, Oregon Department of Fish and Wildlife,[2] Washington Department of Fisheries, and Washington Department of Game (hereinafter called Petitioners) filed a petition requesting the Commission to issue a declaratory order that would amend and supplement previous orders prescribing fish facilities at the Hells Canyon Project, FPC Project No. 1971. By this order, we are providing for a hearing on the issues raised by the petition.

PREVIOUS ORDERS PRESCRIBING FISH FACILITIES

On February 12, 1958, the Commission issued an order[3] pursuant to Article 35[4] of Idaho Power Company's (Licensee) license for Project No. 1971, prescribing anadromous fish facilities consisting of a forebay net barrier with skimming and trapping devices at the Brownlee development, upstream fish passage facilities at the powerhouse and spill-

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[1] On January 23, 1976, the National Marine Fisheries Service (NMFS) filed a motion for separate status as a party, averring that the functions formerly carried out by the Bureau of Commercial Fisheries, an active party during previous proceedings affecting fisheries, were now being carried out by the NMFS. NMFS's role as one of several petitioners in the instant proceeding gives it the status of a party and renders its motion for separate party status moot.

[2] Formerly the Fish Commission of Oregon.

[3] 19 F.P.C. 237.

[4] Articles 35 of the license issued to Idaho Power Company for Project No. 1971 (14 FPC 55, 80), provides as follows: The Licensee shall construct, maintain and operate or shall arrange for the construction, maintenance and operation of such fish ladders, fish traps or other fish handling facilities or fish protective devices and provide fish hatchery facilities for the purpose of conserving the fishery resources and comply with such reasonable modifications of the project structures and operation in the interest of fish life as may be prescribed hereafter by the Commission upon its own motion or upon the recommendations of the Secretary of the Interior and the conservation agencies of the States of Idaho and Oregon.

way of the Oxbow development, and facilities for the transfer of fish runs from the Wildhorse River. The Commission authorized termination of the Wildhorse River facilities by order[5] issued September 23, 1960.

On November 17, 1960, the Commission further modified its order of February 12, 1958, by staying the provision for permanent upstream fish facilities at the powerhouse of the Oxbow development. The Commission's order[6] also provided for continued operation of the existing upstream trapping facilities located at the Oregon spillway of the Oxbox dam, including requirements for water releases;[7] artificial propagation of fall chinook salmon near the Oxbow dam; and evaluation studies of fish facilities at the Brownlee and Oxbow developments.

By order issued March 22, 1963,[8] the Commission instituted an investigation to review and evaluate the studies made pursuant to Article 34[9] of the license and the order issued November 17, 1960; to review and evaluate the fish facilities installed at the Brownlee and Oxbow developments and determine what modifications, if any, should be made in such facilities; and to determine what fish facilities should be installed at Hells Canyon development.

On December 11, 1963,[10] the Commission further amended and supplemented its orders prescribing fish facilities by authorizing Licensee to abandon the Brownlee net installation and barge traps; to construct on lower Rapid River a holding facility for 300 adult spring chinook salmon or steelhead trout, and a hatchery building capable of rearing 600,000 spring chinook salmon, or steelhead, to the age of one year plus; to incorporate recommended operating procedures for the existing and newly authorized fish facilities; to construct, operate, and maintain temporary fish facilities for the Hells Canyon development; and to consult and cooperate with the fishery agencies in determining a mutually satisfactory program to be financed by the Licensee for the purpose of evaluating and recording the degree of success achieved by the artificial propagation facilities.

On January 28, 1966,[11] the Commission, pursuant to stipulation by the parties, amended and supplemented further its orders respecting fish facilities at the project by authorizing Licensee to construct, operate, and maintain a floating trap and hoist device for trapping upstream migrants at the Hells Canyon powerhouse; to construct, operate, and maintain a redesigned sorting and holding facility for adult fall chinook and steelhead migrants at the Oxbow artificial propagation facility; to construct and maintain on the Lemhi River a fish hatchery, smolt holding ponds, a holding and sorting facility, and an egg-eyeing facility for steelhead trout, and to contract, at Licensee's expense, with the Idaho Department of Fish and Game for operation of said facilities. Licensee was again required to consult and cooperate with the fishery agencies in determining a mutually satisfactory program to be financed by the Licensee for evaluating and recording the degree of success achieved by the artificial propagation facilities.

On February 9, 1967,[12] the Commission, pursuant to further stipulation by the parties, amended and supplemented its previous orders prescribing fish facilities by authorizing Licensee to enlarge the experimental facilities at Rapid River to handle greater numbers of spring chinook (2,700 fish); to discontinue the transfer of steelhead trout to the Rapid River facilities; and to relocate the Lemhi River steelhead trout facilities, provided for by order issued January 28, 1966, to the Pahsimeroi River because of low water conditions on the Lemhi River.[13]

In summary, anadromous fish facilities currently being operated pursuant to previous Commission orders prescribing fish facilities[14] include (1) a fish trapping device for upstream migrants at Hells Canyon Dam; (2) a hatchery, sorting, and holding facility on the Pahsimeroi River for steelhead trout; (3) a hatchery and holding facility on the lower Rapid River for spring chinook salmon; and (4) a sorting and holding facility at the Oxbow Dam for adult fall chinook salmon and steelhead trout.

Petition Now Pending

Pursuant to § 1.7(c) of the Commission's rules and regulations,[15] Petitioners have requested issuance of a declaratory order that would further amend and supplement the aforementioned orders respecting fish facilities. Petitioners allege that previous measures have not accomplished compensation to pre-project levels for steelhead trout or chinook salmon, and that runs of 5,000 steelhead trout and 17,000 fall chinook have been eliminated by the project. Petitioners further state that the States of Oregon, Washington, and Idaho have severely reduced the catch of Snake River anadromous fish in an effort to maintain the runs in a viable condition. Petitioners note that the U.S. Department of the Army, Corps of Engineers has prepared a comprehensive plan for compensation of fish and wildlife losses resulting from construction and operation of four dams in the Lower Snake River and has also proceeded on a research and construction schedule to install and operate extensive facilities to improve the survival of adult and juvenile anadromous fish at these projects.

Based on the foregoing, Petitioners request that the following proposals for additional fish facilities, or alternative thereto, be considered:

(1) Expansion of the Rapid River Hatchery to provide a return of 19,700 spring chinook (thereby replacing fall chinook with spring chinook);

(2) Expansion of the Niagara Springs Hatchery to double production to achieve the required return of 10,000 steelhead; and

(3) Construction of an adult trap and combination smolt acclimation and adult holding pond below Hells Canyon Dam.

Petitioners further contend that they have attempted unsuccessfully over a period of several years to reach agreement with the Licensee by stipulation on the aforementioned issues.

Comments and Protests

Public notice of the filing of the petition for declaratory order was given with June 18, 1976, as the last day for filing protests, notices of intervention, or petitions to intervene. Notice was published in the Federal Register on April 23, 1976, 41 FR 17020.

On June 16, 1976, Licensee responded in opposition to Petitioners' proposals for additional fish facilities by (1) denying that the additional facilities are necessary; (2) denying that its dam construction has eliminated runs of 5,000 steelhead trout and 17,000 fall chinook without compensation; (3) alleging that its fish mitigation programs have suffered from construction of five downstream dams not under its control that have adversely affected anadromous fish, including those fish released from its hatcheries and facilities; and (4) contending that its previous expenditures for fish facilities together with its continuing yearly expenditures for such facilities have fulfilled its obligation under Article 35 of the license.

On June 18, 1976, the Secretary of Agriculture endorsed Petitioners' proposals, protested any alternative solutions that do not provide at least equal corrective measures to mitigate alleged fish losses resulting from the Hells Canyon Project, and further protested any

[5] 24 F.P.C. 517.

[6] 24 F.P.C. 962.

[7] By order issued May 27, 1963, the Commission authorized changes in water releases at the Oxbow spillway facilities.

[8] 29 F.P.C. 571.

[9] Article 34 provides as follows: The Licensee shall make available to the Secretary of the Interior, upon his request and further order of the Commission, a sum up to $250,000 for use by the Fish and Wildlife Service to carry out detailed studies of the extent and character of the fishery resource of the project areas and to devise means and measures for mitigating losses to that resource.

[10] 30 F.P.C. 1471.

[11] 35 F.P.C. 162.

[12] 37 F.P.C. 290.

[13] By letter dated December 15, 1969, Licensee filed an Exhibit S (Fish and Wildlife Report) for Commission approval. On May 15, 1970, Licensee filed a stipulation between the parties relating to additional facilities at the Rapid River hatchery. The stipulation provided that upon completion of the additional facilities, the Rapid River facilities would be considered complete, and Licensee would be relieved of any further investment for additional spring chinook salmon facilities, except such expenditures as may be required for operation, maintenance, and replacement of existing facilities. These matters are still pending before the Commission.

[14] Each of the aforementioned orders prescribing fish facilities were expressly stated to be interim in nature, subject to such further changes as may become necessary, and not to be construed as full compliance with the provisions of Article 35 of the license for Project No. 1971.

[15] 18 CFR 1.7(c) (1976).

Commission action that does not recognize the statutory responsibilities and authorities of the Secretary, acting through the U.S. Forest Service, with respect to the mitigation of fish lost as a result of this project. In addition, we take note of the Secretary's reference to the recent establishment of the Hells Canyon National Recreation Area and to his responsibilities for managing that portion of the Snake River now classified as a wild and scenic river.

The Secretary's concerns respecting recognition of his statutory responsibilities have been previously acknowledged by letter dated December 24, 1975, and are being given careful consideration. Since the Secretary has elected not to petition for intervention in the instant proceeding, we can only consider his views in this case to the extent that they are presented by his filed comments. That we shall do. We will also welcome any additional assistance from the Secretary should he wish to contribute toward building the factual record necessary for our determination of the issues now before us.

NEED FOR A HEARING

The subject petition for declaratory order, as the review of previous Commission orders on this subject illustrates, is but the latest of what has been an extensive and continuing attempt to resolve the anadromous fish problems related to the construction and operation of Licensee's dams. Anticipation of further hydroelectric development of the Snake River below Hells Canyon Dam, only recently settled by Congress,[10] has produced a ten-year hiatus since the last Commission order dealing with this subject was issued. Accordingly, there would appear to be a need to develop a new record to reflect the condition of the anadromous fisheries resource in the project area as it exists today. It shall therefore be the objective of the Presiding Administrative Law Judge to compile a fresh and self-contained record upon which our future decisions respecting this matter may be based.

The Commission finds. (1) It is appropriate for the purposes of the Federal Power Act and in the public interest to hold a hearing, as hereinafter provided, to determine whether previous orders prescribing fish facilities at Project No. 1971 should be further amended and supplemented. The hearing shall be restricted to only those matters directly affecting the anadromous fish mitigation issues and shall include, but not be limited to, consideration of Petitioners' proposals enumerated herein.

The Commission orders. (A) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission, by the Federal Power Act, particularly Sections 10(a), 10(g), 308, and 309 thereof, the license for Project No. 1971 and the Commission's Rules of Practice and Procedure, an initial conference shall be held at 9:30 a.m. on May 18, 1977, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. respecting the matters involved and the issues presented in finding (1) above.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose pursuant to § 3.5(d) of the Commission's regulations, 18 CFR 3.5(d) (1976), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates and to rule on all motions with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Commission's rules of practice and procedure.

(C) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they they are modified and supplemented herein.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12172 Filed 4-27-77;8:45 am]

[10] Order Dismissing License Application, Pacific Northwest Power Comany and Washington Public Power Supply System, Project Nos. 2243 and 2273, issued June 7, 1976.

[Docket No. E-9259]

LONG ISLAND LIGHTING CO.

Notice of Application

APRIL 22, 1977.

Take notice that the Commission on October 26, 1976 issued an order, which amended an earlier order and authorized the Long Island Lighting Company of Mineola, New York to have at any one time outstanding no more than $200,000,000 aggregate principal amount of both promissory notes and commercial paper, all to be issued on or before December 31, 1977, with final maturity date of not later than September 30, 1978. The order of October 26, 1976 authorized the Company to issue, within the limitation of an aggregate principal amount not in excess of $200,000,000 for both types of indebtedness, not more than $175,000,000 promissory notes outstanding at any one time and not more than $50,000,000 commercial paper outstanding at any one time.

The Company now seeks a modification of the order of October 26, 1976. Without seeking any change in the overall limitation of authority to issue such indebtedness through December 31, 1977, with maturities not later than September 30, 1978, the Company requests authority to issue up to $200,000,000 principal amount of promissory notes to be outstanding at any one time and $200,000,000 principal amount of commercial paper to be outstanding at any one time.

The funds will be used to finance the construction, completion, extension, and improvement of its electric utility facilities.

Any person desiring to be heard or to make any protest with reference to this application should on or before May 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12223 Filed 4-27-77;8:45 am]

[Docket No. ER76-209]

METROPOLITAN EDISON CO.

Filing of Revised Sheets Pursuant to Settlement Agreement

APRIL 21, 1977.

Take notice that on April 13, 1977, Metropolitan Edison Company ("Met-Ed") tendered revised sheets to its FPC Electric Tariff, and Wheeling and Supplemental Power Agreement with Allegheny Electric Cooperative, Inc. The revised sheets incorporate all changes provided by a Settlement Agreement approved in the Commission's order in this proceeding issued April 5, 1977. Met-Ed requests a waiver of the Commission's notice requirements under § 35.3 of FPC regulations so that this Agreement may become effective as of January 1, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12170 Filed 4-27-77;8:45 am]

[Project No. 2774]

MODESTO IRRIGATION DISTRICT ET AL.

Application for Preliminary Permit

APRIL 22, 1977.

Public notice is hereby given that an application for preliminary permit was

filed on June 25, 1976, under the Federal Power Act (16 U.S.C. 791a–825r) by the Modesto and Turlock Irrigation Districts, and the City and County of San Francisco (correspondence to Mr. Mervin N. Bennett, Chief Administrative Officer, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352; Mr. Ernest Geddes, General Manager, Turlock Irrigation District, P.O. Box 949, Turlock, California 95380; and Mr. Oral L. Moore, General Manager, Hetch Hetchy Water and Power, 855 Harrison Street, San Francisco, California 94107) for the proposed Clavey-Wards Ferry Project, FPC Project No. 2774, located on the Tuolumne River and its tributaries in Tuolumne County, California, and affecting the Stanislaus National Forest and public lands of the United States.

According to the application, the proposed project would have a total installed capacity of 400 MW and would encompass two developments as hereinafter described:

(a) The *Clavey Development*, consisting of (1) Jawbone Dam, a 175-foot high and 255-foot long concrete gravity dam that would be constructed on the Tuolumne River to form Jawbone Reservoir, with usable storage capacity of 2,950 acre-feet at the normal reservoir elevation of 2,210 feet (msl); (2) Jawbone Ridge Tunnel, a 5.2 mile concrete-lined tunnel that would conduct flows from Jawbone Reservoir to Clavey Reservoir; (3) Hunter Point Dam, a 570-foot long and 195-foot high concrete arch dam that would be constructed on the Clavey River to form Clavey Reservoir, with usable storage capacity of 2,040 acre-feet at the maximum normal reservoir elevation of 2,210 feet (msl); and (4) Clavey Power Conduit, a concrete-lined pressure tunnel that would extend approximately two miles from Clavey Reservoir to a penstock tunnel leading to Clavey Powerhouse, an underground powerhouse containing two generating units with a total installed capacity of 300 MW; and

(b) the *Wards Ferry Development*, consisting of (1) Wards Ferry Dam, a 450-foot high and 1,060-foot long rockfill dam that would be constructed on the Tuolumne River to form Wards Ferry Reservoir, with usable storage capacity of 92,300 acre-feet at the maximum normal reservoir elevation of 1,150 feet (msl); and (2 Wards Ferry Powerhouse, an underground powerhouse that would be located in the left abutment of Wards Ferry Dam and that would contain two generating units with a total installed capacity of 100 NW.

Applicants propose to use the energy generated by the project to meet present and future loads within their system with any surplus capacity or energy being sold or exchanged.

Issuance of a preliminary permit does not authorize construction of any kind. The effect of such permit is to secure, for the holder, priority in the filing of an application for license for the duration of the permit while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other information necessary to perfect an application for license.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become a party 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.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12221 Filed 4-27-77;8:45 am]

[Docket No. CP75-147]

NATURAL GAS PIPELINE CO. OF AMERICA
Petition To Amend

APRIL 22, 1977.

Take notice that on April 11, 1977, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-147 a petition to amend the Commission's Opinion No. 763 and order issued May 24, 1976, in the instant docket (55 FPC——) pursuant to Section 7 of the Natural Gas Act so as to authorize Petitioner to reflect in its purchased gas adjustment clause an initial rate of $1.88 per Mcf for the purchase of methane gas, and to recover through its base rate the cost of transportation at a rate of 37 cents per Mcf, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the subject of this petition is the October 4, 1974, gas purchase contract between Calorific Recovery Anerobic Process, Inc. (Calorific) and Petitioner covering the purchase by Petitioner of methane gas manufactured by Calorific through the anerobic digestion of animal waste. Petitioner further states that the contract contained pricing provisions setting a base rate of $1.33 per Mcf as of October, 1974 to be adjusted for changes in indices of construction and operating costs. Petitioner states that it also proposed to construct and operate facilities to transport the methane gas to Petitioner's existing pipeline, such transportation facilities consisting of six miles of six-inch pipeline, measuring facilities and 1,000 compressor horsepower, estimated to cost $93,000. It is asserted that the Calorific project would be the first commercial application of the anerobic process for the prodution of methane gas, and most certainly would be the first sale in interstate commerce of gas so produced.

Petitioner states that on May 24, 1976 pursuant to Opinion No. 763 it was granted a certificate of public convenience and necessity for the interstate transportation and sale of commingled manufactured methane and natural gas, and the certification of the project was conditioned to provide for an initial price of $1.33 per Mcf and allowed Petitioner a charge of 22.0 cents per Mcf for the cost of transportation.

Petitioner indicates that subsequent to the issuance of Opinion No. 763, Calorific completed the detail design of its proposed facilities and obtained contract bids for material and labor to construct its plant facilities, and as a result of this detail design, Calorific found it necessary to adopt fundamental design changes to its feedstock (animal waste) handling and gas treatment. Petitioner states that Calorific would pretreat the animal waste feedstock to improve the digestability of material feed to the anerobic digestors resulting in an increase in the daily productivity of the digestor tanks from 749 Mcf to 816 Mcf. It is stated that the total quantity of feedstock available from the feed lot has been lessened and consequently Calorific would build only 2 digestor tanks, as opposed to the 3 tanks originally proposed. Fuel requirements of Calorific for gas treating have increased by 10 percent of total production, which together with lessened total production occasioned by 2 digestor tanks instead of 3, has decreased total estimated annual production for sale to Petitioner from 819,802 Mcf to 596,076 Mcf, it is said. It is asserted that additional manpower is also required to operate the plant now being constructed by Calorific.

It is stated that the parties have reflected the revised design, and other changed circumstances, in their contractual documents by an amendment, dated September 28, 1976, to the October 4, 1974 contract which amendment provides for a revised pricing determination involving:

1. A base price of $1.83 as of August, 1976 instead of $1.33 as of October, 1974;
2. Elimination of the construction cost adjustment. The result of this change is to leave a greater portion of the base price fixed and certain;
3. Change of the operational cost adjustment to reflect:
   (a) A base period of August, 1976 instead of October, 1974.
   (b) 86.0 cents per MCF as operating cost multiplier, rather than 54.0 cents per MCF.
   (c) A volume quantity for adjustment of 596,076 MCF instead of 819,802 MCF.

The petition indicates that the following chart compares the cost factors used in arriving at the base price of $1.88 to the costs underlying the base price of $1.33 approved in Opinion No. 763.

	Exhibit in the hearing herein	Present estimate
Plant facilities cost	$2,902,564	$2,415,592
Annual plant recovery cost	460,291	415,881
Return on plant	238,306	193,247
Annual operating costs	391,739	511,756
Total	1,090,336	1,120,884
Annual gas production per 1,000 ft³	819,802	596,076
Average cost of production per 1,000 ft³	$1.33	$1.88

It is stated that the operating cost adjustment as revised would be implemented as follows. On the first day gas is, or is capable of being, delivered the initial price per Mcf would be adjusted by adding the result of the following calculation to the base price:

$$.86\left(\frac{\text{Current consumer price index (CP)I Department of Labor, Bureau of Labor Statistics}}{\text{CPI for August 1976}}-1\right)$$

It is stated that this adjusted price would be applicable to gas delivered for the first 15 months of delivery.

Petitioner states that after the initial 15 months, and annually thereafter, the price per Mcf would be adjusted by adding the result of the following calculation to the base price:

$$.86\left[\left(\frac{596{,}076}{\text{Quantity of gas delivered in the 12 months preceding the anniversary date, never less than 596,076}}-1\right)+\left(\frac{\text{Current CPI}}{\text{CPI for August 1976}}-1\right)\right]$$

Petitioner further states that it would now construct a 4½ inch, 6 mile gathering pipe and a 700 horsepower compressor instead of a 6 inch, 6 mile gathering pipe, a 1,000 horsepower compressor and measuring facilities it intended to construct under the terms of the October 4, 1974 contract and the earlier filing in this docket. The total estimated construction costs for Petitioner are $1,086,000.

Petitioner indicates that pursuant to Opinion No. 763 it was authorized to reflect interstated transportation cost of 22.0 cents per Mcf based on the estimated delivery of 819,802 Mcf per year and cost of facilities of $930,000. Based on the decrease in estimated annual production (now 596,076 Mcf) and increased facilities cost, Petitioner estimates transportation cost as 37.0 cents per Mcf.

It is stated that under the October 4, 1974 contract, as amended, the gas that is to be delivered to Petitioner would be of pipeline quality except that it would be water saturated. In a Dehydration Agreement, executed on September 28, 1976, Petitioner and Calorific have modified the provisions of the original contract concerning dehydration in the interest of conservation and simplified operational procedures, it is said. It is stated that the energy requirements for dehydration at the low pressures at which Calorific would operate (maximum of 15 psia) are considerably larger than at the pressure (approximately 630 psia), which would exist at the outlet of Petitioner's compressors, and the arrangement whereby Petitioner assumes responsibility for dehydration (while also performing the dehydration operations at the desirable higher pressure) obviate the need for complicated delivery, redelivery arrangements between Petitioner and Calorific. Petitioner asserts that under the terms of the agreement it would dehydrate gas delivered by Calorific up to a maximum to 2,000 Mcf per day, and Calorific would pay a dehydration charge of 1.0 cent per Mcf of gas delivered to Petitioner. The 1.0 cent charge per Mcf would offset the cost of service relative to the dehydration facilities to be installed by Petitioner, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 16, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12222 Filed 4-27-77;8:45 am]

[Docket No. CP75-71]

NATURAL GAS PIPELINE CO. OF AMERICA AND TRANSWESTERN PIPELINE CO.

Amendment to Application

APRIL 22, 1977.

Take notice that on April 8, 1977, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Transwestern Pipeline Company (Transwestern), South National Bank Building, Houston, Texas 77002 (Applicants) filed in Docket No. CP75-71 an amendment to their application filed in Said docket pursuant to section 7(c) of the Natural Gas Act for authorization to establish one additional point of exchange in Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the Commission's order dated October 30, 1974, Applicants were issued a temporary certificate of public convenience and necessity authorizing the parties to exchange gas to enable Natural to receive into its system natural gas to be purchased from Perry R. Brass and Bass Enterprises Company (collectively referred to as Bass) from the Big Edd No. 40 Well during the time that Bass was performing an experimental fracture treatment of said well. Applicants state that on May 3, 1976, they filed an amendment to their application seeking authorization for the parties to construct and operate an additional exchange point to enable Natural to receive into its system natural gas to be purchased from Bass from the Big Eddy No. 44 Well. Any gas delivered for exchange would be redelivered by Transwestern to Natural at the outlet of Cities Service Oil Company's Bluitt Plant (Bluitt Exchange Point), a common gas purchase point of Applicants, in Roosevelt County, New Mexico, it is said.

It is stated that Natural has since entered into contracts with Coquina Oil Corporation, et al. (Coquina), dated September 1, 1976, and Union Oil Company of California (Union) dated October 2, 1976, to purchase gas from the LaRica (Morrow) Field, Lea County, New Mexico, and the contracts are each for an initial period of 2 years and thereafter until cancelled by either party on 30 days notice.

Applicants states that Coquina and Union reserved the right to have their gas processed prior to delivery to Natural and have elected to have certain low pressure gas gathered and processed by Continental Oil Company (Continental) at Continental's Maljamar Gas Processing Plant, Lea County, New Mexico. Applicants further state that Transwestern owns and operates existing facilities for the receipt of gas at the outlet of the plant and would accept for Natural's account residual gas allocable to Coquina and Union and would redeliver thermally equivalent volumes of gas to Natural at the Bluitt Exchange Point in Roosevelt County, New Mexico.

Applicants further state that they have amended the gas exchange agreement dated August 12, 1974, by an amendatory agreement dated March 7, 1977, to establish one additional point of exchange in Lea County to enable Transwestern to receive gas for Natural's account at the outlet of the Maljamar Gas Processing Plant in Lea County by utilizing its existing facilities.

Applicants assert that additional gas supplies are urgently needed on Natural's system to refill storage during the ensuing summer, and that this past winter, the most severe of the century in Natural's market area, has resulted in curtailments by some of Natural's major customers of their high-priority commercial and industrial consumers.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 13, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the

protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12221 Filed 4-27-77;8:45 am]

[Docket No. ER77-306]

OKLAHOMA GAS AND ELECTRIC CO.

Filing of Wholesale Electric Service Agreements

APRIL 22, 1977.

Take notice that Oklahoma Gas and Electric Company (OG&E) on April 12, 1977, tendered for filing Electric Service Agreements for wholesale service to the Arkansas Valley Electric Cooperative Corporation. OG&E indicates that the proposed Electric Service Agreements cancel and supersede existing contracts presently on file with the Commission and propose a new delivery point at Milton and that the proposed effective date for each new Agreement is May 13, 1977, except for the Milton point of delivery, which is expected to be energized on July 1, 1977.

OG&E indicates that the proposed rates are identical to those filed by OG&E on December 27, 1976, in Docket No. ER77-127 and designated as Federal Power Commission Tariff, Original Volume No. 1, Cooperatives.

OG&E states that copies of the proposed Electric Service Agreements have been mailed to the Arkansas Valley Electric Cooperative Corporation, the Corporation Commission of the State of Oklahoma, and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practive and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12225 Filed 4-27-77;8:45 am]

[Docket Nos. RI76-138, CI76-578, and CI76-579, CP76-410]

SOUTHERN UNION SUPPLY CO. AND EL PASO NATURAL GAS CO.

Order Approving Settlement

APRIL 20, 1977.

On March 4, 1977, presiding Administrative Law Judge Ernst Liebman certified to the Commission, with the consent of all parties, a settlement proposal in this proceeding. The settlement proposal contains two possible settlement proposals, a "three well" proposal and an alternative "one well" proposal. If the Commission approves the three well proposal on or before April 20, the one well proposal becomes moot. All parties, except Staff, support approval of the "three well" proposal.

We conclude that the "three well" proposal is in the public interest, and will approve the settlement agreement insofar as it applies to that proposal.

By order issued March 25, 1977, the Commission granted waiver of the presiding Administrative Law Judge's initial decision and required the filing of initial briefs by March 21, 1977, and reply briefs by March 30, 1977.

Southern Union Supply Company (SUSCO) is a newly formed independent producer, which began these proceedings by proposing the sales of gas to two purchasers, Southern Union Gas Company[1] and El Paso Natural Gas Company (El Paso).

THE THREE WELL PROPOSAL

SUSCO offers to sell to its purchasers[2] production from the Gallagher No. 2 Well, the Gallagher No. 3 Well, and the Supco-State No. 1 Well. The rate will be the appropriate national rate, as adjusted for Btu and taxes, plus the applicable pipeline transmission charges.[3] The three wells are located in T. 17 S., R. 34 E., Sections 8 and 17, Lea County, New Mexico, as shown on Exhibit 8 of the certified record. The production from these wells will be offered for sale under the contracts submitted in Docket Nos. CI76-578 and CI76-579, as appropriately amended.

Western Gas Interstate Company (WGI) a wholly owned subsidiary of Southern Union Gas Company is to construct a 10.12 mile 4-inch transmission line from the three wells to interconnect with the Lusk-to-Caprock 20-inch pipeline to El Paso, for redelivery to various points for the use of Southern Union Gas Company.

SUSCO is to retain title to the production during tre course of transmission and would transfer title on ultimate delivery of the gas to the purchasers. The purpose of this arrangement is to retain Southern Union's status as not being a natural gas company within the meaning of the Natural Gas Act and to prevent the volumes once they are being transported by El Paso from becoming subject to El Paso's curtailment plan.

WGI will charge an initial rate of 17.13 cents for its transportation service.

The settlement provides that the transportation rate to be charged by WGI shall be subject to prospective modification by the Commission at the applicable rate of return for its transmission services to be prescribed by the Commission at the conclusion of WGI's next section 4 rate case, which will be filed no later than June 26, 1977.

SUSCO and WGI are to file as soon as possible appropriate certificate applications or amendments and pro forma contractual documents.

Although we find the April 20, 1977, deadline to be somewhat precipitate, our review of the record, particularly the testimony contained at pages 193 through 195 of the transcript in these proceedings, shows that without timely Commission action a previously negotiated contract would commit gas from two of the wells to the intrastate market, and approval by this Commission of the three well proposal by the deadline contained in the settlement agreement is in the public interest.

THE ONE WELL PROPOSAL

The settlement provides that in the event the Commission does not approve the three well proposal that it would consider without further proceedings the one well proposal. Since we are approving the three well proposal the one well proposal is moot, and it would serve no purpose to discuss its provisions in this order.

STAFF'S OBJECTIONS

Staff makes the following objections in its initial brief mimeo page 11

Both the three-well and one-well proposals request total producer rates in excess of the adjusted national rate as that term is defined in Opinion No. 770-A, supra, page 190, and accordingly Susco must "fully justify" the relief desired by manifesting total costs to be in excess of the adjusted national rate under the special relief provision, page 191. Moreover, the legal basis for requiring a total cost showing is well established by the Courts[11] and continues to be a linchpin for current Commission policy.

The three-well proposal and the one-well proposal do not disclose gas well investment and operating costs together with reserve data so that a comparison can be made with

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[1] Southern Union Gas Company was SUSCO's parent at the time of the signing of the "Gas Sales and Purchase Agreement", dated April 13, 1976, which is contained as Exhibit B to SUSCO's application in Docket No. CI76-578. After the signing of the agreement, Southern Union Gas Company, as a parent corporation, changed its name to Southern Union Company, and the distribution activities formerly undertaken by Southern Union Gas Company as an entity were carried on thereafter by Southern Union Gas Company, a Division of Southern Union Company (in Texas, Oklahoma, and Arizona) and by Gas Company of New Mexico, a Division of Southern Union Company (in New Mexico only). The two distribution divisions will be referred to collectively as "Southern Union".

[2] Southern Union Gas Company (Docket No. CI76-578) and El Paso (Docket No. CI76-579).

[3] For example, the sale to Southern Union Gas Company would be at a rate consisting of the following components: the applicable national rate, as adjusted, plus the WGI transportation rate, plus the El Paso rate for deliveries in the applicable zone. The sale to El Paso would be at a rate consisting of the following components: the applicable national rate, as adjusted, plus the WGI transportation rate.

[11] Opinion Nos. 649 and 649-A, *George Mitchell and Associates, Inc.*, 49 FPC 424 and 1434 (1973), rev'd and remanded on other grounds, *McDonald* v. 505 F. 2d 355, (D.C. Cir. 1974).

the adjusted national base rate of approximately $1.66 or formula components A, T, and the BTU wellhead content portion of S (Tr. 91-93; 181).

Staff's position in this matter stems from its treatment of it as an application for special relief pursuant to § 2.56a of the Commission's General Policy (18 CFR 2.56a). Although the application was made pursuant to the provisions of § 2.56a, this was done at Staff's request. We conclude this is not an application for special relief, and that SUSCO is entitled to the national rate at the wellhead. There is nothing unreasonable in the arrangement proposed in the settlement which requires the payment of the national rate as prescribed in Opinion No. 770-A (—— FPC ——) plus applicable transportation charges.

Staff also objects to certain elements of the transportation charge to be imposed by El Paso under either arrangement.

Staff does not contest the applicability of the national rate to the subject wells if sales were at the wellhead, but only contests it because title is retained by the producer until delivery of the gas by El Paso. Nor does Staff contest the need for additional gas supplies to Southern Union and the record is replete with evidence to support the need for these additional supplies to the interstate market.

With reference to Staff's objections to the transportation rates to be imposed by El Paso and WGI we conclude that the continuing review of El Paso's rate structure under Section 4 of the Natural Gas Act and the agreement contained in paragraph (5) of the settlement proposal which requires that WGI file a Section 4 rate application no later than June 26, 1977, adequately protects the public interest. We conclude that the transportation charges provided for in the settlement proposal are just and reasonable, subject to continuing review by the Commission pursuant to Section 4 of the Natural Gas Act.

The Commission orders: (A) The settlement proposal certified to the Commission by presiding Administrative Law Judge Ernst Liebman on March 4, 1977, and the "three well" proposal contained in numbered paragraphs (1) through (6) is approved and accepted.

(B) In conformance with numbered paragraph (6) of the settlement proposal, SUSCO and WGI will file as soon as possible appropriate certificate applications or amendments and pro forma contractual documents.

(C) So much of the settlement proposal as not approved herein is dismissed as moot.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12227 Filed 4-27-77;8:45 am]

[Docket No. RI77-54]

TEXAS OIL & GAS CORP. ET AL.

Notice of Petition for Special Relief

APRIL 22, 1977.

Take notice that on April 7, 1977, Texas Oil & Gas Corp., et al. (TXO), 2700 Fidelity Union Tower, Dallas, Texas 75201, filed a petition for special relief in Docket No. RI77-54 pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

TXO seeks authorization to charge 75 cents per Mcf for the sale of gas from the Dondelinger "A" No. 1 Well located in Beaver County, Oklahoma. TXO states that it is no longer economically feasible to continue operating the subject well and that abandonment will result if its request for rate relief is not granted.

Any person desiring to be heard or to make any protest with references to said petition should on or before May 16, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's rule.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12218 Filed 4-27-77;8:45 am]

[Docket No. CP76-127]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Amendment to Application

APRIL 22, 1977.

Take notice that on April 14, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP 76-127 an amendment to its application filed in said docket pursuant to Section 7 of the Natural Gas Act so as to delete the request for permission for and approval to abandon certain gas purchase facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its initial application filed in said docket on October 10, 1975, it proposed to abandon numerous transmission purchase lines, metering and regulator facilities and related facilities no longer required due to exhaustion of gas reserves which were previously purchased by means of such facilities. The following facilities were said to be included within such facilities:

Facilities	*Location*
Approximately 11,397 feet of 8-inch transmission purchase line and one meter and regulator station and related facilities known as the "Coastal States—South Delcambre purchase facilities."	Vermilion Parish, La.
Approximately 4,135 feet of 12-inch Gibson transmission purchase line; 3,882 feet of 6-inch Shell-Herbert Gibson Field gathering line; the Quintana Gibson Field Metering and Regulator Station; and the Shell-Herbert - Humphries Field Metering and Regulator Station, constituting a portion of the "Gibson Field Gathering and transmission purchase facilities."	Terrebonne Parish, La.

Applicant states that drilling activity and resulting gas production available in the area of these facilities indicate a need to retain such facilities in service for the present and the foreseeable future.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 17, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.-10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12219 Filed 4-27-77;8:45 am]

[Docket No. ER77-156]

UNION ELECTRIC CO.

Filing of Boundary Line Agreement

APRIL 22, 1977.

Take notice that on January 18, 1977 Union Electric Company (Union) tendered for filing a new Boundary Line Agreement dated January 3, 1977, between the Missouri Power & Light

Company and Union. Union indicates that said Agreement modifies rate and termination provisions under the existing agreement dated September 16, 1952.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 6, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12226 Filed 4-27-77;8:45 am]

[Docket No. RP76-115]

NORTHWEST PIPELINE CORP.

Proposed Pipeline Rate Settlement

APRIL 21, 1977.

Take notice that on April 6, 1977, the Presiding Administrative Law Judge certified to the Commission for consideration and disposition a proposed settlement agreement in the above-entitled proceeding, together with the record relating thereto. The proposed settlement, if approved, would resolve all issues in the proceeding, as well as a reserved issue in Docket Nos. RP73-109 and RP74-95 concerning the rate treatment to be accorded certain of Northwest's gas production from post-1972 wells.

Any person wishing to do so may submit comments in writing concerning the proposed settlement agreement. All comments should be filed or mailed on or before May 3, 1977, and should be addressed to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The settlement agreement is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12173 Filed 4-22-77;8:45 am]

[Docket No. ER77-295]

ORANGE AND ROCKLAND UTILITIES, INC. AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Change in Electric Rate Schedule

APRIL 21, 1977.

Take notice that Orange and Rockland Utilities, Inc. (Orange and Rockland) and Consolidated Edison Company of New York, Inc. (Con Edison) on April 11, 1977, tendered for filing, as a Supplemental Rate Schedule an extension of the term of ORU FPC Rate Schedule No. 36 and Supplement No. 1 thereto (Con Edison FPC Rate Schedule No. 337 and Supplement No. 1 thereto) from April 17, 1977 to September 30, 1977. Con Edison and Orange and Rockland indicates that the supplemental agreement provides for the exchange of 200 mW of electric generating capability between Orange and Rockland Utilities, Inc. and Con Edison during the period April 17, 1977 to September 30, 1977, unless sooner terminated by Con Edison in accordance with the terms of the Agreement.

Con Edison and Orange and Rockland respectively request that the Commission waive its thirty day notice requirement and permit this agreement to become effective as of April 17, 1977.

A copy of the supplemental agreement has been served upon the New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12169 Filed 4-27-77;8:45 am]

FEDERAL RESERVE SYSTEM

CONTINENTAL ILLINOIS CORP.

Proposed Acquisition of Great Lakes Life Insurance Company

Continental Illinois Corporation, Chicago, Illinois, has 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 (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Great Lakes Life Insurance Company, Phoenix, Arizona. Notice of the application was published on March 2, 1977, in The Arizona Republic, a newspaper circulated in Phoenix, Arizona and on March 3, 1977, in the Chicago Tribune, a newspaper circulated in Chicago, Illinois.

Applicant states that the proposed subsidiary would perform the activities of underwriting as a reinsurer of credit life and credit accident and health insurance directly related to extensions of credit by the bank holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 19, 1977.

Board of Governors of the Federal Reserve System, April 21, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-12144 Filed 4-27-77;8:45 am]

NBC CO.

Proposed Acquisition of Fremont State Company

NBC Co., Lincoln, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Fremont State Company, Fremont, Nebraska. Notice of the application was published on February 25, 1977, in the Fremont Tribune, a newspaper circulated in Fremont, Nebraska.

Applicant states that the proposed subsidiary would perform the activities of an industrial loan and investment company, including the issuance of paid-up certificates of indebtedness and installment certificates of indebtedness and the making of consumer, commercial, and real estate mortgage loans, and would act as agent in the sale of credit life and credit health and accident insurance directly related to extensions of credit by Fremont State Company. 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 Kansas City.

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 May 18, 1977.

Board of Governors of the Federal Reserve System, April 20, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-12145 Filed 4-27-77;8:45 am]

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 2800 voting shares of First National Bank of Duncanville, Duncanville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 19, 1977.

Board of Governors of the Federal Reserve System, April 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-12146 Filed 4-27-77;8:45 am]

ROYAL TRUST COMPANY AND ROYAL TRUST BANK CORP.

Acquisition of Bank

The Royal Trust Company, Montreal, Quebec, Canada, and its wholly-owned subsidiary, Royal Trust Bank Corp., Miami, Florida, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent, less directors' qualifying shares, of the voting shares of Royal Trust Bank of South Dade, N.A., Dade County, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 20, 1977.

Board of Governors of the Federal Reserve System, April 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc 77-12147 Filed 4-27-77;8:45 am]

WILBER CO.

Order Approving Formation of Bank Holding Company

Wilber Co., Wilber, Nebraska, has applied for prior approval under section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 100 per cent, less directors' qualifying shares, of the voting shares of Saline State Bank, Wilber, Nebraska ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (42 FR 9436 (1977)). The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank which has deposits of $7.9 million.[1] Upon acquisition of Bank, Applicant would control the 197th largest bank in Nebraska, holding .13 per cent of the total deposits in commercial banks in the State. Bank is the fourth largest of nine banks in the relevant banking market, which is approximated by Saline County, and controls 11.8 per cent of the deposits therein.

A principal of Applicant is also a principal in another one-bank holding company in Nebraska. This holding company's subsidiary bank is located in Saline County, approximately 18 miles from Bank. That bank has deposits of $3.2 million and controls 4.7 per cent of market deposits. However, considering the relatively small size of the two banks and the unconcentrated nature of the market, this link between the banks would not have any serious competitive impact. Since this proposal represents a restructuring of the existing owernship of Bank and since Applicant has no present operating subsidiaries, consummation of the transaction would eliminate neither existing nor potential competition. Thus, competitive considerations are consistent with approval.

The financial and managerial resources and future prospects of Applicant are entirely dependent upon those of Bank. The managerial resources of Appliamortization period for its acquisition debt. Applicant's projected schedule for the retirement of acquisition debt appears to provide Applicant the necessary financial flexibility to meet its annual debt servicing requirement and to maintain an adequate capital position for Bank. The managerial resources of Applicant and Bank are considered satisfactory and the future prospects of each appear favorable. Accordingly, considerations relating to banking factors are consistent with approval of the application.

As Applicant proposes to add or expand several services offered at Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that consummation of the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective April 21, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-12148 Filed 4-27-77;8:45 am]

WOODFORD BANCORPORATION, INC.

Order Approving Acquisition of Bank Shares

Woodford Bancorporation, Inc., El Paso, Illinois, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an addition 1,000 shares, or 12.5 per cent of the outstanding voting shares, of Woodford County Bank, El Paso, Illinois ("Bank"). Applicant currently owns 3,469 shares, or approximately 43.36 per cent of the outstanding voting shares, of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

Applicant is a one-bank holding company by virtue of its ownership of more than 25 per cent of the outstanding voting shares of Bank. Bank, with deposits of $17.4 million, is one of the smaller commercial banks in the State of Illinois.[1] It is the largest of eight banking

[1] All banking data are as of December 31, 1975.

[1] All banking data are as of December 31, 1975.

organizations in the relevant banking market and holds approximately 19.6 percent of total market deposits.[2] Inasmuch as the proposed transaction involves the acquisition of shares in a bank that Applicant already controls, it appears that consummation of the proposal would not eliminate existing or potential competition, nor would it increase the concentration of banking resources in the relevant banking market. Applicant's principal has interests in and relationships with five other Illinois banking organizations, none of which compete with Bank in the relevant banking market. Thus, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and their future prospects appear favorable. Furthermore, the financial and managerial resources of the banking organizations with which Applicant's principal is affiliated are such that they may be regarded as generally consistent with approval of the application. Accordingly, banking factors are consistent with approval of the application. While no major changes are contemplated in Bank's services, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Therefore, it is the Board's judgment that the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order of (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective April 20, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-12149 Filed 4-27-77;8:45 am]

FIRST BANKERS CORPORATION OF FLORIDA

Order Approving Acquisition of Bank

First Bankers Corporation of Florida, Pompano Beach, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Winter Garden, Winter Garden, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the state's twentieth largest holding company, controls seven banks with aggregate deposits of $257.2 million, representing 1.03 percent of deposits in all commercial banks in the state. (All banking data are as of December 31, 1975.) Acquisition of Bank, having deposits of $21.3 million, would not significantly increase Applicant's share of Florida commercial bank deposits and Applicant's status as the twentieth largest holding company would remain unchanged. No undue concentration of banking resources in Florida would result.

Applicant is seeking to make a "foothold" entry into the relevant market area, which is the Orlando Banking Market. Applicant, in acquiring Bank, will control the eleventh largest bank in the market, with 1.6 percent of total commercial bank deposits.

Applicant's nearest banking subsidiary is located in New Smyrna Beach, 66 miles northeast of Bank. No competition currently exists between Applicant's subsidiaries and Bank, and it is unlikely that significant future competition would develop because of the distances involved and Florida's branching laws. The three largest organizations in the market control 59 percent of market deposits. Acquisition of Bank by Applicant will not have any adverse competitive effects in the market.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are considered to be generally satisfactory. Acquisition of Bank by Applicant will increase Bank's lending capacity and provide Bank with more sophisticated lending and investment services. Cost savings may result from the transfer of its data processing from an outside company to Applicant's subsidiary. Bank's employees will be included in Applicants retirement plan. Applicant plans to study the feasibility of opening a trust facility, and with Applicant's resources Bank will move its main office to a new location and convert the old office to a branch. Considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective April 18, 1977.

ARTHUR H. KANTNER,
Senior Vice President.

[FR Doc.77-12189 Filed 4-27-77;8:45 am]

[2] The relevant banking market is approximated by Woodford County, Illinois.

[3] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson, Partee, and Lilly.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL ARTHRITIS ADVISORY BOARD; NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Arthritis Advisory Board, National Institute of Arthritis, Metabolism, and Digestive Diseases, which was published in the FEDERAL REGISTER, April 19, 1977, 42 FR 20351.

The notice that was previously published stated the meeting would be partially closed from 9-11 a.m., May 4, 1977. The entire meeting will now be open to the public from 9 a.m.-5 p.m.

Dated: April 25, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77-12273 Filed 4-27-77;8:45 am]

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Financial Aid to Students will be held on May 5, and 6, 1977, from 9:00 a.m. to 5:00 p.m. at the Olde Colony Motor Lodge, Alexandria, Virginia.

The Advisory Council on Financial Aid to Students is established under section 499(a) of the Higher Education Act of 1965, as amended (20 U.S.C.; 089). The Committee shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on the evaluation of the effectiveness of these programs.

The meeting of the Committee shall be open to the public. The proposed agenda includes:

1. Summary review of Annual Report for 1977;
2. Assignment of research areas for working papers to be prepared by Council members for preliminary review in September, 1977, basis for 1978 Annual Report.

Records shall be kept of all Committee Proceedings and shall be available for public inspection at the Council's Office located in Room 4931, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed in Washington, D.C., on April 22, 1977.

WARREN T. TROUTMAN,
Office of Education, Delegate.

[FR Doc.77-12182 Filed 4-27-77;8:45 am]

SUBCOMMITTEE (OR GRANTS AND WORK-STUDY) OF THE ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Financial Aid to Students will be held on May 3, and 4, 1977, from 9:00 a.m. to 5:00 p.m. at the Olde Colony Motor Lodge, Alexandria, Virginia.

The Advisory Council on Financial Aid to Students is established under section 499(a) of the Higher Education Act of 1965, as amended (20 U.S.C.; 1089). The Committee shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on the evaluation of the effectiveness of these programs.

The meeting of the Committee shall be open to the public.

The proposed agenda includes:

1. Parameters of financial aid as now implemented in Federal aid programs;
2. Planning session for full Council meeting;
3. Summary analysis of areas to be suggested for 1977-78 research.

Records shall be kept of all Committee Proceedings and shall be available for public inspection at the Council's Office located in Room 4931, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed in Washington, D.C., on April 22, 1977.

WARREN T. TROUTMAN,
Office of Education Delegate.

[FR Doc.77-12183 Filed 4-27-77;8:45 am]

EMERGENCY SCHOOL AID

Change in Available Funds

On February 22, 1977, at 42 FR 10339, the Commissioner of Education announced a closing date of April 29, 1977 for receipt of applications under section 708(a)(2) of the Emergency School Aid Act ("ESAA"; Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619)). In particular, the Commissioner invited applications from local educational agencies ("LEAs") which adopted desegregation plans (or other plans described in section 706(a) of the statute) for initial implementation in the 1977-78 school year on or after December 18, 1976, and LEAs which adopted those plans in the recent past and which continue to have severe unmet educational needs arising from the implementation of the plans.

Part D of the February 22 notice of closing date stated it was anticipated that $20,350,000 would be awarded to support projects submitted in response to that notice. This figure was based in part on estimates of when LEAs then involved in litigation would adopt plans for implementation in the coming school year. However, several of these LEAs are still involved in litigation likely to result in plans for implementation in 1977-78. Because the requirements of these plans are not yet known, LEAs have not been able to develop applications to meet needs arising from them. Therefore, the Commissioner anticipates that approximately $10,000,000 will be awarded to support projects submitted in response to the February 22 notice. The remaining sums appropriated by Pub. L. 94-439 for section 708(a) will be reserved to support projects to be solicited by a future notice of closing date.

(Catalog of Federal Domestic Assistance No. 13.532, Emergency School Aid—Special Projects.)

(20 U.S.C. 1601-1619.)

Dated: April 26, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc.77-12272 Filed 4-27-77;8:45 am]

Office of Human Development

WORK INCENTIVE PROGRAM

Distribution of Funds; Notice

AGENCY: Office of Human Development (OHD), HEW.

ACTION: Notice.

SUMMARY: The Office of Human Development (OHD) proposes a method for the allocation among the States of fiscal year 1978 funds for child care and other supportive services under the Work Incentive (WIN) Program, OHD proposes that this method distribute 100 percent of the funds available to State WIN separate administrative units for child care and other supportive services on the basis of the Department of Labor allocations to the State WIN sponsors for employment and training.

COMMENTS: Consideration will be given to any written comments or suggestions received by the Office of Human Development, Department of Health, Education and Welfare, P.O. Box 2382, Washington, D.C. 20013 on or before May 27, 1977. Comments will be available for public inspection in room 5225 of the Department's offices at 330 "C" Street SW., Washington, D.C., on Monday through Friday from 8:30 a.m. to 5 p.m. (area code 202-245-0950).

FOR FURTHER INFORMATION CONTACT:

Pera Daniels, area code 202-245-0436.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Prior to fiscal year 1975, the funds appropriated for child care and other supportive services under the WIN Program were sufficient to match all State expenditures. In fiscal year 1975, and thereafter, appropriated funds were insufficient to match increased State expenditures that resulted from substantial program growth. Limits of entitlement were therefore imposed on each State in order to remain within the funds available.

METHODS USED IN PRIOR YEARS

The method for computing these limits distributed 25 percent of the funds available on the basis of the Department of Labor allocations to the State WIN sponsors for employment and training. In fiscal year 1976, this percentage was increased to 50 percent and in fiscal year 1977, to 75 percent. In each of these three years the remaining funds were distributed on the basis of past expenditures for child care and other supportive services by each State.

PROPOSED METHOD FOR FISCAL YEAR 1978

OHD proposes that 100 percent of the fiscal year 1978 funds be distributed to State WIN separate administrative units for child care and other supportive services on the basis of the Department of Labor allocations to the State WIN sponsors for employment and training. This would complete the gradual linkage which was started in fiscal year 1975. While a statistical validation of this linkage cannot be made, we believe that there is a valid direct relationship between the State's WIN activity in employment and training and the necessity for child care and other supportive services.

RELATED UNIFIED FUNDING PROPOSAL TO THE CONGRESS

Despite this relationship, individual differences in some States may necessitate a different split of the total WIN funds available. A unified planning and funding concept has been recommended to the Congress which will give each State the opportunity to determine what portion of its total WIN funds will be used for child care and supportive services and what portion for employment and training. The portion designated by each State for child care and other supportive services will become the State's

limit of entitlement. Under the unified planning and funding process, the States' limits of entitlement will be established as follows:

1. In the President's budget the WIN program has two subactivities: one for employment and training and another for child care and other supportive services. From the amount for the employment and training subactivity, the Department of Labor will compute a preliminary amount for each State using their allocation formula. Each Regional Coordinating Committee for WIN will make adjustments to these preliminary amounts among the States in its region based on its closer, more comprehensive knowledge of the States' WIN plan operations forecasted for fiscal year 1978.

2. From the amount identified in the subactivity for the WIN child care and other supportive services, OHD will compute a preliminary amount for each State in direct proportion to the Department of Labor amounts (as adjusted by the Regional Coordinating Committees).

3. The Regional Coordinating Committee will provide each State with the sum of the preliminary amounts determined in steps one and two. Using this total each State will develop during June, July, August and September, its State WIN plan for fiscal year 1978. The State will decide the most appropriate split of the total funds between the State's employment and training agencies and its child care and other supportive services units. The Regional Coordinating Committee must approve each State's WIN plan and the State's split of the fiscal year 1978 WIN funds.

4. The amount approved for chlid care and other supportive services will be published by OHD as the amount of the State's limit of entitlement. If an amount for child care and supportive services is not approved by the Regional Coordinating Committee for the State by September 30, 1977, the amount computed using the ratio of employment and training funds to child care funds in step two will be published by OHD as the State's limits of entitlement.

PROCEDURE IF UNIFIED FUNDING IS NOT APPROVED

If unified funding is not approved by the Congress, then limits of entitlement would be computed using only steps 1 and 2 above.

OTHER PROCEDURES

Whether or not unified funding is approved, if the annual appropriation for the WIN program differs from the amount in the President's budget, then the limit of entitlement for each State will be increased or decreased proportionately.

A survey will be made during the second half of fiscal year 1978 to determine the validity of the limits of entitlements. If the survey indicated that major variations from initial funding levels have occurred then the limits will be revised accordingly.

EFFECT OF LIMITS OF ENTITLEMENT

Expenditures for child care and other supportive services under section 402(a)(19)(G) of the Social Security Act, 42 U.S.C. 602(a)(19)(G), will not be honored to the extent that they exceed published limits of entitlement.

(Catalog of Federal Domestic Assistance Program No. 13.748 Work Incentive Program—Child Care—Employment Related Supportive Services.)

Dated: April 25, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-12180 Filed 4-27-77;8:45 am]

Public Health Service

EMERGENCY PREPAREDNESS FUNCTIONS

Order of Succession of Emergency Continuity of Leadership

Notice is hereby given that pursuant to the requirements contained in section 102(b) of Executive Order 11490, as amended by Executive Order 11921, and Federal Preparedness Circular FPC-14, and Department of Health, Education, and Welfare Emergency Manual Chapter 2-40, the Assistant Secretary for Health has designated an order of succession for emergency continuity of leadership.

The order, effective April 15, 1977, provides for the first-available official listed below to act as the Assistant Secretary for Health in the event of a national emergency or upon activation of the Emergency Health Service or an order of the Secretary of Health, Education, and Welfare and during the absence or disability of the Assistant Secretary for Health:

1. Deputy Assistant Secretary for Health.
2. Executive Officer/PHS.
3. Administrator, Health Services Administration.
4. Regional Health Administrator, Region X.
5. Regional Health Administrator, Region II.
6. Regional Health Administrator, Region VI.

Each official listed in the order, upon succession to the position of the Assistant Secretary for Health, shall be empowered to perform all functions and exercise all authority of the Assistant Secretary for Health except where prohibited by law, regulation, or other applicable directive.

Each official listed in the order will receive emergency notification of his emergency succession to the position of the Assistant Secretary for Health through regular channels of communication, e.g., by telephone, in meetings, if possible. If regular channels of communication are disrupted, he will be notified by other available means, e.g., telegraph or radio.

Tenure of authority shall continue until the successor to the position of the Assistant Secretary for Health is relieved by someone higher in the order of succession or by the Assistant Secretary for Health.

Dated: April 15, 1977.

R. MOURE,
Executive Officer, Public Health Service.

[FR Doc.77-12139 Filed 4-27-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SIX NATIONS AND STOCKBRIDGE-MUNSEE

Plan for Use and Distribution of Six Nations Judgment Funds Awarded in Dockets 84 and 300-B, and the Stockbridge-Munsee Community in Docket 300, Before the Indian Claims Commission

APRIL 21, 1977.

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 (Pub. 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 December 27, 1974, 88 Stat. 1771, in satisfaction of the award granted to the Six Nations in Indian Claims Commission Dockets 84 and 300-B, and by the Act of January 3, 1974, 87 Stat. 1071, for The Stockbridge-Munsee Community in Indian Claims Commission Docket 300.

The plan for the use and distribution of the funds was submitted to the Congress with a letter dated September 21, 1976, and was received (as recorded in the Congressional Record) by the House of Representatives on September 23, 1976, and as reported by the Senate on September 23, 1976. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on March 4, 1977, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of December 27, 1974, 88 Stat. 1771, in satisfaction of the award granted to the Six Nations in Dockets 84 and 300-B before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be divided, on a population basis, by the Secretary of the Interior among the following tribes and in the following percentages:

	Percent
NEW YORK ENTITIES	
The Seneca Nation	28
The Tonawanda Band of Senecas	5
The Oneida Nation of New York	3
The Cayuga Nation	3
The Onondaga Nation	7
The Tuscarora Nation	4
WISCONSIN ENTITIES	
The Oneida Tribe of Wisconsin	42
The Stockbridge-Munsee Community	8
Making a total of	100

The governing body of each of the above-cited New York entities is authorized to designate any tribal account, project or program to which their share of the funds is to be applied. Should any governing body not specify such account, project or program for the use of their share of the funds by the effective date of this plan, said share, including all interest and investment income accrued, shall be held and continued to be invested by the Secretary pursuant to 25 U.S.C. § 162a until such tribal proposal is submitted to and approved by him. The share of the Oneida Tribe of Wisconsin shall be deposited in the tribe's "Sand Account" and be utilized for land acquisition. The share of the Stockbridge-Munsee Community shall be deposited in a Land Purchases bank account designated as No. 210-06858 and be utilized for land acquisition.

The funds appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of the award granted to the Stockbridge-Munsee Community in Docket 300 before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be added to the Stockbridge-Munsee share of the funds in Dockets 84 and 300-B and be handled and utilized in the same manner and for the same purposes.

None of the funds considered in this plan shall be available for distribution in the form of per capita payments.

THEODORE C. KRENZKE,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77-12135 Filed 4-27-77;8:45 am]

[CA 4228]

CALIFORNIA

Airport Lease

APRIL 20, 1977.

Notice is hereby given that pursuant to the Act of May 24, 1928, (49 U.S.C. 211-214) the County of Inyo, California, Department of Public Works, has applied for an airport lease for the following land:

MOUNT DIABLO MERIDIAN

T. 19 S., R. 40 E.,
Sec. 24, That portion of Section 24, T. 19 S. R. 40 E., MDM, lying 37.5 feet each side of the following described centerline: Commencing at the southwest corner of Tract 38, as shown on the Inyo County Surveyor's Map No. 20 of the Darwin Townsite, Darwin, Ca., on file in the office of the Inyo County Surveyor, thence N. 62°20'04" W., 1,218.39 feet to the True Point of Beginning; thence S. 01°44'53" E., 2,550.00 feet. The sidelines are to terminate at right angles to the herein described centerline, comprising 4.39 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the above described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the Chief, Lands Section, Branch of Lands and Minerals Operations, Bureau of Land Management, 2800 Cottage Way, Federal Building, Room E-2605, Sacramento, CA 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-12246 Filed 4-27-77;8:45 am]

[ES 11765]

FLORIDA

Opportunity for Public Hearing and Republication of Proposed Withdrawal

The U.S. Department of the Interior, Fish and Wildlife Service filed application Serial No. ES 11765 on February 28, 1973, for a withdrawal in relation to the following described lands:

TALLAHASSEE MERIDIAN, FLORIDA

T. 31 S., R. 39 E.,
Section 9: Lot 9.

The area described above contains 37.50 acres in Indian River County, Florida.

The applicant proposes to use the land as an addition to the Pelican Island National Wildlife Refuge for the management of the endangered Brown Pelican and for other colonial nesting birds and wildlife.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on June 7, 1974, page 20221, Volume No. 39, Document No. 74-13059.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910, on or before June 7, 1977. Upon determination by the Director that a public hearing will be held, a notice of public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the Director, Eastern States Office, Bureau of Land Management at the above address on or before June 7, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, the mineral leasing laws, and the Act of July 31, 1947 (61 Stat. 681) to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.77-12238 Filed 4-27-77;8:45 am]

[NM 30324]

NEW MEXICO

Application

APRIL 21, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for one 6⅝-inch and 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 14 S., R. 28 E.,
Sec. 8, SE¼SW¼ and SW¼SE¼;
Sec. 17, NE¼NW¼ and W½NW¼;
Sec. 18, SE¼NE¼ and E½SE¼;
Sec. 19, NE¼NE¼, W½NE¼, SE¼SW¼ and W½SE¼;
Sec. 30, NE¼NW¼.

This pipeline will convey natural gas across 2.808 miles of national resource land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12247 Filed 4-27-77; 8:45 am]

[OR 14265]

OREGON

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of Section 206 of the Act of October 21, 1976, 90 Stat. 2743, 2756, 43 U.S.C. 1716, the following land has been reconveyed to the United States.

WILLAMETTE MERIDIAN

T. 7 S., R. 42 E.,
Sec. 21, S½;
Sec. 22, SW¼.

The area described contains 480 acres in Baker County.

2. All the minerals in SE¼, Sec. 21, T. 7 S., R. 42 E. were and continue to be in United States ownership and open to operation of the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws.

3. The subject land is located approximately 20 miles northeast of the city of Baker. The topography is generally hilly and the soils are rocky in most places. Vegetation consists of native grasses and sagebrush with a few trees and shrubs along the drainage of a perennial stream which flows through the west end of the tract. In the past, the land has been used for livestock grazing purposes, and it will be managed together with adjoining natural resource lands, for multiple use.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land described in paragraph 1 hereof is hereby open (except as alreadp provided in paragraph 2 hereof) to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. June 3, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12248 Filed 4-27-77;8:45 am]

[U-37049]

UTAH

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 21 E.,
Secs. 11, 13, and 14.

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

WILLIAM LEAVELL,
Associate State Director.

[FR Doc.77-12249 Filed 4-27-77;8:45 am]

[Wyoming 58845]

WYOMING

Application

APRIL 21, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4" O.D. pipeline for the purpose of transporting natural gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 94 W.,
Sec. 8, S½NE¼, SE¼NW¼, N½SW¼,
Sec. 10, W½NW¼.

The pipeline will transport natural gas produced from the Federal 10-18-94 well in the NW¼ of Section 10, Township 18 North, Range 94 West, Sweetwater County, Wyoming, into an existing natural gas pipeline system at a location in Section 7, Township 18 North, Range 94 West in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12250 Filed 4-27-77;8:45 am]

Bureau of Land Management

[Wyoming 59095]

WYOMING

Application

APRIL 19, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 6" O.D. natural gas pipeline for the purpose of transporting "sour" gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.,
Sec. 2, NE¼SW¼.

The pipeline will transport "sour" gas from the TRU No. 22 well in section 2, T. 18 N., R. 98 W. into a proposed 10" Desert Springs F143 line located in said section 2, in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12136 Filed 4-27-77;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Availability of Report

Consistent with the provisions of 5 U.S.C. 552 and the Federal Advisory Committee Act (Pub. L. 92-463), the Advisory Committee on Coal Mine Safety Research has issued its Annual Report for 1976. Copies of the report have been filed and are available for public inspection and use 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, Departmental Library, Room 1140, 18th and C Streets NW., Washington, D.C. 20240, Telephone (202) 343-5815.

U.S. Bureau of Mines, Office of the Assistant Director—Mining, Columbia Plaza Office Building, Room 964, 2401 E Street NW., Washington, D.C. 20241, Telephone (202) 634-1223.

Inquiries concerning this report may be addressed to the Executive Secretary of the Advisory Committee, Office of the Assistant Secretary, Energy and Minerals, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

Dated: April 19, 1977.

JOHN D. MORGAN, Jr.,
Acting Director, Bureau of Mines.

[FR Doc.77-12137 Filed 4-27-77;8:45 am]

National Park Service

BOSTON NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Boston National Historical Park Advisory Commission will be held at 11 a.m. on May 19, 1977 at the Commandant's House, Charlestown Navy Yard, Boston, Massachusetts.

The Commission was established by Pub. L. 93-431 to advise the Secretary of the Interior on matters relating to the development of the Boston National Historical Park.

The members of the Advisory Commission are as follows:

Mr. Richard A. Berenson, Chairman, Brookline, Massachusetts

Dr. Evelyn Murphy, Lexington, Massachusetts
Mr. Byron D. Rushing, Boston, Massachusetts
Mrs. Katharine D. Kane, Boston, Massachusetts
Mr. Maurice F. O'Shea, Charlestown, Massachusetts
Mr. Guy A. Beninati, Boston, Massachusetts

The matters to be discussed at this meeting include:

1. Plans for the park Visitor Center.
2. Transportation between the various park sites.
3. Interpretive plans and special events for the 1977 visitor season.
4. The Commission sub-committee report on the Boston NHP Environmental Assessment.
5. Progress report on cooperative agreements.
6. Report and discussion of interrelation between the National Park Service and the Boston Redevelopment Authority at the Charlestown Navy Yard.
7. Report and discussion of park administration and operation.

The meeting will be open to the public. However, facilities and space are limited, and it is expected that not more than 25 persons will be able to attend the session. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Hugh D. Gurney, Superintendent, Boston National Historical Park at 617-242-1700. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent, Building 136, Charlestown Navy Yard, Boston, Massachusetts.

Dated: April 12, 1977.

DENIS P. GALVIN,
Acting Regional Director.

[FR Doc.77-12212 Filed 4-27-77;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 710-77]

PRIVACY ACT OF 1974

Clarification of System of Records

In accordance with Section 3(e)(4) and (11) of the Privacy Act of 1974, 5 U.S.C. 552a, a system notice, JUSTICE/FBI-002, titled "FBI Central Records System" was published in the FEDERAL REGISTER annually and most recently on March 4, 1977 (42 FR 12309).

In order to delineate more accurately the types of records contained within this system, the description of categories of records printed below replaces the existing one.

Since this modification to the system notice is an amplification rather than an alteration or expansion of the scope of this system of records, the reporting criteria of the Privacy Act and the Office of Management and Budget Circular A-108 do not require the filing of a report.

Pursuant to the authority vested in me by 5 U.S.C. 552a, this revision is hereby adopted.

JUSTICE/FBI-002

System name:

FBI Central Records System.

Categories of records in the system:

The FBI has 191 classifications used in its basic filing system. They pertain primarily to Federal violations over which the FBI has investigative jurisdiction. However, included in the 191 classifications are personnel, applicant, and administrative matters to facilitate the overall filing scheme. These classifications are as follows (the word "obsolete" following the name of the classification indicates that documents are no longer being filed under this heading):

CLASSIFICATIONS

1. Training Schools; National Academy Matters; FBI National Academy Applicants
2. Neutrality Matters.
3. Overthrow or Destruction of the Government
4. National Firearms Act; Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms
5. Income Tax.
6. Interstate Transportation of Strikebreakers
7. Kidnaping
8. Migratory Bird Act
9. Extortion
10. Red Cross Act
11. Tax (Other than Income)
12. Narcotics
13. Miscellaneous National Defense Act; Prostitution; Selling Whiskey Within Army Camps (obsolete)
14. Sedition
15. Theft from Interstate Shipment
16. Violation Federal Injunction (obsolete)
17. Veterans Administration Matters
18 May Act
19. Censorship Matters (obsolete)
20. Federal Grain Standards Act (obsolete)
21. Food and Drugs
22. National Motor Vehicle Traffic Act (obsolete)
23. Prohibition
24. Profiteering (obsolete)
25. Selective Service Act; Selective Training and Service Act
26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft
27. Patent Matter
28. Copyright Matter
29. Bank Fraud and Embezzlement
30. Interstate Quarantine Laws (obsolete)
31. White Slave Traffic Act
32. Identification (Fingerprint Matters)
33. Uniform Crime Reporting
34. Violation of Lacy Act (obsolete)
35. Civil Service
36. Mail Fraud
37. False Claims Against the Government (obsolete)
38. Application for Pardon to Restore Civil Rights (obsolete)
39. Falsely Claiming Citizenship
40. Passport and Visa Matter
41. Explosives (obsolete)
42. Deserter; Deserter, Harboring
43. Illegal Wearing of Uniform; False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacture, Use, Possession, or Sale of Emblems and Insignia; Illegal Manufacture, Possession, or Wearing of Civil Defense Insignia; Miscellaneous, Forging or Using Forged Certificate of Discharge from Military or Naval Service; Miscellaneous, Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous, Forging or Counterfeiting Seal of Department or Agency of the United States; Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States; Unauthorized Use of "Johnny Horizon" Symbol; Unauthorized Use of "Smokey Bear" Symbol
44. Civil Rights; Civil Rights, Election Laws; Civil Rights, Election Laws, Voting Rights Act, 1965
45. Crime on the High Seas (Includes stowaways on boats and aircraft)
46. Fraud Against the Government; Anti-Kickback Statute; Dependent Assistance Act of 1950; False Claims, Civil; Federal-Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act, Criminal; Renegotiation Act, Civil; Trade Expansion Act of 1963; Unemployment Compensation Statutes; Economic Opportunity Act
47. Impersonation
48. Postal Violations (Except Mail Fraud)
49. National Bankruptcy Act
50. Involuntary Servitude and Slavery
51. Jury Panel Investigations
52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property
53. Excess Profits on Wool (obsolete)
54. Customs Laws and Smuggling
55. Counterfeiting
56. Election Laws
57. War Labor Disputes Act (obsolete)
58. Bribery; Conflict of Interest
59. World War Adjusted Compensation Act (obsolete)
60. Anti-Trust
61. Treason or Misprison of Treason
62. Miscellaneous—Including Administrative Inquiry (formerly Misconduct in Office)
63. Miscellaneous, Non-Subversive, including: Black Market in Railroad Tickets (obsolete); Civil Aeronautics Act (obsolete); Eight-Hour-Day Law; Federal Judiciary Investigations; Federal Juvenile Delinquency Act; Kickback Racket Act; Lands Division Matter (Condemnation Proceedings); Miscellaneous—Civil Suit; Miscellaneous, O.P.A. Violation (Civil) (obsolete); Miscellaneous—Wage and Hour Law (Fair Labor Standards Act of 1938); Soldiers and Sailors Civil Relief Act of 1940; Tariff Act of 1930; Top Hoodlum Coverage; Unreported Interstate Shipment of Cigarettes; Federal Cigarette Labeling and Advertising Act
64. Foreign Miscellaneous
65. Espionage
66. Administrative Matters
67. Personnel Matters
68. Alaskan Matters (obsolete)
69. Contempt of Court
70. Crime on Indian Reservation; Inducing Conveyance of Indian Trust Land; Crime on Government Reservation; Embezzlement or Theft of Indian Property

71. Bills of Lading Act
72. Obstruction of Criminal Investigations
73. Application for Pardon After Completion of Sentence and Application for Executive Clemency
74. Perjury
75. Bondsmen and Sureties
76. Escaped Federal Prisoner; Escape and Rescue; Probation Violator; Parole Violator; Mandatory Release Violator
77. Applicants (Special Inquiry, Departmental and Other Government Agencies, except those having special classifications)
78. Illegal Use of Government Transportation Requests
79. Missing Persons
80. Laboratory Research Matters
81. Gold Hoarding (obsolete)
82. War Risk Insurance (National Service Life Insurance) (obsolete)
83. Court of Claims
84. Reconstruction Finance Corporation Act (obsolete)
85. Home Owner Loan Corporation (obsolete)
86. Federal Lending and Insurance Agencies
87. Interstate Transportation of Stolen Property (Fraud by Wire, Radio, or Television)
88. Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony
89. Assaulting or Killing a Federal Officer; Congressional Assassination Statute
90. Irregularities in Federal Penal Institutions
91. Bank Burglary; Bank Larceny; Bank Robbery
92. Anti-Racketeering; A.R., LEA Act; A.R., Interference with Government Communications System; A.R., Hobbs Act
93. Ascertaining Financial Ability
94. Research Matters
95. Laboratory Cases (Examination of Evidence in Other than Bureau Cases)
96. Alien Applicant (obsolete)
97. Registration Act
98. Sabotage
99. Plant Survey (obsolete)
100. Subversive Matter (Individuals); Internal Security (Organization)
101. Hatch Act (obsolete)
102. Voorhis Act
103. Interstate Transportation of Stolen Cattle
104. Servicemen's Dependents Allowance Act of 1942 (obsolete)
105. Internal Security (Nationalistic Tendency, Foreign Intelligence) (Individuals and Organizations, by country)
106. Alien Enemy Control; Escaped Prisoners of War and Internees (obsolete)
107. Denaturalization Proceedings (obsolete)
108. Foreign Travel Control (obsolete)
109. Foreign Political Matters
110. Foreign Economic Matters
111. Foreign Social Conditions
112. Foreign Funds
113. Foreign Military and Naval Matters
114. Alien Property Custodian Matter (obsolete)
115. Bond Default; Bail Jumper
116. Atomic Energy Act, Applicant; Atomic Energy Act, Employee
117. Atomic Energy Act, Criminal
118. Applicant, Central Intelligence Agency (obsolete)
119. Federal Regulations of Lobbying Act
120. Federal Tort Claims Act
121. Loyalty of Government Employees (obsolete)
122. Labor Management Relations Act, 1947
123. Special Inquiry, State Department, Voice of America (U.S. Information Center) (Public Law 402, 80th Congress)
124. European Recovery Program (International Cooperation Administration), formerly Foreign Operations Administration, Economic Cooperation Administration or E.R.P., European Recovery Program; A.I.D., Agency for International Development (obsolete)
125. Railway Labor Act; Railway Labor Act, Employer's Liability Act
126. National Security Resources Board, Special Inquiry (obsolete)
127. Sensitive Positions in the United States Government, Public Law 266 (obsolete)
128. International Development Program (Foreign Operations Administration)
129. Evacuation Claims (obsolete)
130. Special Inquiry, Armed Forces Security Act (obsolete)
131. Admiralty Matter
132. Special Inquiry, Office of Defense Mobilization (obsolete)
133. National Science Foundation Act, Applicant (obsolete)
134. Security Informants
135. PROSAB (Protection of Strategic Air Command Bases of U.S.A. Air Force)
136. American Legion Contact (obsolete)
137. Criminal Informants
138. Loyalty of Employees of the United Nations and Other Public International Organizations
139. Interception of Communications (Formerly, Unauthorized Publication or Use of Communications)
140. Security of Government Employees; S.G.E., Fraud Against the Government
141. False Entries in Records of Interstate Carriers
142. Illegal Use of Railroad Pass
143. Interstate Transportation of Gambling Devices
144. Interstate Transportation of Lottery Tickets
145. Interstate Transportation of Obscene Matter; Broadcasting Obscene Language
146. Interstate Transportation of Prison-Made Goods
147. Federal Housing Administration Matters
148. Interstate Transportation of Fireworks
149. Destruction of Aircraft or Motor Vehicles
150. Harboring of Federal Fugitives, Statistics
151. (Referral cases received from CSC under P.L. 298) Agency for International Development; Atomic Energy Commission (Civil Service Commission); National Aeronautics and Space Administration; National Science Foundation; Peace Corps; Action; U.S. Arms Control and Disarmament Agency; World Health Organization; International Labor Organization; U.S. Information Agency
152. Switchblade Knife Act
153. Automobile Information Disclosure Act
154. Interstate Transportation of Unsafe Refrigerators
155. National Aeronautics and Space Act of 1958
156. Welfare and Pension Plans Disclosure Act
157. Extremist Matters; Civil Unrest
158. Labor-Management Reporting and Disclosure Act of 1959 (Security Matter) (obsolete)
159. Labor-Management Reporting and Disclosure Act of 1959 (Investigative Matter)
160. Federal Train Wreck Statute
161. Special Inquiries for White House, Congressional Committee and Other Government Agencies
162. Interstate Gambling Activities
163. Foreign Police Cooperation
164. Crime Aboard Aircraft
165. Interstate Transmission of Wagering Information
166. Interstate Transportation in Aid of Racketeering
167. Destruction of Interstate Property
168. Interstate Transportation of Wagering Paraphernalia
169. Hydraulic Brake Fluid Act (obsolete)
170. Extremist Informants
171. Motor Vehicles Seat Belt Act (obsolete)
172. Sports Bribery
173. Public Accommodations, Civil Rights Act of 1964.
Public Facilities, Civil Rights Act of 1964
Public Education, Civil Rights Act of 1964
Employment, Civil Rights Act of 1964
174. Explosives and Incendiary Devices; Bomb Threats (Formerly, Bombing Matters; Bombing Matters, Threats)
175. Assaulting the President (or Vice President) of the United States
176. Anti-riot Laws
177. Discrimination in Housing
178. Interstate Obscene or Harassing Telephone Calls
179. Extortionate Credit Transactions
180. Desecration of the Flag
181. Consumer Credit Protection Act
182. Illegal Gambling Business; Illegal Gambling Business, Obstruction; Illegal Gambling Business, Forfeiture
183. Racketeer, Influenced and Corrupt Organizations
184. Police Killings
185. Protection of Foreign Officials and Official Guests of the United States
186. Real Estate Settlement Procedures Act of 1974
187. Privacy Act of 1974, Criminal
188. Crime Resistance
189. Equal Credit Opportunity Act
190. Freedom of Information/Privacy Acts
191. False Identity Matter

Files kept in FBI Field Offices, Field offices maintain certain records that are not contained at FBI Headquarters that include files, index cards, and related material pertaining to cases in which there was no prosecutive action undertaken; perpetrators of violations not developed during investigation; or investigation revealed allegations were unsubstantiated or not within the investigative jurisdiction of the Bureau. These investigations were closed in field offices and correspondence not forwarded to FBIHQ.

Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. These records are lists of individuals which contain certain biographic data, including physical description and photograph. They may also contain information concerning activities of the individual as reported to FBIHQ by the various field offices. The establishment of these lists is necessitated by the needs of the Divisions to have immediate access to pertinent information duplicative of data found in the Central Records without the delay caused by a time-consuming manual search of central indices. The manner of segregating these individuals varies depending on the particular needs of the FBI Division. The information pertaining to individuals who are a part of the list is derivative

of information contained in the Central Records System. These duplicative records fall into the following categories:

(1) Listings of individuals used to assist in the location and apprehension of individuals for whom legal process is outstanding (fugitives);

(2) Listings of individuals used in the identification of particular offenders in cases where the FBI has jurisdiction. These listings include various photograph albums and background data concerning persons who have been formerly charged with a particular crime and who may be suspect in similar criminal activities; and photographs of individuals who are unknown but suspected of involvement in a particular criminal activity, for example, bank surveillance photographs;

(3) Listings of individuals as part of an overall criminal intelligence effort by the FBI. This would include photograph albums, lists of individuals known to be involved in criminal activity, including theft from interstate shipment, interstate transportation of stolen property, and individuals in the upper echelon of organized crime;

(4) Listings of individuals in connection with the FBI's mandate to carry out Presidential directives on January 8, 1943, July 24, 1950, December 15, 1953, and February 18, 1976, which designated the FBI to carry out investigative work in matters relating to espionage, sabotage, and foreign counterintelligence. These listings may include photograph albums and other listings containing biographic data regarding individuals. This would include lists of identified and suspected foreign intelligence agents and informants;

(5) Special indices duplicative of the central indices used to access the Central Records System have been created from time to time in conjunction with the administration and investigation of major cases. This duplication and segregation facilitates access to documents prepared in connection with major cases.

Some of the information contained in the main files has also been extracted and placed on computer to enable various divisions to retrieve information more rapidly by avoiding the need for a manual search for information maintained in the main files. For example, since investigation of major frauds requires the Agent to collect and organize massive volumes of evidence and other investigative information, the FBI is using computers to do this in a more accurate and expeditious manner. Additionally, Agents occasionally seize evidence in computerized form and FBI computers are used to organize and sort the information in preparation for trial.

Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

Dated: April 18, 1977.

PETER F. FLAHERTY,
Acting Attorney General.

[FR Doc.77-12097 Filed 4-27-77;8:45 am]

SOUTHERN NINTH CIRCUIT OF UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION

Schedule of Meetings

The schedule of meetings of the nominating panel for the Southern Ninth Circuit of the United States Circuit Judge Nominating Commission is as follows:

1. The first meeting will be held on May 9, 1977 at 9:30 a.m. in the court room of the U.S. Court of Appeals on the 16th floor of the U.S. Courthouse, 312 North Spring Street, Los Angeles, California. The purpose of this meeting is to discuss procedures and criteria for nominating candidates and to discuss prospective candidates.

2. The second meeting will be held in the court room of the U.S. Courthouse in Las Vegas, Nevada, May 27, 1977 at 10 a.m. The purpose of the meeting will be to interview candidates.

3. The third meeting will be held in Room 1026 of the U.S. Federal Court Building in Phoenix, Arizona, on May 28, 1977 at 9:30 a.m. The purpose of the meeting will be to interview candidates.

These meetings will not be open to the public pursuant to Pub. L. 92-463, sec. 10 (D) as amended. [Cf. 5 U.S.C. 552b(c)(6).]

JOSEPH A. SANCHES,
Advisory Committee, Management Officer.

[FR Doc.77-12186 Filed 4-27-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 24 and 23 to Facility Operating Licenses Nos. DPR-31 and DRP-41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operation of the Turkey Point Nuclear Generating Units Nos. 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

These amendments consist of changes to the Technical Specifications which will change the reactor coolant pressure-temperature limits to account for neutron irradiation induced increases in reactor vessel metal nil ductility temperature.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated May 21, 1976, (2) Amendments No. 24 and 23 to Licenses Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental & Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-12013 Filed 4-27-77;8:45 am]

[Docket No. STN 50-484]

NORTHERN STATES POWER CO. OF MINNESOTA AND NORTHERN STATES POWER COMPANY OF WISCONSIN, ET AL.

Availability of Final Environmental Statement for Tyrone Energy Park

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed Tyrone Energy Park to be constructed by the co-applicants Northern States Power Company of Minesota, Northern States Power Company of Wisconsin, Cooperative Power Association, Dairyland Power Cooperative, and the Lake Superior District Power Company, in Dunn County, Wisconsin, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Stout Library, University of Wisconsin, Menonomie, Wisconsin. The Final Environmental Statement is also being made available at the State Clearinghouse, Bureau of Planning and Budget, Department of Administration, State Office Building, 1 West Wilson Street, Madison, Wisconsin, and the West Central Wisconsin Regional Planning Commission, 731 Oxford Avenue, Eau Claire, Wisconsin.

The Notice of Availability of the Draft Environmental Statement for the Tyrone Energy Park and requests for comments from interested persons was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27789). The comments received from Federal, State, and local agencies

and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0226) may be purchased from the National Technical Information Service, Springfield, Virginia 22161 at a cost of $9.75 for printed copies and $3.00 for microfiche.

Dated at Rockville, Maryland, this 19th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Site Safety and Environmental Anaylsis.

[FR Doc.77-12015 Filed 4-27-77;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amndment No. 14 to Facility Operating License No. NPF-1 issued to Portland General Electric Company which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

The amendment changes the expected and limiting annual usage for sodium bisulfite, deletes the annual usage limit for volatile amines, and corrects the nomenclature for sampling locations specified for several effluent chemical concentration measurements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action. A negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the application for amendment dated August 25, 1976, as supplemented September 3, October 6, and November 16, 1976, (2) Amendment No. 14 to License No. NPF-1 and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of April 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-12016 Filed 4-27-77;8:45 am]

[Docket Nos. STN 50-522 and STN 50-523]

PUGET SOUND POWER AND LIGHT COMPANY, ET AL. (SKAGIT NUCLEAR POWER PROJECT, UNIT NOS. 1 AND 2)

Availability of Final Supplement to Final Environmental Statement for Skagit Nuclear Power Project, Unit Nos. 1 and 2)

Notice is hereby given that a Final Supplement to the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed Skagit Nuclear Power Project, Unit Nos. 1 and 2 to be constructed in Skagit County, Washington, by the Puget Sound Power and Light Company, et al. is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Sedro Woolley Library, 802 Ball Avenue, Sedro Woolley, Washington. The supplement is also being made available at the Office of the Governor, Office of Program Planning and Fiscal Management, Olympia, Washington.

On June 2, 1975, the Nuclear Regulatory Commission issued a Final Environmental Statement for the Skagit Nuclear Power Project, Unit Nos. 1 and 2 (40 FR 23786). On July 9, 1976, the NRC issued a Draft Supplement to the Final Environmental Statement (41 FR 28599), the purpose of which was to identify and evaluate the potential effects of the proposed Skagit Nuclear Power Project on those values for which the Skagit River was named as a study river in the Wild and Scenic Rivers Act (Pub. L. 90-542). The comments received from Federal, State and local agencies and interested members of the public have been included as an appendix to the Final Supplement.

Copies of the Final Supplement to the Final Environmental Statement (NU REG 0235) may be purchased from the National Technical Information Service, Springfield, Virginia 22161 at a cost of $6.00 for printed copies and $3.00 for microfiche. Copies of the Final Environmental Statement (NUREG 75/055) may also be purchased from NTIS (price $8.75 for printed copy).

Dated at Rockville, Maryland, this 20th day of April 1977.

For the Nuclear Regulatory Commission.

JAN NORRIS,
Acting Chief, Environmental Projects Branch No. 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-12012 Filed 4-27-77;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Provisional Operating License No. DPR-18, issued to Rochester Gas and Electric Corporation, which revised Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York. The amendment is effective as of its date of issuance.

This amendment changes the Technical Specifications by revising the heat-up and cooldown limit curves for the reactor vessel based on the results of tests and analyses performed on irradiated reactor pressure vessel material surveillance specimens contained in Capsule R which was withdrawn from the Ginna vessel. It also changes the organization chart in the Technical Specifications and removes a reporting requirement for inoperability of one of the two control rod misalignment monitors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 10, 1975, as supplemented April 8, 1976, and applications dated January 30, and August 10, 1976, (2) Amendment No. 12 to Provisional License No. DPR-18 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489 and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of April 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-12011 Filed 4-27-77;8:45 am]

[Docket Nos. STN 50-553 & STN 50-554]

TENNESSEE VALLEY AUTHORITY

Availability of Safety Evaluation Report for the Phipps Bend Nuclear Plant, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Saftey Evaluation Report on the proposed construction of the Phipps Bend Nuclear Plant, Units 1 and 2, to be located in Hawkins County, approximately 15 miles southwest of Kingsport, Tennessee. Notice of receipt of Tennessee Valley Authority's application to construct and operate the Phipps Bend Nuclear Plant, Units 1 and 2 was published in the FEDERAL REGISTER on November 25, 1975 (40 FR 54630).

The application references the GES SAR-238 Nuclear Island application (Docket No. STN 50-447) under the reference system option of standardization, pursuant to 10 CFR Part 50, Appendix O.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kingsport Public Library, Broad and New Streets, Kingsport, Tennessee 37660 for inspection and copying. The Safety Evaluation Report (Document No. NUREG-0101) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 19th day of April 1977.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.77-12014 Filed 4-27-77;8:45 am]

[Docket Nos. 50-338, 50-339]

NORTH ANNA POWER STATION, UNITS NOS. 1 (CPPR-77) AND 2 (CPPR-78)

Negative Declaration Supporting Order Relating to the Extension of Dates for Completion of Construction

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the Order relating to the construction permits for the North Anna Power Station, Unit 1 (CPPR-77) and Unit 2 (CPPR-78), located in Louisa County, Virginia, issued to Virginia Electric and Power Company. The Order would authorize the extension for six months of the dates for completion of construction of Units Nos. 1 and 2.

The Commission's Division of Site Safety and Environmental Analysis has prepared an environmental impact appraisal for the Order and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement for North Anna Power Station, Units Nos. 1, 2, 3 and 4, published in April 1973 and the addendum to the Final Environmental Statement published in November 1976.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Board of Supervisors, Louisa County Courthouse, Louisa, Virginia 23093 and Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 19th day of April, 1977.

For the Nuclear Regulatory Commission.

WILLIAM H. REGAN,
Environmental Projects Branch No. 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-12010 Filed 4-27-77;8:45 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Availability of Final Environmental Statement (English Version) for North Coast Nuclear Plant, Unit No. 1

Pursuant to the National Enviornmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Environmental Statement (English version) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the suitability of the site proposed for construction of the North Coast Nuclear Plant, Unit No. 1. The proposed site is located on the north central coast of Puerto Rico (Islote). The Final Environmental Statement, NUREG-0211) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., the Arecibo City Hall Library, Post Office Box 1086, Arecibo, Puerto Rico 00612 and the Entien Totti Public Library, College of Engineers, Architects and Surveyors, Orb Roosevelt Development, Hato Rey, Puerto Rico 00918. The Final Statement is also being made available at the Puerto Rico Planning Board, P.O. Box 4119, Minallas Station, Santurce, Puerto Rico 00940.

A Spanish translation of this Final Environmental Statement will be issued later, the availability of which will be published in the FEDERAL REGISTER.

The notice of availability of the Draft Environmental Statement related to the suitability of the Islote Site and request for comments from interested persons was published in the FEDERAL REGISTER (41 FR 37843) on September 8, 1976. The comments received from Federal, Commonwealth and local officials and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0211) may be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161. ($8.00 printed copy; $3.00 microfiche).

Dated at Rockville, Maryland, this 20th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.77-12006 Filed 4-27-77;8:45 am]

[Docket Nos. 50-338 and 50-339]

VIRGINIA ELECTRIC & POWER CO. NORTH ANNA POWER STATION UNITS 1 AND/2

Order Extending Construction Completion Dates

Virginia Electric & Power Company is the holder of Construction Permits No. CPPR-77 and CPPR-78 issued by the Atomic Energy Commission[1] on February 19, 1971, for the construction of the North Anna Power Station, Units 1 and 2, presently under construction at the Company's site in Louisia County, Virginia.

On January 7, 1977 and February 15, 1977 the company filed letters requesting an extension of the latest construction completion dates because construction has been delayed due to (1) labor difficulties including a strike, (2) resolution of a problem concerning residual oxide in the stainless steel piping, and (3) additional system and design requirements. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation, dated April 19, 1977.

Copies of the above documents and other related material are available for

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day continued under the authority of the Nuclear Regulatory Commission.

public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the local public document rooms established for the North Anna facility in the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901 and County Administrator's Office, Board of Supervisors, Louisa County Courthouse, Louisa, Virginia 23093.

It is hereby ordered, That the latest completion dates for CPPR-77 and CPPR-78 are extended from March 1, 1977 and May 1, 1978, respectively to September 1, 1977 and November 1, 1978, respectively.

For the Nuclear Regulatory Commission.

Date of issuance: April 19, 1977.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.77-12009 Filed 4-27-77;8:45 am]

AVOIDANCE OF CONTRACTOR ORGANIZATIONAL CONFLICTS OF INTEREST

General Statement of Policy

The following statement sets forth the Nuclear Regulatory Commission's policy guidance with respect to avoidance of organizational conflicts of interest in NRC research and technical assistance procurement actions.

The Commission invites all interested persons who desire to submit written comments or suggestions on this policy statement, and the examples set forth therein, to send them to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by July 27, 1977. Consideration will be given to such submissions in connection with possible future revision of the policy statement. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

GENERAL STATEMENT OF POLICY REGARDING THE AVOIDANCE OF CONTRACTOR ORGANIZATIONAL CONFLICTS OF INTEREST

Definition. The term "organizational conflict of interest" means a situation where a contractor has interests, either due to its other activities or its relationships with other organizations, which: (a) place it in a position that may be unsatisfactory or unfavorable from the Government's standpoint in being able to secure impartial, technically sound, objective assistance and advice from the contractor; or (b) provide it with an unfair competitive advantage.

General statement of policy. In view of its regulatory responsibilities, it is incumbent upon the NRC to make every effort to identify and select those prospective contractors best qualified to perform the work for which NRC contracts. As a corollary to this objective, it is also important for NRC to carefully consider the question of conflict of interest prior to contractor selection and contract award.

In order to assist in determining what, if any, steps should be applied to avoid organizational conflicts of interest, there are two paramount principles to be considered. These are: (1) preventing conflicting roles which might bias a contractor's judgment in relation to its work for NRC and (2) preventing unfair competitive advantage.

The determinations cannot be made automatically or routinely; the application of sound judgment on virtually a case-by-case basis is necessary if the policy is to be applied so as to satisfy the overall public interest. It is not possible to prescribe in advance a specific method or set a criteria which would serve to identify and resolve all of the conflict of interest situations which might arise; however, examples are provided herein as a guide for the application of the policy in some situations. It should also be emphasized that contracting and program officials must be alert to other situations which may warrant application of this policy guidance. The ultimate test must always be: In the specific case at hand, would the contractor, if awarded the contract, be placed in a position where its judgment would be biased, or where it would have an unfair competitive advantage?

Prior to any NRC contract award for the performance of research or technical assistance work, prospective contractors will be advised of this policy and shall be required to advise NRC of any contractual or organizational relationships which should be considered in applying this policy.

Waiver. Upon the recommendation of an Office Director, and after consultation with the Office of the General Counsel, the Executive Director for Operations may waive the policy in specific cases if he determines that the public interest makes a waiver imperative. Such action shall be strictly limited to those situations in which: (1) the work to be performed under contract is vital to the NRC program; (2) the work cannot be satisfactorily performed except by a contractor whose interests give rise to a question of conflict of interest; and (3) contractual and/or technical review and supervision methods can be employed by NRC to protect against the conflict resulting in biased performance of the work. For any such waivers, the justification and approval documents shall be placed in the Public Document Room.

Policy application guidance. (1) *Example:* The XYZ Corporation, in response to a RFP, proposes to undertake certain analyses of a reactor component as called for in the RFP. The XYZ Corporation is one of several companies considered to be technically well qualified. In response to the inquiry in the RFP, the XYZ Corporation advises that it is currently performing similar analyses for the reactor manufacturer.

Guidance. An NRC contract for that particular work normally would not be awarded to the XYZ Corporation because it would be placed in a position in which its judgment could be biased in relationship to its work for NRC. Since there are other well-qualified companies available, there would be no reason for considering a waiver of the policy.

(2) *Example:* The ABC Corporation, in response to a RFP, proposes to perform certain analyses of a reactor component which are unique to one type of advanced reactor. As is the case with other technically qualified companies responding to the RFP, the ABC Corporation is performing various projects for several different utility clients. None of the ABC Corporation projects have any relationship to the work called for in the RFP. Based on the NRC evaluation, the ABC Corporation is considered to be the best qualified company to perform the work outlined in the RFP.

Guidance: An NRC contract normally could be awarded to the ABC Corporation because no conflict of interest exists which would motivate bias with respect to the work to be contracted for. An appropriate clause would be included in the contract to preclude the ABC Corporation from subsequently contracting for work, during the performance of the NRC contract, with the private sector which could create a conflict, such as the performance of similar work for the company that is developing the advanced reactor mentioned in the example.

(3) *Example:* As a result of operating problems in a certain type of commercial nuclear facility, it is imperative that NRC secure specific data on various operational aspects of that type of plant so as to assure adequate safety protection of the public. Only one manufacturer has extensive experience with that type of plant, and therefore, that company is the only one with which NRC can contract that can develop and conduct the testing programs required to obtain the data in reasonable time. That company has a definite interest in any NRC decisions that might result from the data produced because those decisions affect the reactor's design and thus the company's costs.

Guidance: This situation would place the manufacturer in a role in which its judgment could be biased in relationship to its work for NRC. Since the nature of the work required is vitally important in terms of NRC's responsibilities, and no reasonable alternative exists, a waiver of the policy may be warranted. Any such waiver shall be fully documented and coordinated in accordance with the waiver provisions of this policy with particular attention to the establishment of protective mechanisms to guard against bias.

(4) *Example:* The ABC Company submits a proposal for a new system for evaluating a specific reactor component's performance for the purpose of developing standards that are very important to the NRC program. The ABC Company has advised NRC that it intends to sell

the new system to industry once its practicability has been demonstrated. Other companies in this business are using older systems for evaluation of the specific reactor component.

Guidance: A contract could be awarded to the ABC Company *provided,* That the contract stipulates that no information produced under the contract will be used in the contractor's private activities unless such information has been reported to NRC. Information which is reported to NRC by contractors will normally be disseminated by NRC to others so as to preclude an unfair competitive advantage that might otherwise accrue. When NRC furnishes information to the contractor for the performance of contract work, it shall not be used in the contractor's private activities unless such information is generally available to others. Further, the contract will stipulate that the contractor will inform the Contracting Officer of all situations in which the information developed under the contract is proposed to be used.

Effective date: This general statement of policy shall be effective April 28, 1977.

Dated at Washington, D.C., this 22nd day of April 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-12152 Filed 4-27-77;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-53, issued to Boston Edison Company (the licensee), which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

This amendment replaces, in its entirety, the existing Pilgrim Unit No. 1 Environmental Monitoring Program, contained in Technical Specification Section 4.8 by a new Environmental Monitoring Program developed by Boston Edison. The new program has been reviewed by the staff against the Commission's guidance contained in Nuclear Regulatory Commission Regulatory Guide 4.8 "Environmental Technical Specifications for Nuclear Power Plant".

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(a)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 7, 1976, and a supplement thereto dated December 28, 1976, and (2) Amendment No. 23 to License No. DPR-53. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 19th day of April, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactor.

[FR Doc.77-12132 Filed 4-27-77;8:45 am]

[Docket No. 50-325]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License DPR-71

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-71, issued to Carolina Power & Light Company, which revised Technical Specifications for operation of the Brunswick Steam Electric Plant Unit 1 (the facility) located near Southport in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The amendment provides a clarification of the tolerance and intervals required for inservice inspection and testing specified in the ASME Code Section XI.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Comsion has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 18, 1976, (2) Amendment No. 3 to License No. DPR-71, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 21st day of April, 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch No. 4, Division of Project Management.

[FR Doc.77-12133 Filed 4-27-77;8:45 am]

[Docket Nos. 50-498A, 50-499A]

HOUSTON LIGHTING & POWER CO. ET AL.

Order Regarding Oral Argument

In the matter of Houston Lighting & Power Co., City of San Antonio, City of Austin, and Central Power and Light Co. (South Texas Project, Units 1 & 2.)

On March 31, 1977, the Commission requested further briefs regarding the petition filed by the Houston Lighting and Power Company, the statement of position of Central Power and Light Company, and the suggestion of the Commission's staff, respecting means by which an antitrust hearing might be initiated in this Commission to resolve certain allegations by Central Power and Light Company that the activities of Houston Lighting and Power Company with respect to the application filed by it for the South Texas Projects, Units Nos. 1 and 2, may have adverse antitrust aspects.

The Commission will hear oral argument on this case on Monday, May 2, 1977, at 10:00 a.m., in the Commissioners' Conference Room, 11th Floor, 1717 H Street NW., Washington, D.C. The order and time limits for argument will be as follows:

Houston Lighting and Power Company, City of Austin, City of San Antonio: 30 minutes—to be divided between them by agreement. If there is no agreement, then divided equally.

Central Power and Light Company, Committee on Power for the Southwest, Inc.: 30 minutes—to be divided between them by agreement. If there is no agreement then divided equally.

United States Department of Justice: 20 minutes.
NRC Staff: 20 minutes.

Each party may elect to reserve a portion of its alloted time for rebuttal. *It is so ordered.*

By the Commission.

SAMUEL J. CHILK,
Secretary.

APRIL 22, 1977.

[FR Doc.77-12130 Filed 4-27-77;8:45 am]

[Docket Nos. STN 50-556, STN 50-557]

PUBLIC SERVICE CO. OF OKLAHOMA ET AL.

Notice and Order Setting Evidentiary Hearing on Environmental and Site Suitability Issues

In the matter of Public Service Company of Oklahoma, Associated Electric Cooperative, Inc., and Western Farmers Electric Cooperative, Inc. (Black Fox Station, Units 1 and 2).

The U.S. Nuclear Regulatory Commission (the Commission) by its January 19, 1976 "Notice of Hearing on Application for Construction Permits" (41 FR 3515), ordered a hearing be held on the application by Public Service Company of Oklahoma and the Associated Electric Cooperative, Inc. (hereinafter referred to as Applicant),[1] to construct two boiling water nuclear reactors designated as the Black Fox Station, Units 1 and 2 (the facility). The facility is proposed to be located in the Township of Inola, Oklahoma, approximately 23 miles east of Tulsa, on the east side of the Verdigris River in Rogers County. This hearing will be evidentiary in nature and will be conducted pursuant to the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011, et seq., the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and the Commission's rules and regulations as set out in Title 10, Code of Federal Regulations (CFR).

The hearing on this application will be conducted by an Atomic Safety and Licensing Board which is composed of Dr. Paul W. Purdom and Mr. Frederick J. Shon as technically qualified members, and Mr. Daniel M. Head as chairman.

The Applicant on January 7, 1977 submitted a "Motion to Consider Issues Relevant to Limited Work Authorization" in which it moved the Board to hold a hearing on environmental and site suitability issues, to make the findings specified in 10 CFR 50.10(e)(2). This motion was granted by the Board at the Third Prehearing Conference (Tr. 327-329) which action was set out in the Third Prehearing Conference Order of March 9, 1977. Since all health and safety issues are not currently ready for adjudication, the evidentiary hearing provided for in this Notice and Order shall be a separate hearing on environmental and site suitability matters pursuant to 10 CFR 2.761a. Specifically, in its Partial Initial Decision resulting from this separate hearing, the Board will rule on the following issues:

1. Decide those matters in controversy among the parties which are within the scope of NEPA and 10 CFR Part 51;
2. Determine whether the requirements of section 102(2) (A), (C) and (D) of NEPA and 10 CFR Part 51 have been complied with in this proceeding;
3. Independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken;
4. After weighing the environmental, economic, technical and other benefits against the environmental and other costs, and considering the available alternatives, determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values;
5. Determine whether, in accordance with 10 CFR Part 51, the construction permits should be issued as proposed;
6. Determine whether, based on the available information and review to date, there is reasonable assurance that the proposed site is a suitable location for a nuclear power reactor of the general size and type proposed from the standpoint of radiological, health and safety considerations under the Atomic Energy Act and under the rules and regulations promulgated by the Commission pursuant thereto.

Accordingly, please take notice: *And it is hereby ordered,* That the evidentiary hearing on the environmental and site suitability issues specified above is scheduled to begin at 10:00 a.m. on Tuesday, May 24, 1977 at a location in Tulsa, Oklahoma to be designated by further Order of the Board.[2]

Members of the public are invited to attend this evidentiary hearing. Individuals or organizations wishing to make limited appearances pursuant to 10 CFR 2.715(a) will be permitted to do so just prior to the start of the evidentiary hearing.

Dated at Bethesda, Md., this 21st day of April 1977.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.77-12134 Filed 4-27-77;8:45 am]

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[1] Subsequently Western Farmers Electric Cooperative, Inc. became a co-owner in the facility and an "Amended Notice of Hearing Application for Construction Permits" was issued October 20, 1976.

[2] The location of the hearing will be designated after a Board inspection of certain hearing locations in Tulsa, Oklahoma during the first week in May 1977. The location will be announced at the prehearing conference which will be held in Tulsa, Oklahoma on May 6, 1977 and the Order specifying the location will be issued on May 9, 1977.

[Docket Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC & GAS CO. AND ATLANTIC CITY ELECTRIC CO., HOPE CREEK GENERATING STATION, UNITS 1 AND 2

Issuance of Amendment to Construction Permits and Availability of Supplemental Initial Decision

Notice is hereby given that pursuant to a Supplemental Initial Decision dated March 28, 1977, by the Atomic Safety and Licensing Board, the Nuclear Regulatory Commission has issued Amendment No. 3 to Construction Permit No. CPPR-120 and Amendment No. 3 to Construction Permit No. CPPR-121 issued to Public Service Electric and Gas Company and Atlantic City Electric Company for construction of the Hope Creek Generating Station, Units 1 and 2, located in Salem County, New Jersey. The Board's Supplemental Initial Decision authorizes the deletion of conditions to the construction permits thereby permitting pouring of concrete for Category I structures and the commencement of construction of safety-related structures at Hope Creek to begin immediately. Construction of safety-related structures was prohibited by a condition of the Hope Creek construction permits until the river traffic hazards issue had been resolved. Resolution of this issue was the subject of the recently conducted public hearing. Construction activities at Hope Creek were limited to excavation and construction of facilities that were not necessary for plant safety.

The Nuclear Regulatory Commission has found that the provisions of the amendments comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I and has concluded that the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the Supplemental Initial Decision dated March 28, 1977, Amendment No. 3 to Construction Permit No. CPPR-120, Amendment No. 3 to Construction Permit No. CPPR-121, and other related documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. Single copies of the Supplemental Initial Decision, Amendment No. 3 to CPPR-120, and Amendment No. 3 to CPPR-121 may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 20th day of April 1977.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors No. 2, Division of Project Management.

[FR Doc.77-12131 Filed 4-27-77;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS, (MANUFACTURING LICENSE FOR FLOATING NUCLEAR POWER PLANTS)

Amended Order Regarding Scheduling

In light of the City of Brigantine's Motion For Postponement of Prehearing Conference filed on April 20, 1977 (which the Board herewith allows), in light of the NRC Staff's Motion For Modification Of The Board's April 12, 1977 Order as filed on April 20, 1977 (which the Board herewith partially allows), and because the NRC Public Hearing Room will not be available on May 10, 1977, the Order Granting In Part Applicant's Motion (No. 6) To Establish Schedule, dated April 12, 1977, is amended as follows:

1. Public hearing will be resumed on May 9, 1977 at 1:30 p.m. at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20014.

Thereafter, commencing at 9:30 a.m., the hearing will continue on May 10 through May 13. However, on May 10, 1977, the hearing will be held in the Conference Room on the 4th floor of the East-West Towers Building. In the second week, the hearing will be resumed on May 16 at 1:30 p.m., and thereafter, commencing at 9:30 a.m., the hearing will continue on May 17 through Mav 20.

2. Pursuant to § 2.718(h), a conference (in the nature of a prehearing conference) will be held on May 16 at the time and location specified in paragraph 1, supra, and will continue, if necessary, on May 17 to consider the Motions To Amend and Extend Contentions submitted on November 19, 1976 by ACCCE, Atlantic County, NRDC and by the City of Brigantine. The Staff shall notify the Board and the parties immediately whether or not any of these proposed amended and expanded contentions will be affected by the Staff's forthcoming addendum to Part II of the FES.

3. Testimony will be taken seriatim on the following contentions:[1]

a. Turbine generator matters. (Cross-examination of Applicant's panel will be concluded, and the Staff's panel's direct testimony will be presented.

b. ACCCE Contention X (Ice Containment).

c. Atlantic County Contention 1 (Impact on Resort Economics).

Pursuant to 10 CFR 2.743(b), except for the NRC Staff, those parties desiring to submit written direct testimony upon Atlantic County Contention 1 (Impact on Resort Economics) must do so on or before May 2, 1977. The Staff will submit its direct testimony relating to this contention at least five (5) days before the next (as yet unscheduled) hearing session and its witness(es) will be cross-examined thereon at that time.

Dated at Bethesda, Maryland, this 26th day of April, 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Esquire.

[FR Doc.77-12345 Filed 4-27-77;8:45 am]

[1] Applicant requests that we hear at this session ACCCE's Contention 3a (Effect on Biota), Contention 3b (Functional Design of Discharge Outfall), Contention 3c (Food Chain), and Contention 3f (Dredging). However, the time is not ripe to hear these environmental contentions because Part III of the FES has not been issued which will relate to postulated accidental releases of radioactivity into liquid pathways from floating nuclear plants, and because Staff has not completed an addendum to Part II of the FES which will contain its analysis and conclusions regarding the environmental impact of riverine and estuarine siting of nuclear plants.

[Docket No. 50-537]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION ET AL.

Order Suspending Hearing Procedures and Hearing Schedule

APRIL 25, 1977.

In the matter of United States Energy Research and Development Administration, Project Management Corp., and Tennessee Valley Authority (Clinch River Breeder Reactor Plant).

On April 22, 1977, the United States Energy Research and Development Administration (ERDA), one of the Applicants in this proceeding, moved that all hearing procedures and the current hearing schedule be suspended. The motion stated that the Administration has determined that construction of the CRBRP will be indefinitely deferred, and as a result the Administration must pursue the necessary legal steps with the Congress.

Good cause having been shown, the motion of ERDA is granted and all hearing procedures and schedules are suspended until such time as Administration and Congressional action is completed with respect to the CRBRP.

Dated at Bethesda, Maryland, this 25th day of April 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc.77-12346 Filed 4-27-77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-17]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aviation Safety Recommendations—A-77-16 and A-77-17.—The National Transportation Safety Board has completed its investigation of the November 16, 1976, accident involving Texas International Airlines Flight 987, a McDonnell Douglas DC-9-14, at Stapleton International Airport, Denver, Colorado. The aircraft ran off the end of runway 8R during an aborted takeoff. The aircraft's structure was damaged when the left landing gear collapsed.

Investigation of the crash revealed that most of the damage to the aircraft was caused by (1) two ditches—one 18 inches deep and the other 3 feet deep—which traversed an area within 1,000 feet of the end of the runway; and (2) the nonfrangible steel structures supporting the approach light system (ALS). The aircraft sustained the most damage within the first 1,000 feet beyond the departure end of runway 8R. The Safety Board believes that, had this area been free of ditches and had the ALS structures been constructed of frangible materials, the aircraft would have sustained significantly less structural damage. Furthermore, the likelihood of fire would have been greatly reduced.

The Safety Board believes that the extended runway safety area at airports increases the level of safety for an aircraft which undershoots or overruns the runway. Also, the Board believes that the criteria for the extended runway safety area should be mandatory at all certificated airports, regardless of the date of construction. Accordingly, the Board by letter issued April 20 recommended that the Federal Aviation Administration—

Amend 14 CFR 139.45 to require, after a reasonable date, that extended runway safety area criteria be applied retroactively to all certificated airports. At those airports which cannot meet the full criteria, the extended runway safety area should be as close to the full 1,000-foot length as possible. (A-77-16)

Expedite the retrofit of ALS structures with frangible materials and fittings by allocating additional fundings or by increasing the priority of the existing program so that it can be completed within 3 to 5 years. (A-77-17).

Railroad Safety Recommendations—R-77-3 through R-77-5.—The derailment last August 2 of 39 cars of Union Pacific Railroad freight train Extra 2800 East near Hastings, Nebraska, has prompted the Safety Board to ask the Federal Railroad Administration to take regulatory action in an effort to prevent similar future accidents.

No one was injured in the Hastings accident, but the damage was estimated to be about $1,155,010. Investigation indicated that the weight distribution within the train consist and the way crossties were replaced through a highway grade crossing contributed to the accident. The disproportionate weight distribution and the relative effectiveness of brakes on light and heavy cars produced stresses within the train that overloaded the lateral restraint of the track in an unstable area, and the track failed. If the track had not been distributed in the road crossing or if the engineer of Extra 2800 East had been forewarned to reduce the speed of his train through the area, the accident would probably have been prevented because

the excessive lateral stresses probably would have not developed.

As a result of the investigation, the Safety Board on April 22 recommended that FRA—

Promulgate regulations to insure that the locations of heavily loaded freight cars in a train will not adversely affect the train's operation. (R-77-3)

Require that trains operated over unstable track be limited by a slow order, verbal contact by radio, or by flag protection to speeds that will reduce the possibility of track buckling from forces that exceed the restraining ability of the track. (R-77-4)

Require that locomotive engineers be instructed in the braking of trains for varied circumstances that may develop during a train's operation. (R-77-5)

R-77-6 through R-77-8.—Further regulatory action is sought from the Federal Railroad Administration as a result of the Safety Board's investigation of the June 30, 1976, derailment of 2 locomotive units and 11 cars of Amtrak train No. 59 on the Illinois Central Gulf Railroad Company's track near Goodman, Mississippi. Thirty-four of the 145 passengers on the train were injured, 11 crewmembers were injured, 6 trackmen were injured, and 1 trackman was killed. Property damage amounted to about $453,100.

Investigation of the accident disclosed that train No. 59 was moving at 88 mph when it derailed. The maximum authorized speed for passenger trains in the derailment area is 79 mph.

In its April 21 letter to FRA, the Safety Board notes that a passenger train speed of 79 mph requires track that is maintained to the Federal Track Safety Standards for Class 4. During the 4 workdays before the accident, a trackcrew had replaced defective crossties and regaged the track just north of the derailment point. An examination of this track disclosed variations in gage, irregularities in line and cross level, and tie plate movement; even with these irregularities the track complied with standards for Class 4 track. The track area, however, had additional critical conditions that were not ascertained by using procedures in the Federal Track Safety Standards, and contributed to the accident. In light of these findings, the Safety Board recommended that FRA—

Amend track geometry standard 49 CFR 213.55, Alignment, so that it defines "uniformity," establishes a maximum rate-of-change in alignment deviation, and establishes the maximum number of feet between which each alignment mid-offset measurement shall be taken. (R-77-6)

Amend track geometry standard 49 CFR 213.63, Track Surface, so that it defines "uniform profile," establishes maximum rate-of-change in profile and cross level deviations, and establishes the maximum number of feet between which each profile midordinate measurement and each cross level measurement shall be taken. (R-77-7)

Include in review of current FRA track safety regulations, investigation and testing to determine if the minimum track conditions that are required for the FRA classes of track by 49 CFR 213.9 are adequate for all types of trains and for the maximum allowable speed for each class. (R-77-8)

R-77-9 through R-77-12.—On May 16, 1976, the locomotive and 27 cars of Chicago and North Western Transportation Company's (CNW) freight train No. 242 derailed as they moved around a 1°54′ to 2°15′ compound curve near Glen Ellyn, Illinois. Another CNW freight train, No. 380, which was moving on an adjacent track, collided with the derailed cars of No. 242; the locomotive and nine cars of No. 380 derailed. The tankhead of No. 380's fifth car was punctured by the coupler of another car during the derailment. The tank car's anhydrous ammonia cargo escaped. Fifteen persons were injured as a result of the derailment and release of ammonia. Damage from the accident amounted to $1,914,000.

Investigation of the derailment disclosed that train No. 242 was the first eastbound freight train permitted by CNW to operate as a passenger train speed of 60 mph on track 2 and was moving at 60 mph when the accident occurred. A freight train speed of 60 mph requires that the track be maintained to the Federal Track Safety Standards requirements for Class 4. An examination of track immediately west of the derailment point disclosed five locations where the crosstie conditions only complied with Class 3 specifications and one point where they did not even comply with Class 1. At several locations, differences in cross levels were marginal, and unsecured track shims had been used to adjust levels at several joint locations. It is obvious from the conditions found that track 2 did not comply with the requirements for Class 4 track, the Board stated.

The Board noted that emergency personnel at Glen Ellyn performed exceptionally well during this emergency, confining the ammonia's harmful effects to minor injuries and minor ecological damage. The Board found, however, that lack of expert advice during the earliest stage of the emergency shows a weakness in current methods of assisting emergency personnel in accidents involving hazardous materials.

As a result of the investigation of this accident, the Safety Board on April 21, issued the following letters containing safety recommendations:

To the U.S. Department of Transportation—

Require by regulation that persons performing train dispatching functions maintain a record of trains and cars that are carrying hazardous materials and of current methods of and procedures for containment of these materials in the event of a mishap and communicate this information to public safety officials immediately after they learn of a train accident. (R-77-9)

Require the Chicago and North Western Transportation Company to maintain its tracks to the specifications of the Federal Track Standards for each class and not increase train speeds until it is determined that the track is adequate for such speeds. (R-77-10)

To the Chicago and North Western Transportation Company—

Maintain tracks to the specifications of the Federal Track Safety Standards for each class and do not increase train speeds until it is determined that the track is adequate for such speeds. (R-77-11)

To the Manufacturing Chemists Association—

Analyze the operating experience of the CHEMTREC [Chemical Transportation Emergency Center] system and furnish the Materials Transportation Bureau of the U.S. Department of Transportation with recommendations for a system to link appropriate hazardous materials experts with onscene public safety officials during the critical first few minutes of a train accident involving hazardous materials. (R-77-12)

SAFETY RECOMMENDATION RESPONSES

Highway Safety Recommendation H-76-22.—Federal Highway Administration letter of April 13 reports delay in revising its Highway Safety Improvement Program Directive, FHPM 6-8-2-1. FHWA's initial response, dated October 8, 1976 (41 FR 46526, October 21, 1976), indicated that the proposed revision was to incorporate a provision for considering the number of people exposed to the hazards of railroad-hightway crossings; this factor would be considered by the States, along with the other elements in FHPM 6-8-2-1, in setting priorities for grade crossing safety improvements. The recommendation was issued following Safety Board investigation of a grade crossing accident in Elwood, Illinois, November 19, 1975, involving an Amtrak turboliner passenger train and a dump truck carrying a load of asphalt.

FHWA now states that, in order to avoid further delay in implementing the "people factor," it plans to issue guidelines for this item in an interim directive which will be in effect until FHPM 6-8-2-1 is revised.

Marine Safety Recommendation M-75-6.—U.S. Coast Guard letter of April 11 concerns a recommendation issued as a result of investigation into the entanglement of the submersible *Johnson Sea Link* with submerged wreckage off Key West, Florida, June 17, 1973. The recommendation called for the Coast Guard to actively collect information concerning worldwide submersible search and rescue capabilities so that the most effective equipment needed for use in future underwater emergencies can expeditiously be made available.

Updating its response of November 28, 1975 (40 FR 58700, December 18, 1975), the Coast Guard now indicates that it has joined the Office of Oceanographer of the Navy in funding a survey of worldwide submersible search and rescue capabilities. The survey has been completed and accepted by the Navy and is available to the public from the National Technical Information Service, U.S. Department of Commerce, using Accession No. AD-AO33 179. Coast Guard states that the survey has also been provided to Coast Guard district rescue coordination centers and Headquarters flag plot.

Railroad Safety Recommendation R-76-58.—Federal Railroad Administration

letter of April 12 updates the information regarding implementation of this recommendation provided in FRA's initial response of last January 31. (42 FR 8446, February 10, 1977.) The recommendation asked FRA to restrict to 30 mph the maximum authorized train speed over the New River Subdivision of the Chesapeake and Ohio Railway Company.

FRA now reports that a joint FRA/NTSB inspection of track on the New River Subdivision was made on March 22 and 23 and that inspection revealed no conditions warranting imposition of speed restrictions in addition to those already placed by the railway company. FRA notes that no deviations from the Track Safety Standards were discovered which would render the track unsafe for the operation of trains at the speed limits placed by the carrier.

FRA further reports that the Chesapeake and Ohio Railway has started a substantial maintenance program on the New River Subdivision, consisting of tie renewal, rail relay, and surfacing, scheduled for completion during 1977. This program, if properly executed, should allow removal of the temporary speed restrictions and leave a track condition considerably better than the minimum required by the Track Safety Standards, FRA stated.

FRA said it will continue to monitor the carrier's compliance activities and safety performance on the New River Subdivision as a part of its regular enforcement program. Since the FRA Automated Track Geometry Inspection vehicles covered the subject tracks on March 19 and 21, FRA plans a detailed followup inspection in April. FRA states that it will also continue to take whatever action is necessary to ensure that this track is kept in compliance with the Track Safety Standards.

SAFETY BOARD REPLIES TO RECOMMENDATION RESPONSES

Marine Safety Recommendation M-72-24.—Board letter of April 18 to the U.S. Coast Guard notes that Coast Guard's letter of February 25. (42 FR 14941, March 17, 1977) indicates progress toward implementation of the recommendation. M-72-24 was issued following investigation of the structural failure and sinking of the SS *Texaco Oklahoma* on March 27, 1971, and called for the Coast Guard to require another inflatable liferaft to be installed on the after section of tankships either in addition to or in lieu of the lifeboats now required.

In seeking amplifying information to properly evaluate the alternatives the Coast Guard is now considering, the Safety Board asks for further explanation in the following areas:

1. Covered lifeboats. Are those covered lifeboats listed by Coast Guard encapsulated similar to the device used on drilling rigs or are they merely covered as liferafts are covered? If the covering is more than a fiber, how effective are the units with respect to survival in a fire?

2. Improved lifesaving appliances. What are the schedule or target dates for implementing the three phases of these improved lifesaving appliances, i.e., dates for the Intergovernmental Maritime Consultative Organization amendments, the regulations for the Great Lakes vessels, and the regulations for the drill rigs?

3. Launching techniques for lifeboats and for davit-launched liferafts. The contemplated techniques are not clear. A short explanation of both or some descriptive material would be helpful.

4. Reduction of risks of hyperthermia in the selection between liferafts and lifeboats. Are Coast Guard's efforts to improve lifeboats and associated equipment intended to complement or substitute for the development and requirement of survival suits in cold water regions?

Intermodel Transportation Safety Recommendation I-76-6.—Board letter of April 21 asks that the Material Transportation Bureau of the U.S. Department of Transportation reconsider its decision not to act upon this recommendation, as discussed in MTB's letter of last September 21 (41 FR 45073, October 17, 1976). The recommendation, addressed to the Secretary of Transportation, called for the establishment of a regulation to require the safety registration statements authorized by section 105(b) of the Hazardous Materials Transportation Act of persons transporting bulk shipments of pressurized, liquefied petroleum gases in a form and quantity capable of causing widespread injury and property damage in transportation accidents. The recommendation was issued following Board investigation of the Surtigas, S.A., tank-semitrailer overturn, explosion, and fire, which occurred near Eagle Pass, Texas, on April 29, 1975.

The Safety Board's April 21 letter reports the receipt on January 11, 1977, of a copy of the Federal Highway Administration Operations Manual HMC-12.1 which states, "Hazardous materials carriers and shippers are not required to register or otherwise make their identities known. The safety investigator must use all means available to learn of their existence."

The Board states that what it recommended was implementatation, for persons transporting bulk liquefied petroleum gas, of section 106 of the Act, which permits the Secretary to require carriers of hazardous materials to submit a safety registration statement. The Board also notes that the Act states that such a registration statement shall include, but need not be limited to, the carrier's name; principal place of business; the location of each activity handling hazardous materials; a complete list of hazardous materials handled; and an averment that the carrier complies with all applicable criteria established under subsection (a) of the section.

The Board finds that § 177.824(f) of the Department of Transportation's hazardous materials regulations does not provide for safety registration of the type contemplated by 106(b) of the Act. Section 177.824(f) requires a registration but it is a registration of vehicle cargo tanks and not of carriers, the Board states furthermore, it appears unlikely that § 177.824(f) could be enforced under section 106(c) of the Act.

In the matter of revoking or suspending registrations, the Safety Board states that experience under section 106 is required to determine whether the prohibition described in Conference Report 93-1347 is an impediment to improving the level of compliance with hazardous materials regulations.

It is in view of the significant differences between the registrations in § 177.824(f) of the regulations and section 106(b) of the Act that the Board requests reconsideration of the Department's decision not to act upon recommendation I-76-6.

NOTE.—The above consists of summaries of Safety Board recommendation letters issued and safey recommendation responses recived during the week preceding publication of this notice in the FEDERAL REGISTER. The recommendation letters in heir entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses and Safety Board replies relating to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction, payable upon fulfillment of the request. All requests must be in writing, identified by the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

APRIL 25, 1977.

[FR Doc.77-12231 Filed 4-27-77;8:45 am]

SUSQUEHANNA RIVER BASIN COMMISSION

CONOWINGO HYDROELECTRIC PROJECT

Public Hearing

Notice is hereby given that the Susquehanna River Basin Commission will have a public hearing as part of its review of the Conowingo Hydroelectric Project. The hearing will begin at 2:30 p.m. and reconvene after dinner at 7 p.m. on Thursday, June 23, 1977, in the Havre de Grace High School Auditorium, 700 Congress Street, Havre de Grace, Maryland. The hearing is being held to receive pertinent testimony from the power companies and other interested parties concerning operation of the project and its impact on the water and related resources of the basin.

The Conowingo Hydroelectric Project is owned by the Philadelphia Electric Company and Susquehanna Power Company. The companies have applied to the Susquehanna River Basin Commission for approval to continue to use the basin's water resources for the operation of their facility.

The project is located on the Susquehanna River about nine miles above the

upper reaches of the Chesapeake Bay and crosses the border between the State of Maryland and the Commonwealth of Pennsylvania. The Project consists of a dam, powerhouse, reservoir and certain transmission lines. The dam, powerhouse and approximately four square miles of the reservoir are located in the Maryland counties of Cecil and Harford, near the towns of Conowingo and Darlington. The reservoir's remaining 9.5 square miles are located in the Pennsylvania counties of York and Lancaster.

The principal areas of interest upon which the Commission is basing its review of the project are:

I. FLOOD PLAIN MANAGEMENT AND PROTECTION

A. Flood control.
B. Flood forecast and warning system.

II. WATER SUPPLY

A. Minimum flow releases.
B. Authorized diversions.
C. Relationship and impact Other power generation facilities.

III. WATER QUALITY

A. Maintenance of Federal and State water quality standards.
B. Sanitary facilities for recreation activities.

IV. RECREATION, FISH AND WILDLIFE

A. Anadromous fishery resources.
B. Instream flow needs.
C. Terrestrial habitat mitigation and enhancement.

V. WATERSHED MANAGEMENT AND PROTECTION

VI. CULTURAL, VISUAL AND OTHER AMENITIES

A. Historic sites.

VII. ADMINISTRATION AND OPERATIONS

A. Implementation/compliance schedule.
B. Intergovernmental coordination and cooperation.
C. Public safety measures.
D. Develop essential intrastructure related to project.
E. Operational conflicts.
F. Length of license period.

VIII. RELATIONSHIPS WITH OTHER HYDROELECTRIC PROJECTS

The application documents filed by the project sponsors are available for public inspection during regular business hours at the office of the Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pennsylvania 17055. The offices are open to the public from 8 a.m. to 4 p.m., Monday through Friday.

Persons wishing to participate in the hearing may present oral and/or written testimony. Those wishing to testify in person are requested to contact the Secretary of the Commission, in writing, prior to the hearing.

ROBERT J. BIELO,
Executive Director.

[FR Doc.77-12138 Filed 4-27-77;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442 at the Veterans Administration Central Office, 811 Vermont Avenue NW., Washington, D.C. on May 27, 1977 at 10 a.m. The Committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake, and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. James Lefter, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202-389-2868), prior to May 23, 1977.

By direction of the Administrator.

Dated: April 21, 1977.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc.77-12181 Filed 4-27-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77-074]

QUALIFICATION OF TEXASGULF INC. AS A CITIZEN OF THE UNITED STATES

This is to give notice that pursuant to 4 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Texasgulf Inc. of High Ridge Park, Stamford, Connecticut 06904, incorporated under the laws of the State of Texas, did on March 28, 1977, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in Form CG-1260.

The oath shows that: (a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on March 28, 1977, issued to Texasgulf Inc. a certificate of compliance on Form CG-1262, as provided for in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire three years from March 28, 1977, unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated April 21, 1977.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.77-12192 Filed 4-27-77;8:45 am]

Federal Aviation Administration

TECHNICAL ADVISORY COMMITTEE

Meeting Cancellation

The notice which appeared in volume 42 FEDERAL REGISTER, Page 18472, on April 7, 1977, publishing the agenda for a meeting of FAA's Technical Advisory Committee on May 5 and 6, is hereby canceled.

THOMAS M. JOHNSTON,
Executive Director, FAA Technical Advisory Committee.

[FR Doc.77-12119 Filed 4-27-77;8:45 am]

Materials Transportation Bureau

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted March 1977. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2051-X	DOT-E 2051	Virginia Chemicals, Inc., Portsmouth, Va.; International Plastics, Inc., Colwick, Kans.	49 CFR 173.34(d), 173.304(a)(1), (2), 175.3.	To ship certain nonflammable and nonpoisonous refrigerant gases in aluminum containers complying in with DOT specification 39. (Modes 1, 2, 3, 4, and 5.)
2462-X	DOT-E 2462	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.73(b)	To ship initiating explosive in glass bottles overpacked in a wooden box constructed of ½ in lumber. (Mode 1.)
2709-X	DOT-E 2709	U.S. Department of Defense, Washington, D.C.	49 CFR 173.62, 177.834(L)(1)	To ship high explosive, liquid in non-DOT specification drum securely attached to strong wooden skids or DOT specification 5 metal drums or DOT specification 42B aluminum drums. (Mode 1.)
2805-X	DOT-E 2805	Sun-O-lin Chemical Co., Claymont, Del.	49 CFR 172.101, 173.315(a)(1)	To ship liquefied ethylene in specially designed and insulated cargo tanks. (Mode 1.)
2931-X	DOT-E 2931	Austin Powder Co., Cleveland, Ohio	49 CFR 173.64(a), 173.93(a)	To ship certain class A or class B explosives in a 8-mil thickness polyethylene bag within a fiberboard tube. (Modes 1 and 2.)
3004-X	DOT-E 3004	Union Carbide Corp., Tarrytown, N.Y.; Airco Industrial Gases, Murray Hill, N.J.; Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.302, 175.3.	To ship certain compressed gases in non-DOT specification sampling bottles overpacked in strong outside wooden or fiberboard boxes. (Modes 1, 2, 4, and 5.)
3051-X	DOT-E 3051	Chemetron Corp., Chicago, Ill	49 CFR 173.302(a), 175.3	To ship nitrogen, oxygen in a non-DOT specification stainless steel cylinder. (Modes 1, 2, and 4.)
3126-X	DOT-E 3126	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.62	To ship high explosives, liquid in DOT specification 5 metal drums or DOT specification 42B aluminum drum securely attached to heavy wooden skids or strong aluminum skids. (Mode 1.)
3216-X	DOT-E 3216	do	49 CFR 173.314(c)	To ship certain compressed gases in a proposed DOT specification 110A3000W tank. (Mode 1.)
3415-X	DOT-E 3415	U.S. Department of Defense, Washington, D.C.	49 CFR 173.79, 173.92	To ship certain class A or class B rocket motors, without overpacking, mounted on cradle-type skids and tied down on flat-bed highway vehicles. (Mode 1.)
3416-X	DOT-E 3416	Unidynamics Phoenix, Phoenix, Ariz	49 CFR 173.87, 173.100(z)	To ship explosive release device in DOT specification 12H fiberboard boxes or strong wooden boxes. (Mode 1.)
3657-X	DOT-E 3657	Union Carbide Corp., Tarrytown, N.Y.; Mobil Chemical Co., Beaumont, Tex.	49 CFR 172.101, 173.315(a)	To ship liquefied ethylene, liquefied ethane in a non-DOT specification insulated cargo tank designed and constructed in accordance with section VIII of the ASME code. (Mode 1.)
3966-P	DOT-E 3966	A. J. Lynch & Co., Oakland, Calif.; North Central Chemicals, Inc., Madison, Wis.; Eagle Chemical Co., Reading, Pa.; Chemtech Industries, Inc., St. Louis, Mo.; Western Solvent & Chemicals Co., Romulus, Mich.	49 CFR 173.234, 178.235-3(a)	To become a party to exemption No. 3966. (See application No 3966-X). (Modes 1 and 3).
4039-X	DOE-T 4039	Airco Industrial Gases, Murray Hill, N.J.	49 CFR 173.316(a)	To ship liquefied hydrogen in a non-DOT specification insulated portable tank constructed and designed in accordance with section VIII of the ASME code. (Mode 1.)
4052-X	DOT-E 4052	The Boeing Co., Seattle, Wash	49 CFR 173.34(d), 173.305, 175.3.	To ship compressed gas, n.o.s. in DOT specification 39 seamless aluminum cylinder. (Modes 1, 2, 4, and 5.)
4248-P	DOT-E 4248	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.245(a)(27), 173.268(d).	To become a party to exemption 4248. (See application No. 4248-X.) (Modes 1, 2, and 3.)
4497-X	DOT-E 4497	Co-ox Inc., Oklahoma City, Okla	49 CFR 172.101, 173.315(a)	To ship liquefied oxygen in a non-DOT specification cargo tank in accordance with section VIII of the SAME code. (Mode 1.)
4554-P	DOT-E 4554	Mobil Chemical Co., Beaumont, Tex	49 CFR 172.101, 173.315(a)(1)	To become a party to exemption 4554. (See application No. 4554-X.) (Mode 1.)
4588-X	DOT-E 4588	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.65(a)	To ship high explosives in a non-DOT outer metal (AN type) container. (Mode 1.)
4763-X	DOT-E 4763	Allied Chemical Corp., Morristown, N.J.; A. J. Lynch & Co., Oakland, Calif.; North Central Chemicals, Inc., Madison, Wis.; Eagle Chemical Co., Reading, Pa.; Chemtech Industries, Inc., St. Louis, Mo.; Western Solvent & Chemical Co., Romulus, Mich.; Specialty Chemical Co., Inc., Chattanooga, Tenn.; Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.234(a)(2)	To ship sodium nitrite in 4-ply multiwall paper bags complying with DOT specification 44C with certain exceptions. (Mode 1 and 2.)
4775-X	DOT-E 4775	Thio-Pet Chemicals Ltd., Edmonton, Alberta.	49 CFR 173.314(c)	To ship hydrogen sulfide in DOT specification 105A600-W tank cars. (Mode 3.)
4845-X	DOT-E 4845	Graviner Ltd., Colnbrook Slough, England.	49 CFR 173.302, 173.353	To ship nonflammable, nonliquefied compressed gas and a class B poison in non-DOT specification foreign-made steel cylinders. (Modes 1 and 2.)
5188-X	DOT-E 5188	U.S. Energy and Development Administration, Washington, D.C.	49 CFR 173.395(c)(2), 173.398(c).	To ship radioactive materials and nonliquefied compressed gases in a non-DOT metal drum. (Modes 1, 2, and 4.)
5196-P	DOT-E 5196	Chemplex Co., Rolling Meadows, Ill	49 CFR 172.101, 173.315(a)(1)	To ship liquefied ethylene in a non-DOT specification insulated cargo tank, designed and constructed in accordance with section VIII of the ASME code. (Mode 1.)
5232-X	DOT-E 5232	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314(c) table	To ship certain flammable and nonflammable liquefied compressed gases in AAR specification 120A300W tank cars, and DOT-105A500-W tank cars converted to AAR class 120A tank cars. (Mode 2.)
5243-P	DOT-E 5243	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Austin Powder Co., Cleveland, Ohio; Apache Powder Co., Benson, Ariz.; Atlas Powder Co., Dallas, Tex.	49 CFR 173.66(g)(1), 173.103(a), 177.835(g).	To become a party to exemption 5243. (See application No. 5243-X.) (Modes 1, 2, and 3.)
5315-X	DOT-E 5315	U.S. Department of Defense, Washington, D.C.	49 CFR 173.87	To ship explosive projectiles in a specially designed, temperature-controlled semitrailer. (Mode 1.)
5365-X	DOT-E 5365	Sun-O-lin Chemical Co., Claymont, Del.	49 CFR 172.101, 173.315(a)	To ship liquefied ethylene in a non-DOT specification polyeruthane insulated tank designed and constructed in accordance with the ASME code. (Mode 1.)
5414-X	DOT-E 5414	E. I. de Pont du Nemours & Co., Inc., Wilmington, Del.	49 CFR 172.101, 173.315(a)	To ship liquefied ethylene in a vacuum insulated non-DOT specification portable tank, designed and constructed in accordance with ASME code. (Mode 1.)
5482-X	DOT-E 5482	Aeroquip Corp., Van Wert, Ohio	49 CFR 173.304(a)	To ship certain nonflammable gases in assemblies prepared for shipment packed within wooden or fiber boxes. (Modes 1 and 2.)
5493-X	DOT-E 5493	Montana Sulfur & Chemical Co., Billings, Mont.	49 CFR 173.314(c)	To ship hydrogen sulfide in DOT specification 105A600-W tank car tanks. (Mode 2.)
5895-X	DOT-E 5895	Explosive Technology, Fairfield, Calif	49 CFR 173.100(cc), 173.104(b), 175.3.	To ship class C explosives in a Jet-Axe unit within a DOT specification 12H fiberboard box. (Modes 1, 2, 3, and 4.)
5948-X	DOT-E 5948	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.398(c)	To ship radioactive materials in DOT specification 17C or 17H steel drums or DOT specification 19A or 19B wooden crates. (Mode 2.)

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5967-P	DOT-E 5967	The Boeing Co., Seattle, Wash.	49 CFR 173.304(a)(2), 175.3	To become a party to exemption 5967. (See application No. 5967-X.) (Modes 1, 2, 4, and 5.)
6066-X	DOT-E 6066	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.119, 173.123; 46 CFR 98.35.	To ship certain flammable and combustible liquids in a 2,500 gal capacity portable tank. (Modes 1 and 3.)
6071-X	DOT-E 6071	Walter Kidde & Co., Inc., Belleville, N.J.; The Boeing Co., Seattle, Wash.	49 CFR 173.304, 173.305, 175.3	To ship a nonflammable compressed gas in non-DOT specification stainless steel pressure vessel complying with DOT specification 4DA. (Modes 1, 2, 4, and 5.)
6080-X	DOT-E 6080	Air Products & Chemicals, Inc., Allentown, Pa.; U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.301(d), 173.237 (a)(1).	To ship nitric oxide in DOT specification 3A2400 or 3AA2400 cylinders. (Mode 1.)
6113-P	DOT-E 6113	Chemplex Co., Rolling Meadows, Ill.	49 CFR 172.101, 173.315(a)	To become a party to exemption 6113. (See application No. 6113-X). (Mode 1.)
6117-X	DOT-E 6117	Montana Sulphur & Chemical Co., Billings, Mont.	49 CFR 173.314(c)	To ship hydrogen sulfide in DOT specification 105A500W tank car tank. (Mode 2.)
6128-X	DOT-E 6128	Hapag-Lloyd AG, Hamburg, West Germany	49 CFR 173.119, 173.125(a), 173.245(a), 173.346.	To ship hazardous materials in non-DOT stainless steel portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Hapag-Lloyd AG, Hamburg, West Germany; Contrans, Hamburg, West Germany	49 CFR 173.119, 173.125, 173.245, 173.247, 173.250, 173.294, 173.346.	To ship a class B poisonous liquid in type 18/1, type TC 16/1 or type 15/1 stainless steel portable tanks. (Modes 1, 2, and 3.)
6267-P	DOT-E 6267	Coastal Industries, Inc., Carlstadt, N.J.	49 CFR 173.217(a)	To become a party to exemption 6267. (See application No. 75-42). (Modes 1 and 2.)
6293-X	DOT-E 6293	Olin Corp., East Alton, Ill.	49 CFR 173.21(b), 173.245(a)(31).	To ship corrosive liquid, n.o.s. in DOT specification MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6305-X	DOT-E 6305	Ensign Bickford Co., Simsbury, Conn.; Monsanto Co., St Louis, Mo.	49 CFR 173.113(a)(1)	To ship primadet delays in DOT-23F35 specification fiberboard boxes, (Modes 1 and 2.)
6309-P	DOT-E 6309	Worum Fiberglass Supply Co., St Paul, Minn.; Insta-Foam Products, Inc., Joliet, Ill.	49 CFR 173.315(a)(1)	To ship compressed gas, n.o.s. in a non-DOT specification steel portable tank. (Modes 1 and 2.)
6369-X	DOT-E 6369	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 172.101, 173.345(a)(10), 173.347(a)(2), 173.353(a)(4), 173.374(a).	To ship certain class B poisonous liquids in DOT specification 105A400W, 112A400W, 114A400W, and proposed 120A300W and 120A400W tank car tanks. (Mode 2.)
6434-X	DOT-E 6434	Mobil Chemical Co., Richmond, Va.	49 CFR 173.377(i)(1)	To ship a class B poisonous solid in a non-DOT specification 5-ply paper bag. (Modes 1 and 2.)
6442-X	DOT-E 6442	U.S. Department of Defense, Washington, D.C.	49 CFR 173.53(k), 173.57	To ship explosive projectiles with burster and containing either certain corrosive or flammable liquids in non-DOT metal canisters. (Modes 1 and 2.)
6453-X	DOT-E 6453	Allied Chemical Corp., Mount Clemens, Mich.	49 CFR 173.302(a)(1), 175.3	To ship compressed gas, n.o.s. in nonrefillable, welded steel cylinders in compliance with DOT specification 39 with certain exceptions. (Modes 1, 2, 4, and 5.)
6497-X	DOT-E 6497	FMC Corp., Philadelphia, Pa.	49 CFR 173.365, 174.63	To ship class B poison solids in DOT specification 56 metal portable tanks. (Modes 1 and 2.)
6538-P	DOT-E 6538	C. T. H. Trading Co., Orange, Calif.	49 CFR 173.304(d)(3)(ii), 173.33	To become a party to exemption 6538. (See application No. 6538-X.) (Modes 1 and 3.)
6561-X	DOT-E 6561	Olin Chemical Group, Stamford, Conn.	49 CFR 173.270	To ship certain corrosive liquids in an inside DOT specification 2E, type III, high-density polyethylene bottle. (Modes 1 and 2.)
6563-P	DOT-E 6563	Safety Laboratories, Industries, Miami, Fla.	49 CFR 173.302(a)(1), 175.3	To become a party to exemption 6563. (See application No. 6563-X.) (Modes 1, 2, 3, 4, and 5.)
6564-X	DOT-E 6564	Castle & Cooke, Inc., San Francisco, Calif.	49 CFR 173.119, 173.128	To ship certain flammable liquids in a non-DOT specification dual compartment portable tank. (Modes 1 and 3.)
6569-X	DOT-E 6569	The Blue Star Line, Inc., San Francisco, Calif.; Bacardi International Ltd., Hamilton Bermuda; Bacardi & Co., Ltd., Nassau, Bahamas.	49 CFR 173.119(b)	To ship alcohol, n.o.s., in non-DOT specification portable tank. (Modes 1, 2, and 3.)
6598-X	DOT-E 6598	Dow Chemical Co., Midland, Mich.	49 CFR 173.245(a)(10)	To ship vinyl benzyl chloride in a DOT specification 6D cylindrical steel drums. (Modes 1 and 2.)
6606-X	DOT-E 6606	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.338(a)(2)	To ship diethyl chlorophosphate in a DOT specification 17C steel drum. (Modes 1 and 3.)
6621-P	DOT-E 6621	Great Lakes Chemical Corp., El Dorado, Ark.; Michigan Chemical Corp., Chicago, Ill.	49 CFR 173.338(a)(2), 178.266-17(a); 46 CFR 146.25-200.	To become a party to exemption 6621. (See application No. 76-26.) (Modes 1, 2, and 3.)
6623-X	DOT-E 6623	Chemtech Industries, Inc., St. Louis, Mo.	49 CFR 173.235(b)(3)	To ship hydrofluosilicic acid in DOT specification 111A100W2 tank car tanks. (Mode 2.)
6653-X	DOT-E 6653	Shell Oil Co., Houston, Tex.	49 CFR 173.245, 173.303	To ship poison B liquids or corrosive materials in DOT specification 6D cylindrical steel drums. (Modes 1, 2, and 3.)
6658-X	DOT-E 6658	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.21(b), 173.64(a)	To ship certain class A explosives in a non-DOT open-head steel drum (Mode 1.)
6662-X	DOT-E 6662	Hercules Inc., Wilmington, Del.; Pennwalt Corp., Buffalo, N.Y.	49 CFR 173.154	To ship organic peroxide in DOT specification 57 metal portable tanks. (Modes 1 and 3.)
6668-X	DOT-E 6668	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304(a)(2), 173.37	To ship oxygen in an insulated welded cylinder, complying with DOT specification 4L with certain exceptions. (Modes 1 and 2.)
6670-X	DOT-E 6670	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.301(d), 173.302	To ship tetrafluoromethane in DOT specification 3A2400, 3AA2400, 3AX2400, and 3AAX2400 cylinders. (Mode 1.)
6694-X	DOT-E 6694	Ugine Kuhlmann of America, New York, N.Y.	49 CFR 173.315	To ship dichlorodifluoromethane in a non-DOT specification portable tank. (Modes 1, 2, and 3.)
6699-X	DOT-E 6699	Virginia Chemicals, Inc., Portsmouth, Va.	49 CFR 173.249(a)(3), 173.200-4.	To ship liquid caustic soda in DOT specification 111A100W1 tank car tanks. (Mode 2.)
6701-X	DOT-E 6701	E. I. du Pont de Nemours Co., Inc., Wilmington, Del.	49 CFR 172.101, 173.314.	To ship hexafluoropropylene oxide in DOT specification 110A500-W tank car tanks. (Modes 1 and 2.)
6715-X	DOT-E 6715	FMC Corp., Philadelphia, Pa.	49 CFR 173.338(a)(11)	To ship ethion in DOT 105A200AL-W or 105A300W tank cars. (Mode 2.)
6772-X	DOT-E 6772	Monsanto Co., St. Louis, Mo.	49 CFR 173.245, 173.264(a), 173.340, 173.349, 173.[illegible]	To ship certain corrosive liquids in an inside glass or compatible plastic bottle, overpacked in DOT specification 17H steel drums. (Mode 1.)
6803-X	DOT-E 6803	Halocarbon Products Corp., Hackensack, N.J.; Harshaw Chemical Co., Cleveland, Ohio.	49 CFR 173.264(b)	To ship anhydrous hydrofluoric acid in DOT specification 4BW welded steel cylinders. (Mode 1.)
6810-X	DOT-E 6810	U.S. Department of Interior, Amarillo, Tex.	49 CFR 173.302(a)(1)	To ship helium in seamless steel tanks in compliance with DOT specification 107A. (Mode 1.)
6834-X	DOT-E 6834	FMC Corp., Philadelphia, Pa.	49 CFR 173.245(a)(4)	To ship phosphoric acid in DOT specification 5 drums. (Mode 1.)
6837-X	DOT-E 6837	U.S. Department of the Army, Washington, D.C.	49 CFR 173.245(a)(32)	To ship acetic anhydride in DOT specification 105A200AL-W tank cars. (Mode 2.)

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6868-X	DOT-E 6868	Dow Chemical Co., Midland, Mich	49 CFR 173.272(i)(22)	To ship sulfuric acid in DOT specification 105A300W tank car tanks. (Mode 2.)
6871-X	DOT-E 6871	Millers Transporters, Inc., Jackson, Miss	49 CFR 172.504, 177.850(c), 393.95(g).	To ship flammable liquid, n.o.s. in DOT specification MC-307 tank motor vehicle. (Mode 1.)
6890-X	DOT-E 6890	U.S. Department of Defense, Washington, D.C.	49 CFR 173.100(cc), 175.3	To ship certain class C explosives in a non-DOT specially designed wooden box. (Modes 1, 2, 3, and 4.)
6894-X	DOT-E 6894	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.302(a)(1)	To ship certain nonliquefied, nonflammable compressed gases in a non-DOT specification pressure vessel assembly. (Modes 1 and 2.)
6906-X	DOT-E 6906	Dow Chemical Co., Midland, Mich	49 CFR 173.253(a)(6)	To ship chloroacetyl chloride in DOT specification MC-310, MC-311, and MC-312 tank motor vehicles. (Mode 1.)
6918-X	DOT-E 6918	Amvac Chemical Corp., Los Angeles, Calif.	49 CFR 173.358(a)(8), 175.359 (a)(9).	To ship poison B liquids in 1-gallon capacity glass containers, individually overpacked in a DOT specification 33A polystyrene case. (Modes 1, 2, and 3.)
6925-X	DOT-E 6925	Economics Laboratory, Inc., St. Paul, Minn.	49 CFR 173.245(a), 173.249(a), 173.277(a).	To ship certain corrosive liquids in inside high-density polyethylene bottles overpacked in non-DOT fiberboard boxes. (Modes 1 and 3.)
6927-X	DOT-E 6927	Dow Chemical Co., Midland, Mich	49 CFR 173.353, 173.353a	To ship liquid methyl bromide in a non-DOT specification portable container. (Modes 1 and 3.)
6929-X	DOT-E 6929	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.88(e)(2)(ii), 173.92 (b).	To ship class B explosives in packages approved by the Bureau of Explosives (AAR). (Modes 1 and 3.)
6948-P	DOT-E 6948	Cotton States Chemical Co., West Monroe, La.	49 CFR 173.358, 173.359	To become a party to exemption 6948. (See application Nos. 76-61 and 6948-P). (Mode 1.)
6962-X	DOT-E 6962	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.301(d)	To ship argon or helium in a specification 3AA1800 or 3AA2000 cylinder. (Modes 1 and 2.)
6978-P	DOT-E 6978	Warren Petroleum Co., Tulsa, Okla	49 CFR 173.315(a)(1), (c)(1)	To become a party to exemption 6978. (See application No. 76-210). (Mode 1.)
7020-P	DOT-E 7020	Pennwalt Corp., Philadelphia, Pa	49 CFR 173.154, 173.163(a)(7)	To become a party to exemption 7020. (See application No. 7020-X.) (Modes 1 and 2.)
7023-X	DOT-E 7023	Western Electric, Greensboro, N.C	49 CFR 173.272(g) and (1)(24), 173.268(f)(5), 173.264(a), 173.-245(a), 173.266.	To ship oxidizer or corrosive material in non-DOT specification steel portable tanks built in compliance with DOT specification 60. (Mode 1.)
7041-X	DOT-E 7041	Ethyl Corp., Baton Rouge, La	49 CFR 173.134(a)(6)	To ship flammable liquid in insulated non-DOT specification cargo tank of the MC-331 type. (Mode 1.)
7044-X	DOT-E 7044	National Aeronautics and Space Administration, Greenbelt, Md.; Thiokol Corp., Huntsville, Ala.	49 CFR 173.88(e)(ii), 173.92(a)(1), 173.92(b).	To ship class B explosive rocket motors mounted on a dolly in accordance with Thiokol Corp.'s drawings. (Mode 1.)
7059-X	DOT-E 7059	Oxford Chemicals, Atlanta, Ga	49 CFR 173.245b(a), (a)(6)	To ship corrosive solid, n.o.s. in a plastic drum or pail. (Modes 1 and 2.)
7068-X	DOT-E 7068	U.S. Department of Defense, Washington, D.C.	49 CFR 173.62	To ship class A explosives in a 5-gal DOT specification 5B/28 or 6D/28 drums overpacked in DOT-6J drums. (Mode 1.)
7077-X	DOT-E 7077	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.315(a)(1)	To ship certain nonflammable and flammable gases in a non-DOT specification ISO portable tank. (Modes 1 and 3.)
7210-P	DOT-E 7210	Thermoset Plastic, Inc., Indianapolis, Ind.; Applied Plastics Co., Inc., El Segundo, Calif.	49 CFR 173.249	To become a party to exemption 7210. (See application No. 76-5.) (Modes 1, 2, and 3.)
7257-X	DOT-E 7257	Brewer Chemical Corp., Honolulu, Hawaii.	49 CFR 173.245, 173.249, 173.263.	To ship certain corrosive liquids in non-DOT specification portable tanks. (Mode 3.)
7269-X	DOT-E 7269	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.65(a), 175.3	To ship certain class A explosives in strong inside slit-proof paper or plastic bags overpacked in a DOT specification 21C fiber drum. (Modes 1 and 4).
7423-P	DOT-E 7423	Hart Metals, Inc., Tamaqua, Pa	49 CFR 173.220	To become a party to exemption 7423. (See application No. 7423-N.) (Modes 1, 2, and 3.)
7434-X	DOT-E 7434	Natico, Inc., Chicago, Ill	49 CFR 173.1; part 173, subparts D, E, F, and H; 177.854.	To ship certain flammable liquids, corrosive liquids, and class B poisonous liquids in Natico model No. 100 65-gal recovery drums. (Modes 1 and 2.)
7568-X	DOT-E 7568	W. A. Murphy, Inc., El Monte, Calif	49 CFR 176.415(c)(1)	To ship nitro carbo nitrate in paper bags, loaded in containers. (Mode 3.)
7569-X	DOT-E 6569	Rich International Airways, Inc., Miami, Fla.	49 CFR 175.3, 175.30(a)(1), 175.320(b).	To transport commercial dynamite in accordance with the provisions of 49 CFR 175.320(b) with certain exceptions. (Mode 4.)
7573-X	DOT-E 7573	U.S. Department of Defense, Washington, D.C.	49 CFR 175.3, 175.30(a)(1)	To ship explosives and other specified hazardous materials which are forbidden from carriage by cargo only aircraft or are in quantities greater than those prescribed for cargo-only aircraft. (Mode 4.)
7601-X	DOT-E 7601	Atlantic Research Corp., Gainsville, Va	49 CFR 173.53(e), 173.62	To ship class A explosives in non-DOT inside containers in a crated assembly. (Mode 1.)
7629-X	DOT-E 7629	Eurotainer, Paris, France	49 CFR 173.119, 173.245, 173.-268, 173.289; 46 CFR 90.05-35, 93.35-3.	To ship certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1 and 3.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7401-N	DOT-E 7401	Ventron Corp., Beverly, Mass	49 CFR 713.154	To ship sodium borohydride, dry in non-DOT specification multiwall nylon-reinforced polybutylene film bag. (Mode 1.)
7525-N	DOT-E 7525	Connecticut Valley Arms, Inc., Haddam, Conn.	49 CFR 173.107	To ship percussion caps, class C explosives, packed in flat plastic cans in a DOT specification 12B fiberboard box. (Modes 1 and 2.)
7529-N	DOT-E	AiResearch Manufacturing Co., Phoenix, Ariz.	49 CFR 173.302(a)(4), 175.3	To ship helium in non-DOT specification welded steel pressure vessels constructed in compliance with DOT specification 39 with certain exception. (Modes 1 and 4.)
7543-N	DOT-E 7543	U.S. Department of the Navy, Washington, D.C.	46 CFR 146.29-100	To ship class XC military explosives in MILVAN containers to be stowed on deck of vessel, over the square of the hatch with certain exceptions. (Mode 3.)
7549-N	DOT-E 7549	Stauffer Chemical	49 CFR 172.245a(a)	To ship ethyl chlorothioformate in a 316L stainless steel portable tank otherwise constructed in compliance with DOT specification 51. (Modes 1 and 3.)
7550-N	DOT-E 7550	Rockwell International, Canoga Park, Calif.	49 CFR 173.206	To ship sodium, metallic in a cold trap assembly. (Mode 1.)
7551-N	DOT-E 7551	FMC Corp., Philadelphia, Pa	49 CFR 173.1; part 173, subpart D, F, and H; 177.854.	To ship certain flammable liquids-corrosive liquids, and class B poisonous liquids in a DOT specification 17-C open-head drum. (Modes 1 and 2.)
7558-N	DOT-E 7558	Union Carbide Corp., Tarrytown, N.Y	49 CFR 173.315(a), 172.101	To ship certain nonflammable cryogenic liquids in a non-DOT specification insulated portable tank designed and constructed in accordance with the ASME code. (Modes 1 and 3.)
7602-N	DOT-E 7602	GasprO, Inc., Honolulu, Hawaii	49 CFR 173.850	To ship calcium oxide in a non-DOT specification bulk container. (Mode 3.)
7622-N	DOT-E 7622	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.365	To ship poison B, solid, n.o.s. in DOT specification 56 metal portable tank. (Mode 1.)
7648-N	DOT-E 7648	Intermountain Aerial Sightseeing, Inc., Salt Lake City, Utah.	49 CFR 172.204(c), 172.300(a), 172.400(a), 173.91(a) and (1), 175.3, 175.35(a).	To transport aerial illuminating flares in a non-DOT open styrofoam case containing not more than two illuminating flares. (Mode 4.)
7651-N	DOT-E 7651	Austin Powder Co., Cleveland, Ohio	49 CFR 173.93(e), 177.834(L)(1).	To ship propellant explosive, liquid in a Scaldtank manufactured by Uniroyal Inc. (Mode 1.)
7679-N	DOT-E 7679	PPG Industries, Inc., Pittsburgh, Pa	49 CFR 173.375(a)	To ship dry sodium azide crystals in a DOT specification 21C-115 fiber drum. (Mode 1.)

EMERGENCY EXEMPTIONS—APPLICATIONS RECEIVED AND GRANTED

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE7097-X	DOT-E 7097	Fuller System, Inc., Woburn, Mass.	49 CFR 173.377(f)	To ship certain class B poisonous solids in non-DOT inside metal containers overpacked in strong outside containers. (Mode 1.)
EE7661-N	DOT-E 7661	Mobay Chemical Corp., Kansas City, Mo.	49 CFR 173.377(b)(5)	To ship organic phosphate compound mixture, dry in DOT specification 21C fiber drums. (Modes 1, 2, and 3.)
EE7693-N	DOT-E 7693	General American Transportation Corp., Sharon, Pa.	49 CFR 173.314(c)	To ship liquefied petroleum gas in 4 proposed AAR's specification 120A300W tank cars. (Mode 2.)
EE7686-N	DOT-E 7686	Arthur E. Scholl, Riverside, Calif.	49 CFR 175.3, 175.35	To carry M-18 smoke grenades, flash roman candles, and shower of sparks aboard private aircraft. (Mode 4.)
EE7688-N	DOT-E 7688	Shell Chemical Co., Denver, Colo.	49 CFR 179.115-10(a)(1)	To ship organic phosphate compound mixture, liquid in DOT specification 17C 5-gal, tight head steel drums complying with the requirement of sec. 179.115 with certain exceptions. (Modes 1 and 2.)

DENIALS

4275-X—Request by Union Carbide Corp., Tarrytown, N.Y.—To ship certain liquefied gas mixtures in MC-330 and MC-331 cargo tanks, denied March 31, 1977. (Application preempted.)

4275-X—Request by Kaiser Aluminum & Chemical Corp., Oakland, Calif.—To ship certain liquefied gas mixture in MC-330 and MC-331 cargo tanks, denied March 31, 1977. (Application preempted.)

4586-P—Request by FMC Corp., Philadelphia, Pa.—To ship phosphorus oxychloride in DOT Specification 6D cylindrical steel overpack with inside 2SL liners, denied March 10, 1977. (Docket HM-139 obviates the need.)

4417-X—Request by National Aeronautics and Space Administration, Washington, D.C.—To authorize jet thrust units, Class B explosives to be shipped by, for or to the National Aeronautics and Space Administration with igniters assembled therein, denied March 10, 1977. (Docket HM-139 obviates the need.)

4853-X—Request by Lehigh Valley Chemical Co., Easton, Pa.—To ship etching acid, liquid, n.o.s., in a DOT Specification 37M/2S or 2SL composite container having a capacity of not over 55 gallons, denied March 16, 1977. (Docket HM-139 obviates the need.)

5242-P—Request by IMC Chemical Group, Inc., Boston, Mass.—To ship hydrogen peroxide solution in water, not exceeding 52 percent by weight of hydrogen peroxide, denied March 10, 1977. (Docket HM-112 obviates the need.)

5403-P—Request by Oil Industries Manufacturing and Engineering, Odessa, Texas—To manufacture MC-312 cargo tanks for the transportation of specific hazardous materials, denied March 16, 1977.

5654-X—Request by MC/B Manufacturing Chemists, Norwood, Ohio—To ship certain oxidizing materials in plastic bottles overpacked in DOT Specifications 12A fiberboard boxes, denied March 4, 1977. (Docket HM-139 obviates the need.)

5976-X—Request by Mobay Chemical Corp., Kansas City, Mo.—To ship organic phosphate compounds in excess of 50% active ingredient in DOT Specification 105A300W tank cars, denied March 4, 1977. (Docket HM-139 obviates the need.)

6137-X—Request by Oxirane Chemical Co., Pasadena, Tex.—To ship peroxide, organic liquids, n.o.s., (tertiary butyl hydroperoxide), in DOT Specification 37M cylindrical steel drums overpack with DOT 2SL polyethylene liners, denied March 4, 1977. (Docket HM-139 obviates the need.)

6247-X—Request by J. T. Baker Chemical Co., Phillipsburg, N.J.—To allow shipment of hydrofluoric acid in a DOT Specification 34 container, denied March 4, 1977. (Docket HM-139 obviates the need.)

6247-X—Request by Allied Chemical Corp., Morristown, N.J.—To authorize shipment of hydrofluoric acid solutions not over 52% in DOT Specification 34 drums, not over 5 gallons, denied March 4, 1977. (Docket HM-139 obviates the need.)

6247-X—Request by Lehigh Valley Chemical Co., Easton, Pa.—To ship hydrofluoric acid (maximum 53%) in DOT Specification 34, 5-gallon polyethylene containers, denied March 4, 1977. (Docket HM-139 obviates the need.)

6637-P—Request by Aqua-Serv Engineers, Inc., Los Angeles, Calif.—To ship certain hazardous materials in a non-DOT Specification polyethylene drum of 55-gallon capacity, denied March 16, 1977. (Application preempted.)

6657-P—Request by Gases and Arc Supply Co., Pueblo, Colo.—To ship certain nonliquefied compressed gases in DOT Specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A or 3AA, denied March 25, 1977.

6667-X—Request by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.—To ship certain Class B poisonous liquids in DOT Specification 6D cylindrical steel overpack with inside Specification 2SL polyethylene container of not over 55-gallon capacity, denied March 4, 1977.

6709-X—Request by Crown Zellerbach, Camas, Washington—To ship dimethyl disulfide in a foreign-made drum meeting the specification for a DOT 17-E except for the marking requirements, denied March 8, 1977. (Docket HM-112 obviates the need.)

6800-X—Request by McKesson Chemical Co., San Francisco, Calif.—To allow use of a 55-gallon capacity non-DOT Specification polyethylene (PE) container, for shipment of sulfuric acid, 98%, denied March 15, 1977.

6800-P—Request by IMC Chemical Group, Inc., Boston, Mass.—To ship certain hazardous materials in a non-DOT Specification polyethylene drum of 55-gallon capacity, denied March 16, 1977. (Application preempted.)

6800-X—Request by Lehigh Valley Chemical Co., Easton, Pa.—To ship certain corrosive liquids in a non-DOT Specification polyethylene drum of 55-gallon capacity, denied March 15, 1977. (Application preempted.)

6892-X—Request by Spear and Hill, New York, N.Y., on behalf of Explogiochi, S.p.A.; Edison Giocattoli, S.p.A.; Mattel, Inc.; The Ohio Art Co.—To ship toy plastic caps as prescribed in 173.100(p) and 173.109(a) except the plastic sheet of "blister" package is 0.006" in thickness, denied March 10, 1977. (Docket HM-139 obviates the need.)

6971-X, 7521-N, 7527-N—Request by Chem Service, Inc., West Chester, Pa.—To ship chemical kits containing poisonous materials without the prescribed label, denied March 16, 1977.

7062-X—Request by Michlin Chemical Corp., Detroit, Mich.—To authorize use of a six gallon capacity non-DOT Specification polyethylene (PE) container, with a vented closure, for shipment of ammonium hydroxide in concentrations of 29.4%, 25.5% and 17.6%, denied March 10, 1977.

7210-X—Request by Amway Corp., Ada, Mich.—To ship, by water, consumer commodities, packaged in excepted quantities and without the technical name on the package, denied March 2, 1977. (Docket HM-112 obviates the need.)

7222-X—Request by Richard Eaton, Bethesda, Md.—To carry as carry-on baggage, 2 electric storage batteries moving in connection with a self-propelled wheelchair, denied March 3, 1977. (Docket HM-112 obviates the need.)

7284-X—Request by Virginia Chemicals Inc., Portsmouth, Va.—To ship Alkaline corrosive liquids, n.o.s., (organic amines) in tank trailer MC-303, denied March 4, 1977. (Docket HM-139 obviates the need.)

7428-P—Request by Airco Industrial Gases, New Province, N.J.—To transport certain flammable and nonflammable gases in certain non-DOT specification seamless wire hoop wrapped steel cylinders, denied March 25, 1977. (Application preempted.)

7460-P—Request by Fabricated Metals, Inc., Modena, Pa.—To ship flammable liquids in DOT Specification 57 portable tanks, denied March 25, 1977. (Docket HM-139 obviates the need.)

7464-X—Request by Chevron Oil Co., New Orleans, La.—To transport 80/87 octane gasoline to Main Pass Blocks 41 and 299 Fields, denied March 18, 1977.

7530-X—Request by Mobay Chemical Corp., Pittsburgh, Pa.—To ship certain flammable liquids in foreign made packagings comparable to the DOT 37M/2SL composite container, denied March 8, 1977. (Docket HM-112 obviates the need.)

7533-N—Request by Muchlstein & Co., Inc., Greenwich, Conn.—To transport sodium chlorate imported in a steel drum of foreign manufacture that meets DOT Specification 37A, denied March 28, 1977. (Docket HM-112 obviates the need.)

7552-N—Request by Mobay Chemical Corp., Pittsburgh, Pa.—To transport cyclohexyl isocyanate (poisonous liquid n.o.s.) in Luther Type 15/1, 16/1 and 17/1 portable tanks, denied March 10, 1977. (Application preempted.)

7586-N—Request by Rockwell International, Downey, Calif.—To ship a Class B explosive rocket motor in a propulsive state and in packaging not authorized in 49 CFR 173.92, denied March 22, 1977.

7611-N—Request by Richmond Food Stores, Inc., Richmond, Va.—To ship broken-lots of small-arms ammunition in a non-DOT plastic box, denied March 10, 1977.

EE7687-N—Request by Chevron Chemical Co., San Francisco, Calif.—To ship a liquid meeting both flammable liquid and corrosive liquid definitions in other than 49 CFR 173.119(m) packagings, denied March 28, 1977.

WITHDRAWALS

6637-P—Request by Igloo Corp., Houston, Tex.—To become party to DOT-E 6637, withdrawn March 3, 1977.

6726-P—Request by Igloo Corp., Houston, Tex.—To become party to DOT-E 6726, withdrawn March 3, 1977.

6800-P—Request by Igloo Corp., Houston, Tex.—To become party to DOT-E 6800, withdrawn March 3, 1977.

7566-X—Request by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.—To authorize the use of Type "EE" fork-lift trucks within the holds or compartments of cargo vessels for handling palletized commercial explosives, withdrawn March 8, 1977.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77-11904 Filed 4-27-77;8:45 am]

Office of Pipeline Safety Operations

TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Technical Pipeline Safety Standards Committee to be held May 10 and 11, 1977, at 9:00 a.m., in Conference Room 3201 of the Trans Point Building, 2100 Second Street SW., Washington, D.C. The agenda for this meeting is as follows: (1) Proposed rule changes regarding the design of plastic pipelines (see 42 FR 8386); (2) Establishing new rules for conversion of pipelines to gas service (see 42 FR 15932); (3) Procedures for implementing regulatory reform Policy III (see 41 FR 16200) and for proposing pipeline safety standards; and (4) Establishing rulemaking priorities.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend or present oral statements should notify, not later than 3:00 p.m. May 9, 1977, and information may be obtained from, David A. Watson, Office of Pipeline Safety Operations, 2100 Second Street SW., Washington, D.C. 20590, 202-426-2392. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on April 26, 1977.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.77-12424 Filed 4-27-77;9:50 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 378]

ASSIGNMENT OF HEARINGS

APRIL 25, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 2202 (Sub-No. 518), Roadway Express, Inc., now assigned May 25, 1977, at Montgomery, Ala. will be held in Conference Room No. 816, Aronov Building, 474 South Court Street.

MC 130392, Travel-eez, Inc., now assigned May 24, 1977, at Lansing, Mich., will be held in the North Training Room, Highway Building, First Floor, 425 West Ottawo St.

MC 28551 (Sub-No. 5), General Cartage Co., now assigned May 24, 1977, at Madison, Wis. will be held in the Information Conference Room, Forest Product Laboratory, North Walnut St.

MC 130411, B. J. Marsh, DBA Marsh Travel, now assigned May 18, 1977, at Jefferson City, Mo. will be held in Room 201, Governor Hotel, 200 Madison.

MC 124878 (Sub-No. 9), Lapadula Air Freight Transfer, Inc., now assigned May 16, 1977, at Philadelphia, Pa. will be held at the U.S. Custom Court House, 3rd Floor, U.S. Court House, 2nd & Chestnut Street.

MC 8964 (Sub-31), Witte Transportation Company, now being assigned June 13, 1977 (2 weeks) at Des Moines, Iowa, in a hearing room to be later designated.

MC-FC 75322, National Mehl Tours, Inc., Springfield, Illinois, Transferee, and Travel Systems International Ltd., dba Vanderbilt Better Tours, Oak Brook, Illinois, Transferor now being assigned July 12, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 139005 Sub 3, James D. Hoelzeman, dba Scrap Haulers, now being assigned July 14, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 720 Sub 21, Bird Trucking Co., Inc. now being assigned July 18, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 127042 Sub 178, Hagen, Inc. now being assigned July 19, 1977 (2 days) at Chicago Illinois in a hearing room to be later designated.

MC 95084, Hove Truck Line now being assigned July 21, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 114737 (Sub-7), O & A Tex-Pack Express, now assigned May 25, 1977 at El Paso, Texas, will be held in *The Travel Lodge, 409 East Missouri Street,* instead of *The Ramada Inn (Formerly Centro Del Paso) 325 North Kansas Street.*

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12233 Filed 4-27-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 25, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before May 13, 1977.

FSA No. 43354—*Aluminum Billets and Related Articles to Points in Louisiana.* Filed by Southwestern Freight Bureau, Agent, (No. B-673), for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, loose or in packages, in carloads, as described in the application, from Neches, Point Comfort and Sandow, Texas, to Davenport and Riverdale, Louisiana.

Grounds for relief—Market and truck-barge competition.

Tariff—Supplement 155 to Southwestern Freight Bureau, Agent, tariff 310-F, I.C.C. No. 4980. Rates are published to become effective on May 23, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-12234 Filed 4-27-77;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 138]

[Exemption No. 138]

MISSOURI PACIFIC RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, That there are substantial shortages of plain gondola cars on the lines of the Missouri Pacific Railroad Company (MP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the MP of certain of these cars; and the MP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the MP; and that use of these cars by the MP will substantially relieve gondola car shortages on the MP.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars owned by the National Railways of Mexico (NDM) identified herein may be used by the Missouri Pacific Railroad Company (MP) without regard to the requirements of Car Service Rules 1 and 2.

It is further ordered, That NDM plain gondola cars identified herein available empty on lines other than the MP must be returned to the MP either loaded or empty and may not be returned to the NDM by any line other than the MP, regardless of the requirements of Car Service Rules 1 and 2; and

It is further ordered, That this exemption is applicable to freight cards owned by the NDM identified in Appendix A hereto.

Effective April 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 15, 1977.

INTERSTATE COMMERCE COMMISSION
JOEL E. BURNS,
Agent.

APPENDIX A TO
EXEMPTION NO. 138

REPORTING MARKS NDM

86749	86753	86762	86790	86793	86797	86824	86896	86913	86915
86924	86932	86961	86962	86975	86979	86987	86910	86925	86946
86952	86956	86982	86989	87010	87027	87065	87072	87081	87090
87113	87121	87132	87156	87152	87173	87199	87200	87234	87244
87256	87258	87266	87267	87274	87279	87289	87300	87314	87320
87352	87327	87351	87362	87364	87374	87372	87394	87409	87410
87423	87434	87438	87449	87455	87462	87465	87469	87480	87492
87498	87513	87529	87551	87571	87577	87582	87583	87592	87591
87652	87676	87682	87683	87725	87712	87713	87716	87749	87755
87762	87774	87777	87795	87857	87816	87819	87837	87847	87853
87854	87856	87861	87865	87909	87912	87925	87935	87938	87957
87964	87973	87975	87997	88025	88022	88034	88071	88075	88079
88087	88097	88107	88123	88149	88156	88157	88158	88162	88175
88205	88213	88215	88221	88222	88225	88228	88253	88271	88286
88291	88299	88315	88324	88328	88331	88346	88356	88363	88373
88397	88418	88425	88426						

[FR Doc.77-12236 Filed 4-27-77;8:45 am]

[AB 6 (Sub-No. 40)]

BURLINGTON NORTHERN, INC.

Abandonment of Service

APRIL 18, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by Burlington Northern Inc. of its line between Brinsmade and Leeds, a distance of 9.85 miles, in Benson County, North Dakota, 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 Act 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 since no definitive plans for economic or industrial development have been formulated for the area along the subject line, abandonment will not result in a serious adverse impact on community and rural development. Furthermore, no historical or archaelogical sites will be affected by the abandonment nor will any endangered or threatened animal or plant life be affected. Finally, interest has been expressed in acquiring the subject right-of-way for recreational use and it has been concluded that the right-of-way is suitable for most linear recreational activities.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

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 May 31, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12237 Filed 4-27-77;8:45 am]

[Notice No. 54]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 21, 1977.

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 CFR 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 ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11722 (Sub-No. 54TA), filed April 8, 1977. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Charles C. Flower, 303 E. "D" St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *PVC (plastic) pipe and accessories*, from Sunnyside, Wash., to the port of entry on the United States-Canada Boundary line located at or near Oroville, Wash.; Portland, Medford and LaGrande, Oreg.; Boise and Nampa, Idaho and Seattle, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robintech, Inc., 1820 Midvale Road., Sunnyside, Wash. 98944. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 52704 (Sub-No. 142TA), filed April 6, 1977. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, Opelika Hwy., Lafayette, Ala. 36862. Applicant's representative: Glenn R. McClendon, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highlands Company, Forest Products Division, at Albertville, Ala., to points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia and those points in Louisiana east of the Mississippi River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: East Highlands Company, P.O. Box 746, Albertville, Ala. 35050. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 61396 (Sub-No. 329TA), filed April 7, 1977. Applicant: HERMAN BROS. INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon dioxide*, in bulk, in tank vehicles, from the plantsite and storage facilities of Airco Industrial Gases Division, Airco, Inc., at East Alton, Ill., to Columbia, Jefferson City, Labadie, Warrenton and Washington, Mo.; Harrison, Ark.; Danville, Henderson, Louisville and Madisonville, Ky.; and East Gary, East Chicago, Evansville and Indianapolis, Ind. Restriction: All traffic restricted to shipments moving in trailers owned by Airco, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. K. Kubala, Distribution Supt., Airco Industrial Gasses Division Airco, Inc., P.O. Box 300, E. Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 64932 (Sub-No. 571TA), filed April 6, 1977. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority, sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl acetate*, in bulk, in tank vehicles, from the O'Brien Corporation, at South Bend, Ind., to The O'Brien Corporation, at Oklahoma City, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The O'Brien Corporation, Paul M. Chandler, Traffic Manager, 2001 W. Washington, St., P.O. Box 4037, South Bend, Ind. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 73688 (Sub-No. 73TA), filed April 6, 1977. Applicant: SOUTHERN TRUCKING CORPORATION, P.O. Box 7195, 1500 Orenda Ave., Memphis, Tenn. 38107. Applicant's representative: John Paul Jones, P.O. Box 3140, Front Street Station, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding materials, composition shingles, rolled roofing, roofing compound, and accessories*

thereto, from the plantsite and facilities of Elk Corporation, Stephens, Ark., and East Camden, Ark., to points in Alabama, Louisiana, Mississippi. Tennessee, Texas and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elk Corporation, Stephens, Ark. 71764. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 N. Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 107002 (Sub-No. 501TA), filed April 6, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Edible lard,* in bulk, in tank vehicles, from Jackson, Miss., to Houston, Corpus Christi, Amarillo, Fort Worth, Tex., and Atlanta and Macon, Ga., for 180 days. Supporting shipper: Jackson Packing Company, 2520 S. Gallatin, P.O. Box 113, Jackson, Miss. 39205. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 107002 (Sub-No. 502TA), filed April 6, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Methyl methacrylate monomer,* in bulk, in tank vehicles, from the DuPont Woodstock Plant, near Memphis, Tenn., to Washington, W. Va., near Parkersburg, W. Va., and Belle, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, Del. 19898. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 107012 (Sub-No. 236TA), filed April 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Hwy. East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from Swainsboro, Ga., to points in Mississippi, Tennessee, South Carolina, Virginia, Kentucky, Maryland, Delaware, West Virginia and North Carolina, for 180 days. Supporting shipper: Larkin Industries, Inc., Swainsboro, Ga. 30401. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 108382 (Sub-No. 27TA), filed April 8, 1977. Applicant: SHORT FREIGHT LINES, INC., 459 S. River Road, P.O. Box 357, Bay City, Mich. 48706. Applicant's representative: Richard L. Poleler (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Troop seats and parts thereof,* from the plantsite of Stephan Wood Products Co., Grayling, Mich., on the one hand, and on the other, points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin, for 180 days. Supporting shipper: Stephan Wood Products, Grayling, Mich. 49738. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 111302 (Sub-No. 104TA), filed April 8, 1977. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Can liner varnish, enamel paint, and necker flanger lubricants,* in bulk, in tank vehicles, from the plantsite of the Midland Division of the Dexter Corporation, in Birmingham, Ala., to Baltimore, Md.; Ft. Worth, Tex.; Houston, Tex.; Jacksonville, Fla.; Longview, Tex.; New Orleans, La.; San Antonio, Tex.; Williamsburg, Va.; and Winston Salem, N.C., for 180 days. Supporting shipper: Midland Division, The Dexter Corporation, P.O. Box 9468, Birmingham, Ala. 35215. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 114457 (Sub-No. 298TA), filed April 6, 1977. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mattresses and box springs,* from Rock Island, Ill., to Bismarck, Fargo, Grand Forks and Monot, N. Dak.; Aberdeen and Sioux Falls, S. Dak., and Sioux City, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ther-A-Pedic Products, Div. of Rock Island Bedding, 2350 5th St., Rock Island, Ill. 61201. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118431 (Sub-No. 25TA), filed April 6, 1977. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, Ark. 72209. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* in mechanically refrigerated vehicles, from the plansites and storage facilities of Standard Brands Incorporated, at Franklin Park, Ill., and Bensenville, Ill., to Jersey City, N. J., and Cockeysville, Md., under a continuing contract with Standard Brands, Incorporated, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Brands, Incorporated, 625 Madison Ave., New York, N.Y. 10022. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark, 72201.

No. MC 119789 (Sub-No. 341TA), filed April 8, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from: (A) Plainview, Tex., to points in Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia; and (B) Friona, Tex., to points in Connecticut, Kentucky, Maine, Massachusetts and Rhode Island, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MBPXL Corporation, P.O. Box 2519, Wichita, Kans. 67201. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 119792 (Sub-No. 60TA), filed April 6, 1977. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, 3600 S. Western Ave., Chicago, Ill. 60609. Applicant's representative: Carl Steiner, 39 S. La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and packinghouses products,* from Elkhart, Ind., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elcona Foods, Inc., Keith A. Gary, Sales Administrator, 24402 Co. Rd. 45, P.O. Box 160, Elkhart, Ind. 46514. Send protests to: Patricia A. Roscoe, Transportation Assistant, Inter-

state Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 120727 (Sub-No. 7TA), filed April 8, 1977. Applicant: GALLATIN-PORTLAND FREIGHT LINES, INC., P.O. Box 888—James St., Gallatin, Tenn. 37066. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap aluminum*, in bulk, from the plantsite and facilities of General Electric Co., at or near Hendersonville, Tenn., to Russellville, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Electric Co., 250 E. Main St., Hendersonville, Tenn. 37075. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 123048 (Sub-No. 354TA), filed April 7, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, Wis. 53406. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts and attachments* for irrigation systems, from Havana, Ill., to points in Indiana, Iowa, Kansas, Michigan, North Carolina, New Jersey, Wisconsin, Georgia, Missouri, Minnesota, and Nebraska, for 180 days. Supporting shipper: Ag-Rain, Inc., South Schrader, Havana, Ill. 62644. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 124078 (Sub-No. 722TA), filed April 8, 1977. Applicant: SCHWERMAN TRUCKING, CO., 611 S. 28th St., Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay slurry*, in bulk, in tank vehicles, from Wrens, Ga., to Cincinnati, Ohio, for 180 days. Supporting shipper: Davison Chemical Division, W. R. Grace & Co., P.O. Box 2117, Baltimore, Md. 21203. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 124813 (Sub-No. 169TA), filed April 8, 1977. Applicant: UMTHUN TRUCKING CO., 910 S. Jackson St., P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bags, from the facilities of Cargill, Incorporated, at or near Janesville, Wis., to the facilities of Cargill, Incorporated, at or near Cresco, Greeley, Grinnell, Reinback, Rowan and West Branch, Iowa, for 180 days. Supporting shipper: Cargill, Incorporated, P.O. Box 9300, Minneapolis, Minn. 55440. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC126276 (Sub-No. 174TA), filed April 6, 1977. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and metal container ends*, from the plantsite of American Can Company, at Philadelphia, Pa., to Ft. Smith, Ark., under a continuing contract with American Can Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, Richard P. Edwards, Assistant Transportation Manager, Operations, American Lane, Greenwich, Conn. 06830. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126305 (Sub-No. 83TA), filed April 6, 1977. Applicant: BOYD BROS. TRANSPORTATION CO., INC., Rt. 1, Box 18, Clayton, Ala. 36016. Applicant's representative: Dempsey Boyd, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highlands Company, Forest Products Division, at Albertville, Ala., to points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Virginia, Tennessee and West Virginia and those points in Louisiana east of the Mississippi River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: East Highlands Company, P.O. Box 746, Albertville, Ala. 35950. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 126545 (Sub-No. 11TA), filed April 5, 1977. Applicant: GLENERY, INC., 173 Hickory St., Kearny, N.J. 07032. Applicant's representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous metals and empty drums and tote bins*, between Brooklyn, N.Y., and points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia and the District of Columbia, under a continuing contract with Standard White Metals Corp., for 180 days. Supporting shipper: Standard White Metals Corp., P.O. Box 78, Station W., Brooklyn, N.Y. 11211. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 128392 (Sub-No. 1TA), filed April 8, 1977. Applicant: HARNER'S EXPRESS, INC., 6541 Eastern Ave., Baltimore, Md. 21224. Applicant's representative: Edward J. Kiley, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard boxes and corrugated fiberboard trays*, from the facilities of Container Corporation of America at Baltimore, Md., to Eastville, Fredericksburg, Hallwood, Mappsville, Newport News, Norfolk, Nassawadox, Warrenton and Williamsburg, Va., under a contract with Container Corporation of America, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert L. Lund, Eastern Traffic Manager, Container Corporation of America, 5000 Flat Rock Road, Philadelphia, Pa. 19127. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 133485 (Sub-No. 20TA), filed April 7, 1977. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster St., Providence, R.I. 02909. Applicant's representative: Morris J. Levine, 1620 Eye St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals and precious metals scrap*, between Monroe and Wayne Counties, N.Y., and Carteret and Newark, N.J.; and between New York, N.Y., and North Adams, Mass., for 180 days. Applicant has also filed an underlying ETE seeking up to 90 days of operating authority. Supporting shipper: Sabin Metal Corp., 316 Meserole St., Brooklyn, N.Y. 11206. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset St., Room 102, Providence, R.I. 02903.

No. MC 133689 (Sub-No. 121TA), filed April 7, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicle), in vehicles equipped with mechanical refrigeration, from the plant and warehouse facilities of Kraft, Inc., at New Ulm, Minn., to Atlanta, Ga., and its Commercial Zone, for 180 days. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal

Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134006 (Sub-No. 3TA), filed April 7, 1977. Applicant: PARKER & SON TRUCKING, INC., 4520 Maywood Ave., Vernon, Calif. 90058. Applicant's representative: Richard Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Phoenix, Ariz., to Concord and Vallejo, Calif., for 180 days. Supporting shipper: Markstein Distributing Company d/b/a M. Distributing Company, 1764 National, Hayward, Calif. 94545. Send protests to: Irene Carlos, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 134755 (Sub-No. 101TA), filed April 6, 1977. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in packages, from Rouseville, Pa., to Jackson, Miss.; and (2) Petroleum products (except in bulk), from Bradford, Pa., to points in Texas, Louisiana, Alabama, Mississippi, Oklahoma and Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pennzoil Company, P.O. Box 808, Oil City, Pa. 16301. and Witco Chemical Corp., 77 N. Kendall Ave., Bradford, Pa. 16701. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 134959 (Sub-No. 7TA), filed April 8, 1977. Applicant: BEN-K TRUCKING, INC., N. 6th Ave. & County Road 64, P.O. Box 1049, Greeley, Colo. 80631. Applicant's representative: Charles M. Williams, Suite 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meat scraps, meat meal, tankage, blood meal, and bone meal*, in bulk, (except in bulk, in tank vehicles), from the plantsite and storage facilities of Monfort Packing Co., a Division of Monfort of Colorado, Inc., located at or near Greeley, Colo., to points Washington, Benton and Pulaski Counties, Ark.; Adair and Craig Counties, Okla.; and Carroll, Saline, Clay Green and Jackson Counties, Mo., restricted to transportation services performed under a continuing contract with American Commodity Corporation of Marshall, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Commodity Corporation, Box 699, Marshall, Mo. 65340. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 135082 (Sub-No. 44TA), filed April 8, 1977. Applicant: BURSCH TRUCKING, INC., doing business as, ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and wood products* (except commodities in bulk, in tank vehicles), from McKinley County, N. Mex., to points in Arizona, Colorado, Kansas, Oklahoma, Texas and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Navajo Forest Products Industries, P.O. Box 1280, Navajo, N. Mex. 87328. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave. SW., Albuquerque, N. Mex. 87101.

No. MC 135152 (Sub-No. 20TA), filed April 8, 1977. Applicant: CASKET DISTRIBUTORS, INC., R.R. No. 2, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets and crated caskets*, in mixed loads with uncrated caskets, from Gardner, Mass., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Wood-Tex of Gardner, Inc., 201 Central St., Gardner, Mass. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 135874 (Sub-No. 80TA), filed April 6, 1977. Applicant: LTL PERISHABLES, INC., 550 E. 5th St., South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 N. 5th St., Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Eau Claire, Wis., to points in the United States (except Alaska, Hawaii, Florida, Georgia, Alabama, Mississippi, Tennessee, Arkansas and Louisiana), for 180 days. Supporting shipper: Landy of Wisconsin Inc., 2411 3rd St., Eau Claire, Wis. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135714 (Sub-No. 6TA), filed April 8, 1977. Applicant: EARL R. MARTIN, P.O. Box 3, East Earl, Pa. 17519. Applicant's representative: John M. Musselman, 410 N. Third St., P.O. Box 1146, Harrisburg, Pa. 171088. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Fertilizer and dry fertilizer ingredients*, in bulk, in dump vehicles, from Hopewell, Va., to points in Delaware, Maryland, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden and Burlington Counties, N.J.), Pennsylvania (except points in Berks, Chester, Lancaster and Montgomery Counties, Pa.), and points in Virginia and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Andre & Son, Inc., Mill St., Montrose, Pa. 18891. Locust Point Quarries, Inc., Box 1280, Mechanicsburg, Pa. 17055. Millardsville Fertilizer Works, P.O. Box 16, Myerstown, Pa. 17067. Farmers Group Purchasing, Inc., P.O. Box 4586, Topeka, Kans. 66604. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136786 (Sub-No. 114TA), filed April 8, 1977. Applicant: ROECO TRANSPORTATION, INC., 309 5th Ave., NW., P.O. Box 12729, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazine parts*, in vehicles equipped with mechanical refrigeration, from Corinth, Miss., to Chicago, Ill., for 180 days. Supporting shipper: W. F. Hall Printing Company, 4600 Diversey Ave., Chicago, Ill. 60639. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 139091 (Sub-No. 21TA), filed April 8, 1977. Applicant: LOGAN MOTOR LINES, INC., 2829 Mays St., P.O. Box 30038, Amarillo, Tex. 79102. Applicant's representative: Clayton J. Logan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery items* (except in bulk), from the plantsite and storage facilities of Leaf Confectionery, at or near Chicago, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland) except Baltimore), Massachusetts, (except Boston), Michigan, New Hampshire, New Jersey, New York (except New York City commercial zone, Buffalo and Syracuse), Ohio (except Cleveland and Columbus), Pennsylvania (except Philadelphia and Pittsburgh), Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, under a continuing contract with Leaf Confectionery, Inc., for 180

days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leaf Confectionery, Inc., 1155 N. Cicero Ave., Chicago, Ill. 60651. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 140849 (Sub-No. 9TA), filed April 6, 1977. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabrics, piece goods, materials and supplies* used in the manufacture of clothing, from points in Arkansas, to Idabel, Pauls Valley and Frederick, Okla., under a continuing contract with Kellwood Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kellwood Company, Box 656, Pauls Valley, Okla. 73075. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 141511 (Sub-No. 3TA), filed April 6, 1977. Applicant: Robert W. Rettig, doing business as PROTEIN EXPRESS, Route 3, Hartford, Wis. 53207. Applicant's representative: George A. Olson, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs;* and (2) *Commodities* otherwise exempt from economic regulation when moving in mixed shipments with the commodities in (1) above, from the facilities of Moores Food Products, Inc., Fort Atkinson, Wis., to points in Florida, Texas, Alabama, Georgia, Tennessee, New Jersey, New York, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Louisiana, Mississippi, New Mexico, Arizona, California, Utah, Nevada, Colorado, Wyoming and Ohio, for 180 days. Supporting shipper: Moores Food Products Inc., 801 Rockwell St., Fort Atkinson, Wis. 53538. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 143033 (Sub.-No. 1TA), filed April 7, 1977. Applicant: MOUNTAIN AIR DELIVERY, 3770 Mill St., Reno, Nev. 89502. Applicant's representative: G. W. Griffith, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic measuring instruments and component parts*, for the account of Bentley Nevada Corp., between the plant of Bently Nevada Corp., at Minden, Nev., on the one hand, and, on the other, Reno, Sparks and Reno International Airport, Nevada, limited to traffic having an immediately prior or subsequent movement by air transportation, under a continuing contract with Bently Nevada Corporation, 550 Water St., Minden, Nev. 89423. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

No. MC 143118 (Sub-No. 1TA), filed April 8, 1977. Applicant: Alfred Swinford, doing business as SEINFORD TRUCKING, Route 8, Handron Road, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire coat hangers*, from the plantsite of Laidlaw Corporation, Metropolis, Ill., to Miami, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Laidlaw Corporation, 1212 5th St., Metropolis, Ill. 62960. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 N. Main Bldg., 100 B. Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 143144TA, filed April 6, 1977. Applicant: PACIFIC DUMP TRUCKS, INC., 1507 E. Illinois St., Bellingham, Wash. 98225. Applicant's representative: Lloyd A. Ludtke (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from points in Oregon, to Spanaway and Bellingham, Wash.; then from Bellingham and Spanaway, to Seattle, Wash., restricted to shipments having a subsequent movement by water, under a continuing contract with Friese Hide & Tallow Co., Inc., for 180 days. Supporting shipper: Friese Hide & Tallow Co., Inc., 1208 Bay St., Bellingham, Wash. 98225. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. 143146TA, filed April 4, 1977. Applicant: Donnie W. Richardson, doing business as ISLAND COURIER, 202 Mariner's Cove Club, Hilton Head Island, S.C. 29928. Applicant's representative: Jack H. Biel, Bankers Trust Office Park, P.O. Box 5010, Hilton Head Island, S.C. 29928. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Package express* with overall dimensions of less than 100 inches *and articles* weighing less than 50 pounds each, transportation of all items is at the specific request of the customer, between Hilton Head Island of Hope and Skidaway Island, Ga., for 180 days. Supporting shippers: There are approximately 28 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: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, 1400 Bldg., 1400 Pickens St., Columbia, S.C. 29201.

No. MC 143147TA, filed April 6, 1977. Applicant: W & R TRUCKING, R.D. 1, Box 295, Millington, Md. 21651. Applicant's representative: Wallace I. Harris, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, woodchips, sawdust and piling*, from Kent and Queen Anne Counties, Md., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Ohio, Vermont, Rhode Island, Connecticut, Massachusetts and the District of Columbia, for 90 days. Supporting shippers: H. D. Pearce, President, Pearce Lumber, Inc., Route 313, P.O. Box V; and Roger Ormsby, Owner, R. C. O. Lumber Co., Box 214, Millington, Md. 21651. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 143157TA, filed April 5, 1977. Applicant: BILBO FREIGHT LINES, INC., 2722 Singleton Blvd., Dallas, Tex. 75212. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the distribution of gypsum and gypsum products (except in bulk), from Acme, Tex., to points in Texas, restricted to shipments moving in foreign commerce, under a continuing contract with Georgia-Pacific Corporation, Gypsum Division, 1062 Lancaster Ave., Rosemont, Pa. 19010. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12235 Filed 4-27-77;8:45 am]

[Volume No. 14]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

APRIL 22, 1977.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules

of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 5470 (Sub-No. 121) (Correction), filed February 24, 1977, and published in the FEDERAL REGISTER issue of April 14, 1977, and republished this issue. Applicant: TAJON, INC., R.D. No. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals and alloys*, in dump vehicles, between points in Texas, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Texas.

NOTE.—The purpose of this republication is to correct applicant's territorial description. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D. C., or Chicago, Ill.

No. MC 8744 (Sub-No. 12), filed March 9, 1977. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 910 Grant Street, P.O. Box 1160, Bluefield, W. Va. 24710. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities, which because of size or weight require special equipment, (1) between Bluefield and Beckley, W. Va.: From Bluefield to Beckley over U.S. Highways 19 and 21 serving all intermediate points on the designated highways, (2) between Beckley and Montgomery, W. Va.: (a) From Beckley, to Montgomery over U.S. Highway 21; and (b) From Beckley, to Oak Hill over U.S. Highway 21 to junction West Virginia Highway 61, thence over West Virginia Highway 61, to Montgomery, serving all intermediate points on the designated highways, (3) between Beckley and Birch River, W. Va.: From Beckley, to Birch River over U.S. Highway 19, serving all intermediate points on the designated highway, (4) between Summersville and White Sulphur Springs, W. Va.: From Summersville over West Virginia Highway 39, to Nettie, thence along U.S. Highway 20, to Charmco, thence over U.S. Highway 60 to White Sulphur Springs, serving all intermediate points on the designated highways, (5) between Bluefield and Lewisburg, W. Va.: (a) From Bluefield over U.S. Highway 460, to junction with U.S. Highway 219, thence along U.S. Highway 219 to Lewisburg, serving all intermediate points on the designated highways; and (b) From Bluefield, to Beckley over U.S. Highway 21, thence along West Virginia Highway 3 to junction with West Virginia Highway 12, thence along West Virginia Highway 12 to Alderson, thence along West Virginia Highway 63 to Ronceverte, thence along West Virginia Highway 219 to Lewisburg, serving all intermediate points on the designated highways.

(6) Between White Sulphur Springs and Montgomery, W. Va.: From White Sulphur Springs, to Smithers over U.S. Highway 60, thence over West Virginia Highway 61 to Montgomery, serving all intermediate points on the designated highways, (7) between Bluefield and Kermit, W. Va., (a) From Bluefield, to Kermit over U.S. Highway 52, serving all intermediate points on the designated highway; and (b) From Bluefield, to Princeton over U.S. Highway 19, thence along West Virginia Highway 10 to Logan, thence along West Virginia Highway 65 to Naugatuck, thence along U.S. Highway 52 to Kermit, serving all intermediate points on the designated highways, (8) between Bluefield and Logan, W. Va., (a) From Bluefield to Gilbert over U.S. Highway 52, thence along West Virginia Highway 80 to Kistler, thence along West Virginia Highway 10 to Logan, serving all intermediate points on the designated highways; and (b) From Bluefield along U.S. Highway 52 to junction U.S. Highway 119, thence along U.S. Highway 119 to Logan, serving all intermediate points on the designated highways. Service to all off-route points in Fayette, Greenbrier, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Raleigh, and Wyoming Counties, W. Va., (9) between Bluefield and Big Rock, Va.: From Bluefield, to Bick Rock over U.S. Highway 460, serving all intermediate points on the designated highways, (10) between Grundy and Norton, Va.: From Grundy over Virginia Highway 83 to Pound, thence over U.S. Highway 23 to Norton, serving all intermediate points on the designated highways, (11) between Bluefield, W. Va., and Norton, Va.: From Bluefield over U.S. Highway 19 to Hansonville, thence along alternate U.S. Highway 58 to Norton, serving all intermediate points on the designated highways, (12) between Norton and Gibson Station, Va.: From Norton over alternate U.S. Highway 58 to Jonesville, thence along U.S. Highway 58 to Gibson Station, serving all intermediate points on the designated highways; and (13) between Pound and Webb City, Va.: From Pound over U.S. Highway 23, to Weber City, serving all intermediate points on the designated highways, with off-route service between points in Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise Counties, Va.

NOTE.—The purpose this application is to convert from irregular route authority to regular route authority. If a hearing is deemed necessary, the applicant requests it be held at either Charleston, W. Va., or Roanoke, Va.

No. MC 16682 (Sub-No. 91), filed March 11, 1977. Applicant: MURAL TRANSPORT, INC., Black Horse Lane, South Brunswick, N.J. 08902. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soccer tables, billiard and pocket billiard tables, including pool tables, and parts thereof, and equipment therefor*, between Bay City, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 21455 (Sub-No. 45), filed March 9, 1977. Applicant: GENE MITCHELL CO., a Corporation, 1106 Division St., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy flour and soy protein* (except in bulk), from St. Joseph, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Dallas, Tex.

No. MC 28060 (Sub-No. 34), filed March 14, 1977. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 N. Cliff Avenue, P.O. Box 944, Sioux Falls, S. Dak. 57101. Applicant's representative: Bruce E.

Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, (1) from Spencer, Iowa, to points in Illinois, Iowa, Missouri, South Dakota and Wisconsin; (2) from Hartley, Iowa, to points in Illinois, Iowa, Missouri, and South Dakota; and (3) from Fremont and Schuyler, Neb., and Ft. Dodge, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted in (1), (2) and (3) above to traffic originating at the plantsites and warehouse facilities of Spencer Foods, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 30844 (Sub-No. 582), filed March 14, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes, P.O. Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel bolts and nuts, screws, rivets, washers*, from the plantsite and facilities of Modulus Corporation at East Huntingdon Township, Westmoreland County, Pa., or near Mt. Pleasant, Pa., to points in Iowa and Rock Island, Ill., restricted to shipments originating at the above named origin and destined to the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 583), filed March 14, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes, P.O. Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plant site and facilities of Beaver Valley Canning at Grimes, Iowa, Vista Products, Storm Lake, Iowa, Ackley Food Processors, Ackley, Iowa, and Reinbeck Canning Company, Reinbeck, Iowa, to points in Michigan, Pennsylvania, New York, and New Jersey.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri.

No. MC 30844 (Sub-No. 589), filed April 13, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes, P.O. Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cans, fibreboard, paper and paperboard*, straightsided, with or without metal tops and bottoms; and (2) *printed material, posters, magazines and leaflets*, from Oil City and Trevose, Pa., to Waterloo, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minnesota.

No. MC 34479 (Sub-No. 3), filed March 11, 1977. Applicant: E. I. KANE, INC., 4546 Annapolis Road, Baltimore, Md. 21227. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, container chassis and trailers;* and (2) *general commodities* (except commodities of unusual value, commodities requiring special equipment, commodities in bulk, household goods as defined by the Commission, and Classes A and B explosives), between points in the Baltimore, Md. Commercial Zone, restricted to shipments with a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 35807 (Sub-No. 68), filed March 14, 1977. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, securities* and *food stamps*, between points in Virginia, and points in North Carolina and West Virginia, under a continuing contract, or contracts, with the Federal Reserve Bank of Richmond, and other banks and banking institutions, located in Virginia, North Carolina and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Richmond, Va. or Washington, D.C.

No. MC 43593 (Sub-No. 6), filed March 8, 1977. Applicant: FUNK'S HAULING SERVICE, INC., 2750 Grant Avenue, Philadelphia, Pa. 19114. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between the facilities of A.C.F. Terminal Transport, Inc., located at Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania east of the western boundaries of Tioga, Lycoming, Union, Snyder, Juniata and Franklin Counties.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 46313 (Sub-No. 15), filed March 14, 1977. Applicant: SUHR TRANSPORT, a corporation 117 Park Drive South, P.O. Box 1727, Great Falls, Mont. 59401. Applicant's representative: H. H. Lowthian, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, hydraulic, masonry, mortar, natural and portland, in bulk and in bags, from Montana City, Mont., to points in Duchesne, Unitah, Daggett and Summit Counties, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Great Falls, Helena or Billings, Mont.

No. MC 47583 (Sub-No. 44), filed March 14, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Fibrous glass products and materials, and insulation products and materials;* and (2) *materials, supplies and equipment* used in the production and distribution of the commodities named in (1) above (except commodities in bulk), from the plantsite and storage facilities of Johns Manville Sales Corporation, located at or near Cleburne, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma and Tennessee.

NOTES.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 51146 (Sub-No. 491), filed March 14, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DeJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, sauerkraut, and relishes*, all requiring movement in mechanically-refrigerated vehicles (except commodities in bulk, in tank vehicles), from the plantsite of Claussen Pickle Co., a wholly-owned subsidary of Oscar Mayer & Co., Inc., located at or near Woodstock, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above-named origin and destined to the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago Ill.

No. MC 52460 (Sub-No. 195), filed March 14, 1977. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th Street, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories*, and *premiums and advertising materials* when shipped in the same vehicle and at the same time as the commodities named in (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk, in tank or hopper type vehicles and those which because of size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma and Texas, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Dallas, Tex.

No. MC 60014 (Sub-No. 44), filed March 7, 1977. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *pipe making machinery*, between the plantsites and facilities of Interpace Corporation, Lock Joint Products Division, located at Wharton and Hillsborough, N.J.; Perryman Md.; Columbia, S.C.; Lacoochee, Fla.; Kansas City, Kans.; South Beloit, Ill.; Solon, Ohio, and Romeo, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 61396 (Sub-No. 326), filed March 7, 1977. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, in tank vehicles, from Nebraska, to points in Kansas, Minnesota, Missouri, South Dakota, Colorado, Iowa and Wyoming; and (2) *flue dust, kiln dust and mineral filler*, in bulk, in tank vehicles, from Louisville, Nebr., to points in Kansas, Minnesota, Missouri, South Dakota, Colorado, Iowa and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr. or Kansas City, Mo.

No. MC 61396 (Sub-No. 330), filed April 15, 1977. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Applicant's representative: John E. Smith II, 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon dioxide*, in bulk, in tank vehicles, from East Alton, Ill., to points in Missouri, Arkansas, Kentucky, and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Louis, Mo. or Omaha, Nebr.

No. MC 61592 (Sub-No. 398) (Partial correction), filed March 2, 1977, published in the FEDERAL REGISTER issue of April 14, 1977 as No. MC 61592 (Sub-No. 397), and republished in part as corrected this issue. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. The purpose of this partial correction is to indicate the correct docket number assigned to this proceeding as No. MC 61592 (Sub-No. 398) in lieu of No. MC 61592 (Sub-No. 397) as previously published. The rest of the publication remains the same.

No. MC 61592 (Sub-No. 399), filed March 14, 1977. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *attachments, parts and equipment* designed for use with tractors, when moving in mixed loads with tractors, from points in Harrison County, Miss., to points in the United States (except Alaska and Hawaii); and (3) *materials, equipment and supplies* used in the assembly and distribution of, and equipment designed for use with the articles described in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to points in Harrison County, Miss., restricted to traffic destined to the facilities utilized by International Harvester Company, located in Harrison County, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 63101 (Sub-No. 8), filed March 7, 1977. Applicant: KEENE'S TRANSFER, INC., 1019 East Avenue, Tomah, Wis. 54660. Applicant's representative: Henry C. Winters, 15 South Grady Way, Suite 235 Evergreen Bldg., Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Monroe, Juneau, Adams, Sauk, Dane, Green, Lafayette, Grant, Iowa, Richland, Crawford, Vernon, LaCrosse, Jackson, Trempealeau, Buffalo, Pepin, St. Croix, Dunn, Eau Claire, Clark, Taylor, Chippewa, Rusk, Barron, Price, Oneida, Lincoln, Marathon, Wood and Polk Counties, Wis., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 76032 (Sub-No. 324), filed January 25, 1977. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Plastic film and plastic sheeting*, from Milwaukee, Wis., to Appleton, Wis., serving Milwaukee as a point of joinder only: From Milwaukee over U.S. Highway 41 to junction U.S. Highway 10, thence over U.S. Highway 10 to the plantsite of Ray-O-Vac, Division of ESB located at or near Appleton, Wis., restricted to the transportation of shipments destined to the plantsite and facilities of Ray-O-Vac Division of ESB, located at or near Appleton, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 78947 (Sub-No. 14), filed March 9, 1977. Applicant: ELLIOTT BROS. TRUCK LINE, INC., 801 Highway 21, Dysart, Iowa 52224. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Schaumburg, Ill., to points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 83835 (Sub-No. 138), filed March 16, 1977. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sprinkler systems* and *materials and supplies* used in the manufacture and distribution of sprinkler systems, between Tulsa, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Tulsa, Okla.

No. MC 85934 (Sub-No. 71), filed March 7, 1977. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. 48121. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in

bulk, from Manistee, Mich., to points in Ohio, Indiana and Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 85970 (Sub-No. 9), filed March 7, 1977. Applicant: SARTAIN TRUCK LINE, INC., 1354 North Second Street, Memphis, Tenn. 38107. Applicant's representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular Routes: *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 Memphis, Tenn., and Union City, Tenn., serving all intermediate points between Dyersburg, Tenn., and Union City, including Dyersburg: From Memphis over U.S. Highway 51 to Union City, and return over the same route ;(2) Between Union City, Tenn., and Dresden, Tenn., serving all intermediate points: From Union City over Tennessee Highway 22 to Dresden, and return over the same route; (3) Between Martin, Tenn., and Greenfield, Tenn., serving all intermediate points: From Martin over U.S. Highway 45–E to Greenfield and return over the same route; (4) Between Dresden, Tenn., and Gleason, Tenn., serving all intermediate points: From Dresden over Tennessee Highway 22 to Gleason and return over the same route; (5) Between Gleason, Tenn., and Greenfield, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route operations, serving no intermediate points: From Gleason over unnumbered county road to junction Tennessee Highway 124, thence over Tennssee Highway 124 to Greenfield, and return over the same route; (6) Between Union City, Tenn., and Rutherford, Tenn., serving all intermediate points: From Union City over U.S. Highway 45–W to Rutherford, and return over the same route;

(7) Between Greenfield, Tenn., and Bradford, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route operations, serving no intermediate points: From Greenfield over U.S. Highway 45–E to Bradford, and return over the same route; (8) Between Brownsville, Tenn., and Covington, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route operations, serving no intermediate points: From Brownsville over Tennessee Highway 54 to Covington, and return over the same route; (9) Between Memphis, Tenn., and Bradford, Tenn., serving all intermediate points between Bells, Tenn., and Bradford, including Bells: From Memphis over U.S. Highway 79 (also portion U.S. Highway 70) to Bells, thence over Tennessee Highway 88 to Alamo, thence over Tennessee Highway 54 to Bradford, and return over the same route; (10) Between Trenton, Tenn., and Bradford, Tenn., serving all intermediate points: From Trenton over U.S. Highway 45–W to Rutherford, thence over Tennessee Highway 105 to Bradford, and return over the same route. (B) Irregular Routes: *Printed matter* and *materials, equipment and supplies* used in the manufacture of the commodities named in (A) above, between points in Alcorn County, Miss., and points in Weakley County, Tenn., and points in Cook County, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Nashville, Tenn., or Washington, D.C.

No. MC 87617 (Sub-No. 5), filed March 14, 1977. Applicant: HARRY BLOCK TRUCKING COMPANY, INC., 100 Lockwood Street, Newark, N.J. 07105. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the warehouse and terminal facilities of Harry Block Trucking Company, Inc., located in Newark, N.J., to points in Fairfield County, Conn., Dutchess, Sullivan and Ulster Counties, N.Y., Burlington, Hunterdon, Warren, Sussex and Ocean Counties, N.J.; and (2) *wheeled vehicles*, including but not limited to doll carriages, carriages, strollers, children's vehicles, bicycles, tricycles, unicycles; infant's dressing tables; baby car seats; outdoor playground apparatus and sleds, from the warehouse and terminal facilities of Harry Block Trucking Company, Inc., located at Newark, N.J., to New York City, and points in Nassau, Orange, Putnam, Rockland, Sullivan, Ulster, Suffolk, Westchester, and Dutchess Counties, N.Y.; Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Union, Hunterdon, Burlington, Warren, Sussex, and Ocean Counties, N.J., and Fairfield County, Conn., restricted in (1) and (2) above, to traffic having a prior movement by rail or truck.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 88203 (Sub-No. 8), filed February 24, 1977. Applicant: OTIS WRIGHT & SONS, INC., 1127 East Albert, Box 277, Lima, Ohio 45802. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts and auto body parts* (except commodities in bulk), between the facilities of Sheller Globe Corporation, located at or near Kosciusko and Tupelo, Miss., and the facilities of Satellite Sash Company, located at or near McCool, Miss., on the one hand, and, on the other, points in Ohio, restricted against shipments between Kosciusko, Miss., and Lima, Ohio, under a continuing contract or contracts with Superior Coach Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 94350 (Sub-No. 380), filed March 11, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single-wide and double-wide mobile homes*, in initial movements, from points in Maricopa County, Ariz., to points in California, Colorado, Nevada, New Mexico, Texas and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Phoenix, Ariz.

No. MC 95540 (Sub-No. 978), filed March 11, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33803. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough and bakery goods*, (except commodities in bulk), from New Albany, Ind., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee, restricted to traffic originating at the above named origin and destined to the above named destinations.

NOTE—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn., Washington, D.C., or Tampa, Fla.

No. MC 96925 (Sub-No. 7), filed February 27, 1977. Applicant: CROWN MOTOR LINES, INC., 2225 Broadway Avenue, Jacksonville, Fla. 32203. Applicant's representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, Fla. 32801. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) Regular Routes: *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 Jacksonville, Fla., and Tampa, Fla., serving all intermediate points: From Jacksonville over Florida Highway 21 to junction Florida Highway 315, thence over Florida Highway 315 to junction Florida Highway 40, thence over Florida Highway 40 to Ocala, and thence over U.S. Highway 301 to Tampa, and return over the same route; (2) Between Lake City, Fla., and St. Augustine, Fla., serving all intermediate points: From Lake City over Florida Highway 100 to Starke, thence over Florida Highway 16A to junction Florida Highway 16, and thence over Florida Highway 16 to St. Augustine, and return over the same route; (3) Between Palatka, Fla., and Altoona, Fla., serving all intermediate points: From Palatka over Florida Highway 19 to Altoona, and return over the same route; (4) Between Palatka, Fla., and Ocala, Fla., serving all intermediate points: From Palatka over Florida Highway 20 to junction Florida Highway 19,

thence over Florida Highway 19 to junction Florida Highway 314, thence over Florida Highway 314 to junction Florida Highway 40, thence over Florida Highway 40 to Ocala, and return over the same route. (5) Between Palatka, Fla., and Tampa, Fla., serving all intermediate points: From Palatka over U.S. Highway 17 (also portion U.S. Highway 92), to Orlando, thence over U.S. Highway 441 to Kissimme, thence over U.S. Highway 17 (also portion U.S. Highway 92), to Lake Alfred and thence over U.S. Highway 92 to Tampa, and return over same route.

(6) Between Gainesville, Fla., and Hawthorne Fla., serving all intermediate points: From Gainesville over Florida Highway 20 to Hawthorne, and return over the same route. (7) Between New Smyrna Beach, Fla., and Sanford, Fla., serving all intermediate points: From New Smyrna Beach over Florida Highway 44 to junction Florida Highway 415, and thence over Florida Highway 415 to Sanford and return over the same route. (8) Between Titusville, Fla., and Orlando, Fla., serving all intermediate points: From Titusville over Florida Highway 405 to junction Florida Highway 50, and thence over Florida Highway 50 to Orlando, and return over the same route. (9) Between Merritt Island, Fla., and Orlando, Fla., serving all intermediate points: From Merritt Island over Florida Highway 520 to junction Florida Highway 50, and thence over Florida Highway 50 to Orlando, and return over the same route. (10) Between Melbourne, Fla., and Ft. Pierce, Fla., serving all intermediate points: From Melbourne, over U.S. Highway 1 to Ft. Pierce, Fla., and return over the same route. (11) Between Ft. Pierce, Fla., and Orlando, Fla., serving all intermediate points: From Ft. Pierce over U.S. Highway 1 to Vero Beach, thence over Florida Highway 60 to junction U.S. Highway 441, thence over U.S. Highway 441 to junction U.S. Highway 192 and thence over U.S. Highway 192 (also portion U.S. Highway 441), and thence over U.S. Highway 441 to Orlando, and return over the same route. (12) Between Ft. Pierce, and Tampa, Fla., serving all intermediate points: From Ft. Pierce over U.S. Highway 1 to Vero Beach, and thence over Florida Highway 60 to Tampa, and return over the same route. (13) Between Lake City, Fla., and Pensacola, Fla., over U.S. Highway 90, and return over the same route, serving all intermediate points;

(14) Serving points in Florida on and north of a territory bounded on the east by the Atlantic Ocean, on the south by a line from Ft. Pierce over Florida Highway 70 to the Florida Turnpike, thence over the Florida Turnpike to junction Florida Highway 60 thence over Florida Highway 60 to Tampa, Fla., and points in Pinellas and Hillsborough Counties, Fla., as off-route points in connection with applicant's regular route service. (11) Alternate Routes: (1) Between Orlando and Daytona Beach Fla.: From Orlando over Interstate Highway 4 to Daytona Beach, as an alternate route for operating convenience only; (2) Between Orlando and Tampa, Fla.: From Orlando over Interstate Highway 4 to Tampa, as an alternate route for operating convenience only; (3) Between Orlando and Cocoa, Fla.: From Orlando over Florida Highway 528 (Beeline Expressway), to Cocoa, as an alternate route for operating convenience only; (4) Between Orlando and Ft. Pierce, Fla.: From Orlando over the Florida Turnpike to Ft. Pierce, as an alternate route for operating convenience only; (5) Between the junction of the Florida Turnpike and Florida Highway 60 and Tampa, Fla.: From the junction of the Florida Turnpike and Florida Highway 60 over Florida Highway 60 to Tampa, as an alternate route for operating convenience only; (6) Between Lake City and Pensacola, Fla.: From Lake City over Interstate Highway 10 to Pensacola, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando or Tampa, Fla.

No. MC 100449 (Sub-No. 74), filed March 14, 1977. Applicant: MALLINGER TRUCK LINE, INC., R.R. No. 4, Fort Dodge, Iowa 50501. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat* products, from Fargo and West Fargo, N. Dak., to Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 103051 (Sub-No. 390), filed March 10, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, between points in Mecklenburg County, N.C., and points in Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Nashville, Tenn.

No. MC 103993 (Sub-No. 882), filed March 10, 1977. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except motor homes, campers, and camp coaches), in secondary movements, from points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, to points in Crisp County, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 104421 (Sub-No. 20), filed March 10, 1977. Applicant: ECONO-LINES, INC., P.O. Box 623, Downtown Station, Omaha, Nebr. 68191. Applicant's representative: Roger W. Norris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by processors and distributors of junk, scrap, metals, metal articles, and waste materials, between Mills and Pottawattamie Counties, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

MC 105007 (Sub-No. 37), filed March 7, 1977. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, (except commodities in bulk and hides) between the plantsite of Landy of Wisconsin, Inc. at or near Eau Claire, Wis., on the one hand, and on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 105045 (Sub-No. 65), filed February 23, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, and parts and accessories* for such towers, *materials and supplies* used in the installation of cooling towers (except commodities in bulk), and *heat exchangers*, from the facilities of E. D. Goodfellow, Inc., located at Tulsa, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla., or Washington, D.C.

No. MC 105045 (Sub-No. 66), filed March 22, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining equipment and parts and attachments* of such equipment; and (2) *equipment, materials and supplies* (except commodities in bulk) used in the manufacture of mining equipment, between the facilities of Reading U.S., Inc., located at or near Orange Park, Fla., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—Hearing: Proceeding assigned for hearing on the 17th day of May, 1977 (1 day) at 9:30 a.m. local time at the Voyager Building, Room 100, 2255 Phillips Street, Jacksonville, Fla.

No. MC 105886 (Sub-No. 21), filed March 10, 1977. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, P.O. Box 67, Bessemer, Pa. 16112. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Wampum and Lawrence County, Pa., to Allegany, Garrett and Washington Counties, Md., Ohio, West Virginia and points in New York on and west Virginia and points in New York on and west of U.S. Highway 15.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 105940 (Sub-No. 9), filed March 2, 1977. Applicant: SAFEWAY TRUCKING CORPORATION, Bldg. 221, Elizabeth Port Authority Marine Terminal, McLester St., Elizabeth, N.J. 07201. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), between the facilities of East Coast Warehouse and Distribution Corp., located at Elizabeth, N.J., on the one hand, and, on the other, points in the Baltimore, Md., Commercial Zone. Applicant states that it intends to tack the requested authority on foodstuffs (except in bulk) with its lead certificate and Subs 1, 4 and 6 and 7 at the facilities of East Coast Warehouse and Distribution Corp. located at Elizabeth, N.J., to provide service between points in the Baltimore, Md., Commercial Zone, on the one hand, and, on the other, points in Essex, Hudson, Union, Middlesex, Somerset, and Passaic Counties, N.J.; those in Nassau, Westchester, Suffolk, Orange, and Rockland Counties, N.Y.; those in Fairfield, Hartford and New Haven Counties, Conn.; piers in Bayonne, Hoboken, Edgewater, Jersey City and Newark, N.J., and New York, N.Y.; and points in New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Newark, N.J.

No. MC 106398 (Sub-No. 770), filed March 7, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from Hebron and Lebanon, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Toledo, Ohio.

No. MC 106497 (Sub-No. 141), filed March 10, 1977. Applicant: PARKHILL TRUCK COMPANY, a corporation, Rt. I-44 East, Post Office Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, and liquids, *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas, and liquids; and (2) *parts, attachments, and accessories* for use in the installation and operation of items named in (1) above, between Madison County, Ky., on the one hand, and, on the other, points in the United States (except Kentucky, Alaska, and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or St. Louis, Mo.

No. MC 106674 (Sub-No. 225), filed March 11, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Timber rails, relay rails, scrap railroad rails*, and *accessories thereof*, from Madison, Ill., to points in Arkansas, Indiana, Kentucky, Missouri and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107295 (Sub-No. 844), filed April 15, 1977. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common* carrier, by motor vehicle over irregular routes, transporting: *building mortar* and *flooring* and *curing compounds, adhesives*, and *machinery* and *hand tools* used in the installation and application of the above named commodities when shipped therewith, from Cleveland, OH, to points in Arkansas, Colorado, Delaware, District of Columbia, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted against the transportation of commodities in bulk, and restricted to the transportation of traffic originating at the plant site and warehouse facilities of Upco Company, located at Cleveland, OH.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Columbus, OH.

No. MC 107515 (Sub-No. 1064), filed March 7, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Illinois, Indiana, Michigan, Minnesota, Ohio, Tennessee and Wisconsin, to those points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, North Dakota and South Dakota, restricted to traffic originating at the plantsites and warehouse facilities of Stokley Van Camp, and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in MC 126436 (Sub-Nos. 2 and 6), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 108119 (Sub-No. 57), filed March 16, 1977. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, St. Paul, Minn. 55121. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining equipment;* (2) *attachments and parts of mining equipment;* and (3) *equipment, materials and supplies* used in the manufacture of mining equipment, between the facilities of Reading, U.S., Inc., located at or near Orange Park, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Atlanta, Ga.

No. MC 108341 (Sub-No. 58), filed March 14, 1977. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining equipment;* (2) *attachments and parts* of mining equipment; and (3) *equipment, materials and supplies* used in the manufacturing of mining equipment, between the facilities of Reading U.S., Inc. located at or near Orange Park, Fla., on the one hand, and, on the other, points in the United States in and east of Arkansas, Iowa, Louisiana, Minnesota, and Missouri.

NOTE:—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 356), filed March 9, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801, Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitro-carbo nitrate slurry* (a blasting agent), when moving in collapsible "sealed tank", from Atl[illegible] (Jasper County), Mo., to Barre, Vt.; and (2) *empty "sealed tanks"*, from Barre, Vt., to Reynolds (Tamaqua), Pa.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 110563 (Sub-No.), filed March 14, 1977. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, St. Route 29 North, Sidney, Ohio 45365. Applicant's representative Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsites and warehouse facilities utilized by Awrey Bakeries, Inc. located at or near Detroit, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia restricted to traffic originating at the above-named origin point.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 111231 (Sub-No. 211), filed March 14, 1977. Applicant: JONES TRUCK LINES, INC., 613 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, roofing materials, insulating products and materials*, including products necessary in the installation thereof, from the plantsite of Owens-Corning Fiberglas, located at Kansas City, Kans., to points in Arkansas, Louisiana, Mississippi, Nebraska, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 111231 (Sub-No. 212), filed March 14, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Jackson, Miss., as an intermediate point in connection with applicant presently authorized regular route operations between Cleveland, Miss. and Hattiesburg, Miss

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 111401 (Sub-No. 481), filed March 8, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meikeljohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions and urea liquor*, in bulk, in tank vehicles, from the plantsites of Oklahoma Nitrogen Corporation and Bison Chemical Company, located at or near Woodward, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City or Tulsa, Okla.

No. MC 112750 (Sub-No. 340), filed March 7, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Brandford, Jasper, Lake City and Live Oak, Fla., on the one hand, and, on the other, Atlanta and Valdosta, Ga., under a continuing contract, or contracts, with Branford State Bank, Hamilton County Bank, First National Bank of Lake City, and First National Bank of Live Oak.

NOTE.—Applicant holds common carrier authority in various subs under MC 111729, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 348), filed March 4, 1977. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., P.O. Box 30130 AMF, 3215 Tulane Rd., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mixed shipments with meats in mechanically refrigerated vehicles, from Madison, Wis., to points in Alabama, Georgia, Kentucky (except Louisville), Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted against commodities in bulk.

NOTE.—Applicant states it presently holds authority to transport meats. If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis., or Chicago, Ill.

No. MC 113651 (Sub-No. 217), filed March 16, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or distributed by wholesale or retail food business houses, from those points in New York, N.Y. Commercial Zone as defined in 49 CFR Section 1048 and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Delaware County, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113666 (Sub-No. 115), filed March 9, 1977. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, in tank vehicles, from Washington, Pa., to points in New York and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 113678 (Sub-No. 661), filed March 7, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and carpet padding*, from the facilities of General Felt Industries, Inc., located at or near Philadelphia, Pa., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. or Washington, D.C.

No. MC 114045 (Sub-No. 461), filed March 11, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic supplies and equipment*, in equipment with mechanical refrigeration, from Teterboro, N.J., to Salt Lake City, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Chicago, Ill.

No. MC 114045 (Sub-No. 463), filed March 15, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsites and/or distribution facilities of Heinz, U.S.A., Division of H. J. Heinz Co. located at Fremont and Toledo, Ohio, and Pittsburgh, Pa., to points in Texas, restricted to the transportation of traffic originating at the named origins and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Chicago, Ill.

No. MC 114055 (Sub-No. 8), filed March 11, 1977. Applicant: RAY KOLNIK, doing business as RAY KOLNIK TRUCKING, Route 1, Prairie View

Road, Walworth, Wis. 53184. Applicant's representative: Joseph E. Ludden, 309 State Bank Building, LaCrosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from the plantsite of G. Heileman Brewing Co., located at La Crosse, Wis., to Waukegan, Ill.; (2) from the plantsite of G. Heileman Brewing Company, Inc., located at Newport, Ky., to Fox River Grove, Elgin, and Waukegan, Ill.; and (3) from the plantsite of G. Heileman Brewing Co., of Indiana, Inc., located at Evansville, Ind., to Fox River Grove, Elgin and Waukegan, Ill., under contract with L & V Distributing, Inc.; Elgin Beverage Company; and Andro Pucin Distributing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.; Minneapolis, Minn.; or Chicago, Ill.

No. MC 114569 (Sub-No. 170), filed March 8, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed fireplace logs and related advertising materials and display racks*, in mixed loads with compressed fireplace logs, from Suffolk, Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 114569 (Sub-No. 171), filed March 14, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses* (except animal feed and animal feed ingredients, hides, and commodities in bulk), from the plantsite and storage facilities of Flavorland Industries, Inc. located at or near Denver, Colo., to points in Connecticut, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Washington, D.C.

No. MC 114632 (Sub-No. 106), filed March 16, 1977. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, S. Dak. 57042. Applicant's representative: APPLE LINES, INC., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Meats, meat products, meat by-products, and articles distributed by meat packing plants*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766 (except hides and commodities in bulk), from Rockville, Mo., to points in Iowa, Illinois, Indiana, Kansas, Minnesota, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, and Wisconsin, restricted to product originating at named origin and destined to named points.

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn. or Des Moines, Iowa.

No. MC 114632 (Sub-No. 108), filed April 5, 1977. Applicant: APPLE LINES, INC., 212 SW. Second Street, Madison, South Dakota 57042. Applicant's representative: ROBERT S. LEE, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk) from the plantsite and storage facilities of Dugdale Packing Company at or near Cozad, Nebraska to Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin.

NOTE.—Applicant holds motor contract carrier authority in MC-129706, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebraska.

No. MC 114969 (Sub-No. 61), filed March 14, 1977. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located at or near Port Huron, Mich., to points in Illinois, Indiana, Kentucky, Michigan and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Columbus, Ohio.

No. MC 114969 (Sub-No. 62), filed March 14, 1977. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, P.O. Box 232, Milford, Ohio 45150. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Wawaka and points in Wells County, Ind., to points in Ohio and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind. or Louisville, Ky.

No. MC 115162 (Sub-No. 355), filed March 14, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bags, plastic can liners, plastic containers and plastic articles*, from the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala., to points in Texas, points in New York on and west of U.S. Highway 81, points in Pennsylvania on and west of U.S. Highway 81, and points in Ohio, Michigan and West Virginia; and (2) *materials and supplies* used in the manufacture of plastic bags, plastic can liners, plastic containers and plastic articles (except commodities in bulk, in tank vehicles), from points in Texas, points in New York on and west of U.S. Highway 81, points in Pennsylvania on and west of U.S. Highway 81, and points in Ohio, Michigan, and West Virginia, to the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Montgomery, Ala. or Atlanta, Ga.

No. MC 115311 (Sub-No. 213), filed March 14, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, pulpboard, wrapping paper*, and *paper products*, from the plantsite and warehouse facilities of the Gilman Paper Company, located at or near St. Marys, Ga., to those points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Jacksonville, Miss.

No. MC 115353 (Sub-No. 25), filed April 8, 1977. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *steel pipe, piling, rails, railway track accessories, bridge and highway railing, pile drivers, pile extractors, and parts and materials therefor, and materials, supplies, and equipment used in the manufacture, installation or distribution of such commodities (except in bulk)*, between points in New Jersey, New York, Connecticut, Massachusetts, Rhode Is-

land, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, District of Columbia, Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, West Virginia, Ohio, Indiana, and Michigan, under a continuing contract or contracts with L. B. Foster Company, located at Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. Applicant asserts that it now holds radial authority to serve the contracting shipper in the above-listed States.

No. MC 116300 (Sub-No. 29), filed March 7, 1977. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* in bulk, from McComb, Miss., to points in Alabama and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Jackson, Miss.

No. MC 116763 (Sub-No. 371), filed March 4, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: R. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the facilities of Kraft, Inc., located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and the District of Columbia, and points in Pennsylvania, east of Interstate Highway 81, restricted to the transportation of traffic originating at the named origin and destined to points in the named destinations states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 372), filed March 10, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay* (except in bulk, in tank vehicles), from the facilities of Oil-Dri Corporation of America, located at or near Ochlocknee, Ga., to points in Kansas, Missouri, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 621), filed April 7, 1977. Applicant: Willis Shaw Frozen Express, Inc., P.O. Box 188, Elm Springs, Arkansas 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: Chemicals, Synthetic Rubber, Plasticizers, resins, and coatings (except in bulk), in vehicles equipped with mechanical refrigeration, from Moss Point, Mississippi to points in Arizona, California, Illinois and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 117883 (Sub-No. 213), filed March 15, 1977. Applicant: SUBLER TRANSFER, INC., 100 Vista Drive, Versailles, Ohio 45380. Applicant's representative: Neil E. Hannan, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Elm Hill Meats, located at Lexington, Ky., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin and the District of Columbia, restricted to traffic originating at the named origin and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lexington, Ky. or Cincinnati, Ohio.

No. MC 118159 (Sub-No. 201), filed March 7, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC. P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and except commodities in bulk, in tank vehicles), from Commerce City, Denver, Greeley, and Sterling, Colo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Mississippi, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, South Carolina, Pennsylvania, Wisconsin, North Carolina and the District of Columbia.

NOTE.—The purpose of this republication is to correct the territorial description. Common control may be involved.

Hearing: Prehearing conference set for April 20, 1977 at Denver Colo.

No. MC 118159 (Sub-No. 205), filed March 14, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum containers;* and (2) *refused or rejected shipments*, on return, from Tampa, Fla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118202 (Sub-No. 71), filed February 24, 1977. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Thomas J. Beener, P.O. Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, and *articles distributed by meat packinghouses;* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706, (except hides and commodities in bulk), from East St. Louis, Ill. and St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to shipments originating at the plantsite and facilities of Krey Packing Co., located at the above named origin and destined to the above named states.

NOTE—Applicant holds motor contract carrier authority in various subs under MC 134631, therefore dual operations may be involved. Applicant states an application is now pending to convert contract carrier authority to common carrier authority in MC 118202 (Sub-No. 60). If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 119726 (Sub-No. 84), filed March 11, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Ave., Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, Suite 1000, 130 E. Washington St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, (except in bulk), from the plantsite and warehouse facilities of Gilman Paper Company, located at or near St. Mary's, Ga., to points in that part of the United States, in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Jacksonville, Fla.

No. MC 119789 (Sub No. 342), filed April 15 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting Foodstuffs, canned or preserved (except frozen foods), From Austin and Brownstown, Ind., to Arizona,

California, New Mexico, Oklahoma, Texas, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Indianapolis, Ind. or Cincinnati, Ohio.

No. MC 119792 (Sub-No. 58), filed March 11, 1977. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 3600 South Western, Chicago, Ill. 60609. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, exempt from economic regulation under Section 203 (B) of I.C.C. Act when transported in mixed loads with bananas, from Norfolk, Va., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119914 (Sub-No. 22), filed March 11, 1977. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 965 Eustis Street, St. Paul, Minn. 55114. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Wahpeton, N. Dak., and Hutchinson, Minn.: From Wahpeton over North Dakota Highway 13 to junction Minnesota Highway 9; thence over Minnesota Highway 9 to junction U.S. Highway 12 at Benson, Minn.; thence over U.S. Highway 12 to Dassel, Minn.; thence over Minnesota Highway 15 to Hutchinson, Minn. and return over the same route, restricted to the transportation of traffic originating at and destined to the plant, storage, or other facilities of the Minnesota Mining & Manufacturing Company (3M); the operations above may not be combined with any other authority presently held by applicant for the purpose of providing a through service.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at St. Paul, Minn.

No. MC 120737 (Sub-No. 45), filed March 14, 1977. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, Ill. 61520. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *attachments, parts and equipment* designed for use with tractors, when moving in mixed loads with tractors, from points in Harrison County, Miss., to points in the United States (except Alaska and Hawaii); and (3) *materials, equipment and supplies* used in the assembly and distribution of, and equipment designed for use with, the articles described in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to points in Harrison County, Miss., restricted to traffic destined to the facilities utilized by International Harvester Company, located in Harrison County, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 353), filed February 28, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Hydraulic loading equipment*, and *component parts* of hydraulic loading equipment, between the plantsites of Omark Industries, Inc. located at or near Prentice, Wis. and Zebulon, N.C.; (b) *hydraulic loading equipment*, from the plantsites of Omark Industries, Inc., located at or near Prentice, Wis. and Zebulon, N.C., to points in the United States (except Alaska, Hawaii, Zebulon, N.C., and Prentice, Wis.); and (c) *materials, supplies and equipment* used in the manufacture of hydraulic loading equipment (except in bulk), from points in Illinois, Indiana, Ohio, and those points in the lower Peninsula of Michigan, to the plantsites of Omark Industries, Inc. located at or near Prentice, Wis. and Zebulon, N.C.; and (2) *four-wheel drive heavy-tired woods tractors*, (a) from Franklin, Va., to Prentice, Wis.; and (b) from Prentice, Wis., to points in Illinois, Iowa, Michigan and Minnesota, restricted in (1) and (2) above to traffic originating at and destined to the above named points (except for the movement of traffic in foreign commerce).

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing at either Madison, Wis.; Minneapolis/St. Paul, Minn.; Milwaukee, Wis.; or Chicago, Ill.

No. MC 123407 (Sub-No. 364), filed April 13, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *perlite, in bags or containers*, from the plantsite of Persolite Products at or near Florence, Colorado, to points in Arkansas, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, Oklahoma.

MC 123407 (Sub-No. 366), filed April 15, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting *cooling towers, and accessories, materials, and supplies for cooling towers* (except commodities in bulk) from the facilities of E. D. Goodfellow, Inc., at Tulsa, Oklahoma, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tulsa, Oklahoma.

No. MC 123454 (Sub-No. 5), filed March 11, 1977. Applicant: LLOYD LEMMENES, doing business as LLOYD LEMMENES TRUCKING, Route 1, Box 128, Burnett, Wis. 53922. Applicant's representative: Richard C. Alexander, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural gypsum, agricultural magnesium sulfate, and agricultural specialized fertilizer products*, (1) from Whittemore and Midland, Mich., to points in Wisconsin; and (2) from Mayville, Burnett, and Eldorado, Wis., to points in Michigan, under a continuing contract or contracts with Farmers Plant Food Company of America, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill or Detroit, Mich.

MC 123502 (Sub-No. 48), filed April 7, 1977. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum, P.O. Box 760, Glen Burnie, Md. 21061. Authority sought: To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude Rubber*, in bulk, in dump vehicles, from Belle Mead and Somerville, N.J. to Baltimore, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C., or New York, N.Y.

No. MC 123980 (Sub-No. 4), filed March 14, 1977. Applicant: MANDUS R. OLSON, 12589 Hanson Boulevard, N.W., Anoka, Minn. 55303. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck parts, materials, equipment, supplies and advertising materials*, from Chicago and Bedford Park, Ill., to points in Minnesota, North Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 124078 (Sub-No. 721), filed March 11, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Hartford, Conn., to points in Massachusetts, New Hampshire, New York and Vermont, restricted to traffic having an immediate prior movement by railroad.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124221 (Sub-No. 60), filed February 28, 1977. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Peanut butter*, and *products made from peanuts*, from the plantsite and storage facilities of The Kroger Co., located at Albany, Ga., to Charleston, W. Va., Cincinnati, Cleveland, and Columbus, Ohio; Detroit and Grand Rapids, Mich., Fort Wayne and Indianapolis, Ind., Little Rock, Ark., Louisville, Ky., Memphis and Nashville, Tenn., Peoria, Ill., Roanoke, Va., St. Louis, Mo., Houston and Dallas, Tex., and Hickory, N.C.; and (2) *supplies and materials* used in the manufacture and shippin gof peanut butter and products made from peanuts (except in bulk), from points in Alabama, Illinois, Indiana, Louisiana, Michigan, Ohio, Pennsylvania, Texas, and West Virginia, to the plantsite and storage facilities of the Kroger Co. located at Albany, Ga., restricted against the transportation of commodities in bulk, and restricted to operations under a continuing contract, or contracts, with The Kroger Co.; and further restricted to movements in refrigerated vehicles.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., Indianapolis, Ind., or Atlanta, Ga.

No. MC 124947 (Sub-No. 57), filed April 21, 1977, Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Oklahoma 74079. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii. Hearing: May 9, 1977 at 9:30 a.m. Local Time, at the Whitehall Hotel, 1700 Smith Street, Cullen Center, Houston, Texas, before Administrative Law Judge Robert C. Joyner.

No. MC 125813 (Sub-No. 15), filed April 12, 1977. Applicant: CRESSLER TRUCKING, INC., 153 West Orange St., Shippensburg, Pa. 17257. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: feed and feed ingredients (1) from Mt. Pulaski, Ill., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia and West Virginia: (2) from West Point, Neb., Atchison, Kan., and points in Iowa to Greencastle, Pa.; and (3) from Decatur, Danville and Chicago, Ill., and Lawrence, Kan., to Southampton Township (Cumberland County), Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 125951 (Sub-No. 21), filed March 15, 1977. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, Nebr. 68106. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 126118 (Sub-No. 36), filed March 7, 1977. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper* and *paper products*, from Erie and Lock Haven, Pa., Indianapolis, Ind., Oswego, N.Y., and points in Ohio, to points in Kansas, Alabama, Arkansas, Colorado, Florida, Idaho, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming; (2) *paper and paper products*, from Mobile, Ala., to points in Montana, Idaho, Nevada, Utah, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Colorado, and New Mexico; (3) *paper* and *paper products*, from points in Wisconsin and Michigan, to points in Alabama, Arkansas, Colorado, Florida, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming; (4) *paper* and *paper products*, (a) from Hoquiam, Wash., to points in Nevada, Utah, Idaho, Montana, and Wyoming; and (b) from Portland, Oreg., to Lincoln, Nebr.; (5) *paper and paper products*, (a) from Portland, Oreg., to points in Nebraska (except Lincoln, Nebr.); and (b) from Pine Bluff, Ark., to Kansas City, Mo., and points in Nebraska, restricted to shipments for the account of Hammermill Paper Co., its divisions and suppliers.

NOTE.—The purpose of this application is to convert applicant's contract carrier authority to common carrier authority. Dual operations may be involved. Applicant states that applications are being filed to convert all contract carrier authority under No. MC 123375 to common carrier authority. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo. or Lincoln, Nebr.

No. MC 126421 (Sub-No. 7), filed March 7, 1977. Applicant: GYPSUM TRANSPORT, INC., East Hwy. 80, P.O. Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives, building materials, paint and paint products* (except liquid in bulk); and (2) *materials and supplies* as are used in the manufacture, installation and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of United States Gypsum Company, located at Dallas, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex. or Washington, D.C.

No. MC 126514 (Sub-No. 44), filed March 10, 1977. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, perfumes, soaps, and materials, equipment and supplies* used in the manufacture, sale and distribution thereof; and (2) *com-*

modities which are otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in the same vehicle with commodities subject to regulation in (1) above, between Mountaintop, Pa., on the one hand, and, on the other, points in Arizona, Florida, Georgia, New Mexico, Oklahoma, and Texas, restricted against the transportation of commodities in bulk and further restricted to commodities transported in vehicles equipped with mechanical refrigeration.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Scranton or Philadelphia, Pa.

No. MC 126844 (Sub-No. 38), filed March 11, 1977 Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 2033 K Street, N.W., Suite 300, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles eqiupped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft, Inc., located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127840 (Sub-No. 53), filed March 15, 1977. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, from Dallas and Ft. Worth, Tex., to points in Texas, Oklahoma, Louisiana, Arkansas, New Mexico, Colorado and Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill or Dallas, Tex.

No. MC 128021 (Sub-No. 27), filed March 7, 1977. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door parts* and *materials and supplies* used in the manufacture of doors, between Cameron, Tex. and Tupelo, Miss., on the one hand, and on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Walled Lake Door Company.

NOTE.—Applicant has common carrier authority pending in MC 141870, therefore dual operations may be involved. If a hearing is deemed necessary the applicant requests it be held at either Birmingham, Ala. or Atlanta, Ga.

No. MC 128021 (Sub-No. 28), filed March 14, 1977. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bags, plastic can liners, plastic containers and plastic articles*, from the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of plastic bags, plastic can liners, plastic containers and plastic articles (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala., under a continuing contract, or contracts, with Bes-Pak & Company, Inc.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Montgomery or Birmingham, Ala.

No. MC 128246 (Sub-No. 15) (Correction), filed January 6, 1977, and published in the FEDERAL REGISTER issue of February 24, 1977, and republished this issue. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box AD, Watsonville, Calif. 95076. Applicant's representative: Michael P. Groom, 777 N. First Street, 500 The Swenson Building, San Jose, Calif. 95112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* not frozen and in containers, and *other commodities*, not frozen, manufactured and distributed by Amstar Corporation when shipped in mixed shipments with foodstuffs, from Manteca, Sacramento, Salinas, San Jose, Spreckels, Union City and Woodland, Calif., to points in Oregon and Washington; and, *returned shipments* of the above-described commodities, from points in Oregon and Washington to Manteca, Sacramento, Salinas, San Jose, Spreckels, Union City and Woodland, Calif., under a continuing contract or contracts with Amstar Corporation.

NOTE.—The purpose of this republication is to correct applicant's commodity and territorial description. Applicant presently holds authority in MC 128246 (Sub-No. 9) which includes foodstuffs, (except frozen in containers), between Manteca, Spreckels and Woodland, Calif., on the one hand, and, on the other, points in Oregon and Washington. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 128527 (Sub-No. 78), filed March 14, 1977. Applicant: MAY TRUCKING COMPANY, a corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S.W. Lake View Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, equipment and supplies, and building materials*, (1) between points in Oregon, on the one hand, and, on the other, points in Washington on and east of U.S. Highway 97; and points in Idaho and Montana; (2) between points in Washington, on the one hand, and, on the other, points in Montana and Idaho; and (3) between Seattle and Tacoma, Wash., on the one hand, and, on the other, Spokane and Whitman Counties, Wash., restricted against the movement of commodities which because of size and weight, require the use of special equipment and commodities in bulk, in tank vehicles.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Boise, Idaho or Portland, Oreg.

No. MC 129063 (Sub-No. 11), filed March 11, 1977. Applicant: JIMMY T. WOOD, P.O. Box 248, Ripley, Tenn. 38063. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Popular Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in dump vehicles, from the plantsite and facilities of Chromium Mining & Smelting Corp., located at or near Woodstock, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 129455 (Sub-No. 14), filed March 10, 1977. Applicant: CARRETTA TRUCKING, INC., 301 Mayhill Street, Saddle Brook, N.J. 07662. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, shaving cream, shampoo, soap*, and *store displays*, knocked down, from Morristown, N.J., to points in Arizona, California, Colorado and Utah, under a continuing contract, or contracts, with the Mennen Company, located in Morristown, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 129631 (Sub-No. 56), filed March 7, 1977. Applicant: PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, Utah 84107. Applicant's representative: Max D. Eliason, P.O. Box 2602, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin and resin bolts, roof plates and bolts*, and *rods therefor*, and *expansion shells*, between Roy and Clearfield, Utah, on the one hand, and, on the other, points in El Paso County, Tex., and those points in the United States in and west of North Dakota, South Dakota, Wyoming, Colorado, New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 133566 (Sub-No. 78), filed March 10, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 476, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1 World Trade Center, Suite 1573, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Monfort of Colorado located at or near Greeley, Colo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above named plantsite and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or New York City, N.Y.

No. MC 133591 (Sub-No. 33), filed March 15, 1977. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, Mo. 65712. Applicant's representative: Charles A. Daniel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by wholesale and retail grocery stores (except fresh and frozen meat), from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, to points in Arkansas, Illinois, Indiana, Kansas and Missouri, restricted to traffic destined to the facilities utilized by Schnuck Markets, Inc. and Schnuck's Walgreen, Inc.

NOTE.—Applicant holds contract carrier authority in MC 134494 (Sub-Nos. 1, 3 and 6), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 133689 (Sub-No. 113), filed March 14, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and garden products* (except in bulk, transported in hopper or tank vehicles), from the manufacturing and distribution facilities of O.M. Scott Co., located at or near Marysville, Ohio, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.— If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 114), filed March 14, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010 West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings* and sale of floor coverings when moving manufacture, installation, packaging and sale of floor coverings when moving in mixed shipments with floor coverings (except commodities in bulk), from Lyerly, Ga., and Greenville and Landrum, S.C., to points in Iowa, Illinois, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133966 (Sub-No. 47), filed March 10, 1977. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except in bulk), from Manistee, Mich., to points in Delaware, Maryland, New Jersey, New York and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 134404 (Sub-No. 32), filed April 5, 1977. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes transporting: *Cigarette cartons and cigarette packaging*, from Dowington, Pa., to Richmond, Va., and Louisville, Ky. under a continuing contract or contracts with Philip Morris Industrial Incorporated.

NOTE.—Applicant has pending an application for common carrier authority in MC 140768 Sub No. 1 and, therefore, dual operations my be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 134404 (Sub.-No. 33), filed April 5, 1977. Applicant: American Trans-Freight, Inc., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Screws, nuts, bolts, plugs, and fastening devices*, between Strongsville, Ohio, on the one hand, and, on the other, Detroit, Mich. and points within the commercial zone thereof, under a continuing contract or contracts with Amerace Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Washington, D.C.

No. MC 134453 (Sub-No. 14), filed March 11, 1977. Applicant: STERNLITE TRANSPORTATION COMPANY, a corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles and posts, and outdoor lighting or display and parts thereof*, from Sylacauga, Ala., to points in the United States (except Alaska and Hawaii), under contract with The Union Metal Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 155), filed March 8, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizing compound* manufactured fertilizers, in containers; *compounds tree or weed killing*, in containers; *insecticides or fungicides*, in containers (except commodities in bulk), from the facilities of Swift Ag Chemical Co., located at or near East St. Paul, Ill., to those points in Iowa on and west of U.S. Highway 169; points in Kansas; those points in Minnesota on and west of U.S. Highway 71 and on and north of Minnesota Highway 210; and points in Nebraska, North Dakota, Oklahoma and South Dakota, restricted to traffic originating at the above named facility, and destined to the named territory.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134755 (Sub-No. 97), filed March 10, 1977. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in bulk), from the plantsite and warehouse facilities of Doane Products Company located at or near Muscatine, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—Applicant holds contract carrier authority under various subs in MC 138398, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or St. Louis, Mo.

No. MC 135152 (Sub-No. 18) filed March 14, 1977. Applicant: Casket Distributors, Inc., Rural Route No. 2, P.O.

Box 327, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *uncrated caskets, casket displays and funeral supplies, and crated caskets in mixed loads with uncrated caskets* from Elgin and Chicago, Ill., to points in the United States, (except Alaska and Hawaii) with return of the above commodities to the above origins.

NOTE.—Applicant holds motor contract carrier authority in No. MC 11620 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 135236 (Sub-No. 16), filed March 11, 1977. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, Ind. 46947. 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: *Food and footstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135599 (Sub-No. 4), filed April 8, 1977. Applicant: Wittenburg Truck Line, Inc., P.O. Box 98, Readlyn, Iowa 50668. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor carrier, over irregular routes, transporting: grain wagons and parts, supplies, materials, and equipment used in the manufacture of grain wagons and parts, between Shell Rock, Iowa, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Missouri, Nebraska, Kansas, Colorado, Texas, Wisconsin, South Dakota, Michigan, North Dakota, Oklahoma, and Minnesota, under a continuing contract or contracts, with Brent Industries, Inc.

NOTE—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebraska, or Des Moines, Iowa.

No. MC 135684 Sub-No. 29), filed March 14, 1977, Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Ronald L. Knorowski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*, (except in bulk), from Edelman and Nazareth, Pa., to Somerville and Fair Lawn, N.J.; and (2) *materials and supplies* used in the production, sale, or distribution of commodities named in (1) above, from Somerville, Fair Lawn, Grasselli, and Phillipsburg, N.J., to Edelman and Nazareth, Pa.

NOTE—Applicant holds contract carrier in MC 87720 Sub-No. 2, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135732 (Sub No. 26), filed April 12, 1977. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, N.J. 07208. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: FROZEN FOODS, From the Facilities of Stouffer Foods at or near Solon, Ohio to points in Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Delaware, New Jersey, Indiana, Iowa, Kentucky, Minnesota, Illinois, Missouri, Wisconsin, Kansas and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Washington, D.C.

No. MC 135874 (Sub-No. 66) (Correction), filed December 27, 1976, and published in the FEDERAL REGISTER issue of February 10, 1977, and republished this issue. Applicant: LTL Perishables, Inc., 550 E. 5th Street South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by American Beef Packers, Inc., located at or near Omaha, Nebr., and Oakland, Iowa to points in Illinois, Indiana, New Jersey, New York, Ohio, Pennsylvania and Wisconsin, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—The purpose of this republication is to correct applicant's territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 136343 (Sub-No. 107), filed March 15, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and in bulk) from the plantsite and storage facilities of American Home Foods, Division of American Home Products Corporation, located at or near Milton, Pa., to points in North Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 136605 (Sub-No. 25), filed April 8, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mt. 59807. Applicant's representative: W. E. SELISKI, P.O. Box 8058, Missoula, Mt. 59807. Authority sought to operate as a *common carrier* by motor vehicle over *irregular routes*, transporting *Brick, tile and related masonry supplies* (*except commodities in bulk in tank vehicles*) from points in Colorado to points in South Dakota, Wyoming, Utah and Idaho.

NOTE.—Applicant holds contract carrier authority in No. MC 127349 (Sub-No. 2); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Billings, Mont. or Denver, Colo.

No. MC 136786 (Sub-No. 111), filed March 11, 1977. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation, at Cherokee, Iowa, to points in North Carolina, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 136828 (Sub-No. 15), filed March 14, 1977. Applicant: COOK TRANSPORTS, INC., P.O. Drawer "O", Pinson, Ala. 35126. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials, supplies and accessories* used in the manufacture and installation thereof, (except commodities in bulk, in tank vehicles), between the facilities utilized by Robintech Incorporated, located at or near Prairie, in Monroe County, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Washington, D.C.

No. MC 136899 (Sub-No. 23), filed March 10, 1977. Applicant: HIGGINS TRANSPORTATION LTD., 1165 E. Haseltine St., P.O. Box 192, Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, 329 West Wilson St., P.O. Box 8004, Madison, Wis.

53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except commodities in bulk), between the facilities of S. S. Kresge Company located at Lawrence, Kans., on the one hand, and, on the other, points in Minnesota, Wisconsin, and and those points in the Upper Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis.

No. MC 138018 (Sub-No. 33), filed March 10, 1977. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products,, meat by-products,* and *articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Iowa, Kansas, Minnesota, Nebraska and South Dakota to points in Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 138018 (Sub-No. 35), filed March 9, 1977. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Omaha and York, Nebr.; Brush, Denver, Fort Morgan, Grand Junction, and Sterling, Colo., to Lodi, Monterey, Oakland, San Francisco, and San Jose, Calif.

NOTE.—Applicant holds contract carrier authority in MC 124377 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 138235 (Sub-No. 11), filed April 12, 1977. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, N.J. 07444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Motor vehicles (except new trucks, new tractors and new chassis, in secondary movements, in driveaway service), Hardware, Conveyors, and Conveyor Equipment, Furniture, Lawn Mowers, Power Equipment, Wheel Goods, and Bicycles, (2) Parts, attachments, and accessories for the commodities in (1) above, and (3) Materials, Equipment and Supplies (except commodities in bulk), used in the manufacture and sale of the commodities in (1) and (2) above, between the facilities of MTD Products, Inc., at or near Indianola, Miss., on the one hand, and, on the other, points in the States of Missouri, Illinois, Michigan, Indiana, Kentucky, Ohio, Wisconsin, Iowa and Minnesota, under a continuing contract or contracts with MTD Products, Inc., located at Willard, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 138270 (Sub-No. 5), filed March 14, 1977. Applicant: KERMIC SMITH AND JOSEPH HEBERT, JR., doing business as, GOLDEN TRIANGLE TRUCKING COMPANY, a partnership, 1131 S. Memorial Drive, Nederland, Tex. 77627. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand gravel, crushed stone, hot mix, caliche, shell, crushed shell and asphalt*, in bulk, in dump vehicles, (except in tank vehicles), between points in Beauregard, Calcasieu, Cameron and Vernon Parishes, La., on the one hand, and, on the other, points in Chambers, Hardin, Jefferson and Orange Counties, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Beaumont or Houston, Tex.

No. MC 138313 (Sub-No. 22), filed January 28, 1977. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, S.W., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lignite*, treated or untreated, from Gascoyne, N. Dak., to Malta, Mont; (2) *bentonite clays, lignite*, treated or untreated and *bentonite products* from the plant site of American Colloid Company located at or near Malta, Mont., to points in California, Idaho, Montana, Oregon and Washington; and (3) *bentonite clays, lignite*, treated or untreated and *bentonite products* from the plant site of American Colloid Company located at or near Malta, Mont., to the ports of entry on the International Boundary line between the United States and Canada located at Blaine; Frontier; Sumas, Oroville; Ferry; Danville, Laurier; Metaline Falls, Wash; Port Hill and Eastport, Idaho; and Roosville; Gateway; Port of Piegan; Del Bonita; Sweetgrass; Whitlash; Mont., restricted to traffic destined to Simpson; Port of Turner; Port of Morgan; Opheim; Port of Scobey; Whitetail; Raymond; Willowcreek; and Wild Horse, Mont., restricted to traffic destined to the Provinces of British Columbia; Alberta; and Saskatchewan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Billings, Mont.

No. MC 138322 (Sub-No. 3), filed March 3, 1977. Applicant: BHY TRUCKING, INC., 9231 Whitmore, El Monte, Calif. 91733. Applicant's representative: John W. Carlisle, 4100 Greenbriar, Suite 215, Houston, Tex. 77098. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rail, track and railroad materials* used from abandoned tracks, spurs or lines of railroads, from any facility or job site in the United States (except Alaska and Hawaii) where such commodities or materials are being removed or stored to any point, plant site or storage yard in the United States (except Alaska and Hawaii) where such materials are being sought, sold or used, restricted against transporting such articles which because of size or weight require the use of special equipment in the loading, unloading or transportation thereof when such articles in one piece weigh 15,000 pounds or more.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with other similar applications at Los Angeles, Calif.

No. MC 138322 (Sub-No. 4), filed March 1, 1977. Applicant: BHY TRUCKING, INC., 9231 Whitemore, El Monte, Calif. 91733. Applicant's representative: John W. Carlisle, 4100 Greenbriar, Suite 215, Houston, Tex. 77098. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and; (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Illinois, Kansas, Louisiana, Mississippi, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia.

NOTE.—Hearing: Set for May 9, 1977, at Houston, Tex.

No. MC 138510 (Sub-No. 3), filed March 10, 1977. Applicant: RICCI TRANSPORTATION CO., INC.; Odessa Avenue at Aloe Street, Pomona, N.J. 08240. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated furniture, and laminated parts*, uncrated, from Pleasantville, N.J., to points in Arizona, Florida, Georgia, Illinois, Kentucky, Maryland, New York, North Carolina, Pennsylvania, Tennessee, Texas, and the District of Columbia;

and (2) *materials and supplies* used in the manufacture of laminated furniture and laminated furniture parts, on return, restricted in part (2) against the transportation of commodities in bulk, and further restricted against lumber, lumber products and composition board, from Texas to Pleasantville, N.J., parts (1) and (2) above, to be performed under a continuing contract, or contracts, with International Wood Products, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 127955, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138875 (Sub-No. 50), filed March 7, 1977. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings and component parts*, (1) from the plantsite of American Buildings Co., located at or near Atlantic, Iowa, to points in Idaho, Montana, Nevada, Oregon, Washington and Wyoming; and (2) from the plantsite of American Buildings Co., located at or near Atlantic, Iowa, to the ports of entry on the International Boundary line between the United States and Canada located at points in North Dakota, Montana and Idaho, restricted to traffic destined to the Provinces of Alberta, Manitoba, and Saskatchewan, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise or Caldwell, Idaho.

No. MC 138875 (Sub-No. 51), filed March 11, 1977. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel*, from Portland, Oreg., and Vancouver, Wash., to the facilities of Farwest Steel Corp., located at Eugene, Oreg. and Boise, Idaho; and (2) *steel plate, angle iron, bars, pipe and channel*, between the facilities of Farwest Steel Corp., located at Eugene, Oreg., on the one hand, and, on the other, the facilities of Farwest Steel Corp., located at Boise, Idaho, restricted in (1) above to traffic having a prior movement by water from points outside the United States.

NOTE.—Applicant states it intends to tack the requested authority above with its existing authority in No. MC 138875 (Sub-No. 1) at Boise and Parma, Idaho and points in Idaho within 10 miles of Parma, to enable it to transport (a) steel, from Portland, Oreg. and Vancouver, Wash., to points in Idaho and points in Baker and Malheur Counties, Oreg., within 100 miles of Parma, Idaho, restricted to traffic having a prior movement by water from points outside the United States; and (b) the commodities named in (2) above, between the facilities of Farwest Steel Corp., located at Eugene, Oreg., on the one hand, and, on the other, points in Idaho and points in Baker and Malheur Counties, Oreg., within 100 miles of Parma. If a hearing is deemed necessary, the applicant requests that it be held at either Boise, Idaho or Portland, Oreg.

No. MC 138875 (Sub-No. 52), filed March 14, 1977. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery stores, from Denver, Colo., and Clearfield, Utah, to the facilities of URM Foods, Inc., located at Spokane, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Spokane, Wash.

No. MC 139151, (Sub-No. 4), filed April 13, 1977. Applicant: CANUS TRUCKING LTD., a corporation, 105 Maple St., Winnipeg, Manitoba, Canada R2W 3L1. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Minnesota to the port of entry on the International Boundary Line between the United States and Canada at or near Noyes, Minn., restricted to traffic moving in foreign commerce to Winnipeg, Manitoba, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139193 (Sub-No. 61), filed March 10, 1977. Applicant: ROBERTS & OAKE, INC., 527 East 42d St. North, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, 2033 K St. NW., Suite 300, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of the Royal Packing Co., located at or near National Stockyards, Ill., and St. Louis, Mo., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia, under a continuing contract, or contracts, with Royal Packing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 139495 (Sub-No. 218), filed March 10, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from points in California, to points in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at San Francisco, Calif.

No. MC 139495 (Sub-No. 219), filed March 16, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by retail department, catalog, drug, discount, and variety stores; and (2) *materials and supplies* (except in bulk, in tank vehicles), used in the manufacturing of such merchandise, from Sunbury, Pa., to Carrollton, Tex., LaMirada and South San Francisco, Calif., and points in Oregon.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 229), filed April 5, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Sullivan, Dubin & Kingsley, Suite 1030, 1819 H St. NW., Washington, D.C. 2006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lenses and reflectors*, from Greenville, Ohio, to Lynn, Mass., and (2) *glass tubing*, from Danville, Ky., to Lynn, Mass.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 139876 (Sub-No. 4), filed March 8, 1977. Applicant: A B C TRANSIT CO., INC., 7860 "F" St., Omaha, Nebr. 68127. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, utilized in the curing and processing of cement and concrete (except commodities in bulk); and (2) *materials, equipment, and supplies*, used in the manufacture, distribution, and application of the commodities described in (1) above (except commodities in bulk), between Omaha, Nebr., Baton Rouge, La., and Edison, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a transportation service to be performed under a continuing contract, or contracts, with Nox-Crete Chemicals, Inc.

NOTE.—Applicant holds common carrier authority in MC 139686, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 140605 (Sub-No. 2), filed March 9, 1977. Applicant: OHIO OIL GATHERING CORP., Chilton Building, Suite 400, 201 King of Prussia Rd., Radnor, Pa. 19087. Applicant's representative: Walter R. Hall II, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, in bulk, from points in Belmont, Harrison, Jefferson, and Monroe Counties, Ohio, to points in Carroll, Coshocton, Fairfield, Hocking, Holmes, Knox, Licking, Morgan, Muskingum, Perry, Stark, Washington, and Wayne Counties, Ohio, for continuing transport by pipeline, rail, or water to points in Pennsylvania and West Virginia, under a continuing contract or contracts with Ohio Oil Gathering Corporation II.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 140612 (Sub-No. 12), filed March 7, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cedar Rapids, Iowa, to points in Alabama, Arkansas, Arizona, California, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oregon, Tennessee, Texas, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in No. MC 138003 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., or Cedar Rapids, Iowa.

No. MC 140612 (Sub-No. 14), filed March 14, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Austin and Owatonna, Minn., to points in Arkansas, Kansas, Missouri and Oklahoma.

NOTE.—Applicant holds contract carrier authority in MC 138003 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr. or Austin, Minn.

No. MC 140632 (Sub-No. 2), filed April 8, 1977. Applicant: CHARCOAL TRANSPORTS, INC., P.O. Box 166, Paris, Ark. 72855. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tn 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *charcoal and charcoal briquettes*, from Paris, Ark. and Jacksonville, Tex. to all points in Delaware, Georgia, Kentucky, Mississippi, New Jersey, New Mexico, North Carolina, Ohio, Virginia, West Virginia and the District of Columbia; and (2) *Materials, apparatus, parts and supplies* used in the manufacture, packaging, and marketing of charcoal and charcoal briquettes from all points in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas to the plantsite and storage facilities of Arkansas Charcoal Co., Inc. at Paris, Ark., and Campfire Charcoal Co., Inc., at Jacksonville, Tex. under continuing contract or contracts with Arkansas Charcoal Co., Inc. and Campfire Charcoal Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. or Little Rock, Ark.

No. MC 140768 (Sub-No. 3), filed April 8, 1977. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Beer and malt liquors* and *advertising matter* when moving in connection therewith, from Belleville, Ill. to points in Alabama, Louisiana and Mississippi, restricted against transportation to or from the premises of any person who has entered into a contract with American Trans-Freight, Inc. and/or any person who is served by it pursuant to any permit issued by this Commission.

NOTE.—Applicant holds motor contract carrier authority in MC 134404 and subs thereunder and, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 140829 (Sub-No. 40), filed February 23, 1977. Applicant: CARGO CONTRACT CARRIER CORP., U.S. Highway 20, P.O. Box 206, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Mellman Food Industries located at or near Sioux Falls, S. Dak., to points in Arkansas, Connecticut, Delaware, Kansas, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia and the District of Columbia, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC-136408 (Sub-No. 7) and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140829 (Sub-No. 42), filed March 7, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat* packinghouses as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Spencer Foods, Inc., located at or near Fremont and Schuyler, Nebr., to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, restricted to the transportation of traffic originating at the named origins and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in various subs under MC 136408, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Omaha, Nebr.

No. MC 141046 (Sub-No. 33), filed April 15, 1977. Applicant: MASON O. MITCHELL, doing business as M. MITCHELL TRUCKING, 1911 "I" Street, LaPorte, Indiana 46350, Applicant's representative: Norman R. Garvin, 815 Marchants Bank Building, Indianapolis, Indiana 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden toothpicks and wooden and plastic clothespins*, from the plant sites or warehouse facilities of Penley Corporation at or near West Paris, Maine, to points in California, Florida, Georgia, Illinois, Maryland, Missouri, New York, New Jersey, North Carolina, Kansas, Ohio, South Carolina, Tennessee, Texas and Virginia, under a continuing contract or contracts with Penley Corporation, West Paris, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Indianapolis, Indiana or Chicago, Illinois.

No. MC 141085 (Sub-No. 2), filed April 7, 1977. Applicant: EAST COAST TRUCKING, INC., 90 Rentell Road, Hamden, Conn. 06518. Applicant's representative: John E. Fay, 630 Oakwood Avenue, Suite 127, West Hartford, Conn. 06110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed log products* for log homes, from Great Barrington, Mass. and Lawrenceville, Va., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan,

Missouri, New Mexico Ohio, Oklahoma, Tennessee, Texas, South Carolina, West Virginia, and Wisconsin; and (2) *millwork, accessories, parts and supplies* for assembly, processing, and manufacture of log homes named in (1) above, from points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, Texas, South Carolina, West Virginia, and Wisconsin, to Great Barrington, Mass. and Lawrenceville, Va., under a continuing contract or contracts with New England Log Homes, Inc., d.b.a. NELHI, located at Hamden, Connecticut.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Hartford or New Haven, Conn.

No. MC 141106 (Sub-No. 1), filed March 14, 1977. Applicant: C. E. RIEMER, doing business as RIEMER'S MARINA, 300 Wells Street, Marinette, Wis. 54143. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Boats* and *equipment, supplies and parts thereof* when moving at the same time with boats, between points in Wisconsin and the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin, and Norfolk, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either madison, Wis. or Lansing, Mich.

No. MC 141293 (Sub-No. 3), filed March 9, 1977. Applicant: J.R.R.W. TRANSPORT, INC., P.O. Box 5186, Coralville, Iowa 52241. Applicant's representative: Kenneth F. Dudley. 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products ingredients*, in packages and containers, and *powdered milk*, which is exempt from economic regulation under Section 203(b)(6) of the Act, in mixed loads with food products ingredients, (1) from Iowa City, Iowa, to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennesse, Texas, and Wisconsin, (2) from points in Illinois, Indiana, Louisiana, Missouri, and Wisconsin, to Iowa City, Iowa; and (3) from Decatur, Ill., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin, under a continuing contract or contracts in (1), (2) and (3) above with J. M. Swank Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Chicago, Ill.

No. MC 141511 (Sub-No. 1), filed March 8, 1977. Applicant: ROBERT W. RETTIG, doing business as PROTEIN EXPRESS, Route 3, Hartford, Wis. 53207. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, (a) from Fergus Falls, Winsted, Zumbrota, Minn., to Marathon, Wis., and Boonville, Miss.; and (b) from Marathon, Wis., to Boonville, Miss.; and (2) *cheese, cheese foods and food products and gift packages*, from the facilities and suppliers of Brodhead Cheese & Cold Storage, located at points in Wisconsin, to points in Arizona, California, Colorado, Florida, Georgia, Kentucky, Missouri, New Jersey, New Mexico, Nevada, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, and Washington, restricted to shipments originating at the above origins and destined to the above destinations, and further restricted to service in vehicle equipped with mechanical refrigeration.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 141511 (Sub-No. 2), filed March 8, 1977. Applicant: ROBERT W. RETTIG, doing business as PROTEIN EXPRESS, Route 3, Hartford, Wis. 53207. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs;* and (2) *commodities* otherwise exempt from economic regulation when moving in mixed shipments with the commodities in (1) above, from the facilities of Moores Food Products, Inc., at Fort Atkinson, Wis., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming, restricted to shipments originating at the above origin and destined to the above destinations, and further restricted to service in vehicles equipped with mechanical refrigeration.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 141546 (Sub-No. 13), filed March 9, 1977. Applicant: BULK TRANSPORT SERVICE, INC., One Dundee Park, Andover, Mass. 01810. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the port of entry on the International Boundary line between the United States and Canada located at Derby Line, Vt., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141546 (Sub-No. 16), filed March 11, 1977. Applicant: BULK TRANSPORT SERVICE, INC., One Dundee Park, Andover, Mass. 01810. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Hudson and Greenport, in Columbia County, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141622 (Sub-No. 3), filed March 14, 1977. Applicant: H. & W. CARRIERS, INC., Box 73, Camargo, Ill. 61919. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast and pre-stressed concrete products*, from the plantsites of LaBarge, Inc., Concrete Products Division, located at or near Charleston and Champaign, Ill., to points in Indiana, Iowa, Kentucky, Missouri, and Wisconsin, under a continuing contract, or contracts, with LaBarge, Inc., Concrete Products Division.

NOTE.—Applicant holds common carrier authority in No. MC 125751, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at St. Louis, Mo.

No. MC 141774 (Sub-No. 3), filed March 14, 1977. Applicant: R. & L. TRUCKING CO., INC., 150 Rocket Ave., Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flavoring syrups concentrated syrups, drinks, beverages, and plastic containers* (except commodities in bulk, in tank vehicles), from points in Lowndes County, Miss., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Missouri, Tennessee, and Texas; and (2) *material and supplies* used in the manufacture of flavoring syrups, concentrated syrups, drinks, beverages, and plastic containers (except commodities in bulk, in tank vehicles), from points in Alabama, Florida, Georgia, Kentucky, Louisiana, Missouri, Tennessee, and Texas, to points in Lowndes County, Miss.

NOTE.—Applicant holds contract carrier authority in MC 136378 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 141774 (Sub-No. 4), filed March 14, 1977. Applicant: R. & L. TRUCKING CO., INC., 105 Rocket Ave., Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment*

used in the production of eggs and poultry (except commodities in bulk, in tank vehicles), from points in Morgan County, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Mississippi, Missouri, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 136378 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 141774 (Sub-No. 5), filed March 14, 1977. Applicant: R. & L. TRUCKING CO., INC., 105 Rocket Ave., Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Display racks, closet rods, hinges, and bolts*, between points in Washington County, Miss., and points in Florida, Georgia, and Missouri.

NOTE.—Applicant holds contract carrier authority in No. MC 136378 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 141774 (Sub-No. 6), filed March 14, 1977. Applicant: R. & L. TRUCKING CO., INC., 105 Rocket Ave., Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bags, plastic can liners, plastic containers, and plastic articles*, from the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala., to Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and points in Florida; and (2) *materials and supplies* used in the manufacture of plastic bags, plastic can liners, plastic containers, and plastic articles (except commodities in bulk, in tank vehicles), from Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and points in Florida, to the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala.

NOTE.—Applicant holds contract carrier authority in No. MC 136378 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Montgomery, Ala., or Atlanta, Ga.

No. MC 141776 (Sub-No. 10), filed March 14, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Sts., Ringtown, Pa. 17967. Applicant's representative: Richard Rueda, Two Penn Center Plaza, Suite 612, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery products* (except commodities in bulk), *advertising materials, premiums, toys, display stands, accessory materials, dessert preparations, and coin-operated vending machines and stands*, from the plantsite and storage facilities of Leaf Confectionery, located at Chicago, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia; and (2) *rejected and refused merchandise* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia or Ringtown, Pa.

No. MC 141779 (Sub-No. 1), filed March 15, 1977. Applicant: RICHARD ALLEN LONG, doing business as RICHARD'S TOWING SERVICE, No. 4 Paul Dr., Granite City, Ill. 62040. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers and replacements* for said vehicles and trailers, between points in St. Charles and St. Louis Counties, Mo., and Madison and St. Clair Counties, Ill., on the one hand, and, on the other, those points in the United States east of Idaho, Utah, and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 141804 (Sub-No. 37) (Amendment), filed December 6, 1976, and published in the FEDERAL REGISTER issues of January 13, 1977 and April 7, 1977, and republished this issue. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Auto and motorcycle parts*, from the plant site and storage facilities of Nippondenso located at or near Carson, Calif., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, restricted to traffic originating at the above location; and (2) *materials and supplies* used in the manufacture of the above items, from Clinton, Tenn., and Cleveland, Ohio to the plant site and storage facilities of Nippondenso located at or near Carson, Calif., restricted to traffic destined to the above-named destination point, and further restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE.— The purpose of this republication is to amend applicant's territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Lincoln, Nebr.

No. MC 142239 (Sub-No. 6), filed March 10, 1977. Applicant: WASHINGTON TRANSPORTATION COMPANY, a corporation, 1717 North 70th Avenue, Omaha, Nebr. 68104. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Spencer Foods, Inc. located at or near Schuyler and Fremont, Nebr., and Spencer, Fort Dodge and Hartley, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Spencer Foods, Inc.

NOTE.—Applicant has pending common carrier authority in No. MC 141610 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemend necessary, the applicant requests it be held at either Omaha, Nebr., or Sioux City, Iowa.

No. MC 142268 (Sub-No. 14), filed March 14, 1977. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada NOR 1GO. Applicant's representative: William E. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plastics and plastic products and chemicals*, from the plantsites and storage facilities of Arco Polymers, Inc., located at or near Monaca, Pa., and at or near Port Arthur, Tex., to ports of entry on the International Bounday Line between the United States and Canada located in Michigan, New York, Vermont, New Hampshire, and Maine, for furtherance to points in Ontario and Quebec.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 142412 (Sub-No. 1), filed March 7, 1977. Applicant: ARTHUR MULDER, doing business as GM CARTAGE, 3865 W. 41st Street, Chicago, Ill. 60602. Applicant's representative: Philip A. Lee, 120 W. Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen cabinets and bathroom vanities*, from the plantsite of Brammer Mfg. Co., located at Chicago, Ill., (a) to points in that part of Michigan west of a line beginning at Cheboygan, Mich., then in a southerly direction on U.S. Highway 27 thru Grayling, then continuing thru Mt. Pleasant, and Lansing, Mich., then further continuing in a southerly direction on U.S. Highway 127 to the Ohio-Michigan State Line; and (b) to points in that part of Indiana beginning at Gary, then in a southerly direction on Interstate Highway 65 to Lafayette, Ind., then in a easterly direction on Indiana Highway 26 to junction with Interstate Highway 69 at Fairmount, and then in a northerly direction on Interstate Highway 69 to

the Indiana-Michigan State Line, (2) *Damaged merchandise*, on return, under a continuing contract, or contracts, in (1) and (2) above, with Brammer Mfg. Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 142466 (Sub-No. 1), filed March 16, 1977. Applicant: TIMBER PRODUCTS TRANSPORT, INC., P.O. Box 1513, Lonview, Wash. 98632. Applicant's representative: William H. Grady, 1100 Norton Building, Seattle Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood*, from points in Washington and Oregon, to points in California; and (2) *gypsum products and accessories*, from points in California, to points in Washington and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Los Angeles, Calif.

No. MC 142634 (Sub-No. 2), filed February 24, 1977. Applicant: FRANK'S PARCEL SERVICE, INC., Foot of Babcock Street at Alexander St., Yonkers, N.Y. 10701. Applicant's representative: Larsh B. Mewhinney, 25 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finshed pharmaceutical products, raw materials* used in the production thereof, and *packaging components* therefor, between points in the New York, N.Y., Commercial Zone as defined in 49 CFR 1048.1(b) (1) and (2), on the one hand, and, on the other, points in Totowa, N.J., under a continuing contract or contracts with Bard Pharmaceutical Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at White Plains or New York, N.Y.

No. MC 142770 (Sub-No. 2), filed March 9, 1977. Applicant: ARTHUR L. KINDT & JOHN Y. KINDT II, a partnership, doing business as KINDT'S MOVING & STORAGE, P.O. Box 1058, 1144 East Highway 40, Vernal, Utah 84070. Applicant's representative: John Y. Kindt II (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished furniture and accessories*, used in the manufacture thereof, (1) from Ft. Duchesne, Utah, to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada (except Alaska and Hawaii); and (2) from the destination points named in (1) above, to Fort Duchesne, Utah, under contract with Ute Indian Tribe, d.b.a. Ute Fab Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Vernal or Ft. Duchesne, Utah.

No. MC 142936 (Sub-No. 1), filed March 7, 1977 Applicant: Justin P Jenkins and Donald E. Dansie, doing business as INTERMOUNTAIN TRANSPORT COMPANY, a partnership, 220 East 1600 North, Springville, Utah 84663. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transprting: *Crude clay*, in bulk, in dump vehicles, from Pueblo, Colo., and Buehler Mines, located 20 miles southwest of Pueblo, Colo., to Lehi, Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah, or Denver, Colo.

No. MC 142956 (Sub-No. 1), filed March 14, 1977. Applicant: M & S TRUCKING CO., INC., 1430 N. Clarence Street, Wichita, Kans. 67202. Applicant's representative: Donald J. Quinn, 1012 Baltimore, Suite 900, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hanging beef meat carcasses*, from the Dubuque Packing Co., located at Wichita, Kans., to Hickman Packing Co., Inc., located at Newark, N.J., under a continuing contract, or contracts, with Hickman Packing Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 142978 (Amendment), filed February 17, 1977, and published in the FEDERAL REGISTER issue of April 7, 1977, and republished this issue. Applicant: W. L. DAVIS, INC., 800 Fourth Financial Center, Wichita, Kans. 67202. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat poducts, meat by-products* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Iowa Beef Processors, located at or near Dakota City, Nebr., and Emporia, Kans.; and the facilities of Swift & Co., located at or near Cactus, Tex., to Reno, Nev., and Sacramento, Calif., under a continuing contract or contracts with Raleys Supermarkets.

NOTE.—The purpose of this republication is to amend applicant's territorial description. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 143000 (Sub-No. 3), filed March 11, 1977. Applicant: THE HIGH PLAINS GRAIN COMPANY, INC., East Highway 40, P.O. Box 7, Hays, Kans. 67601. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingredients*, from McCook, Nebr., (1) to the facilities of Hays Land and Cattle Co., located at or near Hays, Kans.; and (2) to the facilities of Davis Feed Lot and Ranch, Inc., located at or near Ellis, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr., or Kansas City, Mo.

No. MC 143026 (Sub-No. 1), filed March 10, 1977. Applicant: RMB CORPORATION, 303 South St., Newark, N.J. 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles and velocipedes, and materials, equipment and supplies* used in the manufacture and sale of bicycles and velocipedes, between the facilities of Iverson Cycle Corporation located at Brookhaven, N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Iverson Cycle Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.Y.

No. MC 143041, filed February 14, 1977. Applicant: Byron G. Davenport, doing business as DRILLING AND MINING INTERNATIONAL, 1350 Sage Street, Unit S., P.O. Box 1901, Rock Springs, Wyo. 82901. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, from Rock Springs, Wyo., to points in Colorado and Utah, restricted against commodities in bulk, commodities which by reason of their size and weight require the use of special equipment, and further restricted to articles weighing 5,000 pounds or less from one consignor to one consignee on any one day.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Rock Springs, Wyo., or Washington, D.C.

No. MC 143044 (Sub-No. 1), filed March 16, 1977. Applicant: EQUIPMENT EXPRESS LIMITED, a corporation, 8105 Don Mills Road, Markham, Ontario, Canada. Applicant's representative: Thomas E. Acey, Jr., 1660 L Street NW., Suite 1000, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast, prestressed, reinforced concrete wall, roof and floor slabs, structural forms or shapes, girders and beams*, and *materials and supplies* used in the erection thereof,

from ports of entry of the International Boundary line between the United States and Canada located at Buffalo, Niagara Falls, and Lewiston, N.Y., to Syracuse, Rochester, and Buffalo, N.Y., restricted to shipments originating at the plant sites of Pre-Con Company in Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Buffalo, N.Y.

No. MC 143050, filed March 14, 1977. Applicant: C & M EXPRESS, INC., 4501 Curtis Avenue, Baltimore, Md. 21126. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, container chassis and trailers;* and (2) *general commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between points in Baltimore, Md., and its commercial zone, restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md.

No. MC 143051, filed March 11, 1977. Applicant: Michael C. Kombol and Brad S. Fritz, doing business as SANDAU MOVING & STORAGE, a partnership, 10836 Galt Industrial Ct., St. Louis, Mo. 63132. Applicant's representative: Joseph E. Rebman, 314 N. Broadway, Suite 1330 Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings, and carpeting*, between St. Louis, Mo., on the one hand, and, on the other, points in Jersey, Macoupin, Madison, St. Clair, Monroe and Randolph Counties, Ill., under a continuing contract, or contracts, with Dolnick Furniture, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 143053, filed March 14, 1977. Applicant: JOSEPH H. BAYS and FREDERICK G. BUHL, a partnership, doing business as, B & B COMPANY, 20433 NE. 133rd, Woodinville, Wash. 98072. Applicant's representative: Henry C. Winters, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by retail hardware stores; (2) *building materials, sporting goods, floor coverings, automobile parts and accessories, and wood cabinets and parts*, between the plantsite, warehouse and distribution center of Pay 'N Pak Stores, Inc., located at Kent, Wash., on the one hand, and, on the other, points in California, Colorado, Idaho, Kansas, Montana, Nevada, Oklahoma, Oregon, South Dakota, Utah and Wyoming, under a continuing contract or contracts with Pay 'N Pak Stores, Inc.; (3) *leveling support jacks*, from the plantsite of Olympic Foundary Company, located at Seattle, Wash., to points in California, under a continuing contract, or contracts, with Olympic Foundary Company, and (4) *used tires, and materials and supplies* used in the recapping of tires, from the plantsite and warehouse facilities of Perfection Tire, Inc., located at or near Los Angeles, Calif., to the plantsite and warehouse facilities of Perfection Tire, Inc., located at or near Veradale, Wash., under a continuing contract, or contracts, with Perfection Tire, Inc. No. 2.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 143054, filed March 7, 1977. Applicant: G & C CARTAGE COMPANY INCORPORATED, 694 North Edgewood Avenue, P.O. Box 6981, Jacksonville, Fla. 32205. Applicant's representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, Va. 22030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Jacksonville, Fla., on the one hand, and, on the other, points in Florida, restricted to shipments originating at or destined to the facilities utilized by ABC-TNT, Inc., located at Jacksonville, Fla., and further restricted to shipments moving on freight forwarder freight bills or bills of lading issued by ABC-Trans National Transport, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 143056, filed March 14, 1977. Applicant: LANCASTER POULTRY, INC., 505 West Fair Avenue, Lancaster, Ohio 43130. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured, processed or dealt in by retail food businesses and equipment used in such business, from Lancaster, Ohio, and points in Union Township, Warren County, Ohio, to points in Florida, Georgia, North Carolina, and South Carolina; and (2) *equipment, materials and supplies* used in the conduct of such businesses, from points in Florida, Georgia, North Carolina and South Carolina, to points in Union Township, Warren County, Pa., under a continuing contract, or contracts, with Duff Enterprises, Inc., located at Lebanon, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 143063, filed March 16, 1977. Applicant: H & H TRUCKING, INC., 30 Mount View Lane, Colorado Springs, Colo. 80907. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the facilities of Anheuser-Busch, Incorporated brewery located at or near St. Louis, Mo., to points in El Paso, Pueblo and Weld Counties, Colo., and *emply malt beverage containers* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 143064, filed March 14, 1977. Applicant: DONALD POTTER, doing business as, POTTER TRANSPORT, Route No. 17, Readfield, Maine 04349. Applicant's representative: Michael E. Barr, 72 Winthrop Street, P.O. Box "R", August, Maine, 04330. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, in cans and bottles, from Fulton, N.Y., to Augusta, Maine, under a continuing contract, or contracts, with Pine Tree Tobacco.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

No. MC 143066, filed March 3, 1977. Applicant: A. D. MIMS AND H. A. MIMS, doing business as, MIMS MEAT COMPANY, 12634 East Freeway, Houston, Tex. 77015. Applicant's representative: Wallace H. Nations, 1806 Rio Grande, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and bananas*, moving in mixed loads with commodities exempt under Section 203 (b) (6) of the Interstate Commerce Act, from Galveston, Tex., Gulfport, Miss., and Mobile, Ala., to points in Idaho, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 143098, filed March 16, 1977. Applicant: LAUGHLIN TRUCKING, INC., Route 1, Box 95, Carlton, Oreg. 97111. Applicant's representative: Lawrence V. Smart, Jr., 419 N. W. 34rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Oregon.

No. MC 143126, filed April 7, 1977. Applicant: J. J. ZAYTI TRUCKING, INC., 47500 West Eight Mile Road, Northville, Michigan 48167. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Michigan 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous and non-ferrous scrap* in high side open top vehicles with steel lined floors and sides and *molten metal*, between points in the Detroit Com-

mercial Zone as defined by the Interstate Commerce Commission, Belleville and Trenton, Mich., on the one hand, and, on the other, points and places in Ohio and Indiana under a continuing contract or contracts with Huron Valley Steel Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Detroit or Lansing, Mich., or Washington, D.C.

No. MC 143132, filed April 6, 1977. Applicant: GERALD BRAUN TRUCKING, INC., P.O. Box 128, Warner, South Dakota 57479. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minnesota 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *feed and feed ingredients*, from Edgeley, North Dakota, to points in South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Pierre, South Dakota.

PASSENGER APPLICATIONS

No. MC 133195 (Sub-No. 1), filed March 9, 1977. Applicant: HEALEY TRANSPORTATION LIMITED, 10 Gile Street, Smiths Falls, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round trip sightseeing and pleasure tours, beginning and ending at all ports of entry on the International Boundary line between the United States and Canada and extending to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Syracuse, N.Y.

No. MC 142530 (Sub-No. 2), filed March 17, 1977. Applicant: PIONEER BUS CORP., 6093 Strickland Avenue, Brooklyn, N.Y. 11234. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Brooklyn, N.Y. and extending to Atlantic City, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142855 (Sub-No. 1, filed March 2, 1977. Applicant: WIERSEMA CHARTER SERVICE, INC., R.R. No. 2, Morrison, Ill. 61270. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Carroll, Stephenson, and Whiteside Counties, Ill., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 143065, filed March 3, 1977. Applicant: MACK D. WEATHERFORD, doing business as, WEATHERFORD TRANSIT, 1019 E. Lake Drive, Hartsville, S.C. 29550. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Building, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, (A) beginning and ending at points in Chesterfield, Darlington, Dillon, Florence, Horry, Kershaw, Lancaster, Lee, Marion, Marlboro and Sumter Counties, S.C., and extending to points in the United States (except Alaska and Hawaii); and (B) beginning and ending at points in Chesterfield, Darlington, Dillon, Florence, Horry, Kershaw, Lancaster, Lee, Marion, Marlboro and Sumter Counties, S.C. and extending to ports of entry on the International Boundary line between the United States and Canada located at points in Maine, Michigan, New Hampshire, New York, and Vermont, restricted in (B) above to traffic moving to provinces of Ontario and Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Florence or Columbia, S.C.

BROKER APPLICATIONS

No. MC 12483 (Sub-No. 2), filed April 13, 1977, Applicant: FORLOW TRAVEL BUREAU, INC., 716 South Main Street, South Bend, Indiana 46618. Applicant's representative: S. Harrison Kahn, Attorney at Law, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Frankfort and South Bend, Indiana and Oakbrook Terrace, Illinois, to sell or offer to sell the transportation of motor carrier passenger transportation (1) in all expense round-trip special and charter sightseeing and pleasure tours between points and places in the United States, including Alaska and Hawaii; (2) to sell motor carier passenger transportation for regular route, charter, special operations, and contract operations authority to be conducted by the Interstate Commerce Commission for persons engaged in the transportation of persons by motor vehicle in interstate or foreign comemrce; and (3) the conduct of motor coach tours in the manner authorized by the Commission's decision in Tauck Tours, Inc., 54 M.C.C. 291.

NOTE.—If a hearing is held applicant requests that the hearing be held in Chicago, Illinois.

No. MC 130444, filed March 14, 1977. Applicant: NANCY H. NAGLE, 4421 Menokin Road, Richmond, Va. 23225. Applicant's representative: S. Harrison Kahn, Investment Building, Suite 733, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Richmond, Va., to sell or offer to sell the transportation of *Passengers, and their baggage*, individually and in groups, in special and charter operations, and sightseeing and pleasure tours, by motor, rail, water and air carriers, between points in the United States, including Alaska and Hawaii, restricted to tours originating and terminating at points in Virgina (except Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach, Va., and points in Accomack and Northhampton Counties, Va.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Richmond, Va.

No. MC 130445, filed March 14, 1977. Applicant: BASHFORD TRAVEL CORP., 1551 East Shaw No. 136, Fresno, Calif. 93710. Applicant's representative: William L. Bashford (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Sacramento, San Francisco, Stockton, Santa Cruz, Monterey, Modesto, Merced, Fresno, Bakersfield, Santa Barbara, Los Angeles, Long Beach, and San Diego, Calif., to sell or offer to sell the transportation of *Passengers, and their baggage*, in groups, by motor, rail, water, and air carriers, from points in California, to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at San Francisco, Calif.

FREIGHT FORWARDER APPLICATIONS

No. FF 426 (Sub-No. 2), filed February 24, 1977. Applicant: EXPRESS FORWARDING AND STORAGE CO., INC., 19 Rector Street, New York, N.Y. 10006. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—Applicant states that the purpose of this application is to add Alaska to applicant's presently held authority, which now excludes Alaska. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. FF 492, filed February 23, 1977. Applicant: INTERLINE COORDINATORS, INC., doing business as AIR-X,

P.O. Box 3171, Trenton, N.J. 08619. Applicant's representative: Russell S. Bernhard, 1625 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by motor vehicle, in the transportation of: *General commodities* (except household goods as defined by the Commission, commodities in bulk, Classes A and B explosives, article of unusual value, and commodities which because of size and weight require special equipment, unaccompanied baggage, and motor vehicles), between points in the United States, including Alaska and Hawaii, restricted to the transportation of traffic having an immediately prior or subsequent movement by air in the air forwarder service of Interline Coordinators Inc. d/b/a Air-X, and further subject to the interpretation made in the report at 339 I.C.C. 17.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Trenton, N.J.

FINANCE APPLICATIONS, NOTICE

The following applications seeks approval to consolidate, purcahse, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240 (c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

NOTICE

Boise Cascade Corporation, One Jefferson Square, Boise, Idaho 83728, represented by John R. Sims, Jr. and John L. Boyd, Jr., of Goff, Sims, Cloud & Stroud, P. C., 915 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004, hereby give notice that on the 14th day of April, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of control of The Lowville and Beaver River Railroad Company through purchase of capital stock from Richard C. Cummings, which application is assigned Finance Docket No. 28415.

The application herein seeks authority to acquire stock control of Lowville and Beaver which operates as a rail carrier between Lowville and Croghan, a distance, including spur track, of some 12 miles, wholly within the State of New York. Its routes connect with those of the Penn Central Transportation Company (now ConRail) at Lowville.

The transaction herein is covered by an agreement of December 30, 1976, between Boise Cascade and Richard C. Cummings, whereby Boise Cascade would purchase the 1,387 shares of the outstanding capital stock of Lowville and Beaver held by Cummings for $55,441 payable at closing by draft of Boise Cascade. The closing of this transaction would not occur until 15 days after approval of the transfer of the stock of Lowville and Beaver to Boise Cascade by the Interstate Commerce Commission and the New York Transportation Commission.

In the opinion of the applicant, Boise Cascade Corporation, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protest may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28415 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the Federal Register. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

BOISE CASCADE CORPORATION

NOTICE

American Rail Heritage, Ltd., 203 North Market Street, Marion, Illinois 62959, represented by Mr. James W. Sanders, Attorney, 208 North Market Street, Marion, Illinois 62959, hereby give notice that on the 4th day of April, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation of a line of railroad owned by the Illinois Central Gulf Railroad Company between railroad milepost 93.5 near Seely, Illinois, to railroad milepost 108 at Mande, Illinois, a distance of approximately 14.5 miles, which application is assigned Finance Docket No. 28360.

Applicant proposes to acquire and operate a branch line of railroad presently owned by Illinois Central Gulf Railroad Company and leased to the applicant for the operation of a tourist train. The branch line to be acquired extends from railroad milepost 93.5 near Seely, Illinois, to railroad milepost 108 at Mande, Illinois, a distance of 14.5 miles, located solely in Williamson County, Illinois. The line passes through the towns of Carterville, Illinois, Crainville, Illinois, and Marion, Illinois.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Revised Guidelines for Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra* at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

AMERICAN RAIL HERITAGE, LTD.

No. MC-F-13180. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, California 94025 (MC 42487) with ten (10) carriers, namely, ARNIES MOTOR FREIGHT, 701 1st Avenue North, Altoona, IA 50009 (MC 99532), CITY TRANSFER & STORAGE CO., South Crawford & Big Four RR, Troy, OH 45373 (MC 20366) CORDERA TRANSFER

CO., INC., 300 Central, Benld IL (MC 18163), GROSS COMMON CARRIER, INC., 660 West Grand Avenue, Wisconsin Rapids, WI 54494 (MC 1494), RUSHVILLE TRUCK LINES, 301 North Liberty, Rushville, IL 62681 (MC 96935), STURM FREIGHTWAYS, INC., 8919 N. University, Peoria, IL 61614 (MC 108649), BRANDT TRUCK LINES, INC., P.O. Box 97, Route U.S. 66 & U.S. 150, Bloomington, IL 61701, (MC 120346), COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227 (MC 14252), VAN WYK FREIGHT LINES, INC., 1018 Washington, Grinnell, IA 50112 (MC 121661) and SEYMOUR TRANSFER LINES, INC., 800 East Factory Street, Seymour, WI 54165 (MC 28990), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving to and from points in Altoona, Berwick, Bondurant, Enterprise, Mitchellville, Nevada, State Center, (Point of interchange-Des Moines, Iowa); Piqua, Ohio, (Point of Interchange-Dayton, Ohio); Benld, Carlinville, Gillespie, Livingston, Mt. Clare, Sawyerville and Hamel, Ill., (Point of interchange-St. Louis, Missouri); Camp Douglas, LaCrosse, LaCrosse S.E., Lyndon Station, Mauston, Midway, New Lisbon, Oakdale, Onalaska, Sparta, Tomah, West LaCrosse, West Salem, (Wisconsin), Dakota, Dresbach, (Minnesota), (Point of Interchange-Milwaukee, Wis.); Astoria, Banner, Beardstown, Bluff Springs, Camp Point, Clayton Coatsburg, Duncans Mill, Fowler, Lewistown, Mt. Sterling, Paloma, Rushville, Summum, Timewell, (Point of Interchange-Peoria, Illinois); Argent, Atwood, Decatur Signal Depot, Ficklin, Forsyth, Garrett, Oreana, Mt. Zion, (Illinois) (Point of Interchange-Springfield Terminal of Consolidated Freightways); La Hogue, Le Roy, Lexington, McLean, Mahomet, Mansfield, Martinton, Mason City, Meadows, Melvin, Milford, Ocoya, Odell, Onarga, Papineau, Piper City, Pittwood, Pontiac (Livingston Co.), Roberts, Saunemin, Sheldon, Shirley, Stockland, Thawville, Urbana, Watseka, Weldon, Woodland; Camargo, Casey, Champaign, Clark Center, Effingham, Greenup, Hume, Jewett, Martinsville, Metcalf, Newman, Teutopolis, Tuscola, Urbana, Vevay Park, Woodbury, Montrose, (Indiana) (Point of Interchange-Indianapolis, Indiana); Grinnell, (Point of Interchange-Altoona, Iowa); Amherst, Amherst Junction, Bear Creek, Fremont, Waupaca, Weyauwega, Winchester, (Point of Interchange-Green Bay, Wisconsin). CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE is authorized to operate as a common carrier in All the States in the United States except Alaska and Hawaii. Applicants' representatives: G. T. West, Vice President-Traffic, 175 Linfield Drive, Menlo Park, CA 94025 and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portland, OR 97208.

No. MC-F-13191. Authority sought by John J. Ghaznavi, an individual (noncarrier), 4133 Clarenceaux Drive, Gibsonia, PA., 15044, for control of (B) J & S, INC., McKeesport, PA., and continuance in control of (BB) BRISTOL CONSOLIDATORS, INC., 4133 Clarenceaux Drive, Gibsonia, PA., 15044, of control of such rights through the transaction. Applicants' attorney: William A. Gray, 2310 Grant Building, Pittsburgh, PA., 15219. Operating rights sought to be controlled: (B) Such commodities as are dealt in by retail drug and variety stores, and equipment, materials, and supplies used in the conduct of such business (except commodities in bulk), as a contract carrier over irregular routes between the facilities of Thrift Drug Division of J. C. Penney Company, Inc., in O'Hara Township (Allegheny County), Pa., on the one hand, and, on the other, points in Delaware, Indiana, Illinois, Kentucky, Maryland, the Lower Peninsula of Michigan, Minnesota, New Jersey, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin. Between the facilities of Thrift Drug Division of J. C. Penney Company, Inc., in Falls Township (Bucks County), Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia, with restrictions; Such commodities as are dealt in by retail drug and variety stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk), as a contract carrier over irregular routes between the facilities of Thrift Drug Division of J. C. Penney Company, Inc., in Atlanta Southern Industrial Park, Marrow (Clayton County), Ga., on the one hand, and, on the other, points in Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, with restrictions; Such commodities as are dealt in by retail drug and variety stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk),

(1) Between the facilities of Thrift Drug Division of J. C. Penney Company, Inc., in O'Hara Township (Allegheny County), Pa., on the one hand, and, on the other, points in Georgia, New York, North Carolina, and South Carolina, and the District of Columbia. (2) between the facilities of Thrift Drug Division of J. C. Penney Company, Inc., in Falls Township (Bucks County), Pa., on the one hand, and, on the other, points in Connecticut, Georgia, Kentucky, Massachusetts, North Carolina, South Carolina and Tennessee, with restrictions; (BB) Under MC 142723 (TA), such merchandise as are dealt in by retail variety, department and drug stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk), for the account of G. C. Murphy Company, as a contract carrier over irregular routes between the facilities of Bristol Consolidators, Inc., in Pymatuning Township, Pa., on the one hand, and, on the other, points in Maryland, New York, Ohio, West Virginia, New Jersey, Pennsylvania, Indiana, Virginia and the District of Columbia. John J. Ghaznavi, holds no authority from this Commission. However it is the sole shareholder in J & S INC., a motor contract carrier holding authority from the Commission at Docket No. MC 138036 and Subs thereto and is also the sole shareholder in BRISTOL CONSOLIDATORS, INC., a motor contract carrier holding temporary authority from the Commission at Docket No. MC 142723TA. Application has not been filed for temporary authority under section 210a(b).

NOTE.—BRISTOL CONSOLIDATORS, INC., has filed a permanent authority application corresponding to the temporary authority granted at Docket No. MC 142723TA. The docket number for the permanent authority application is MC 142723 (Sub-No. 1).

No. MC-F-13192. Authority sought for purchase by GAINES MOTOR LINES, INC., P.O. Box 1549, Hickory, N.C. 28601, of a portion of the operating rights of HI-CUBE TRANSPORT, INC., 20 Wibraham Street, P.O. Box 169, Palmer, MA., and for acquisition by Forest Gaines of GAINES MOTOR LINES, of control of such rights through the purchase. Applicants' attorneys: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th Street NW., Washington, D.C. 20004, and David M. Marshall, 135 State St., Springfield, MA. 01103. Operating rights sought to be transferred: Products of, and materials and supplies used by textile manufacturing plants, as a common carrier over irregular routes between points in New Jersey within 50 miles of Newark, N.J., on the one hand, and, on the other, Boston, Somerville, and Haverhill, Mass., New Haven, Conn., Pawtucket, East Providence, Providence and Warren, R.I. Vendee is authorized to operate as a common carrier in South Carolina, Virginia, North Carolina, Maryland, Delaware, Pennsylvania, New Jersey, New York and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 93649 (Sub-No. 20) is a directly related matter.

No. MC-F-13193. Authority sought for purchase by EAST TEXAS MOTOR FREIGHT LINES, INC., d.b.a. ETMF FREIGHT SYSTEM, 2355 Stemmons Freeway, Dallas, TX. 75207, of a portion of the operating rights of S & M FREIGHT LINES, 2017 Violet Street, Los Angeles, CA. 90021, and for acquisition by H. R. Bright, Individually and as Executor & Trustee of the Estate of Mary Frances Smith Bright, Deceased, and H. G. Schiff, both of 2355 Stemmons Freeway, Dallas, TX. 75207, of control of such rights through the purchase. Applicants' attorney: Wyman C. Knapp, Suite 825, 606 So. Olive Street, Los Angeles, CA 90014. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 10381 (Sub-No. 3), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a common carrier in Alabama, Arizona, California, Colo-

rado, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 41432 (Sub-No. 150) is a directly related matter.

No. MC-F-13194. Authority sought for purchase by PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, CA., 94607, of a portion of the operating rights of BEST-WAY TRANSPORTATION, 5150 North 16th Street, Suite 232, Phoenix, AZ., 85016, and for acquisition by IU TRANSPORTATION SERVICES, INC., The Wilmington Tower, 1105 N. Market St., Wilmington, DE., 19801 which in turn is controlled by IU INTERNATIONAL CORPORATION, of the same address, of control of such rights through the purchase. Applicants' attorneys: Roland Rice, 501 Perpetual Bldg., 1111 "E" St., N.W., Washington, D.C., H. Beatty Chadwick, 1500 Walnut St., Philadelphia, PA., 19102, and Phil B. Hammond, 111 West Monroe, 10th Floor, Phoenix, AZ., 85003. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between Phoenix, Ariz., and Teec Nos Pos, Ariz., serving all intermediate points; between junction U.S. Highways 89 and 164, and the Arizona-Utah State Line, serving all intermediate points; between Flagstaff, Ariz., and Lupton, Ariz., serving all intermediate points; between Holbrook, Ariz., and Snowflake, Ariz., serving all intermediate points; between Flagstaff, Ariz., and Kingman, Ariz., serving all intermediate points; between Phoenix, Ariz., and Tucson, Ariz., serving all intermediate points; between Florence, Ariz., and Ocotillo, Ariz., serving all intermediate points; between junction U.S. Highways 89 and 93, and Ash Fork, Ariz., serving all intermediate points; between Prescott, Ariz., and Cordes Junction, Ariz., serving all intermediate points. Vendee is authorized to operate as a common carrier in all the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-13195. Authority sought for purchase by THE NEW BRITAIN TRANSPORTATION COMPANY, 257 Woodlawn Road, Berlin, CT., 06037, of the operating rights and property of CORBIN COACH LINES, INC., 1422 Corbin Avenue, New Britain, CT., 06053, and for acquisition by Donald J. Agostini, Peter R. Agostini and Ronald F. Agostini, all of 257 Woodlawn Road, Berlin, CT., 06037, of control of such rights through the purchase. Applicants' Attorneys: L. C. Major, Jr., 6121 Lincolnia Road, Alexandria, VA., 22312 and Thomas W. Murrett, 342 North Main Street, West Hartford, CT., 06117. Operating rights sought to be transferred: Passengers and their baggage, restricted to traffic originating at the point indicated herein, in special or charter service, as a common carrier over irregular routes from New Britain, Conn., to points and places in Massachusetts, New York, and New Jersey, and return; passengers and their baggage in special operations, in round trip, sight seeing and pleasure tours as a common carrier over irregular routes beginning and ending at New Britain, Plainville and Bristol, Connecticut, and extending to points in Pennsylvania, Virginia, Florida, and the District of Columbia. Vendee is authorized to operate as a common carrier in Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, the District of Columbia and Florida. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 61802 (Sub-No. 13), filed March 7, 1977. Applicant: THE COLONIAL TRANSIT COMPANY, INCORPORATED, P.O. Box 508, Fredericksburg, Va. 22401. Applicant's representative: L. C. Majors, Jr., Suite 400 Overlook Office Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Triangle, Va. and Woodbridge, Va., over U.S. 1, and return over the same route, serving all intermediate points.

NOTE.—Applicant's request for authority is directly related to a Section 5(2) finance proceeding in MC-F-13147 published in the FEDERAL REGISTER issue of March 31, 1977, and is filed for the purpose of connecting its present route with the authority sought to be acquired therein. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 99261 (Sub-No. 4), filed March 25, 1977. Applicant: ROOT's EXPRESS, INC., 11 Karlada Drive, Binghamton, N.Y. 13902. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) REGULAR ROUTES: *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): Between Binghamton, N.Y. and Syracuse, N.Y., serving all intermediate points, and serving the off-route points of Broome, Chenango, Cortland, Delaware, Monroe, Oneida, Onondaga, Otsego, Sullivan, Tioga and Tompkins Counties, N.Y.: From Binghamton over U.S. Highway 11 and Interstate Highway 81 to Syracuse, and return over the same route; (B) IRREGULAR ROUTES: *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), between points in Broome County, N.Y., on the one hand, and, on the other, points in Broome, Chenango, Cortland, Delaware, Monroe, Oneida, Onondaga, Otsego, Sullivan, Tioga and Tompkins Counties, N.Y.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding in MC-F-13173 published in the FEDERAL REGISTER issue of April 7, 1977. If a hearing is deemed necessary, the applicant requests it be held at Binghamton, N.Y.

ABANDONMENT APPLICATIONS; NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6) (a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-6 (Sub-No. 34)]

BURLINGTON NORTHERN, INC., ABANDONMENT OF OPERATIONS BETWEEN EUREKA AND PLEASANT VIEW IN WALLA WALLA COUNTY, WASHINGTON

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6) (a) of the Interstate Com-

merce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 25, 1977, and served March 7, 1977, a finding which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of operation of that portion of its branch line of railroad extending from Clyde, Washington, northeasterly, to the end of the line at milepost 19.73 at Pleasant View, Washington, a distance of about 7.9 miles, in Walla Walla County, Washington, EXCEPT any of such line at Clyde which serves shippers or consignees at the station. A certificate of abandonment will be issued to the Burlington Northern, Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-7 (Sub-No. 16)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY—ABANDONMENT BETWEEN CANNON FALLS AND RED WING, MINNESOTA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by orders entered on August 12, 1976, and March 18, 1977, respectively, a finding, which is administratively final, was made by the Commission, Review Board Number 5, and Division 3, acting as an Appellate Division, stating that, the present and future public convenience and necessity permits the abandonment by the Chicago, Milwaukee, St. Paul & Pacific Railroad Company (a) operating rights on jointly-owned trackage from milepost 72.88 at Cannon Falls, Minnesota, to milepost 94.48 at Red Wing, Minnesota, a total distance of 21.60 miles, and (b) 1.66 miles of exclusively-owned trackage in Cannon Falls, all in Goodhue County, Minnesota, subject to the conditions for the protection of employees, set forth in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700 and subject further to the condition that the grant of authority made herein will not be effective (1) unless, within 120 days of the date of service of the order served March 25, 1977, the Milwaukee Road successfully negotiates with the C&NW or some other responsible organization or person for the continuation of service over the said 1.66 miles of track, and (2) until an appropriate application for authority to operate over such line has been filed with the Commission by the person or organization negotiated with and been granted. A certificate of abandonment will be issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-33 (Sub-No. 9)]

UNION PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN ARNOLD AND STAPLETON, NEBRASKA, IN CUSTER AND LOGAN COUNTIES, NEBRASKA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 18, 1977, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Union Pacific Railroad Company of that portion of the Kearney Branch extending from railroad milepost 83.11 near Arnold, Nebraska, in a northwesterly direction to railroal milepost 102.47 near Stapleton, Nebraska, a distance of 19.36 miles situated in Custer and Logan Counties, Nebraska. A certificate of abandonment will be issued to the Union Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financially assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commisison so finds, the issuance of a certificate of abandoment will be postponed for such reasonable time, not to exceed 6 months, as is neces-

sary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 111231 (Deviation No. 55), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed April 14, 1977. Carrier's representative: James B. Blair, 111 Holcomb St., Springdale, Ark. 72764. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 65 (U.S. Highway 31) to junction U.S. Highway Alternate 72 near Decatur, Ala., thence over U.S. Highway Alternate 72 to junction U.S. Highway 45 near Corinth, Miss., thence over U.S. Highway 45 to junction U.S. Highway 45E, thence over U.S. Highway 45E to junction U.S. Highway 51 near Fulton, Ky., thence over U.S. Highway 51 to junction Illinois Highway 3 near Cairo, Ill., thence over Illinois Highway 3 to junction Interstate Highway 255 near Columbia, Ill., thence over Interstate Highway 255 to St. Louis, Mo., 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 Birmingham, Ala., over U.S. Highway 78 to Memphis, Tenn., thence over U.S. Highway 61 to St. Louis, Mo., and return over the same route.

No. MC 111231 (Deviation No. 56), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed April 14, 1977. Carrier's representative: James B. Blair, 111 Holcomb St., Springdale, Ark. 72764. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 75 (using portions of U.S. Highway 41 where Interstate Highway 75 is incomplete) to junction Interstate Highway 24 near Chattanooga, Tenn., thence over Interstate Highway 24 to junction U.S. Highway Alternate 41 near Clarksville, Tenn., thence over U.S. Highway Alternate 41 to junction U.S. Highway 41 near Hopkinsville, Tenn., thence over U.S. Highway 41 to junction Interstate Highway 64 near Evansville, Ind., thence over Interstate Highway 64 to St. Louis, Mo., 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 Atlanta, Ga., over U.S. Highway 78 to Memphis, Tenn., thence over U.S. Highway 61 to St. Louis, Mo., and return over the same route.

No. MC 14252 (Deviation No. 1), COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, Ohio 43227, filed April 7, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio over Interstate Highway 80 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Interstate Highway 57, thence over Interstate Highway 57 to Champaign, Ill., 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 Toledo, Ohio, over U.S. Highway 25 to junction U.S. Highway 40, thence over U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 45, thence over U.S. Highway 45 to Champaign, Ill., and return over the same route.

No. MC 14252 (Deviation No. 2), COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, Ohio 43227, filed April 7, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio over Interstate Highway 80 to junction Interstate Highway 69, thence over Interstate Highway 69 to Indianapolis, Ind., 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 Toledo, Ohio, over U.S. Highway 25 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same route.

No. MC 14252 (Deviation No. 3), COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, Ohio 43227, filed April 7, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 74 to Champaign, Ill., 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 Cincinnati, Ohio over U.S. Highway 127 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 45, thence over U.S. Highway 45 to Champaign, Ill., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 723) (Correction), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed March 23, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From E. St. Louis, Ill., over Interstate Highway 64 to junction Illinois Highway 15 west of Mt. Vernon, Ill., and (2) From junction Interstate Highway 64 and Illinois Highway 15 west of Mt. Vernon, Ill., over Interstate Highway 64 to junction U.S. Highway 41 north of Evansville, Ind., with the following access route: (a) From Mt. Vernon, Ill., over Illinois Highway 37 to junction Interstate Highway 64 south of Mt. Vernon, Ill., and return over the same routes for operating convenience only. The notice indicates that the car-

rier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From E. St. Louis, Ill., over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 177 to junction Illinois Highway 160, thence over Illinois Highway 160 to junction Illinois Highway 15, thence over Illinois Highway 15 to Mt. Carmel, Ill., thence across the Wabash River to junction Indiana Highway 64, thence over Indiana Highway 64 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Interstate Highway 64 and return over the same route. The purpose of this correction is to properly describe proposed deviation routes as filed by applicant.

No. MC 1515 (Deviation No. 725) (Cancels Deviation No. 651) GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed April 7, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Council Bluffs, Iowa over Interstate Highway 29 to St. Joseph, Mo., with the following access route: From junction Interstate Highway 29 and Iowa Highway 2, over Iowa Highway 2 to the Iowa-Nebraska State line, thence over Nebraska Highway 2 to Nebraska City, Nebr., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) from the Wyoming-Nebraska State line over U.S. Highway 30 to Fremont, thence over U.S. Highway 275 to Omaha, thence over U.S. Highway 6 to the Nebraska-Iowa State line, (2) from the Nebraska-Iowa State line at Council Bluffs, Iowa, over U.S. Highway 6 to the Iowa-Illinois State line, at Davenport, Iowa, (3) from Omaha, Nebr., over U.S. Highway 75 to junction unnumbered highway northwest of Plattsmouth, thence over unnumbered highway to Plattsmouth, thence over U.S. Highway 34 to junction U.S. Highway 75, southwest of Plattsmouth, thence over U.S. Highway 75 to junction U.S. Highway 73 north of Dawson, thence over U.S. Highway 73 to the Nebraska-Kansas State line south of Falls City, (4) from the Nebraska-Kansas State line south of Falls City, Nebr., over U.S. Highway 73 to Hiawatha, Kans., thence over U.S. Highway 36 to the Kansas-Missouri State line, west of St. Joseph, Mo., and (5) from the Kansas-Missouri State line west of St. Joseph, Mo., over U.S. Highway 36 to St. Joseph, thence over Business Loop Interstate Highway 29 to junction Missouri Highway 371, thence over Missouri Highway 371 to Platte City, thence over U.S. Highway 71 to junction Business Route U.S. Highway 71, thence over Business Route U.S. Highway 71 to Kansas City, Mo., and return over the same routes.

No. MC 1515 (Deviation No. 726), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed April 15, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Palm Springs, Calif., over Ramon Rd. to junction Interstate Highway 10, thence over Interstate Highway 10 to Indio, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction U.S. Highway 60 and California Highway 111 (Palm Springs Junction), over California Highway 111 to Indio, Calif., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 77-114-MF/O, filed March 31, 1977. Applicant: ANDY'S FLYING SERVICE, INC., P.O. Box 307, Kenai, Alaska 99611. Applicant's representative: Andrew E. Hoge, 3201 "C" Street, Suite 706, Anchorage, Alaska 99503. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, having a prior or subsequent movement by air and no single parcel shall exceed 1,000 pounds weight, between the Kenai Municipal Airport and points within 25 miles from the boundary of said airport including points within the boundary of said airport. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Alaska Public Utilities Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501 and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12090 Filed 4-27-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

THE CAB WILL MEET

TIME AND DATE: 10 a.m.—April 26, 1977.

PLACE: Room 1011, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: United States Tour Operators Association, et al. v. Trans World Airlines, Inc. et al., United States District Court for the Southern District of New York, Case No. S.D.N.Y. 77, Civ. 911 (C.E.S.).

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Civil Aeronautics Board represented to the United State Court of Appeals for the Second Circuit that it would move to intervene in the district court case by April 29. The Bureau of Enforcement wishes to brief the Board in this matter. Accordingly, the following Members have voted that agency business requires that the Board meet and that no earlier notice of the meeting was possible:

Chairman John E. Robson
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member R. Tenney Johnson

The following Members have voted that the meeting will be closed to public observation:

Chairman John E. Robson
Member G. Joseph Minetti
Member Lee R. West
Member R. Tenney Johnson

Vice Chairman Richard J. O'Melia did not participate.

EXPLANATION OF THE CLOSING

This meeting will concern facts and information obtained during the course of an examination of the accounts, records and memoranda of an air carrier. This material is within the provisions of Section 902(f) of the Federal Aviation Act, 49 U.S.C. 1472(f), a statute which exempts this material from public disclosure. The meeting will also include a discussion of investigative records and information gathered by the Bureau of Enforcement, as well as the litigative strategy to be pursued by the Board in this district court case. Disclosure of these records and information would be likely to hinder the Board's enforcement and litigative efforts by prematurely revealing the evidentiary and strategic basis of the Board's case. Accordingly, the Board finds that public observation of this meeting would be likely to disclose matters specifically exempted from disclosure by a statute which refers to particular types of matters to be withheld, would be likely to disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records and would interfere with enforcement proceedings; and would be likely to specifically concern the Board's participation in civil actions or proceedings within the meaning of the exemptions provided under 5 U.S.C. 552b (c) (3) (B), (7) (A) and (10) respectively and 14 CFR § 310b.5(3) (B) (7) (A), and (10) respectively and that the meeting will be closed to public observation.

PERSONS EXPECTED TO ATTEND

BOARD MEMBERS: Chairman John E. Robson, Vice Chairman Richard J. O'Melia, Member G. Joseph Minetti, Member Lee R. West, Member R. Tenney Johnson.

ASSISTANTS TO BOARD MEMBERS: Mr. Howard A. Cohen, Mr. Elias C. Rodriquez, Mr. Frederic D. Houghteling, Mr. Charles M. Palmer, Mr. Robert E. Cohn, Mr. John R. Hancock, Mr. Charles E. Rains, Mr. James L. Casey.

OFFICE OF THE MANAGING DIRECTOR: Dr. Norma Maine Loeser.

BUREAU OF ENFORCEMENT: Mr. Thomas F. McBride, Mr. T. Christopher Browne, Mr. James W. Tello, Mr. Paul Bessel.

OFFICE OF THE GENERAL COUNSEL: Mr. Peter B. Schwarzkopf, Ms. Carol Light.

OFFICE OF THE SECRETARY: Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee.

OTHER: Alderson Reporting Company, Ms. Rose Basiliko.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b (c) (3) (B), (7) (A), and (10) and 14 CFR 310b.5(3) (B), (7) (A), and (10).

JAMES C. SCHULTZ,
General Counsel.

APRIL 22, 1977.

[S-259-77 Filed 4-25-77;4.12 pm]

2

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 11:20 a.m. on Friday, April 22, 1977, by telephone conference call, to consider an application pursuant to section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) for the Corporation's consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank.

The meeting was closed to public observation, and the name of the person and of the bank were exempt from disclosure, by unanimous vote of the Board of Directors pursuant to subsections (c) (6) and (d) (1) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c) (6) and (d) (1)).

The Board also determined by unanimous vote that Corporation business required its consideration of the application on less than seven days' notice to the public.

FEDERAL DEPOSIT INSURANCE CORPORATION
ALAN R. MILLER,
Executive Secretary.

[S-251-77 Filed 4-25-77;9:25 am]

3

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 10:30 a.m., May 3, 1977.

PLACE: Room 6023, FDIC Building, 550 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Request pursuant to section 19 of the Federal Deposit Insurance Act for the Corporation's consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of these assets:

Case No. 43,000-L—The Hamilton Bank and Trust Company, Atlanta, Georgia.
Case No. 43,023—Farmers Bank of the State of Delaware, Dover, Delaware.
Case No. 43,034-L—First State Bank & Trust Co., Rio Grande City, Texas.
Case No. 43,035-L—Franklin National Bank, New York, New York.
Case No. 43,037-L—Franklin National Bank, New York, New York.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alen R. Miller, Executive Secretary, 202-389-4446.

[S-267-77 Filed 4-26-77;10:00 am]

4

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 10:45 a.m., May 3, 1977.

PLACE: Room 6023, FDIC Building, 550 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Application for Federal deposit insurance:

First Security Bank, to be located at 1240 Maighan Boulevard, Gadsden, Alabama.

Applications for consent to establish branches:

Capital City Bank, Hapeville, Georgia, at 5985 Roswell Road NE., Atlanta, Georgia.
American Bank & Trust Company, Baton Rouge, Louisiana, at 15348 Florida Boulevard, Baton Rouge, Louisiana.
Capital Bank & Trust Co., Baton Rouge, Louisiana, at 11920 Florida Boulevard, Baton Rouge, Louisiana.
The Seamen's Bank for Savings, New York, New York, at 5141 Sunrise Highway, Bohemia (Unincorporated Area), Town of Islip, New York.
The Bowery Savings Bank, New York (Manhattan), New York, at 2522-26 Flatbush Avenue, between Avenues U and V, Borough of Brooklyn, City of New York, New York.
Union Dime Savings Bank, New York (Manhattan), New York, at 1261 Veterans Memorial Highway, in the Village Green Shopping Center, Hauppauge (Unincorporated Area), Town of Islip, New York.
Richmond Hill Savings Bank, Richmond Hill, New York, at 150 North Main Street, southwest corner of Montauk Highway (Route 27-A) and Foster Avenue Extension, Sayville (Unincorporated Area), Town of Islip, New York.

Request for an extension of time in which to relocate a branch:

The Colonial Bank and Trust Company, Waterbury, Connecticut, for an extension of time to April 6, 1978, within which to relocate a branch from Southbury Village Shopping Center to the intersection of Routes I-84 and 67, both within Southbury, Connecticut.

Application for consent to establish four remote service facilities (electronic branches):

Niagara County Savings Bank, Niagara Falls, New York, in Super Duper Supermarkets at Pine Plaza, 8329 Pine Avenue, Niagara Falls, New York; 3861 Union Road (Unincorporated Area), Town of Cheektowage, New York; 1989 Seneca Street, Buffalo, New York; and Delaware Park Shopping Plaza, 2152 Delaware Avenue, Buffalo, New York.

Application for consent to share a remote service facility:

The Bank of Goodlettsville, Goodlettsville, Tennessee, to share a remote service facility at 100 Oaks Shopping Center, 719 Thompson Lane, Nashville, Tennessee, operated by the Third National Bank of Nashville, Nashville, Tennessee.

Application for consent to merge and establish one branch:

Bank of Madisonville, Madisonville, Tennessee, for consent to merge with Monroe County Bank, Sweetwater, Tennessee, under the charter and title of Bank of Madisonville, and to establish the sole office of Monroe County Bank as a branch of the resultant bank.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidation, or liquidating agent of those assets:

Case No. 42,995-NR—United States National Bank, San Diego, California.
Case No. 43,021-NE—United States National Bank,
Case No. 43,021-NR (Revised)—United States National Bank, San Diego, California.
Case No. 43,024-NR—United States National Bank, San Diego, California.
Case No. 43,030-SR—Franklin Bank, Houston, Texas.
Case No. 43,031-L—Franklin National Bank, New York, New York.
Case No. 43,038-L—Franklin National Bank, New York, New York.
Case No. 43,043-L—Franklin National Bank, New York, New York.
Case No. 43,044-L—Franklin National Bank, New York, New York.
Case No. 43,043-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.
Memorandum re: The First National Bank of Cripple Creek, Cripple Creek, Colorado.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

White and Steele, Denver, Colorado, in connection with the liquidation of Bank of Woodmoor, Woodmoor (P.O. Monument), Colorado.
Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., Tampa, Florida, in connection with the liquidation of The Hamilton Bank and Trust Company, Atlanta, Georgia.
Powell, Goldstein, Frazer & Murphy, Atlanta, Georgia, in connection with the liquidation of The Hamilton Bank and Trust Company, Atlanta, Georgia.
Sidley & Austin, Chicago, Illinois, in connection with the liquidation of State Bank of Clearing, Chicago, Illinois.
Cooley, Shrair, Alpert & Labovitz, D.C., Springfield, Massachusetts, in connection with the liquidation of Chicopee Bank and Trust Company, Chicopee, Massachusetts.
Daner, Freeman, McKenzie & Matthews, Mount Clemons, Michigan, in connection with the liquidation of Tri-City Bank, Warren, Michigan.
Squire, Sanders & Dempsay, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.
J. Randolph Pelzer, North Charleston, South Carolina, in connection with the liquidation of American Bank & Trust, Orangeburg, South Carolina.
Meredith & Donnell, Corpus Christi, Texas, in connection with the liquidation of Northeast Bank of Houston, Houston, Texas.

Recommendations with respect to the initiation of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(8), (c)(9)(A)(ii), and (c)(10)).

Report of the Division of Liquidation detailing all disbursements in excess of $10,000.00 and all sales of real estate properties owned, for the period February 16, 1977 through April 16, 1977, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, *Executive Secretary, 202-389-4446*

[SS-268-77 Filed 4-26-77;10:30 am]

5

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 11 a.m., May 3, 1977.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver,

liquidator, or liquidating agent of those assets:

Case No. 43,026-SR—The First State Bank, Vernon, Texas.

Case No. 43,029-NR—United States National Bank, San Diego, California.

Memorandum re: International City Bank and Trust Company, New Orleans, Louisiana.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Schall, Boudreau & Gore, Inc., San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.

Wyatt, Grafton & Sloss, Dr., Louisville, Kentucky, in connection with the liquidation of State Bank of Clearing, Chicago, Illinois.

Schumann, Hession, Kennelly & Dorment, Dr., Jersey City, New Jersey, in connection with the liquidation of First State Bank of Hudson County, Jersey City, New Jersey.

Seligman, Maynard & Co., Nassau, Bahamas, in connection with the liquidation of Franklin National Bank, New York, New York.

Taback & Hyans, Jerricho, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Boyd, Knowlton, Tata and Finley, Columbia, South Carolina, in connection with the liquidation of American Bank & Trust, Orangeburg, South Carolina.

Strasburger, Price, Kelton, Martin & Unis, Dallas, Texas, in connection with the receivership of Sharpstown State Bank, Houston, Texas.

Ross & Stevens, S.C., Madison, Wisconsin, in connection with the liquidation of Algona Bank, Algona, Wisconsin.

Recommendations with respect to the imposition of fines against certain insured State nonmember banks for the late submission of their December 31, 1976 Reports of Condition or Reports of Income.

Memorandum and resolution proposing that the dollar amount of attorneys' fee bills which can be approved by the General Counsel, pursuant to authority delegated by the Board of Directors, be increased from $4,500 to $10,000.

Freedom of Information Act appeal from the denial of a request for records pertaining to Letter of Credit No. 70-266 issued by United States National Bank, San Diego, California—In Receivership.

Recommendation regarding the payment, subject to court approval, of a sixth dividend of 10% to common creditors of Sharpstown State Bank, Houston, Texas—In Receivership.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding the transmittal of "no significant effect" competitive factor reports.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-269-77 Filed 4-26-77;10:31 am]

6

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 20881, April 22, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., April 26, 1977.

CHANGES IN THE MEETING: Addition of P-16, Docket No. ER77-232, Southern California Edison Company.

KENNETH F. PLUMB,
Secretary.

[S-266-77 Filed 4-26-77;9:50 am]

7

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Sent to FR on April 18, 1977.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., April 26, 1977.

CHANGES IN THE MEETING: Addition of P-15, Docket Nos. ER76-149 and E-9537, Public Service Company of Indiana, Inc.

KENNETH F. PLUMB,
Secretary.

[S-261-77 Filed 4-25-77;4:12 pm]

8

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Sent to FR on April 20, 1977.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., April 27, 1977.

CHANGES IN THE MEETING: The following items have been added to the agenda upon the affirmative vote of Chairman Dunham, Commissioners Smith and Watt.

G-13 Docket Nos. CP74-82 and CP74-83, Utah Gas Service Company. Docket No. CP74-158, Northwest Pipeline Corporation.

M-4 Docket No. RM-74-16, Natural Gas Companies Annual Report of Proved Domestic Gas Reserves FPC Form No. 40.

KENNETH F. PLUMB,
Secretary.

[S-260-77 Filed 4-25-77;4:12 pm]

9

AGENCY HOLDING THE MEETING: Federal Reserve System.

NOTICE OF CHANGE IN TIME OF MEETING

The time of the April 27, 1977, closed meeting of the Board of Governors of the Federal Reserve System at the Board's offices at 20th Street and Constitution Avenue, NW., Washington, D.C., has been changed from 2:30 p.m. to 9:30 a.m.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, April 25, 1977.

[S-258-77 Filed 4-25-77;3:21 pm]

10

AGENCY HOLDING THE MEETING: Foreign Claims Settlement Commission.

[Notice No. 6-77]

ANNOUNCEMENT IN REGARD TO COMMISSION MEETINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

DATE, TIME AND SUBJECT MATTER

Tuesday, May 10, 1977, at 10 a.m. Oral Hearings on objections to decisions issued under the Hungarian Claims Program.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. 20579. Telephone: 202-653-6156.

Dated at Washington, D.C. on April 25, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S-270-77 Filed 4-26-77;11:35 am]

11

AGENCY HOLDING THE MEETING: United States International Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 19953.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., April 25, 1977.

CHANGES IN THE MEETING:

Entire discussion under agenda item No. 7 on reorganization, previously an-

nounced as being part open to public observation and part closed to the public, has been closed to the public.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-257-77 Filed 4-25-77;1:32 pm]

12

AGENCY HOLDING THE MEETING: United States International Trade Commission.

ADDITIONAL AGENDA ITEMS

At its meeting of April 22, 1977, the United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with 19 C.F.R. 201.37, voted to add the following items to its agenda for the meeting of April 25, 1977:

8. Swimming pools.

9. Cattle and beef.

Comimssioners Leonard, Moore, Bedell, and Ablondi voted that Commission business requires the change in subject matter by addition of item 8, affirmed that no earlier announcement of the addition to this agenda was possible, and directed the issuance of this notice at the earliest practicable time. Commissioners Minchew and Parker did not participate in the vote. Commissioners Parker, Leonard, Moore, Bedell, and Ablondi voted that Commission business requires the change in subject matter by the addition of agenda item 9, affirmed that no earlier announcement of the addition to this agenda was possible, and directed the issuance of this notice at the earliest practicable time. Commissioner Minchew did not participate in the vote.

On the authority of 19 U.S.C. 1335 and in conformity with 19 C.F.R. 201.38(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: April 22, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[S-265-77 Filed 4-25-77;4:29 pm]

13

AGENCY HOLDING THE MEETING: United States International Trade Commission.

ADDITIONAL PERSONS EXPECTED TO BE PRESENT AT CLOSED PORTION OF MEETING OF APRIL 22, 1977

At its meeting of April 22, 1977, the Commission acting on the authority of 19 U.S.C. 1335 and in conformity with 19 C.F.R. 201.35 (b) and (e) (1), voted unanimously to amend the portion of its public notice for the meeting of April 22, 1977, which pertains to the selection of personnel under reorganization in closed session. The following person and his corresponding affiliation is added to the list of those expected to be present during the closed portion of the meeting:

Charles A. Hamilton, Assistant to Commissioner Bedell.

Issued: April 22, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[S-264-77 Filed 4-25-77;4:29 pm]

14

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 9:30 a.m., Thursday, May 5, 1977 (NM-77-7).

PLACE: Conference Rooms 8A, B, and C, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. *Letter.* To Allied Pilots Association re Nocturnal Noise Abatement Procedures at Logan International Airport.

2. *Letter.* To Senator Magnuson re S.682, a Bill to Amend the Ports and Waterways Act of 1972, Increase the Use of U.S. Vessels to Carry Imported Oil, and for Other Purposes.

3. *Recommendation.* To FAA re Testing for Alcohol in Surviving Pilots of Airplane Accidents.

4. *Discussion* re Interbureau Coordination of Safety Board Documents.

5. *Discussion* re Release of Marine Casualty Reports.

6. *Discussion* re Mass Transit Expertise.

7. *Discussion* re Release of ATC Tapes in NTSB Accident Investigations Prior to Public Hearings.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-263-77 Filed 4-25-77;4:29 pm]

15

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 2:30 p.m., Thursday, May 5, 1977 (NM-77-8).

PLACE: Conference Rooms 8A, B, and C, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. *Opinion and Order.* Administrator v. Thomas, Docket No. SE-3052; Disposition of Administrator's Appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-262-77 Filed 4-25-77;4:29 pm]

16

AGENCY HOLDING THE MEETING: The Nuclear Regulatory Commission.

DURING THE WEEK OF APRIL 25, 1977

(CHANGE NOTICE)

In accordance with the requirements of the Government in the Sunshine Act and the Commission's Rules implementing the Act, this Notice identifies additional meetings scheduled for the Week of April 25, 1977.

ADDITIONAL CLOSED MEETINGS

By unanimous vote on April 22, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e) (1) and § 9.107(a) of the Commission's Rules that Commission business requires that these agenda items be held on less than one week's notice to the public. The need for the NRC Authorization Bill meeting did not arise until April 22, and immediate discussion is required. Review time in the Adjudicatory Review expires April 27, and it had not been possible to schedule a vote meeting until today.

On Friday, April 22, 1977, the Nuclear Regulatory Commission (all members participating) voted unanimously to hold the following closed meetings:

Monday, April 25.—3:30 p.m., NRC Authorization Bill, (Authority to close: 5 U.S.C. 552b(d) (1) and 5 U.S.C. 552b(c) (9) (B) and 10 CFR §§ 9.105(a) and 9.104(a) (9)).

The meeting will include discussion of possible testimony before Congress.

Tuesday, April 26.—10 a.m., consideration of Adjudicatory Review of ALAB-390 (NEP and Seabrook). (Authority to close: 5 U.S.C. 552b(d) (1) and 5 U.S.C. 552b(c) (10) and 10 CFR §§ 9.105(a) and 9.104 (a) (10))

The meeting will involve Commission review of a formal agency adjudication. Attendees at both meetings will include the Commissioners and their staff, P. Strauss the General Counsel, and members of his office, B. Huberman, the Director of the Office of Policy Evaluation and members of his staff, S. Chilk, the Secretary, and members of his staff.

The meetings will be held in the Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: 634-1410.

Dated at Washington, D.C. this 22nd day of April, 1977.

For the Commission.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S-256-77 Filed 4-25-77;11:12 am]

17

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: 4 p.m., Monday, April 25, 1977.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of Proposed Agency Testimony on H.R. 3254 (Exemption 9).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

WALTER MAGEE,
Chief, Operations Branch.

APRIL 25, 1977.

[S-275-77 Filed 4-26-77;3:26 pm]

18

AGENCY: HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: May 2 and 3, 1977.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Some of these meetings will be open to the public; others will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

Monday, May 2.—10 a.m. Oral Argument—Houston Light and Power.

3:30 p.m. Action Plan for Implementation of State Liaison Officer (SLO) Concept.

Tuesday, May 3.—10 a.m. Discussion of Format for Final S-3 Rulemaking.

10:55 a.m. Affirmation of Commission action on: Statement of Organization & Functions for the Executive Director for Operations.

Amendment to 10 CFR Part 35: Human Uses of Byproduct Material, "Specific Licenses for Human Use of Byproduct Material in Sealed Sources."

Publication in Effective Form of 10 CFR Part 1: Statement of Organization and General Information.

Resource Requirements and Alternatives for NRC Implementation of Proposed 10 CFR 21.

Succession to Head NRC in an Emergency.

NRC and International Physical Protection Standards.

Safeguards Contingency Plans.

(The affirmations will consist of votes on matters previously reviewed individually by the Commissioners and are expected to take no more than five minutes.)

11 a.m. Briefing on Future Course of GESMO.

PORTIONS CLOSED TO THE PUBLIC

Monday, May 2.—9:30 a.m. and 1:30 p.m. Discussion of Houston Light and Power (Exemption 10).

2:30 p.m. Discussion of Commission Legislative Program (Exemption 9).

Tuesday, May 3.—1 p.m. Briefing on Possible Classified and Litigation Aspects of GESMO (if required) (Exemptions 1 and 10).

1:30 p.m. Briefing on Development of a Consistent Physical Security Approach in Export Licensing Reviews (Exemption 1).

2:30 p.m. Discussion of Commission Testimony on S. 897—Non-Proliferation Act (Exemption 9).

3:30 p.m. Discussion of Sufficiency of Safeguards (Exemptions 1, 4, 6).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

WALTER MAGEE,
Chief, Operations Branch.

APRIL 25, 1977.

[S-276-77 Filed 4-26-77;3:26 pm]

19

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 17580–3, April 1, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 21, 1977.

CHANGE IN THE MEETING: Item 12 of the April 1 notice, relating to Foreign Financial Institutions has been deleted from the calendar because the Chairman and a principal staff member were called away to testify at a congressional hearing and a criminal trial respectively.

Chairman Williams, Commissioners Loomis, Evans and Pollack voted to approve the above change.

Dated: April 21, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S-271-77 Filed 4-26-77;2:08 pm]

20

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 17580–3, April 1, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 20, 1977.

CHANGE IN THE MEETING: Item 2—Recommendation that the Commission authorize release stating its policies with respect to the release of Wells submissions under the Freedom of Information Act. Because of the need for additional staff consideration of this matter it has been deleted from the agenda.

Chairman Williams, Commissioners Loomis, Evans and Pollack voted to approve the above change.

Dated: April 19, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S-272-77 Filed 4-26-77;2:08 pm]

21

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Wednesday, May 4, 1977 at 10 a.m. (originally scheduled for May 5, 1977).

PLACE: 1325 K Street, NW., Washington, D.C. 20463.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTION OF MEETING OPEN TO THE PUBLIC

I. Future meetings.

II. Correction and approval of minutes of April 21, 1977.

III. Certification for matching funds.

IV. Advisory opinions. A. AO 1977–13 (if not finalized on April 28). B. AO 1977–15.

V. Budget Execution Report.

VI. FEC computer program recommendations.

PORTION OF MEETING CLOSED TO THE PUBLIC

VII. Executive Session. A. Compliance matters. B. Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone: 202–523–4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-273-77 Filed 4-26-77;2:03 pm]

22

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

THE CAB WILL MEET

TIME AND DATE: 10 a.m.—April 28, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 1. Docket 30310, Petition of Air Illinois, Inc. et al. for rulemaking to establish simplified certification process for commuter air carriers.

2. Petition of Allegheny Airlines Inc. for review of staff action denying authority to operate a series of single entity "gambling" flights.

3. Docket 29096, Application of Ozark Air Lines, Docket 29489, Application of Bahamas Amusements, Ltd., Petition for reconsideration of Order 76–3–86.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

[S-283-77 Filed 4-26-77;4:41 pm]

23

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

THE CAB WILL MEET

TIME AND DATE: 10 a.m.—May 3, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Docket 29648, Application of Air New England for an amendment of its certificate to effect a formal distinction between it and the trunkline and local service carriers.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

[S-284-77 Filed 4-26-77;4:41 pm]

federal register

THURSDAY, APRIL 28, 1977

PART II

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

■

FROZEN STRAWBERRIES; CANNED CLINGSTONE PEACHES AND TABLE MAPLE SIRUP

United States Standards for Grades

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN STRAWBERRIES[1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This second proposed rule would change the grading standards for frozen strawberries. This action is being taken at the request of the American Frozen Food Institute. The effect of this second proposal would be to extend the time for comments to previously proposed changes in the standards.

DATE: Comments, in duplicate, must be received on or before October 30, 1977.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be available for public review at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-4693).

SUPPLEMENTARY INFORMATION:

EDITORIAL NOTE.—Food Safety and Quality Service intends to establish a new Chapter XXVIII in Title 7 of the Code of Federal Regulations. When this proposed rule is adopted, it will be recodified in Part 2852 of Title 7, Chapter XXVIII.

A notice of proposed rulemaking to revise the United States Standards for Grades of Frozen Strawberries was published in the FEDERAL REGISTER of July 9, 1976 (41 F.R. 28291). Interested persons were given until August 31, 1976 to submit written data, views, and comments regarding the proposal.

Comments were received from eight persons representing two frozen strawberry processors, five individual consumers, and one national association regarding the proposal.

Comments from two of the consumers expressed agreement with the more restrictive requirements proposed for disintegrated and mushy strawberries. One of these favored the attributes approach on the basis that it provides for a greater degree of reliability for acceptance sampling. Three consumers expressed concern regarding artificial coloring in frozen strawberries. Neither the current USDA grade standards for frozen strawberries nor the proposed revision provides for the addition of artificial or natural coloring.

The two frozen strawberry processor representatives opposed the attributes concept, basically on the grounds that it is too complicated. Some of the objections raised by one of these pertained to the International Standards for Quick Frozen Strawberries issued by the Codex Alimentarius Commission FAO/WHO and the proposed standards of identity and quality published by the Federal Food and Drug Administration. The subject matter objected to was not a part of the proposed USDA grade standard for frozen strawberries.

The comment from the national association, The American Frozen Food Institute, which represents the majority of the frozen strawberry packers in the United States suggested a second proposal be published to give interested persons additional time to become familiar with the attributes concept and to study the proposed changes. The justification offered was that the period from July 9, 1976, to October 31, 1976, was not adequate for a reliable study since the season for the production of frozen strawberries was over in many areas before or shortly after the July 9, 1976, publication date of the proposal.

After careful consideration of all comments received pertaining to the first proposed revision the Department is offering a second proposal to give interested persons additional time to become familiar with the attributes concept and study the proposed changes. The second proposal is basically the same as the first except for some minor editorial changes and except that the character factor for the styles of halved and sliced is made a prerequisite quality factor instead of a classified defect. The acceptable quality levels (AQL's) have been adjusted slightly from the first proposal to make the lot inspection plan and the on-line inspection plan more compatible. In addition a separate compliance procedure for unofficial samples would be added.

The proposed revision of §§ 52.1981–52.1989 is as follows:

Subpart—United States Standards for Grades of Frozen Strawberries

Sec.
52.1981 Product description.
52.1982 Styles.
52.1983 Definition of terms.
52.1984 Sample unit size.
52.1985 Grades.
52.1986 Factors of quality and grade compliance.
52.1987 Sample size.
52.1988 Compliance with quality requirements.
52.1989 Compliance for unofficial samples.

* * * * *

AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090, as amended; 7 U.S.C. 1622, 1624.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

§ 52.1981 Product description.

Frozen strawberries means the product represented as defined in the proposed Standards of Identity for Frozen Strawberries which were published in the FEDERAL REGISTER of October 4, 1974 (39 FR 35809) pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1982 Styles.

(a) *"Whole"* means frozen strawberries that are essentially intact.

(b) *"Sliced"* means frozen strawberries produced by slicing whole strawberries into slices such that the majority of the slices have two approximately parallel cut surfaces.

(c) *"Halves"* means frozen strawberries that have been cut into two approximately equal parts.

§ 52.1983 Definition of terms.

(a) *Absolute Limit (AL)*. Limit for maximum number of defects permitted in a sample unit.

(b) *Acceptable Quality Level (AQL)*. A nominal value expressed in percent defective or defects per hundred units, whichever is applicable, specified for a given class of defects such that the sampling plan will result in acceptance of 95 percent of submitted inspection lots containing the percentage of defective items or defects per hundred units.

(c) *Acceptance Limit* (denoted by the symbol "L"). As used in the cumulative sum (Cusum) sampling plans, acceptance limit is the maximum allowable accumulation of defects exceeding the sample unit tolerance (T) in any sample unit or any consecutive number of sample units.

(d) *Character*. Character refers to the firmness, the degree of seediness, and degree of disintegration.

(1) *Disintegrated*. Means—

(i) With respect to whole strawberries:

(A) A whole strawberry that is smashed or crushed to the extent that it has completely lost resemblance to its orginal conformation due to crushing; or

(B) A whole strawberry that is so soft as to be a pulpy mass.

(ii) With respect to halved and sliced style, mushy units or portions thereof that are so soft as to be a pulpy mass or have separated into small pieces which have no conformation.

(2) *Seedy*. Means a strawberry in which the seeds have become abnormally enlarged and are present in such quantity as to materially affect the eating quality.

(e) *Chips*. In whole strawberries means a portion or small piece that has been broken or severed from a whole strawberry and is approximately one fourth or less of an average apparent whole strawberry.

(f) *Color*. Color refers to the degree of redness of the individual strawberries characteristic of the variety, and to the brightness and overall color appearance of the sample unit.

(1) *Well colored*. The outer uncut surface of the individual strawberry units is a pinkish-red to intense red color and free from any grayish or brownish cast. Such color includes the whitish or light colored areas around the stem cavity that do not extend over the shoulder of the strawberries.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

(2) *Fairly well colored.* The outer uncut surface of the individual strawberry units is a reddish-pink to pale pink, and may possess a slight grayish or brownish cast. Such units may possess white, pinkish-white or green areas that do not exceed 25 percent of the outer uncut surface area, exclusive of the stem cavity, in the case of whole strawberries and 50 percent of the outer uncut surface in the case of sliced or halved strawberries.

(3) *Partially uncolored (whole strawberries only).* Not less than 25 percent and not more than 75 percent of the outer uncut surface is a white, pinkish-white or green color.

(4) *Completely uncolored (whole strawberries only).* More than 75 percent of the outer uncut surface is a white, pinkish-white or green color.

(5) *Uncolored (sliced, halved).* Fifty percent or more of the outer uncut surface is a white, pinkish-white or green color.

(6) *Materially darkened.* Strawberries that are materially darkened due to over-maturity and are a blackish-red or brownish-red color.

(g) *Cumulative sum sampling plan* (denoted by the term "Cusum"). An on-line sampling plan which accumulates number of defects in a sample that exceed a specific sample unit tolerance. A portion of production is acceptable (meets grade requirements) if the cumulative sum of defects that exceed the sample unit tolerance does not exceed the specified acceptance limit.

(h) *Damaged (other than mechanical damage).* A strawberry, or portion thereof, that is damaged by sunburn, insect bites or bird pecks to the extent that the appearance or eating quality is materially affected.

(i) *Defects.* Any specifically defined variation from a particular requirement. Defects are classified as "minor" "major", "severe" and "critical".

(j) *Extraneous vegetable material (measurable by area).* Harmless vegetable substances such as calyces and leaves or portions thereof.

(k) *Extraneous vegetable material (not measurable by area).* Harmless vegetable substances such as strawberry vines, weeds, weed seeds, grass and any portions thereof.

(l) *Grit, sand or silt.* Any particles of earthly material.

(m) *Mechanical damage.* In the case of whole strawberries means a unit that is less than 90 percent intact but not less than 25 percent of an apparent whole strawberry.

(n) *Not normally developed.* A strawberry or portion thereof that is affected by a hard, seedy or deformed end to the extent that the appearance or eating quality is adversely affected:

(1) Materially; or

(2) Seriously.

(o) *Sample.* The number of sample units to be used for inspection of a lot.

(p) *Sample unit.* The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container; or

(2) A portion of the contents of a container; or

(3) A combination of the contents of two or more containers; or

(4) A portion of unpacked product.

(q) *Sample unit tolerance* (denoted by the symbol "T"). As used in the cumulative sum (CUSUM) sampling plans is the allowable number of defects in any sample unit.

(r) *Small size strawberry.* Means a strawberry of which the greatest dimension measured at right angles to a straight line extending from the stem to the apex is less than 16 mm (0.62 in).

(s) *Stem.* A stem that attaches the strawberry to the plant that is either loose or attached and is longer than 3 mm (0.12 in).

(t) *Unit.* A whole strawberry or half or slice of a strawberry.

§ 52.1984 Sample unit sizes.

(a) Compliance with requirements for factors of quality and style (whole style only) is based on the following sample unit sizes:

(1) Whole strawberries with or without a packing medium—100 berries.

(2) All other styles—650 g (22.9 oz) total product (Strawberries plus packing medium).

(b) In the style of whole, each piece of a disintegrated and mechanically damaged berry is counted as one berry—pieces are not reassembled to an apparent whole berry.

(c) Chips, in whole style, detached stems and other extraneous material are not included in the count or weight of the sample unit size. Such chips and extraneous material are considered part of the sample unit:

(1) When they are in a container whose entire contents are included in the sample unit;

(2) When they are in the last of several containers included in the sample unit and 50 percent or more of the contents are required for the sample unit. None of the chips and extraneous material in the last of several containers is considered part of the sample unit when less than 50 percent of its contents are required for the sample unit; and

(3) When they are commingled with all of the product required for the sample unit and such product is taken from, but is not the entire contents of a single container.

§ 52.1985 Grades.

(a) *"U.S. Grade A"* is the quality of frozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass possess a bright, overall color appearance;

(iii) Are practically free from grit, sand or silt;

(iv) In whole style, have not more than 5 cm^2 (equivalent of 1 cm×5 cm or 0.775 sq in) of extraneous vegetable material, and in sliced and halved styles, not more than 2.5 cm^2 (equivalent of 1 cm× 2.5 cm or 4.388 sq in) of extraneous vegetable material;

(v) In sliced and halved styles, have not more than 65 g (2.29 oz) of disintegrated and seedy berries; and

(vi) In whole style, have not more than 12 g (.4 oz) of chips;

(2) With respect to whole style the number of "small size" berries does not exceed the Absolute Limit (AL value) and/or acceptance values in table I in the case of lot inspection, or in table Ia, in the case of on-line inspection; and

(3) Is within the limits for defects as classified in table II or III and specified for Grade A in table IV or V as applicable for the styles, in the case of lot inspection, or table IVa, or Va in the case of on-line inspection.

(b) *"U.S. Grade B"* is the quality of grozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass possess a reasonably good overall color appearance;

(iii) Are reasonably free from grit, sand or silt;

(iv) In whole style, have not more than 12 cm^2 (equivalent of 1 cm×12 cm or 1.86 sq in) of extraneous vegetable material, and in sliced and halved styles, not more than 5 cm^2 (equivalent of 1 cm×5 cm or 0.775 sq in) of extraneous vegetable material;

(v) In sliced and halved styles, have not more than 162.5 g (5.74 oz) of disintegrated and seedy berries; and

(vi) In whole style, have not more than 25 g (.9 oz) of chips; and

(2) Is within the limits for defects as classified in table II or III and specified for grade B in table IV or V as applicable for the style, in the case of lot inspection, or in table IVa or Va in the case of on-line inspection.

(c) *"U.S. Grade C"* bulk pack intended for remanufacture only (in containers with more than 2.7 kg (6 lb) net weight) is the quality of frozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass possess a fairly good overall color appearance;

(iii) Are fairly free from grit, sand or silt;

(iv) In whole style, have not more than 13 cm^2 (equivalent of 1cm×13 cm or 2.02 sq in) of extraneous vegetable material, and in sliced and halved styles, not more than 7 cm^2 (equivalent of 1 cm×7 cm or 1.09 sq in) of extraneous vegetable material;

(v) In sliced and halved styles, have not more than 260 g (9.19 oz) of disintegrated and seedy berries; and

(vi) In whole style, have not more than 125 g (4.4 oz) of chips; and

(2) Is within the limits for defects as classified in table II or III and specified for grade C in table IV or V as applicable for the style, in the case of lot inspection, or in table IVa or Va in the case of on-line inspection.

(d) *"Substandard"* is the quality of frozen strawberries that fail to meet the requirements for "U.S. Grade B" (consumer pack containers 2.7 kg (6 lb) or less) or "U.S. Grade C" (bulk pack intended for remanufacturing only in containers with more than 2.7 kg (6 lb) net weight).

§ 52.1986 Factors of quality and grade compliance.

(a) *Factors of quality.* The grade of a lot of frozen strawberries is based on compliance with requirements for the following quality factors:

(1) Flavor and odor (a prerequisite);

(2) Size (for whole style in Grade A only with respect to small size strawberries);

(3) Freedom from grit, sand, or silt (a prerequisite);

(4) Overall color appearance as a mass (a prerequisite);

(5) Color (individual units);

(6) Workmanship;

(7) Character (a prerequisite for halved and sliced style); and

(8) Chips (a prerequisite for whole style).

(b) *Grade compliance.* Defects are classified as minor, major, severe or critical in table II or III as applicable. Each "X" mark represents one defect. Compliance with requirements for the various grade classifications are specified in table I, IV, V, Ia, IVa, Va, VI, VII or VIII as applicable.

TABLE I.—*Allowances for "small size" whole strawberries (grade A only) sample unit size, 100 berries lot inspection*

Absolute limit (AL)		9
Number of sample units	Number of berries	Number "small size" berries
3	300	15
6	600	27
13	1,300	53
21	2,100	82
29	2,900	110
38	3,800	142
48	4,800	177
60	6,000	218
Acceptable quality level (AQL)		3.25

TABLE Ia.—*CUSUM Sampling plan on-line inspection*

	Allowances for "small size" berries	
	T	L
	4	3
AQL	3.25	

TABLE II.—*Classification of defects, whole*

Quality factors	Defects	Classification		
		Minor	Major	Severe
Color	Fairly well colored (in grades A and B)	X		
	Partially uncolored and materially darkened		X	
	Completely uncolored			X
Workmanship	Not normally developed (affected):			
	Materially		X	
	Seriously			X
	Damaged (other than mechanical)		X	
	Stems		X	
	Extraneous vegetable material: Not measurable by area			X
	Mechanical damage	X		
Character	Disintegrated berries; seedy berries	X		

TABLE III.—*Classification of defects, halved, sliced*

Quality factors	Defects	Classification		
		Minor	Major	Severe
Color	Fairly well colored (in grades A and B only)	X		
	Uncolored and materially darkened		X	
Workmanship	Not normally developed (affected):			
	Materially		X	
	Seriously			X
	Damaged			X
	Stems			X
	Extraneous vegetable material: Not measurable by area			X

TABLE IV.—*Grade compliance, whole lot inspection*

		Grade A			Grade B			Grade C		
Absolute limit (AL)		23	10	6	42	23	10	50	28	17
Number of sample units	Number of units	Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
3	300	48	18	8	93	48	18	115	59	32
6	600	89	32	14	183	89	32	221	112	59
13	1,300	183	64	27	382	183	64	463	232	121
21	2,100	289	99	41	606	289	99	736	366	189
29	2,900	394	134	54	829	394	134	1,008	499	257
38	3,800	511	172	69	1,079	511	172	1,312	649	333
48	4,800	640	215	86	1,355	640	215	1,649	814	416
60	6,000	795	266	105	1,686	795	266	2,053	1,011	516
Acceptable quality level (AQL)		12.50	4.0	1.50	27.0	12.50	4.0	33.0	16.0	8.0

[1] Total=Minor plus major plus severe.

TABLE IVa.—*Cusum sampling plan on-line inspection*

	Grade A						Grade B						Grade C					
	Total[1]		Major		Severe		Total[1]		Major		Severe		Total[1]		Major		Severe	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	14	7	5	3	2	2	30	10	14	7	5	3	36	12	18	8	9	5
AQL	12.50		4.0		1.50		27.0		12.50		4.0		33.0		16.0		8.0	

[1] Total=minor plus major plus severe.

TABLE V.—*Grade compliance lot inspection sliced; halved (color; workmanship)*

			Grade A			Grade B			Grade C		
Absolute limit (AL)			23	14	12	47	26	23	42	36	28
No. of sample units	Weight of product		Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
	Grams	Ounces									
3	1,950	69	59	26	21	107	54	49	96	81	69
6	3,900	138	112	49	38	205	102	91	184	153	112
13	8,450	299	232	98	75	428	210	188	385	319	232
21	13,650	482	366	153	117	650	331	296	611	506	366
29	18,850	666	499	208	159	900	451	403	833	692	499
38	24,700	873	649	269	205	1,211	586	523	1,086	899	649
48	31,200	1,102	814	336	255	1,522	734	655	1,365	1,129	814
60	39,000	1,378	1,011	416	316	1,894	912	814	1,698	1,404	1,011
Acceptable quality level (AQL)			10.0	4.0	3.0	19.0	9.0	8.0	17.0	14.0	10.0

[1] Total=minor plus major plus severe.

TABLE Va.—*Cusum sampling plan on-line inspection*

	Grade A						Grade B						Grade C					
	Total[1]		Major		Severe		Total[1]		Major		Severe		Total[1]		Major		Severe	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	18	8	8	4	6	4	32	11	16	7	14	7	30	10	24	9	18	8
AQL	10.0		4.0		3.0		19.0		9.0		8.0		17.0		14.0		10.0	

[1] Total=minor plus major plus severe.

§ 52.1987 Sample size.

The sample size to determine compliance with requirements for the prerequisites specified in § 52.1985 and other quality factors shall be as specified in the sampling plan in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§ 52.1–§ 52.83).

§ 52.1988 Compliance with quality requirements.

(a) *Lot inspection.* A lot of frozen strawberries is considered as meeting the requirements for quality if:

(1) The requirements for the prerequisite quality factors specified in § 52.1985 for the applicable grade are met;

(2) The number of defects does not exceed the AL value and the cumulative acceptance values for the various classifications specified in table IV or V, as applicable for the style; and

(3) In the case of whole style for grade A only, the number of "small size" berries does not exceed the AL value and the cumulative acceptance value specified in table I.

(b) *On-line inspection.* A production or any portion is considered as meeting requirements for quality if:

(1) The requirements for the prerequisite quality factors specified in § 52.1985 for the applicable grade are met;

(2) The "L" values in table IVa or Va, as applicable for the style, are not exceeded; and

(3) In the case of whole style for the grade A only, the number of "small size" berries does not exceed the "L" value in table Ia.

§ 52.1989 Compliance for unofficial samples.

(a) Compliance for unofficial sample units submitted for quality evaluation will be treated individually and each sample unit must comply with the allowance values for "small size" berries in whole style in paragraph (b) and for grade in paragraph (c) and (d) of this section. The sample unit size shall be as specified in § 52.1984.

(b) Compliance with "small size" berries—whole style—Grade A only.

TABLE VI.—*Size (whole—grade A only)*

	Number of units	Allowance for small size berries
Each sample unit	100	4

(c) Compliance for grade (Whole).

TABLE VII.—*Whole*

	Number of units	Grade A			Grade B			Grade C		
		Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
Each sample unit	100	14	5	2	30	14	5	36	18	9

[1] Total=minor plus major plus severe.

(d) Compliance for grade (sliced; halved).

TABLE VIII.—*Sliced; halved (color; workmanship)*

	Weight of product		Grade A			Grade B			Grade C		
	Grams	Ounces	Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
Each sample unit	650	22.9	18	8	6	32	16	14	30	21	18

[1] Total=minor plus major plus severe.

WILLIAM T. MANLEY,
Acting Deputy Administrator Commodity Operations.

[FR Doc.77-11874 Filed 4-27-77;8:45 am]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED CLINGSTONE PEACHES[1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would change the grading standards for canned clingstone peaches. This action is being taken at the request of the Canners League of California. The effect of this proposal would be to improve the standards.

DATE: Comments, in duplicate, must be received on or before March 1, 1978.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250. Comments available for public review at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-4693).

SUPPLEMENTARY INFORMATION:

EDITORIAL NOTE.—Food Safety and Quality Service intends to establish a new Chapter XXVIII in Title 7 of the Code of Federal Regulations. When this proposed rule is adopted, it will be recodified in Part 2852 of Title 7, Chapter XXVIII.

A proposed revision of the United States Standards for Grades of Canned Clingstone Peaches, which would convert the current score points variable-type standard to an attributes standard based on statistical principles, was suggested by the standards committee of the Canners League of California. This request is based on the results of a comprehensive study of a preliminary draft of an attributes grade standard for canned clingstone peaches, also requested by the aforementioned standards committee, conducted by the Department of Agriculture in 1976.

In compliance with the request from the standards committee, the Department is proposing a revision of the United States Standards for Grades of Canned Clingstone Peaches which would:

1. Convert the current score points variables standard to an attributes standard based on statistical principles;

2. Eliminate the score points since the attributes approach is a go no-go approach;

3. Eliminate the alternate grade nomenclature of "Fancy," "Choice" and "Standard" from the various grade classifications, retaining only the letter grades of U.S. Grade A, B, and C;

4. Provide for two separate inspection plans—one designed specifically for fixed lot inspection (after the product has been produced) and one designed specifically for on-line inspection (during production). The two cannot be used interchangeably but are both set to the same quality levels for each grade classification;

5. Eliminate minimum size requirements for individual units of halves and quarters;

6. Eliminate the maximum size variation requirements for the styles of whole, halves, and quarters in Grade C only. Size variation requirements would be retained for Grades A and B;

7. Change size variation requirements for the styles of whole, halves, and quarters in Grades A and B from a weight basis to a diameter basis since peaches are sized according to diameters rather than weight;

8. Provide for various defect classifications according to severity on frequency of occurrence classified as minor, major, severe, and critical, with descending allowances starting with the more liberal allowances for less severe or minor defects to more restrictive allowances for the more severe defects; and

9. Provide for separate acceptance criteria for unofficially submitted samples. These are single sample units that do not represent a lot.

The standards committee has requested at least one year from date of publication of the proposal to become acquainted with the new attributes concepts and evaluate its effect on production and quality control operations.

The proposed revision of §§ 52.2561–52.2564 and §§ 52.2569–52.2575 is as follows:

Sec.
52.2561 Product description.
52.2562 Styles.
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(AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090; 7 U.S.C. 1622, 1624).

§ 52.2561 Product description.

Canned clingstone peaches is the product represented as defined in the standard of identity for canned peaches (21 CFR 27.2 and 27.6) issued pursuant to the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this subpart, and unless the text indicates otherwise, the terms "canned peaches" or "canned clingstone peaches" include "canned yellow clingstone peaches," "canned spiced yellow clingstone peaches," canned "solid-pack yellow clingstone peaches" and "canned artificially sweetened yellow clingstone peaches" as defined in the aforesaid standards of identity.

§ 52.2562 Styles.

(a) "Halves" or "Halved" consists of peeled and pitted peaches cut approximately in half along the suture from stem to apex.

(b) "Halves and pieces" consists of peeled and pitted peaches in which the halves will be more than 50 percent, by weight.

(c) "Quarters" or "Quartered" consists of halved peaches cut into two approximately equal parts.

(d) "Slices" or "Sliced" consists of peeled and pitted peaches cut into wedge-shaped sectors.

(e) "Dice" or "Diced" consists of peeled and pitted peaches cut into cube-like parts.

(f) "Whole" consists of peeled, unpitted whole peaches with or without stems removed.

(g) "Pieces" or "Irregular pieces," or "Mixed pieces of irregular sizes and shapes," consists of peeled, pitted peaches of irregular sizes and shapes.

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[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

§ 52.2563 Definitions of terms and symbols.

(a) *Absolute limit (AL)*. Means the maximum number of defects permitted in a sample unit.

(b) *Acceptable Quality Level (AQL)*. Means the maximum percent defective units or the maximum number of defects per hundred units that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(c) *Acceptance Limit* (denoted by the symbol "L") as used in the cumulative sum (Cusum) sampling plans, is the maximum allowable accumulation of defects exceeding the sample unit tolerance (T) in any sample unit or any consecutive number of sample units.

(d) *Blemished* means any unit which is affected by scab, hail injury, or discoloration to the extent that the appearance or eating quality is affected:

(1) Not more than slightly;

(2) Materially; or

(3) Seriously.

(e) *Character* refers to the texture and tenderness of the product as follows:

(1) *Good character*. (i) *Halves; halves and pieces; quarters; sliced; pieces or irregular pieces*. The units possess at least a reasonably tender and fleshy texture typical of properly prepared and processed peaches and may be no more than slightly frayed.

(ii) *Diced*. The product generally possesses at least a reasonably tender texture typical of properly prepared and processed peaches; the units are intact and not excessively frayed.

(iii) *Whole*. The units possess a texture typical of properly prepared and processed peaches; the units are at least reasonably tender or the tenderness may be variable within the unit; the units may be slightly hard or slightly soft but are not mushy.

(2) *Fairly good character*. (i) *Halves; halves and pieces; quarters; sliced; pieces or irregular pieces*. The units possess a texture typical of properly prepared and processed peaches; the units may be fairly fleshy and fairly tender and may lack uniformity of tenderness. The units may be soft and/or frayed or may be markedly firm, but not excessively so.

(ii) *Diced*. The product generally possesses a fairly tender texture typical of properly prepared and processed peaches. The units are intact and not excessively frayed.

(iii) *Whole*. The units possess a fairly tender texture typical of properly prepared and processed peaches, the units may be lacking in uniformity of tenderness and may be markedly firm or markedly ragged or soft.

(3) *Poor character*. (All styles). The units are excessively soft or mushy or are excessively hard.

(f) *Color*. (1) *General*. The color of canned clingstone peaches other than canned "spiced" peaches refers to the predominant and characteristic color on the surface of whole units, and the outside surfaces of other units, except the cut surfaces of such units are also considered when adversely affected by discoloration. Units other than whole on which the pit cavity is abnormally discolored are considered as blemished.

In canned spiced peaches the color shall be normal.

(2) *Good color* means peach units that are equal to or better than light orangish-yellow. The units may possess slight discoloration due to oxidation, pigmentation, or other causes that do not more than slightly affect the appearance or edibility, or both, of the product. With respect to the overall color appearance means the color of the sample unit as a whole is bright and no more than slightly affected by oxidation, pigmentation, or other causes.

(3) *Fairly good color* means peach units that may fail to meet minimum color requirements for "good color" but are equal to or better than greenish-yellow. The units may possess slight discoloration due to oxidation, pigmentation, or other causes which materially affect the appearance or edibility, or both, of the product. With respect to the overall color appearance means the color of the sample unit as a whole is bright and is materially affected by oxidation, pigmentation, or other causes.

(4) *Poor color* means peach units that may fail to meet minimum color requirements for "fairly good color." The units may possess discoloration due to oxidation, pit pigmentation, or other causes which seriously affect the appearance or edibility, or both, of the product. With respect to the overall color appearance means the color of the sample unit as a whole is seriously affected by oxidation, pigmentation, or other causes.

(g) *Crushed or broken* in the styles of whole, halves, and quarters means:

(1) A unit is "crushed" if the unit has definitely lost its normal shape and is crushed not due to ripeness; and

(2) A unit is "broken" if severed into definite parts; units in halves style that are split from the edge to the pit cavity are not considered broken. Two or more portions of broken units are reassembled to approximate one full size unit and counted as one unit.

(h) *Cumulative sum sampling plan* (denoted by the term "Cusum") is an on-line sampling plan which accumulates the number of defects in a sample that exceed a specific sample unit tolerance. A portion of production is acceptable (meets grade requirements) if the cumulative total of defects does not exceed the specified acceptance limit.

(i) *Defect* means any specifically defined variation from a particular requirement.

(j) *Deviant*, as applied to these standards, means any container that fails to meet the lower limit for drained weights.

(k) *Extrancous vegetable material*. (1) *Small pieces* means long stems, pieces of twigs not more than 51 mm (2.0 in) in length, or leaf material or portions thereof.

(2) *Short stem* means the woody stem which attaches the peach to the twig of the tree and is 3 mm (0.12 inch) to 10 mm (0.39 inch) in length. Dark brown stems less than 3 mm (0.12 inch) in length are also considered as short stems. The small "collar" that may remain on the stem end of the peach should not be considered as extraneous vegetable material unless the overall appearance of the unit is definitely affected.

(l) *Mechanical damage*. (1) *Partial slice* in the style of slices is a unit that has had a semblance of a slice with respect to thickness and shape but is less than three-fourths of an apparent full slice and that does not bear marks of crushing. In determining the number of partial slices, the aggregate of two or more pieces to approximate the equivalent of an average full size slice shall be considered as one unit.

(2) *Detached piece* in the style of halves and quarters is a piece which has the appearance of a slice resulting from an off-suture cut or improper cutting and which is not attached to the half or quarter from which cut.

(3) *Gouges* means holes or gouges that do not destroy the normal configuration of the unit but adversely affect the appearance of the unit:

(i) Not more than slightly;

(ii) Materially; or

(iii) Seriously.

(4) *Off-suture cut* in the styles of halves and quarters is a unit which has been cut at a distance from the suture greater than 10 mm (0.39 inch) at the widest measurement and the appearance is affected:

(i) Not more than slightly;

(ii) Materially; or

(iii) Seriously.

(5) *Partially detached piece* in the style of halves and quarters is a piece which has the appearance of a slice resulting from an off-suture cut or that is less than 10 mm (0.39 inch) at the widest measurement and that is attached to the half or quarter from which cut, but is detached more than one-third of the length of the half or quarter along the suture approximately parallel with the suture.

(6) *Trim* means a unit in the styles of whole, halves, and quarters which the outside surface of the unit is trimmed to the extent that the contour of the unit is affected:

(i) Not more than slightly;

(ii) Materially; or

(iii) Seriously.

(m) *Peel* means the outer layer which adheres to the peach flesh or is found loose in the container and that is normally removed in the peeling process.

(n) *Sample* means any number of sample units to be used for inspection of a lot.

(o) *Sample unit* means the entire contents of a container, a portion of the contents of a container, or a combination of the contents of two or more containers as specified to be used for inspection.

(p) *Sample unit tolerance* (denoted by the symbol "T") as used in the cumulative sum (Cusum) sampling plans, is the allowable number of defects in any sample unit.

(q) *Shelly*, in the styles of halves, quarters, and slices means a unit in which the pit cavity has been trimmed to such an extent as to leave the unit only fairly fleshy.

(r) *Slab*, in the style of slices, means an irregularly shaped unit resulting from the slicing operation that materially deviates from the normal shape of a wedge-shaped sector.

(s) *Sliver*, in the style of slices, means any unit that weighs 3 grams (0.12 ounce) or less.

(t) *Unit* means one whole, half, quarter, slice, dice, or piece as applicable for the style.

§ 52.2564 Sample unit sizes.

(a) *Factors of quality*. Compliance with requirements for factors of quality is based on the following sample unit sizes for the respective style.

(1) Halves; Quarters; 30 units.

(2) Whole; 25 units.

(3) Sliced; 50 units or 100 units.

(4) Diced; 283 grams (10 ounces).

(5) Halves and pieces; Pieces or irregular pieces, 1132 grams (40 ounces).

NOTE.—§ 52.2565 through § 52.2568 not under study.

§ 52.2569 Grades.

(a) *"U.S. Grade A"* is the quality of canned clingstone peaches that:

(1) Meets the following prerequisites in which the peaches:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Are practically free from pit material except for whole style;

(iv) Have a bright over-all good color appearance as a mass;

(v) Have a good character such that the number of units that possess fairly good character does not exceed the following:

(*a*) Whole; Halves; and Quarters, 1 unit;

(*b*) Sliced—50 units sample size, 3 units; 100 units sample unit size, 5 units;

(*c*) Halves and Pieces; and Pieces or irregular pieces, 2 units;

(*d*) Diced—the number of units of fairly good character no more than slightly affects the eating quality;

(vi) Do not exceed the aggregate area of peel specified for the style as follows:

(*a*) Whole—5.3 cm^2 (0.82 in^2);

(*b*) Halves: 30 unit sample unit size 5.3 cm^2 (0.82 in^2);

(*c*) Quarters—30 unit sample unit size 2.6 cm^2 (0.4 in^2);

(*d*) Sliced—50 unit sample unit size, 1.8 cm^2 (0.28 in^2); 100 unit sample unit size, 3.5 cm^2 (0.54 in^2);

(*e*) Diced—0.8 cm^2 (.12 in^2);

(*f*) Halves and Pieces; Pieces or irregular pieces, 3.2 cm^2 (.50 in^2).

(vii) In sliced style the units are at least reasonably uniform in size and shape.

(2) Are within the limits for defects as classified in Table I and specified in Tables II, III, IV, V, VI, VII, VIII, and IX or IIa, IIIa, IVa, Va, VIa, VIIa, VIIIa, or IXa, or alternates thereof as applicable for the style.

(b) *"U.S. Grade B"* is the quality of canned clingstone peaches that:

(1) Meets the following prerequisites in which the peaches:

(1) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Are practically free from pit material except for whole style;

(iv) Have a bright overall color appearance as a mass;

(v) Have a reasonably good character such that the number of units that possess fairly good character does not exceed the following:

(*a*) Whole; Halves; Quarters, 3 units;

(*b*) Sliced—50 units sample unit size, 5 units, 100 units sample unit size, 10 units;

(*c*) Halves and pieces; Pieces or irregular pieces, 5 units;

(*d*) Diced—The number of units of fairly good character does not materially affect the eating quality.

(vi) Do not exceed the aggregate area of peel specified for the style as follows:

(*a*) Whole—21.3 cm^2 (3.3 in^2);

(*b*) Halves; 30 unit sample unit size, 21.3² (3.3 in^2);

(*c*) Quarters—30 unit sample unit size, 10.6 cm^2 (1.6 in^2);

(*d*) Sliced—50 unit sample unit size, 7.0 cm^2 (1.1 in^2); 100 unit sample unit size, 14.0 cm^2 (2.2 in^2);

(e) Diced—3.1 cm^2 (.48 in^2);

(*f*) Halves and pieces; Pieces or irregular pieces, 12.3 cm^2 (1.9 in^2).

(vii) In sliced style the units are at least reasonably uniform in size and shape;

(2) Are within the limits for defects as classified in Table I and specified in Tables II, III, IV, V, VI, VII, VIII, or IX, or IIa, IIIa, IVa, Va, VIa, VIIa, VIIIa, or IXa, or alternates thereof as applicable for the style.

(c) *"US. Grade C"* is the quality of canned clingstone peaches that:

(1) Meets the following prerequisities in which the peaches:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Are practically free from pit material except for whole style;

(iv) Have a fairly bright overall color appearance as a mass;

(v) Have a fairly good character such that the number of units that possess poor character does not exceed the following:

(*a*) Whole; Halves; Quarters, 3 units;

(*b*) Sliced—50 unit sample unit size, 5 units; 100 unit sample unit size, 10 units;

(*c*) Halves and pieces; Pieces or irregular pieces, 5 units;

(*d*) Diced—The number of units of poor character does not seriously affect the eating quality;

(vi) Do not exceed the aggregate area of peel specified for the style as follows:

(*a*) Whole—45.0 cm^2 (7.0 in^2);

(*b*) Halves—30 unit sample unit size, 45.0 cm^2 (7.0 in^2);

(*c*) Quarters—30 unit sample unit size, 22.5 cm^2 3.5 in^2);

(*d*) Sliced—50 unit sample unit size, 14.8 cm^2 (2.3 in^2); 100 unit sample unit sample unit size, 29.7 cm^2 (4.6 in^2);

(*e*) Diced—6.8 cm^2 (1.1 in^2);;

(*f*) Halves and pieces; Pieces or irregular pieces, 27.0 cm^2 (4.2 in^2);

(vii) Sliced—the units may be variable in size and shape;

(2) Are within the limits for defects as classified in Table I and specified in Tables II, III, IV, V, VI, VII, VIII, and IX or IIa, IIIa, IVa, Va, VIa, VIIa, VIIIa, IXa or alternates thereof as applicable for the style.

(d) *"Substandard"* is the quality of canned clingstone peaches that fail to meet the requirements for U.S. Grade C.

§ 52.2570 Factors of quality.

The grade of a lot of canned clingstone peaches is based on compliance with requirements for the following quality factors:

(a) Similar varietal characteristic;

(b) Flavor and odor;

(c) Color (overall color a prerequisite);

(d) Character (a prerequisite for diced styles);

(e) Uniformity of size (a prerequisite for sliced style);

(f) Workmanship;

(g) Blemished;

(h) Mechanical damage;

(i) Peel (a prerequisite);

(j) Off-suture cuts;

(k) Extraneous vegetable material; and

(l) Crushed or broken units (unclassified defect).

§ 52.2571 Classification of defects.

Defects are classified as to minor, major, severe, or critical. Each "X" mark in Table I represents "one (1) defect."

TABLE I.—*Classification of defects*

Quality factor	Defects	Classification: Minor	Major	Severe	Critical
Color	Fairly good (in grade A and B only)		X		
	Poor (in grades A, B, and C)			X	
Workmanship	Sliced:				
	Slivers		X		
	Clab			X	
	Diced: More than 20 mm (0.79 in) and less than 8 mm (0.31 in) (each 7 g 0.25 oz).	X			
	All sytles except diced: (in grades A and B only) frayed units.		X		
Blemished	All styles except diced: Affected not more than slightly.	X			
	Materially		X		
	Seriously			X	
	Diced: affected:				
	Materially		X		
	Seriously			X	
Uniformity of size	Whole; Halves; Quarters: Units that vary in diameter more than 1 cm (0.39 in) (in grades A and B only).	X			
Mechanical damage	Halves, quarters: Off-suture cuts, appearance affected:				
	Not more than slightly	X			
	Materially		X		
	Seriously			X	
	Partially detached pieces	X			
	Detached pieces			X	
	Halves, quarters, sliced: (In grades A and B only) Shelly units.		X		
	Whole, halves, quarters: Trim, appearance affected:				
	Not more than slightly	X			
	Materially		X		
	Seriously			X	
	Whole, halves, quarters, sliced: Gouges, appearance affected: Not more than slightly.	X			
	Materially		X		
	Seriously			X	
	Sliced: Partial slice		X		
Extraneous vegetable material	All styles except whole and diced short stems	X			
	All styles: Small pieces				X

§ 52.2572 Tolerances for defects.

TABLE II.—*Grade compliance crushed or broken, (in Grades A, B, and C) lot inspection*

Absolute limit (AL)		6		6
Number of sample units	Number of units	Whole	Number of units	Halves; quarters
3	75	8	90	8
6	150	14	180	14
13	325	27	390	27
21	525	41	630	41
29	725	54	780	54
38	950	69	1,140	69
48	1,200	86	1,440	86
60	1,500	105	1,800	105
Acceptable quality level (AQL)		6.0		5.0

TABLE IIa.—*Cusum sampling plan on-line inspection*

	Whole		Halves; quarters	
	T	L	T	L
	2	2	2	2
AQL	6.0		5.0	

TABLE III.—*Grade compliance whole lot inspection*

Absolute limit (AL)		Grade A				Grade B				Grade C			
		8	3	2	2	10	8	3	2	13	10	8	3
Number of sample units	Number of units	Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical
3	75	12	4	1	1	18	12	4	1	24	18	12	4
6	150	21	7	3	2	33	21	7	3	44	32	21	7
13	325	42	13	5	3	64	42	13	5	89	64	42	13
21	525	64	19	7	5	99	64	19	7	130	99	64	19
29	725	86	25	9	6	134	86	25	9	188	134	86	25
38	950	111	32	12	7	172	111	33	12	243	172	111	32
48	1,200	138	39	14	9	215	138	39	14	303	215	138	39
60	1,500	170	48	17	10	266	170	48	17	376	266	170	48
Acceptable quality level (AQL)		10.0	2.50	0.75	0.40	16.0	10.0	2.50	0.75	23.0	16.0	10.0	2.50

[1] Total=minor plus major plus severe plus critical.

TABLE IIIa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total[1]		Major		Severe		Critical		Total[1]		Major		Severe		Critical		Total[1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	3	3	1	1	½	½	½	½	5	3	3	2	1	1	½	½	7	4	5	3	3	3	1	1
AQL	10.0		2.50		0.75		0.40		16.0		10.0		2.50		0.75		23.0		16.0		10.0		2.50	

[1] Total=minor plus major plus severe plus critical.

TABLE IV—*Grade compliance halves; quarters, lot inspection*

		Grade A				Grade B				Grade C			
Absolute limit (AL)		10	8	4	1	14	10	6	2	19	13	10	4
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
3	90	18	12	4	1	27	18	8	2	39	24	18	4
6	180	32	22	7	1	49	32	14	3	71	44	32	7
13	390	64	43	14	3	99	64	27	6	145	88	64	14
21	630	100	65	20	4	155	100	41	8	223	133	100	20
29	870	135	88	27	5	210	135	54	11	310	186	135	27
33	1,140	174	113	34	7	271	174	69	13	402	241	174	34
48	1,440	217	141	42	8	339	217	86	16	501	301	217	24
60	1,800	269	173	51	9	419	269	105	20	625	372	269	51
Acceptable quality level (AQL)		13.50	8.5	2.25	0.30	21.50	13.50	5.0	0.75	32.5	19.00	13.50	2.5

[1] Total=minor plus major plus severe plus critical.

TABLE IVa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	5	3	3	3	1	1	⅛	⅛	8	4	5	3	2	2	½	½	11	6	7	4	5	3	1	1
AQL	13.50		8.5		2.25		0.30		21.50		13.50		5.0		0.75		32.5		19.00		13.50		2.25	

[1] Total=minor plus major plus severe plus critical.

TABLE V—*Grade compliance sliced, lot inspection sample unit size, 100 slices*

		Grade A				Grade B				Grade C			
Absolute limit (AL)		22	14	6	4	35	28	12	6	58	41	27	8
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
3	300	44	27	8	5	76	59	21	8	138	92	58	12
6	600	83	49	14	8	144	112	39	14	266	177	109	21
13	1,300	170	99	27	15	300	232	78	27	553	368	225	43
21	2,100	267	156	41	22	476	366	122	41	888	584	355	64
29	2,900	364	211	54	29	650	499	165	54	1,216	799	484	86
33	3,800	471	273	69	37	844	649	213	69	1,594	1,040	629	111
48	4,800	591	341	86	46	1,060	814	266	86	1,993	1,306	789	134
60	6,000	733	423	105	56	1,318	1,011	329	105	2,491	1,625	980	170
Acceptable quality level (AQL)		11.50	6.50	1.50	0.75	21.0	16.0	5.0	1.50	40.0	26.0	15.50	2.50

[1] Total=minor plus major plus severe plus critical.

TABLE Va.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	13	6	8	4	2	2	1	1	23	9	18	8	6	4	2	2	43	13	28	10	17	8	3	3
AQL	11.50		6.50		1.50		0.75		21.0		16.0		5.0		1.50		40.0		26.0		15.50		2.50	

[1] Total=minor plus major plus severe plus critical.

TABLE V—*Alternate 1 grade compliance sliced; lot inspection sample unit size, 50 slices*

		Grade A				Grade B				Grade C			
Absolute limit (AL)		13	9	4	3	20	17	8	4	33	21	16	5
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
3	300	24	15	5	3	41	32	12	5	73	49	31	7
6	600	44	27	8	5	76	59	21	8	138	92	58	12
13	1,300	89	53	15	9	156	121	42	15	287	190	117	23
21	2,100	139	82	22	13	245	189	64	22	454	300	184	35
29	2,900	188	110	29	16	333	257	86	29	620	409	249	46
33	3,800	243	142	37	21	432	333	111	37	805	531	323	59
48	4,800	303	177	46	25	541	416	138	46	1,011	665	404	73
60	6,000	376	218	56	30	671	516	170	56	1,257	826	500	89
Acceptable quality level (AQL)		11.50	6.50	1.50	0.75	21.0	16.0	5.0	1.50	40.0	26.0	15.50	2.50

[1] Total=minor plus major plus severe plus critical.

TABLE Va.—*Alternate 1 Cusum sampling plan, on-line inspection; sample unit size, 50 slices*

	Grade A								Grade B								Grade C							
	Total[1]		Major		Severe		Critical		Total[1]		Major		Severe		Critical		Total[1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	7	4	4	3	1	1	1/2	1/2	12	6	10	5	3	3	1	1	22	9	15	7	9	5	2	2
AQL	11.50		6.50		1.50		0.75		21.0		16.0		5.0		1.50		40.0		26.0		15.50		2.50	

[1] Total=Minor plus major plus severe plus critical.

TABLE VI.—*Grade compliance diced; lot inspection*

Absolute limit (AL)			Grade A				Grade B				Grade C			
			32	17	8	2	50	40	15	2	73	44	40	3
Number of sample units	Weight of product		Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical
	Grams	Ounces												
3	849	30	69	32	12	1	132	89	29	2	177	99	89	4
6	1,698	60	132	59	21	2	233	170	53	3	341	199	170	7
13	3,679	130	273	121	42	3	531	335	106	5	719	395	335	12
21	5,943	210	432	189	64	5	844	563	167	8	1,146	628	563	19
29	8,207	290	590	257	86	6	1,157	769	266	10	1,572	859	769	24
38	10,754	380	766	333	111	7	1,507	1,001	293	12	2,049	1,118	1,001	31
48	13,584	480	962	416	138	9	1,894	1,257	366	15	2,578	1,404	1,257	38
60	16,980	600	1,196	516	170	10	2,359	1,564	454	18	3,212	1,747	1,564	45
Acceptable quality level (AQL)			9.50	4.0	1.25	0.05	19.0	12.50	3.5	0.10	26.0	14.0	12.50	0.30

[1] Total=minor plus major plus severe plus critical.

TABLE VIa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total		Major		Severe		Critical		Total		Major		Severe		Critical		Total		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	21	9	9	5	3	3	½	½	41	13	27	10	8	4	½	½	55	14	30	10	27	10	1	1
AQL	9.50		4.0		1.25		0.05		19.0		12.50		3.5		0.10		26.0		14.0		12.50		0.30	

[1] Total=Minor plus major plus severe plus critical.

TABLE VII.—*Grade compliance halves and pieces; pieces or irregular pieces lot inspection*

Absolute limit (AL)			Grade A				Grade B				Grade C			
			7	4	2	1	9	6	4	2	12	9	6	4
Number of sample units	Weight of product		Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical
	Grams	Ounces												
3	3,396	120	12	4	2	1	15	8	4	2	22	15	8	4
6	6,792	240	21	7	3	1	26	14	7	3	39	26	14	7
13	14,716	520	41	13	6	3	52	27	13	6	79	52	27	13
21	23,772	840	62	20	8	4	80	43	20	8	123	80	42	20
29	32,828	1,160	84	26	11	5	108	56	26	11	167	108	56	26
38	43,016	1,520	108	33	13	6	139	71	33	13	215	139	71	33
48	54,336	1,920	134	41	16	8	173	88	41	16	269	173	88	41
60	67,920	2,400	165	50	19	9	214	108	50	19	332	214	108	50
Acceptable quality level (AQL)			11.0	3.0	1.0	0.40	14.50	7.0	3.0	1.0	23.0	14.50	7.0	3.0

[1] Total=minor plus major plus severe plus critical.

TABLE VIIa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total[1]		Major		Severe		Critical		Total		Major		Severe		Critical		Total[1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	3	3	1	1	½	½	½	½	4	3	2	2	1	1	½	½	6	4	4	3	2	2	1	1
AQL	11.0		3.0		1.0		0.40		14.50		7.0		3.0		1.0		23.0		14.50		7.0		3.0	

[1] Total=minor plus major plus severe plus critical.

§ 52.2573 Sample size.

(a) *General.* The sample size to determine compliance with requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products" (§ 52.1–§ 52.83) for Lot Inspection or on-line inspection, as applicable.

§ 52.2574 Compliance with quality requirements.

(a) *Lot inspection.* A lot of canned clingstone peaches is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.2569 are not exceeded;

(2) The defects permitted and the AL values for the applicable defect classifications specified in Tables II, III, IV, V, VI, and VIII, or Alternates thereof are not exceeded.

(b) *On-line inspection.* A lot of canned clingstone peaches is considered as meeting requirements for quality if:

(1) The prerequisite requirements specified in § 52.2569 are not exceeded; and

(2) The L values in Tables IIa, IIIa, IVa, Va, VIa, and VIIa, or Alternates thereof are not exceeded.

§ 52.2575 Compliance for unofficial samples.

(a) *General.* Unofficial sample units submitted for quality evaluation will be treated individually and each sample unit must comply with the allowance values specified in paragraph (b) of this section. The sample unit size must be as specified in § 52.2564.

(b) *Compliance for Quality.*

TABLE VIII.—*Crushed or broken*

	Number of units	Whole	Number of units	Halves quarters
Each sample unit	25	2	30	2

TABLE IX.—*Whole classified defects*

	Number of units	Grade A				Grade B				Grade C			
		Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	25	3	1	0	0	5	3	1	0	7	4	3	1

TABLE X.—*Halves; quarters classified defects*

	Number of units	Grade A				Grade B				Grade C			
		Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	30	5	3	1	0	8	5	2	0	11	7	5	1

TABLE XI.—*Slices classified defects*

	Number of units	Grade A				Grade B				Grade C			
		Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	100	13	8	2	1	23	18	6	2	43	28	17	3

TABLE XII.—*Diced classified defects*

	Weight		Grade A				Grade B				Grade C			
	Grams	Ounces	Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	283	10	21	9	3	0	41	27	8	0	53	30	27	1

TABLE XIII.—*Halves and pieces; pieces or irregular pieces*

	Weight		Grade A				Grade B				Grade C			
	Grams	Ounces	Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	1,132	40	3	1	0	0	4	2	1	0	6	4	2	1

Dated: April 19, 1977.

WILLIAM T. MANLEY,
Acting Deputy Administrator Commodity Operations.

[FR Doc.77-11834 Filed 4-27-77;8:45 am]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF TABLE MAPLE SIRUP[1]

AGENCY Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY This second proposed rule would change the grading standards for table maple sirup. The first action was taken to incorporate new Food and Drug Standards of Identity. This second action is taken as a result of comments received to the initial proposal. The ultimate effect of these proposals will be the improvement of the standards.

DATE: Comments in duplicate, must be received on or before April 1, 1978.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be available for public inspection at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-4693)

SUPPLEMENTARY INFORMATION:

EDITORIAL NOTE.—Food Safety and Quality Service intends to establish a new Chapter XXVIII in Title 7 of the Code of Federal Regulations. When this proposed rule is adopted, it will be recodified in Part 2852 of Title 7, Chapter XXVIII.

The current United States Standards for Grades of Table Maple Sirup and for Grades of Maple Sirup for Reprocessing

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

have been in effect since February 15, 1940 (although both were amended, effective May 24, 1967, to incorporate changes in format and rearrangement of text).

A previous notice of proposed rulemaking to revise and combine these grade standards appeared in the FEDERAL REGISTER (40 FR 50049) of October 28, 1975. Interested persons were invited to submit, to the Department, written data, views or arguments in connection with the notice not later than November 28, 1975.

The docket of October 28, 1975 proposed:

1. Combining the two existing standards into a single standard.
2. Designating Table Maple Sirup and Maple Sirup for Reprocessing as "Types."
3. Changing the grade names to U.S. Grade A, U.S. Grade B, U.S. Grade C, and Substandard.
4. Updating the lot acceptance criteria to conform with the procedures used for other processed products.

Prompted by the need to revise the two U.S. Department of Agriculture maple sirup standards following the promulgation of Food and Drug Standards of Identity, it was deemed advisable to combine the two current standards into one. (The basic difference between the two standards is in the area of color.) It was proposed to differentiate between the table sirup and the sirup for reprocessing by including each as a "type."

The need to standardize and simplify grade nomenclature has been established. Preparatory to proposing the revision, a letter was sent to the Departments of Agriculture of several maple producing states asking their thoughts about changing and simplifying the grade nomenclature. A majority of those responding favored the nomenclature proposed.

The product description was restated to adopt the newly effective Food and Drug Standard of Identity—including its increased Brix measurement.

An updating of the lot acceptance criteria was included in the proposal. The proposed criteria would bring the maple sirup standards under the same procedures used for other processed products.

The comments received took exception to the manner in which the product color was delineated. Present consumer preferences indicate that a Grade A product in the light amber, medium amber and dark amber ranges would be desirable. Also, the need or desirability of having standards for sirup intended for further processing was seriously questioned.

This second notice of proposed rulemaking includes a revised proposal for delineating color, eliminates the previously proposed inclusion of grades for sirup for reprocessing and would change the grade names to U.S. Grade A, U.S. Grade B, and Substandard as a result of the comments submitted to the first notice. Other changes proposed in the first notice, which are of an editorial nature, are also included.

The proposed revision of §§ 52.5961–52.5967 is as follows:

Subpart—United States Standards for Grades of Maple Sirup

Sec.
52.5961 Product description.
52.5962 Grades of Maple Sirup.
52.5963 Recommended fill of container.
52.5964 Color.
52.5965 Classification of requirements.
52.5966 Explanation of terms.
52.5967 Determining the grade of a lot.

* * * * *

AUTHORITY: Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1037 as amended; 1090, as amended; 7 U.S.C., 1922, 1904.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

§ 52.5961 Product description.

(a) "Maple sirup" means maple sirup as defined in the Standards of Identity for Maple Sirup (21 CFR 168.140) issued pursuant to the Federal Food, Drug and Cosmetic Act; *Provided however*, That: Maple sirup that is processed or packaged in such a manner that any naturally occurring soluble materials are added or removed, or to which additives of any kind have been added, is not covered by the standards contained in this subpart. (Nothing in this proviso is intended to prohibit the use of recognized inert filtering agents which are used for the sole purpose of aiding the removal of suspended matter.)

(b) The sirup shall have a soluble solids content of not less than 66.0 degrees Brix at 20° C (68° F). Brix shall be determined refractometrically or by Brix spindle.

§ 52.5962 Grades of maple sirup.

(a) "U.S. Grade A" is the quality of maple sirup that:

(1) Has good color;
(2) Has good flavor and odor;
(3) Is practically free from defects; and
(4) Is practically clear.

(b) "U.S. Grade B" is the quality of maple sirup that:

(1) Has reasonably good color;
(2) Has reasonably good flavor and odor;
(3) Is reasonably free from defects; and
(4) Is reasonably clear.

(c) "Substandard" is the quality of maple sirup that fails to meet the requirements for U.S. Grade B.

§ 52.5963 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with sirup as full as practicable.

§ 52.5964 Color.

(a) *General.* Color has reference to the color of maple sirup when examined by means of the USDA permanent glass color standards for maple sirup.

(b) *Availability of color standards.* The color standards referred to in this section are available from the approved supplier under a license from the U.S. Department of Agriculture:

Phoenix Precision Instrument Division, The Virtis Company, Inc., Route 208, Gardiner, New York 12525.

§ 52.5965 Classification of requirements.

(a) (*A*) *classification.* (1) "Good color" means that the color is bright and typical of maple sirup prepared from sound, properly gathered sap; and in addition, meets the following spectral requirements:

(i) U.S. Grade A Light Amber is as light, or lighter, in color than the USDA Light Amber Glass Color Standard.

(ii) U.S. Grade A Medium Amber is darker in color than Light Amber, but is no darker than the USDA Medium Amber Glass Color Standard.

(iii) U.S. Grade A Dark Amber is darker in color than Medium Amber, but is no darker than the USDA Dark Amber Glass Color Standard.

(2) The sirups shall be no cloudier than the USDA Light Amber Cloudy Standard.

(3) The sirups shall have a good maple flavor characteristic of the color; shall be clean, practically free from damage; shall be free from serious damage.

(b) (*B*) *classification.* (1) "Reasonably good color" means that the color is darker in color than the USDA Dark Amber Glass Color Standard, but is not off-color for any reason.

(2) The sirup shall be no cloudier than the USDA Dark Amber Cloudy Standard.

(3) The sirup has reasonably good characteristic maple flavor; is reasonably free from damage, is free from serious damage.

(c) *Substandard classification.* Maple sirup that fails to meet the requirements of paragraph (b) of this section shall not be graded above Substandard.

§ 52.5966 Explanation of terms.

(a) "Cloudiness" means presence in suspension of fine particles of mineral matter, such as malate of lime, "niter," "sugar sand," or other substances that detract from the clearness of the sirup.

(b) "Clean" means that the sirup shall be practically free from foreign material such as pieces of bark, soot, dust, and dirt.

(c) "Damage" means any defect that materially affects the appearance or edibility or shipping quality of the sirup.

(d) "Serious damage" means any defect that seriously affects the edibility or market value of the sirup. Badly scorched sirup, buddy sirup, fermented sirup or sirup that has any distasteful foreign flavor or disagreeable odor shall be considered as seriously damaged.

(e) "Buddy flavor, buddiness" is an unpleasant flavor characteristic of sirup made from sap collected from maple trees as they come out of dormancy.

(f) "U.S. Department of Agriculture Color Standards" means the official U.S. Department of Agriculture Permanent Glass Color Standards for Maple Sirup.

§ 52.5967 Determining the grade of a lot.

The grade of a lot of maple sirup covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, and Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.83); *Provided*, That:

(a) When certifying the color of a sample that has been officially drawn and which represents a specific lot of maple sirup, the lot shall be considered as being of one color if the number of color deviants does not exceed the acceptance number in the appropriate sampling plan; *Provided however*, That: None of the sample units fall below the next darker color designation.

(b) No deviants for "serious damage" shall be allowed.

Dated: April 14, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.77-11875 Filed 4-27-77;8:45 am]

federal register

THURSDAY, APRIL 28, 1977

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Fair Housing and Equal Opportunity

■

NATIONAL ASSOCIATION OF HOME BUILDERS

Affirmative Marketing Agreement for Voluntary Use

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-77-745]

NATIONAL ASSOCIATION OF HOME BUILDERS

Affirmative Marketing Agreement for Voluntary Use

1. *Purpose.* The Affirmative Marketing Agreement for Voluntary Use by Builder members of the National Association of Home Builders set forth in Paragraph 5 was prepared to inform the community of the availability of housing services rendered by Builders, to all prospective home buyers and renters, without regard to race, color, religion, sex or national origin, as vested in the Secretary of the Department of Housing and Urban Development by Section 808 of the Act. The purpose of the Agreement is to implement a "Voluntary Affirmative Fair Housing Marketing Program" as provided for and in compliance with the Act (hereafter referred to as the Program).

2. *Background.* The Affirmative Marketing Agreement for Voluntary Use by local Builders was jointly approved by the National Association of Home Builders and representatives of the United States Department of Housing and Urban Development, on October 22, 1976. The Agreement represents a commitment on the part of the National Association of Home Builders and builder member signatories to implement through local voluntary action the policy of "fair housing throughout the United States." Section 801 of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601).

3. *Implementation.* Both the Department of Housing and Urban Development and the National Association of Home Builders endorse the fair housing policies and activities outlined in the Affirmative Marketing Agreement. The terms of this Agreement are available for the use of local builders and "Builder Groups," to indicate, through voluntary participation, their commitment to the fair housing provisions of Title VIII. Subscription to the Agreement by Local Builders and "Builder Groups" is voluntary and is not a condition of membership in the National Association of Home Builders. Further, adoption of this Agreement by local Builder Groups and Builders will not impose the affirmative marketing obligations on individual builders unless they also become signatories under Part I of the text. It is expected, however, that adoption of the Agreement by Builder Groups and individual builders, will result in cooperation and participation of Builders as signatories, thus avoiding the administrative problems which occur when only one or a few Builders in the locality carry out the fair housing marketing practices outlined in the Agreement.

4. *Authority.* HUD's action in concert with the National Association of Home Builders was taken pursuant to section 809 of Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3609), which calls for the Secretary of Housing and Urban Develpment to "work out programs of voluntary compliance and of enforcement" with the advice of "persons in the housing industry and other interested parties." The joint action of the National Association of Home Builders and HUD is in furtherance of the objective of Title VIII of the Civil Rights Act of 1968, as amended, to "provide within constitutional limitations, for fair housing thrughout the United States."

5. Text of the Affirmative Marketing Agreement for Voluntary Use by Home Builder Groups and Individual Home Builders.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., April 19, 1977.

GLENDORA M. PUTNAM,
Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

VOLUNTARY AFFIRMATIVE FAIR HOUSING MARKETING AGREEMENT

This Agreement, effective as to the parties hereto respectively on the date executed by said party, by and between the United States Department of Housing and Urban Development(hereinafter referred to as "HUD"); any signatory to the original or a counterpart of this Agreement (hereinafter referred to as "Builder") all of whom shall constitute the Builder Group known as _____, (hereinafter referred to as the "Builder Group").

WITNESSETH

WHEREAS, Title VIII of the Civil Rights Act of 1968 (hereinafter referred to as the "Act") declares that: "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States," and Section 808 thereof vests authority and responsibility for its administration in the Secretary of Housing and Urban Development; and

WHEREAS, voluntary compliance activities are mandated by Sections 808 and 809 of the Act, and in particular Section 808 requires the Secretary of Housing and Urban Development to "cooperate with and render technical assistance to federal, state, local, and other public and private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices."; and

WHEREAS, Section 808 of the Act states: "The Secretary of the Department of Housing and Urban Development shall call conferences of persons in the housing industry and other interested parties * * * and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement."; and

WHEREAS, it is the belief of HUD and the National Association of Home Builders (NAHB) that "* * * the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States, * * *" can best be carried out with "* * * programs of voluntary compliance and of enforcement * * *;" therefore, HUD and the NAHB have developed this form of Agreement and have agreed that parties hereto who comply with the provisions of this Agreement are and shall be in compliance with the Act.

NOW THEREFORE, in consideration of the premises and mutual promises and covenants hereinafter set forth, the parties hereto agree as follows:

Section 1.—*Definition.* For the purpose of this Agreement the term "Affirmative Marketing" means, a program to inform the community of the availability of housing and services rendered by Builders, to all prospective home buyers and renters, without regard to race, color, religion, sex or national origin, as vested in the Secretary of the Department of Housing and Urban Development by Section 808 of the Act. The purpose of this Agreement is to implement a "Voluntary Affirmative Fair Housing Marketing Program" as provided for and in compliance with the Act (hereinafter referred to as the "Program").

Section 2.—*Application.* The provisions of this Agreement shall apply to all residential housing constructed, marketed, sold, or rented by Builder except, that nothing in this Agreement shall apply to any residential housing constructed, marketed, sold, or rented by Builder prior to the effective date of this Agreement. Such effective date shall be the latest date of execution by the Builder or HUD.

Section 3.—*Voluntary Affirmative Fair Housing Marketing Program.*—A. *Advertising and public information.* 1. Builder Group shall develop and maintain a program of public information to inform the entire community of the Voluntary Affirmative Fair Housing Marketing Program.

2. Builder shall include the official Fair Housing and Equal Opportunity logo, slogan, or statement in all brochures, pamphlets, posters, billboards, and classified advertising of four column inches or larger, as suggested in HUD's Advertising Guidelines for Fair Housing. Alternatively, inclusion of the slogan or logo is not necessary in any classified advertisement where there exists a "Publishers Notice."

3. Whenever human models are depicted in display advertising campaigns, Builder shall attempt to reasonably represent both majority and minority groups so as to indicate receptivity to racial inclusiveness in the housing marketing area(s).

4. When requested, HUD shall provide technical assistance to Builder Group and to Builder in developing advertising and public information techniques, in accordance with HUD's Advertising Guidelines for Fair Housing.

5. Builder shall maintain a record of advertising that will demonstrate efforts to comply with this Agreement.

B. *Fair housing posters.* Builder will display and maintain the HUD Fair Housing Poster at any place of business where a dwelling is offered for sale or rental, including model houses. Builder will prominently display the Fair Housing Poster so that it is readily apparent to all persons seeking housing accommodations or other services rendered by Builder. For purposes hereof "Fair Housing Poster" means the poster prescribed by HUD for display by persons subject to Section 804-806 of the Fair Housing Act of 1968.

C. *Housing market area(s) analysis.* 1. The HUD Area or Insuring Office shall supply Builder Group an identification of the minority groups whose housing opportunities the parties seek to increase, by cost and kind of housing.

2. Builder shall provide for each project development, quarterly reports to the Builder Group or the HUD Area or Insuring Office, at Builder's option, containing a breakdown, by the categories supplied by HUD as set

forth in paragraph C.1. hereof, in accordance with HUD procedures for the gathering of necessary data and on model forms established by HUD.

D. Builder Group shall develop a monitoring system in order to receive information from Builder.

E. Builder Group shall submit a report to HUD on a quarterly basis to determine progress in achieving the purpose of this Agreement, including the following:

1. The sales and rental totals of all properties reported to it by members by the group categories identified in paragraph C hereof.

2. A description of all actions in furtherance of this Agreement taken by the local Builder Group during the reporting period.

Section 4.—*Implementation of the Program.*—A. *Undertakings by Builder Group.* Builder Group shall establish an Equal Opportunity Committee consisting of Builders who are signatories to this Agreement which shall have the following responsibilities:

1. To administer and implement the Program as set forth in Section 3 of this Agreement as required by the Builder Group.

2. To explain and publicize the purpose and provisions of this Agreement to all Builders who have executed this form of Agreement, in order to achieve broadbased informed participation in the Program contemplated by this Agreement.

3. To meet not less than semi-annually with representatives of HUD and the Community Housing Leadership Board, hereinafter provided for, to determine progress in achieving the purpose of this Agreement.

B. *Undertakings by builder.* 1. Builder shall inform and train all employees regarding the Affirmative Fair Housing Marketing Program.

2. Builder shall inform the Builder Group in writing of all housing to be constructed, developed, and marketed, at least sixty (60) days prior to such housing becoming available, and shall provide adequate information for distribution by the Community Housing Leadership Board.

C. *Undertaking by HUD.* 1. HUD shall provide to Builder Group and to Builder technical assistance on a continuing basis to aid in the compliance with this Agreement upon request by Builder Group and/or Builder.

Section 5.—*Community Housing Leadership Board.* Builder Group shall appoint ____ individuals with the approval of HUD, which individuals shall constitute the Community Housing Leadership Board for the purpose of this Agreement.

The Community Housing Leadership Board shall be composed of local comunity leaders having a substantial interest in housing and equal opportunity, from industry, and the financial community and local elected and appointed officials, and other interested parties. The purpose of the Board shall be to assist Builder Group, the Builder, and HUD in carrying out the purpose of this Agreement.

Section 6.—*Compliance and enforcement.* A. If there is reasonable cause to believe that Builder Group is not in compliance with the basic provisions of this Agreement, the Secretary of HUD (hereinafter referred to as "Secretary"), or the Secretary's designee, may, after providing an opportunity for a fair hearing and determination of the facts, terminate the Agreement.

B. The Secretary shall provide timely notice of the hearing to Builder Group and said hearing shall be conducted in compliance with the Act and Administrative Procedure Act (5 U.S.C., Section 554 et seq.). The decision of the hearing officer shall be subject to judicial review.

C. In the event of termination of the Agreement, the obligations of Builder hereunder shall remain in full force and effect, but only to the extent that said obligations would be required by HUD's Affirmative Fair Housing Marketing Regulations. If Builder has previously applied for HUD assistance and has not yet marketed the housing applied for, Builder must, within ten (10) days from receipt of notice of termination of the Agreement, file with HUD a fully executed Affirmative Fair Housing Marketing Plan for such housing.

Section 7.—*Conference and conciliation on alleged builder violations.* Whenever there is reasonable cause to believe that Builder has failed to make good-faith efforts to fulfill its responsibilities under this Agreement, the following procedures shall be employed prior to the commencement of any action or proceedings against a Builder for any alleged violation within the scope of this Agreement occurring after its effective date:

1. The Equal Opportunity Committee of the Builder Group shall notify Builder of the area(s) of non-compliance and request appropriate corrective action.

2. The Equal Opportunity Committee shall document, in writing, the Builder's non-compliance with the Agreement and provide Builder with copies of such written documentation.

3. Builder shall have fifteen (15) business days from receipt of the written documentation of non-compliance to effectuate the corrective action and to provide written notice to the Equal Opportunity Committee, of all corrective actions taken to comply with the Agreement.

4. Upon a finding by the Equal Opportunity Committee of continued non-compliance, the Equal Opportunity Committee shall arrange for a joint meeting with representatives of the Equal Opportunity Committee, HUD, and Builder, to discuss the steps necessary for compliance with the Agreement.

5. Following the joint meeting referred to in paragraph 4 above, the Equal Opportunity Committee shall provide Builder, in writing, a "Second Notice of Non-Compliance," stating that the Builder has fifteen (15) business days to take appropriate action, or face termination as a party to this Agreement.

6. If compliance with the Agreement is not secured within the allotted time of the "Second Notice of Non-Compliance," the Equal Opportunity Committee and HUD will jointly notify Builder, in writing, that he is terminated as a party to this Agreement, suspended as a member of the Builder Group, and no longer eligible for participation in the Voluntary Affirmative Fair Housing Marketing Program. Thereupon Builder will have ten (10) business days to present an approvable individual Affirmative Fair Housing Marketing Plan for all HUD-assisted projects.

7. By its execution hereof, Builder consents to the notification by HUD of Builder Group that a complaint has been filed with HUD against Builder, and agrees to notify Builder Group if and when it is notified by HUD that a complaint has been filed against it.

Section 8.—*Acceptance of agreement in lieu of individual affirmative fair housing marketing plan.* When at any future time Builder is an applicant for participation in an FHA or HUD program and is subject to the requirements of the HUD Affirmative Fair Housing Marketing Regulations or the Joint HUD–VA Non-Discrimination Certification, in lieu of submitting an individual Affirmative Fair Housing Marketing Plan or executing the Non-Discrimination Certification, Builder may reference his participation in this Program, which participation shall be accepted by FHA and/or HUD in lieu of an individual Affirmative Fair Housing Marketing Plan.

Section 9.—*Term.* The orginial term of this Agreement shall expire on September 30, 1980, and shall automatically be extended for successive one-year terms thereafter unless previously terminated.

Section 10.—*Termination.* HUD may terminate this Agreement at any time with written notice for noncompliance herewith. Builder and/or Builder Group may terminate this Agreement at any time with or without cause by giving HUD 90 days written notice of its intent to terminate.

Section 11.—*Amendments.* This Agreement may be amended only by written consent of all the parties hereto.

Section 12.—*Delegation by Secretary.* Wherever the term Secretary of HUD is used herein, it shall be deemed to include and mean his designate for the administration of the Voluntary Affirmative Fair Housing Marketing Program.

In witness whereof, the parties hereto have executed this Agreement the year and day set forth by their signature.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
CARLA A. HILLS,
Secretary.

JAMES C. HART,
(*Builder*) *President, NAHB.*

JAMES H. BLOW,

GLENDA M. PUTNAM.

NOTE.—This Voluntary Affirmative Fair Housing Marketing Agreement was jointly approved by the Department of Housing and Urban Development and the National Association of Home Builders at Washington, D.C. on October 22, 1976.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
CARLA A. HILLS,
Secretary.

NATIONAL ASSOCIATION OF HOME BUILDERS,
JOHN C. HART,
President.

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