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federal register

THURSDAY, DECEMBER 16, 1976

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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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	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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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

Title 7—Agriculture

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

[Orange Reg. 75, At. 4; Grapefruit Reg. 77, At. 3; Tangerine Reg. 48, At. 5; Tangelo Reg. 48, At. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

These amendments are issued pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905). The amendments prescribe total limitation of shipment regulations for oranges, grapefruit, tangerines, and tangelos during the period beginning at 6:00 p.m., e.s.t., December 22, 1976, and ending at 12:01 a.m., e.s.t., December 28, 1976. The regulations are designed to avert the accumulation of excessive market supplies of the specified fruits during and immediately following the Christmas holiday period in which, historically, there has been greatly reduced market demand.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, grapefruits, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the potential marketing situation during the week in which Christmas Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh oranges, grapefruit, tangerines, and tangelos in the terminal markets prior to Christmas Day followed by a period of slow movement immediately following the holiday. An accumulation of excessive quantities of fruit in the markets during and immediately following the Christmas Day week contributes to unstable marketing conditions. Hence, the curtailment of such shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Domestic shipments of Florida oranges, grapefruit, tangerines, and tangelos are currently regulated through September 25, 1977; determinations as to the need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crops and the availability of information about the demand for such fruits; the recommendation and supporting information for limiting the total quantity of fresh oranges, grapefruit, tangerines, and tangelos by prohibiting shipments thereof, pursuant to said section, during the period herein provided, were promptly submitted to the Department after open meetings of the committees on December 7, 1976, held to consider recommendations for such regulations, after giving due notice of such meetings, and interested persons were afforded an opportunity to submit their views at these meetings; information regarding the provisions of the regulations recommended by the committees has been disseminated among shippers of such fruits grown in the production area, and these regulations, including the effective time thereof, are identical with the recommendations of the committees; and compliance with these regulations will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

Order. 1. In § 905.564 (Orange Regulation 75; 41 FR 42177, 49474, 51029, 53007), the provisions of paragraph (d) are revised to read as follows:

§ 905.564 Orange Regulation 75.

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t., December 22, 1976, and ending at 12:01 a.m., e.s.t., December 28, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges grown in the production area.

2. In § 905.565 (Grapefruit Regulation 77; 41 FR 42177, 49474, 51029), the provisions of paragraph (d) are revised to read as follows:

§ 905.565 Grapefruit Regulation 77.

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t., December 22, 1976, and ending at 12:01 a.m., e.s.t., December 28, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit grown in the production area.

3. In § 905.566 (Tangerine Regulation 48; 41 FR 42177, 49301, 51029, 51796, 53649), the provisions of paragraph (d) are revised to read as follows:

§ 905.566 Tangerine Regulation 48.

* * * * *

(d) During the period beginning at 6:00 p.m. e.s.t., December 22, 1976, and ending at 12:01 a.m., e.s.t., December 28, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines grown in the production area.

4. In § 905.567 (Tangelo Regulation 48; 41 FR 42177, 49474, 51029), the provisions of paragraph (d) are revised to read as follows:

§ 905.567 Tangelo Regulation 48.

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t., December 22, 1976, and ending at 12:01 a.m. e.s.t., December 28, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos grown in the production area.

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

Dated, December 13, 1976, to become effective 6:00 p.m., e.s.t., December 22, 1976.

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

[FR Doc.76-37038 Filed 12-15-76;8:45 am]

[Navel Orange Reg. 391]

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

Minimum Size Requirement

This regulation sets a minimum size requirement of 2.32 inches in diameter for navel oranges grown in District 2 of the production area, effective December 17, 1976, through January 20, 1977.

This requirement is designed to promote orderly marketing in the interest of producers and consumers.

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

(2) This action reflects the Department's appraisal of the need for regulation and of the crop and current and prospective market condition. Shipments of navel oranges from District 2 of the production area are now in progress and navel oranges in such shipments should be required to be at least 2.32 inches in diameter beginning December 17, 1976. The volume and size composition of the navel orange crop grown in District 2 is such that ample supplies of the more desirable sizes of fruit are available to satisfy the demand in regulated channels. The regulation is designed to permit shipment of ample supplies of navel oranges of acceptable size in the interest of both growers and consumers, and is necessary to maintain orderly marketing conditions, provide consumer satisfaction, and prevent the shipment of fruit of undesirable sizes. Navel oranges which do not meet the minimum size requirement may be shipped to fresh markets where smaller fruit is in demand, left on the trees to attain further growth, or utilized in processing. The regulation is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation much become effective in order to effectuate the declared policy of the act is insufficient, and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting on December 7, 1976, after giving due notice, to consider the supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and express their views at this meeting; the recommendation and supporting information for regulation were submitted to the Department on December 7, 1976; the provisions of this regulation are the same as those recommended by the committee, and information concerning the regulatory provisions and effective time has been disseminated among handlers of navel oranges; it is necessary to make this regulation effective during the period herein specified in order to effectuate the declared policy of the act; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date of this regulation.

§ 907.691 Navel Orange Regulation 391.

Order. (a) During the period December 17, 1976, through January 20, 1977, no handler shall handle any navel oranges grown in District 2 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the navel oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) The terms "handler" and "handle" as used herein shall have the same meaning as is given to the respective terms in said marketing agreement and order.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

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

Dated: December 10, 1976.

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

[FR Doc.76-36964 Filed 12-15-76;8:45 am]

[Navel Orange Reg. 392]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 17–23, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.692 Navel Orange Regulation 392.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continued active until last Thursday, but since then it has been chaotic. Prices f.o.b. averaged $4.28 a carton on a reported sales volume of 889 carlots last week, compared with $4.43 per carton on sales of 660 carlots a week earlier. Track and rolling supplies at 477 cars were up 226 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the

aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 14, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 17, 1976, through December 23, 1976, are hereby fixed as follows:

(i) District 1: 704,000 cartons;

(ii) District 2: 50,000 cartons;

(iii) District 3: 96,000 cartons."

(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: December 16, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-37221 Filed 12-15-76;12:20 pm]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Amendments to the Refiners' Price Formulae Clarifying the Computation of the Increased Cost of Purchased Product and Permitting Separate Price Computation for Non-Canadian Imports of Propane and Butane

I. COMPUTATION OF THE INCREASED COST OF PURCHASED PRODUCT (THE "B" FACTOR)

On May 24, 1976, the FEA proposed two amendments to the "*B*" factor of the refiners' price formulae contained in § 212.83(c)(2). (41 FR 21938, May 28, 1976.).

Currently, the refiners' price formulae of § 212.83(c)(2) (i) and (ii), which govern the total dollar amount of increased product costs that may be included by a refiner in prices charged for covered products, include an element designated by the term "B_i."

Section 212.83(c)(2)(iii) defines "B_i" in part as follows:

$$B_i = B_i^1 + B_i^2 + B_i^3$$

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

$$B_i^1 = c_i^1 - c_i^o - Y_i(q_i^1 - q_i^o)$$

"B_i^1" is the total increased cost of the specific covered product or products of the type "i" purchased or landed in the period "t," provided such cost is not included in computing "A_i". The cost of a specific covered product or products of the type "i" shall include the cost of a specific covered product or products not of the type "i" that was a covered product as of May 31, 1976 that are purchased and refined or blended and that are attributable to the production of the covered products of the type "i". The cost and quantity of covered products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

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

c_i^1=The total cost of a covered product or products of the type "i" purchased or landed in the period "t".

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

q_i^1=The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "t".

Y_i=The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, the month next preceding May 1973 in which such transactions occurred. Alternatively, the cost of the covered product or products concerned during the month of May 1973 may be used if computed by the use of accounting procedures generally accepted and consistently and historically applied by the firm concerned, and provided that the FEA has approved in writing of the cost figures used.

In its May 24 proposal, FEA stated that it was proposing to amend the definition of "B_i" in two respects.

First, FEA stated that in many instances the computation performed in accordance with the "B_i^1" definition does not accurately reflect a firm's total increased cost of purchased product incurred, measured on a per unit basis and multiplied by the current volume of product purchased.

For example, where (1) a firm purchased 100,000 gallons of products of the type "i" during the month of May 1973 at a cost of $.05 per gallon, (2) the firm purchased 150,000 gallons of products of the type "i" during the month of measurement at a cost of $.15 per gallon, and (3) the lowest price at or above which at least 10 percent of the firm's products of the type "i" were priced in transactions during the month of May 1973 was $.075, the "$B_i^1$" term of the "$B$" factor is computed as follows:

$B_i^1 = c_i t - c_i^o - Y_i\ (q_i^1 - q_i^o)$
B_i^1=$22,500−$5,000−$.075 (150,000−100,000)
B_i^1=$17,500−$3,750
B_i^1=$13,750

Thus, the total increased cost of products of the type "i" purchased during the month of measurement and measured pursuant to the current definition of "B_i^1" is $13,750. However, the actual total increased cost of such products incurred by the firm measured on a per unit basis ($.15−$.05=$.10 increased cost per gallon) and multiplied by the volume of products purchased during the month of measurement (150,000 gallons) is $15,000.

The computation of the "*B*" factor contrasts markedly in this regard with the computation of the "*A*" factor, which measures the total increased cost of crude oil purchased or landed in the period "*t*" on a per unit basis multiplied by the volume of crude oil purchased or landed during the period "*t*."

It should be noted that FEA has since May 24 also proposed that the "*N*" factor of the refiners' price formulae, increased non-product costs, also be computed by this method. (41 FR 31863, July 30, 1976) No final action has been taken with respect to that proposal.

Second, FEA stated in its May 24 notice that the use of the "Y_i" term in the "*B*" factor results in a comparison of the cost of product purchased in the month of measurement with the cost of product purchased in the month of May 1973, less an amount which consists of the volume differential between the two periods multiplied by a price charged for the product during May 1973.

The use of a term reflecting a May 1973 price for product in a formula designed to measure the increased *costs* of a specific covered product is not entirely consistent with FEA's cost-based pricing system. The fact that "Y_i" is defined as either "the lowest price at or above which at least 10 percent of the product or products of type "*i*" were priced in transactions during the month of May 1973 or * * * [a]lternatively, the cost of the covered product or products concerned during the month of May 1973" (subject to certain conditions) indicates that the "Y_i" term is intended to approximate the per unit cost of a particular product during May 1973 by reference to the lowest range of prices charged for that product at that time or by some other method of cost approximation.

The use of such an approximate cost figure is appropriate only under circumstances in which the actual cost of product is not available (i.e., where product was not purchased during May 1973) or where the available May 1973 cost figure is unrepresentatively high (e.g., where product was purchased only on the spot market at such unusually high prices that sales of certain volumes of purchased product during May 1973 were at a loss). The use of an approximate cost (that is, price) figure where an actual representative cost figure is available is inappropriate.

Moreover, the comparison of current costs to May 1973 costs, less a factor reflecting May 1973 prices, is not well-suited to the purpose of ascertaining actual increases in product costs incurred.

Accordingly, the FEA proposed to amend the "B_i^1" portion of the "*B*" factor of the refiners' formulae to pattern the computation of "B_i^1" more closely to computation of the "*A*," the increased

costs of crude oil, and, in this manner, to provide for a method of computation which is better suited to the purpose of ascertaining actual increases in the cost of purchased products.

The proposed amendment provided that the result derived by subtracting the per unit cost of product incurred during the month of May 1973 from the per unit cost of product incurred during the month of measurement be multiplied by the quantity of product purchased during the month of measurement.

The proposed amendment also provided for an alternate method of computing the increased cost of purchased product where no product was purchased during May 1973 or where the per unit cost of product purchased during May 1973 was unrepresentatively high, that is, exceeded the lowest price at or above which at least 10 percent of the product was priced in transactions during that month. Under such circumstances, a figure which is the equivalent of the current "Y^1" factor is proposed to be substituted for the per unit cost of product incurred during the month of May 1973 in the revised "B_i" equation. Thus where no May 1973 cost figure is available or where that cost figure is abnormally high, an approximation of the May 1973 per unit cost will be permitted, but otherwise the use of actual cost figures was proposed as a requirement.

Based upon its analysis of comments received in the rulemaking proceeding, FEA has decided to adopt the amendments as set forth below.

II. CALCULATION OF REFINERS' INCREASED PRODUCT COSTS FOR NON-CANADIAN IMPORTS OF PROPANE AND BUTANE

On July 16, 1975, the FEA issued a notice of proposed rulemaking (40 FR 30671, July 22, 1975) proposing to amend the Mandatory Petroluem Price and Allocation regulations concerning propane and butane imports other than from Canada. On August 29, 1975, the FEA issued final amendments in the proceeding initiated by the July 6 notice. (40 FR 20821, September 4, 1975)

Among the amendments adopted on August 29, 1975, was a revision of § 212.93, the price rule for resellers and retailers, requiring sellers of propane and butane which distribute those products pursuant to §211.12(g) to calculate separately both the increased costs attributable to the amount of such products held in inventory and designated for sale to industrial users, and the maximum lawful prices permitted under § 212.93 to be charged for products so designated.

After adoption of the August 29 amendments, the FEA received comments from several refiners that the proposal contained in the July 16 notice and the final rule adopted on August 29, 1975 (10 CFR 211.12(g)), contained provisions to modify the allocation regulations for all suppliers of propane and butane, including resellers, retailers, and refiners, so that they may maintain, upon satisfaction of certain prerequisites, separate inventories of non-Canadian imports of these products for allocation to industrial users.

With respect to the FEA's price regulations, however, no specific proposal was included in the July 16 notice, although comments were solicited regarding the propriety of certain amendments to the price rules to facilitate the efforts of all suppliers to import supplemental supplies of non-Canadian propane and butane for their industrial customers.

The amendments to § 212.93 adopted on August 29, 1975, permitted resellers and retailers to include the higher costs associated with supplemental imports of non-Canadian propane and butane in prices charged to the industrial customers which benefit from these supplemental imports while these higher costs are not generally permitted to be included in prices charged to their other customers. However, no similar amendment to the refiners' price regulations was adopted.

Accordingly, on May 24, 1976 FEA proposed an amendment to § 212.83 to permit a separate cost calculation for that portion of a refiner's non-Canadian imports of propane or butane which is maintained in a separate inventory for distribution to industrial customers pursuant to § 211.12(g) (2) (iii).

The proposed amendment would create a separate pricing formula to be included in § 212.83(c) (2) for non-Canadian imports of propane or butane maintained in a separate inventory pursuant to § 211.12 (g) (2) (iii). The proposed formula provides for a separate increased cost calculation consisting of a comparison of the per unit cost of propane or butane imported from a source other than Canada in the month of measurement with the per unit cost of all propane or butane purchased or landed in the month of May 1973 multipled by the volume of product landed in the month of measurement. The increased costs represented by the calculation would then be used in accordance with the other provisions of Subpart E to calculate maximum lawful prices for all non-Canadian imports of propane and butane designated for industrial use.

The increased product cost calculation for the remainder of a refiner's propane or butane inventory would be computed separately as part of the total dollar amount a refiner may apportion to general refinery products (i=4) pursuant to the formula set forth in § 212.83(c) (2) (ii) for use in calculating the refiner's maximum lawful prices for these products in accordance with the remaining provisions of Subpart E. Thus, where increased non-Canadian imports have not been designated for industrial use, a refiner would be required to include the cost of such imports in the total of increased product costs attributable to the remainder of its inventory general refinery products, including the remainder of its propane and butane. Moreover, once offshore imports of propane or butane have been included in the refiners inventory from domestic and Canadian sources, they could not be designated thereafter for industrial use and the costs of such products therefore would not be taken into account in calculating the increased costs attributable to the inventory maintained for industrial use.

Based upon its analysis of the comments received in the rulemaking proceeding, FEA has decided to adopt the amendments as set forth below. However, because of the complexities inherent in adding another category of covered products to the § 212.83 price formulae and because the effect of the amendment regarding propane and butane is essentially to modify the rule requiring equal application of increased costs contained in § 212.83(h) (1) as to imported propane and butane other than from Canada and designated for industrial use pursuant to § 211.12(g) (2) (iii), FEA has decided not to adopt the amendment in the form it was proposed. Rather than amending the refiners' price formulae in § 212.83(c) as proposed, the equal application rule in § 212.83(h) is amended. The amendment to § 212.83(h) does not affect the application of the rules set forth in § 212.83 regarding sales of propane and butane other than non-Canadian imports designated for industrial use pursuant to § 211.12(g) (2) (iii). Furthermore, the total amount of increased costs calculated under § 212.83(c) (2) (iii) (D) for B_i when i=4 continues to be the total amount of such increased costs available for recovery for all propane and butane. Insofar as a refiner, pursuant to the new § 212.83(h) (2) (iii), applies unequal amounts of increased costs to imported propane and butane other than from Canada and designated for industrial use pursuant to the new § 211.12(g) (iii), the total amount of increased costs so applied must be excluded from the amount computed as available under § 212.83(c) (2) (iii) (D) for B_i where i=4.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-63, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 212 of Chapter II of Title 10 Code of Federal Regulations is amended as follows, effective December 1, 1976.

Issued in Washington, D.C., December 9, 1976.

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

Section 212.83(c) (2) (iii) is amended by revising the definition of the "B" factor and a new clause (iii) is added to (h) (2) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * * * *

(c) * * *
(2) * * *

(iii) * * *

(D) *The "B" factor.*

$$B_i = B_i^t + B_i^s + B_i^r$$

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

$$B_i^t = q_i^t \left(\frac{c_i^t}{q_i^t} - \frac{c_i^o}{q_i^o} \right)$$

except that where, in the period "o," no covered product or products of the type "i" were purchased or landed or, where

$$\frac{c_i^o}{q_i^o}$$

is greater than Y_i:

$$B_i^t = q_i^t \left(\frac{c_i^t}{q_i^t} - Y_i \right).$$

"B_i^t" is the total increased cost of the specific covered product or products of the type "i" purchased or landed in the period "t," provided such cost is not included in computing "A_i". The cost of a specific covered product or products of the type "i" shall include the cost of a product or products not of the type "i" which was a covered product as of May 31, 1976 and is purchased and refined or blended, that is attributable to the production of the covered product or products of the type "i". The cost and quantity of covered products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

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

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

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

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

Y_i=The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973, or, if no transactions occurred in that month, the month next preceding May 1973 in which such transactions occurred.

"B_i^s" is the total increased costs of the specific covered product or products of the type "i" computed under "B_i'" for the month preceding the month of measurement ("s") beginning on or after January 1, 1976 but not recovered in sales of that product during the period "t".

"B_i^r" is the total increased cost of the specific covered product or products of the type "i" computed under "B_i^t" for all months through the month two months before the month of measurement ("r") beginning on or after January 1, 1976 but not recovered in sales of that product through the period "t".

* * * * *

(h) * * *

(2) * * *

(iii) *Imports of propane or butane other than from Canada maintained in a separate inventory.* Notwithstanding the provisions of paragraph (1) of this section with respect to equal application of costs, a refiner may apply unequal amounts of increased costs to the weighted average May 15, 1973 selling prices of any imported propane or butane other than from Canada designated for industrial use pursuant to § 211.12(g) (2) (iii) if such imported propane or butane other than from Canada is maintained in a separate inventory or inventories and never commingled with other inventories of propane or butane, and provided that the increased costs for such imports are computed pursuant to the following formula and further provided that the increased costs so computed are subtracted from the amount computed in § 212.83(c) (2) (iii) (D) for B_i when $i=4$:

$$I^u = B^i$$

Where:

I^u=The total dollar amount that may be applied in the period "u" (the current month) to the May 15, 1973 selling prices of products "i" to compute maximum allowable prices for these products.

B=The "B" factor as defined in § 212.83 (c) (2) (iii) (D).

i=imported propane or butane other than from Canada designated for industrial use pursuant to § 211.12(g) (2) (iii).

[FR Doc.76-36735 Filed 12-10-76;9:39 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 76-WE-23]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Los Angeles, California Vicinity

On September 30, 1976, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 43187) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would alter the jet route structure in the vicinity of Los Angeles, Calif.

Interested persons are afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 24, 1977, as hereinafter set forth.

Section 75.100 (42 FR 707) is amended as follows:

1. In Jet Route No. 9 "From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.;" is deleted and "From Los Angeles, Calif., via Daggett, Calif.; INT of Daggett 046° and Boulder City, Nev., 245° radials; Boulder City.;" is substituted therefor.

2. In Jet Route No. 100 "From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.;" is deleted and "From Los Angeles, Calif., via Daggett, Calif.; INT of Daggett 046° and Boulder City, Nev., 245° radials; Boulder City.;" is substituted therefor.

3. In Jet Route No. 107 "From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.;" is deleted and "From Los Angeles, Calif., via Daggett, Calif.; INT of Daggett 046° and Boulder City, Nev., 245° radials; Boulder City.;" is substituted therefor.

4. In Jet Route No. 96 "From Los Angeles, Calif., via Ontario, Calif.; INT of Ontario 093° and Parker, Calif., 261° radials; Parker;" is deleted and "From Los Angeles, Calif., via Seal Beach, Calif.; Thermal, Calif.; Parker, Calif.;" is substituted therefor.

5. Jet Route No. 169 is added as follows: "From Los Angeles, Calif.; via Seal Beach, Calif.; Thermal, Calif.; Blythe, Calif."

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

Issued in Washington, D.C., on December 8, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-36728 Filed 12-15-76;8:45 am]

[Airspace Docket No. 76-SW-53]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Refugio, Tex., transition area.

On October 28, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 47265) stating the Federal Aviation Administration proposed to alter the Refugio, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., February 24, 1977, as hereinafter set forth.

In § 71.181 (41 FR 440), the Refugio, Tex., transition area is altered as follows:

REFUGIO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (latitude 28°20'04" N., longitude 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (latitude 28°23'51" N., longitude 97°10'40" W.), extending from the 5-mile-radius area to 8 miles northwest of the Vidauri NDB; within a 5-mile radius of Mellon Ranch Airport (latitude 28°16'50"

N., longitude 97°12'30" W.), and within 3½ miles each side of the 319° bearing from the Mellon Ranch NDB (latitude 28°16'47" N., longitude 97°12'20" W.), extending from the 5-mile radius to 12 miles northwest of the Mellon Ranch NDB.

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

Issued in Fort Worth, Tex. on December 7, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-36966 Filed 12-15-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE

PART 0—ORGANIZATION

PART 5—STANDARDS OF CONDUCT

Organization; Standards of conduct; Correction

In FR Doc. 76-36558 appearing in the FEDERAL REGISTER of Tuesday, December 14, 1976, 41 FR 54483, redesignating Part 0 of 16 CFR as Part 5 and setting out the renumbering from Part 0 to Part 5, there was inadvertently omitted the renumbering of Old Section Number 0.735-19 to New Section Number 5.19 under Subpart B—Ethical and Other Conduct and Responsibilities of Employees.

Accordingly, Old Section Number 0.735-19 is renumbered as New Section Number 5.19.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.76-37065 Filed 12-15-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5780, 34-13055, 35-19802, AS-203]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Disclosure of Certain Replacement Cost Data; Amendment to Regulation S-X

The Securities and Exchange Commission hereby adopts an amendment to Rule 3-17 of Regulation S-X (17 CFR 210.3-17). Rule 3-17(g) was originally proposed for comment in Securities Act Release No. 5696 (41 FR 13626), which was issued concurrently with Accounting Series Release No. 190 (Release Nos. 33-5695, 34-12240, 35-19437, March 23, 1976 (41 FR 13596)) in which Rule 3-17(a)-(f) requiring certain replacement cost data was adopted. A revised amendment was published for comment on October 7, 1976 in Securities Act Release No. 5749 (41 FR 45030).

The Commission is adopting the rule because of the imprecise nature of replacement cost information and its desire to encourage the development and disclosure of such information in good faith. The Commission recognizes that it is requiring companies to disclose data that is not subject to precise calculation. It is expected that there will be various approaches taken in the preparation and disclosure of replacement cost data. The Commission believes that persons required to disclose replacement cost data should be protected against the imposition of liability for such disclosures unless it can be clearly shown that the disclosures were prepared without a reasonable basis or disclosed in other than good faith.

By defining various terms found in the securities laws to require a showing that the data was either (1) prepared without a reasonable basis or (2) disclosed in other than good faith, the rule places a burden of proof on a person seeking to establish liability for a disclosure or nondisclosure of replacement cost data. If such a person can establish that a misstatement of a material fact (or other similar term found in the rule) has occurred, he must then meet whatever standards are applicable in the circumstances of the particular claim and the relief sought. See, e.g., sections 11, 12 and 17 (15 U.S.C. 77k, *l*, *o* and q) of the Securities Act of 1933, Sections 10, 18 and 20 (15 U.S.C. 78j, r and t) of the Securities Exchange Act of 1934.

Some commentators questioned the requirement that the data be demonstrated to have been prepared "without a reasonable basis." These commentators recommended that a person seeking to establish liability for replacement cost data be required to demonstrate that such information was prepared with an intent to deceive or defraud and disclosed other than in good faith. The Commission recognizes that there will be more than one reasonable way of preparing the data but believes that a showing that data was prepared without a reasonable basis should be sufficient to remove any special protection afforded by the rule. A requirement that there be a showing of an intent to deceive or defraud may be appropriate in other circumstances, but the Commission does not believe that such a standard is appropriate in a "safe harbor" rule. The rule would apply to data furnished in response to the requirements of Rule 3-17(a)-(f) or as further supplemental disclosure.

Most of those commenting on the revised rule favored adoption of the rule as revised, although a majority of those supporting the adoption of the rule favored the deletion of the July 1, 1978 termination date. In response to these comments, the Commission has removed the termination date. However, as with other aspects of the Commission's requirements for replacement cost data, the Commission will consider the desirability of amending or eliminating the rule in light of its experience with the rule. The Commission will review its experience with the rule by July 1, 1978.

Commission Action: The Commission hereby amends § 210.3-17 of Part 210 of 17 CFR, Chapter II, by the addition of paragraph (g) as given below.

§ 210.3-17 Current replacement cost information.

* * * * *

(g) Current replacement cost information disclosed pursuant or supplemental to the requirements of this § 210.3-17 shall be deemed not to be an untrue statement of a material fact; a statement false or misleading with respect to any material fact; an omission to state a material fact necessary to make a statement not misleading; or the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business or an artifice to defraud; as those terms are used in the Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935, or rules and regulations thereunder, unless such inforamtion:

(1) Was prepared without a reasonable basis; or

(2) Was disclosed other than in good faith.

The Commission solicited comment on whether it would be preferable to have no rule rather than the revised rule proposed in Securities Act Release No. 5749. Almost all those responding favored adoption of the rule rather than no rule. It should be emphasized that the Commission has adopted the rule because of the nature of replacement cost data. The rule should not be taken as an indication of what the Commission believes to be the appropriate standard in the absence of a rule, or what an appropriate safe harbor rule would be for other types of disclosures or activities.

Pursuant to section 23(a)(2) of the Exchange Act, the Commission has considered the effect that the amendment would have on competition and is not aware of any burden that the rule would impose on competition not necessary or appropriate in furtherance of the purposes of that Act.

The Commission has adopted the foregoing amendment pursuant to its authority under section 19(a) (15 U.S.C. 77s) of the Securities Act of 1933, sections 3(b) and 23(a)(1) (15 U.S.C. 78c and 78w) of the Securities Exchange Act of 1934, and section 20 (15 U.S.C. 79t) of the Public Utility Holding Company Act of 1935. In addition to the definitional authority provided therein, section 19a (15 U.S.C. 77s) of the Securities Act, section 23(a)(1) (15 U.S.C. 78w) of the Exchange Act and section 20(d) (15 U.S.C. 79t) of the Holding Company Act specifically provide that no liability under those Acts "shall apply to any act done or omitted in good faith in conformity" with any rule or regulation of the Commission.

Inasmuch as the above described amendment does not impose any additional requirements under § 210.3-17, the Commission finds that, for good cause, the thirty day notice provision specified in the Administrative Procedure Act (5 U.S.C. 553(d)) is unnecessary, and ac-

cordingly the amendment shall be effective on December 16, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 10, 1976.

[FR Doc.76-36990 Filed 12-15-76;8:45 am]

[Release No. 34-13053; File No. S7-611]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Adoption of Reporting and Inquiry Requirements With Respect to Missing, Lost, Stolen and Counterfeit Securities

The Securities and Exchange Commission today announced the adoption of Rule 17f-1 (17 CFR 240.17f-1) under section 17(f) of the Securities Exchange Act of 1934, ("the Act") (15 U.S.C. 78a et seq. as amended by Pub. L. No. 94-29 (June 4, 1975)) to establish reporting and inquiry requirements with respect to missing, lost, counterfeit or stolen securities. The Commission also announced a pilot program, from March 1, 1977 to February 28, 1978, to ease the implementation of the rule. Under the terms of the pilot program, the rule will become effective on March 1, 1977. The pilot period will end on February 28, 1978. Finally, the Commission seeks comments concerning the designation of an entity to process reports and inquiries required to be made with the Commission during the pilot period.

INTRODUCTION

The problems relating to missing, lost, counterfeit or stolen securities have been described by the Commission[1] and were the subject of a series of Congressional hearings.[2] The recommendation for a system for the receipt of reports and inquiries concerning missing, lost, stolen or counterfeit securities has been supported widely. Section 17(f) of the Act established the legislative framework for such a system by providing that every national securities exchange, member thereof, registered securities association, broker, dealer, municipal securities dealer, registered transfer agent, registered clearing agency, participant therein, member of the Federal Reserve System and bank whose deposits are insured by the Federal Deposit Insurance Corporation shall report and inquire with respect to missing, lost, counterfeit or stolen securities in accordance with rules promulgated by the Commission.

Proposed Rule 17f-1 was announced by the Commission on January 20, 1976.[3] Numerous comment letters were received from interested members of the public, and impact studies on the effects of the proposed rule were conducted by the securities and banking industries. The Commission has carefully reviewed these comment letters and impact studies and has made modifications in the rule where it was deemed appropriate.

RULE 17f-1

(a) *Definitions.* Paragraph (a) defines the terms "reporting institution" and "appropriate instrumentality."

(b) *Reporting requirements.* Paragraph (b) requires financial institutions and others to report missing, lost, counterfeit or stolen securities within specified time periods. Reports with respect to U.S. Government or Agency securities or securities of certain international organizations are to be made to the nearest Federal Reserve Bank or Branch; reports with respect to all other securities are to be made to the Securities and Exchange Commission. Where there is a substantial belief that criminal activity is involved, an additional report must be made to the appropriate law enforcement agency. A report is also required if a security previously reported missing, lost or stolen is recovered. The information required to be reported is set forth in the rule and shall be provided on Form X-17F-1A, Lost, Missing, Stolen, Counterfeit Securities Report.

The rule requires the reporting institution to report: (1) Those securities missing, lost, or stolen from its possession or control and (2) those securities which are missing, lost or stolen from the possession or control of a person which is not a reporting institution and which securities have not been reported by another reporting institution. For example, if securities are missing from the control of a broker, the broker would be required to report. A transfer agent receiving a "stop" on such securities from the broker would not be required to report. In contrast, where securities are lost by a non-reporting entity such as an individual, the transfer agent would be required to make a report when it receives the stop. Form X-17F-1A will be designed so that transfer agents will be able to ascertain whether a report is required by them. During the pilot program, transfer agents will not be required to report stops received prior to the effective date of the rule. The Commission will study the desirability of requiring the reporting of such stops at a later date. The Commission also intends to consider and may make proposals concerning methods by which duplicative reporting and inquiry by registered transfer agents may be eliminated.

For the purpose of paragraph (b)(2) only, but not (b)(2)(i)-(iii), the time periods for reporting begin to run when, on the basis of all relevant circumstances, the reporting institution believes a certificate to be lost or missing as opposed to a belief that the certificate is merely misplaced or misfiled by the institution.

Counterfeit securities, including altered or forged securities, are required to be reported to the appropriate law enforcement agency as well as to the appropriate instrumentality. Reports of recoveries of lost, missing, or stolen securities are required to be made to the appropriate instrumentality. Where stolen securities were reported to a law enforcement agency, a report of recovery is required to be made to such agency. Recovery may only be reported by the institution which reported the security as missing, lost or stolen. However, report of recovery may be made by a successor institution, trustee or the recovering institution where the reporting institution no longer exists.

(c) *Inquiry requirements.* Paragraph (c) of Rule 17f-1 requires financial institutions to determine whether securities coming into their possession or keeping under certain circumstances have been reported as missing, lost, counterfeit or stolen. Inquiry with the appropriate instrumentality is required whenever securities are received, whether by pledge, transfer or in some other manner, unless they are received (1) from the issuer on original issue; (2) from another institution which is a reporting institution under the rule; or (3) from a customer and are registered in the name of such customer or its nominee.

Under the proposed rule, the third exemption stated that no inquiry is required if the securities are received from a regular customer, are registered in the name of such customer or its nominee and the size and nature of the transaction are not inconsistent with past transactions with the same customer. However, in light of the Senate hearings, which demonstrated that the stolen securities traffic mainly involves bearer and street name securities and the concern expressed in the comment letters, the Commission has eliminated the requirement that the person be a regular customer and the transaction not be inconsistent with past transactions. Consequently, under the third exemption as adopted, securities registered in the name of the customer will be exempt from required inquiry. All bearer or street name securities, unless received from the issuer or another reporting institution, would require inquiry. Any reporting institution may make inquiry with respect to any transaction pursuant to paragraph (d) of the rule.

These exceptions are intended to make inquiry unnecessary in the majority of instances and to require inquiry in those circumstances most likely to involve missing, lost, counterfeit or stolen securities. The system will be designed to avoid undue disruption to the course of normal commercial transactions.

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[1] Study of Unsafe and Unsound Practices of Brokers and Dealers, Report and Recommendations of the Securities and Exchange Commission (pursuant to section 11(h) of the Securities Investor Protection Act of 1970), December 1970.

[2] Organized Crime—Stolen Securities, Hearings Before the Permanent Subcommittee on Investigations, Senate Committee on Government Operations, 92nd Cong., 1st Sess. (1971); 93rd Cong., 1st Sess. (1973); 93rd Cong., 2d Sess. (1974).

[3] Securities Exchange Act Release No. 12030 (January 20, 1976); 41 FR 4834 (February 2, 1976)

(d) *Permissive reports and inquiries.* Paragraph (d) describes the availability of the reporting and inquiry system to any reporting entity whether or not Rule 17f–1 would require a report or inquiry. With respect to the granting of authority to make permissive inquiries, it should be pointed out that this authority is provided to allow sufficient flexibility when an inquiry is not mandated but suspicious circumstances are involved. The Commission, in allowing permissive inquiries, does not intend to incorporate an inquiry requirement into the bona fide purchaser doctrine each time a reporting institution receives a security certificate. The Commission recognizes that to require or to suggest inquiry in all cases would seriously jeopardize the ability of financial institutions to function in an efficient manner.

The rule also provides that the Commission may grant other persons access to the system upon such terms or conditions as it deems necessary and appropriate in the public interest and for the protection of investors. The Commission recognizes that a number of banks, including foreign banks and branches, and other institutions, such as insurance companies, are not included in the definition of "reporting institution." In order to allow these institutions access into the system and to allow those reporting institutions dealing with non-reporting institutions the exemption allowed under paragraph (c) (1) (ii) of the rule, the Commission encourages financial institutions not within the jurisdiction of this section to apply under paragraph (d) to become so included.

PILOT PROGRAM

In order to implement Rule 17f–1 in the most efficient manner, the Commission has determined that it would be appropriate to institute a pilot program to determine the effectiveness of the rule and the systems designed to carry out its provisions. Accordingly, Rule 17f–1 will be implemented on a pilot basis between March 1, 1977 and February 28, 1978.

During the pilot program, the Commission will not require certain reports and inquiries to be made which otherwise would be required under the rule.

1. Corporate securities not assigned CUSIP numbers will be exempt from required reporting and inquiry.

2. Transactions involving less than $10,000 will be exempt from inquiry.

On the basis of the impact studies conducted, the Commission believes that allowing these additional exemptions from reporting and inquiry during the pilot program will allow the efficient implementation of a system to carry out the mandate of the Act. In addition, these exemptions will allow financial institutions subject to the rule an opportunity to adapt to the operation of the rule without undue disruption to the course of normal commercial transactions.

The Commission will study the operation of the rule and the system during this pilot program and make modifications where appropriate.

DESIGNATION OF AN OUTSIDE ENTITY

Section 17(f) (1) (A) of the Act authorizes reports and inquiries to be made to the Commission or "other person designated by the Commission." The Commission has determined that a manual, computer-assisted system would best achieve the purposes of the pilot program and that the goals of the Act would best be fulfilled by the designation of a private entity to perform certain functions under the Commission's direction.[4] These conclusion are based on the easy implementation and lower cost of such a designee-operated system over a real-time, on-line fully automated system. These views are also buttressed by the fact that the movement towards the immobilization and elimination of securities certificates will greatly diminish the lost and stolen securities problem. Accordingly, the implementation cost of any system should be kept as low as possible.

The Commission contemplates that any system designated by it will be flexible enough to accommodate high volume users on an automated basis.

The designee's functions, to be carried out upon terms and conditions as approved by the Commission would be:

1. To receive reports and inquiries for which the Commission is the appropriate instrumentality;

2. To maintain records of such reports and inquiries and furnish such records to institutions in accordance with the provision of Rule 17f–1;

3. To collect fees, as approved by the Commission, from reporting institutions to defray the cost of the system; and

4. To convey receipt of reports to the transfer agents concerned where such transfer agent is not the reporting institution; and

5. To carry out other specified functions ordered by the Commission.

The Commission's designee will serve in its capacity upon specified terms and conditions approved by the Commission and shall operate pursuant to and under the terms of:

1. A plan approved by the Commission and amended by the Commission as appropriate or necessary; and

2. A fee structure to be submitted to and approved by the Commission.

The Commission solicits comments regarding its determination to utilize a manual computer assisted system in implementing Rule 17f–1. In addition, the Commission encourages entities interested in acting as the Commission's designee to make submissions and proposals for systems to implement Rule 17f–1, including costs for such a system.

EFFECTIVE DATES AND RESPONSIBILITY OF APPROPRIATE INSTRUMENTALITIES

Rule 17f–1 will become effective on March 1, 1977. No fee will be charged to users for reports and inquiries for which a Federal Reserve Bank or Branch is the appropriate instrumentality between March 1, 1977 and June 1, 1977. Thereafter, a reasonable fee as approved by the Commission may be charged to all reporting institutions. Reporting institutions will be charged a reasonable fee, determined by the Commission, for making available the information on missing, lost, counterfeit or stolen securities for which the Commission is the appropriate instrumentality.

The Commission and the Federal Reserve Bank will shortly disseminate to all reporting institutions the procedures for reporting and inquiry.

The appropriate instrumentalities undertake no responsibility with regard to any party in maintaining the lists of missing, lost, counterfeit or stolen securities or responding to inquiries pertaining thereto and will not be liable for any act or failure to act with respect to any procedures set forth in Rule 17f–1.

IMMOBILIZATION AND ELIMINATION OF CERTIFICATES

It should be noted that this program is not intended to be a substitute for other steps which are being undertaken to improve securities processing, prevent losses and reduce the risk of theft. The Commission continues to endorse the concepts of improved securities processing and certificate immobilization and elimination through greater use of depositories and book entry systems. It is expected that this program will be developed in a manner appropriate to meet existing needs and will be flexible enough to adjust to changing circumstances.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

The Commission adopts Rule 17f–1 pursuant to the Securities Exchange Act of 1934, as amended, including sections 2, 6, 10, 15, 17, and 23 thereof. The Commission finds that any burden upon competition imposed by the rule is necessary and appropriate in the public interest and for the protection of investors in order to implement a lost or stolen securities program pursuant to section 17(f) of the Act.

Since the modifications of the rule as proposed are technical in nature or make the rule less restrictive, the Commission finds, in accordance with the Administrative Procedure Act, that notice and public procedure are not necessary as a prerequisite to the adoption of the rule.

[4] See Appendix—Criteria for a Lost and Stolen Securities Reporting and Inquiry System, for a discussion of those criteria the Commission suggests be included in a system. The conclusion that a manual computer-assisted system is the most appropriate means of implementing section 17(f) (1) of the Act was reached after review of preliminary proposals submitted by numerous firms during the public comment period. The criteria described herein were formulated from submissions received by the Commission and contain many suggestions initially made by the Securities Industry Automation Corporation.

SOLICITATION OF COMMENTS

The Commission solicits comments from all interested persons on Rule 17f–1 and the Commission's pilot program for the implementation of the rule. In particular, the Commission solicits comments pertaining to the following:

1. Whether the standards for inquiry set forth in paragraph (c) (1) (iii) of the rule are appropriate;

2. Whether the use of a manual, computer assisted system to receive reports and inquiries is appropriate and desirable in the public interest and for the protection of investors;

3. Whether it is appropriate to require the Commission's designee to convey receipt of reports to the transfer agent concerned where the transfer agent is not the reporting institution;

4. Whether the pilot program allows reporting institutions sufficient flexibility in the implementation of the rule;

5. Whether the additional exemptions allowed during the pilot program should be retained permanently in the rule;

6. Whether the effective date of March 1, 1977 is appropriate; and

7. Whether it is desirable for the Commission to appoint an advisory committee consisting of representatives of the banking and securities industries, the self-regulatory organizations and regulatory agencies to advise the Commission on the conduct of the lost and stolen securities pilot program.

In addition, the Commission solicits submissions from persons interested in serving as the Commission's designee regarding the manner in which a system should operate including costs for the establishment and operation of such a system.

Written comments, submitted in triplicate, should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, by January 15, 1977. All comments should refer to File No. S7–611. Comments submitted will be available for public inspection at the Commission's Public Reference Room.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 10, 1976.

Part 240 is amended as follows:

Commission action: Pursuant to sections 2, 6, 10, 15, 17(f) and 23 of the Securities Exchange Act of 1934, the Securities and Exchange Commission adopts § 240.17f–1 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17f–1 Requirements for reporting and inquiry with respect to missing, lost, counterfeit or stolen securities.

(a) *Definitions*—(1) *Reporting institution.* For purposes of this section, the term "reporting institution" shall include every national securities exchange, member thereof, registered securities association, broker, dealer, municipal securities dealer, registered transfer agent, registered clearing agency, participant therein, member of the Federal Reserve System and bank whose deposits are insured by the Federal Deposit Insurance Corporation.

(2) *Appropriate instrumentality.* For purposes of this section the term "appropriate instrumentality" shall mean:

(i) Any Federal Reserve Bank or Branch thereof with respect to securities issued by:

(A) The United States Government,

(B) Any agency or instrumentality of the United States Government,

(C) The International Bank for Reconstruction and Development,

(D) The Inter-American Bank, or

(E) The Asian Development Bank; and

(ii) The Securities and Exchange Commission with respect to all other securities.

(b) *Reporting requirements*—(1) *Stolen securities.* (i) Every reporting institution shall report to the appropriate instrumentality the discovery of the theft or loss of any security where there is substantial basis for believing that criminal activity was involved. Such report shall be made within one business day of the discovery and, if the certificate numbers of the securities cannot be ascertained at that time, they shall be reported as soon thereafter as possible.

(ii) Every reporting institution shall promptly report to the appropriate law enforcement agency upon the discovery of the theft or loss of any security where there is substantial basis for believing that criminal activity was involved.

(2) *Missing or lost securities.* Every reporting institution shall report to the appropriate instrumentality the discovery of the loss of any security where criminal actions are not suspected when the security has been missing or lost for a period of two business days. Such report shall be made within one business day of the end of such period except that:

(i) Securities lost in transit to customers, transfer agents, banks, brokers or dealers shall be reported by the delivering institution no later than two business days after notice of non-receipt or as soon after such notice as the certificate numbers of the securities can be ascertained.

(ii) Securities considered lost or missing as a result of securities counts or verifications required by rule, regulation or otherwise (e.g., dividend record date verification made as a result of firm policy or internal audit function report) shall be reported no later than ten business days after completion of such securities count or verification or as soon after such count or verification as the certificate numbers of the securities can be ascertained.

(iii) Securities not received during the completion of a delivery, deposit or withdrawal shall be reported in the following manner:

(A) Where delivery of securities is through clearing agency, the delivering institution shall supply the receiving institution the certificate number of the security within two business days from the date of request from the receiving institution. The receiving institution shall report within one business day of notification of the certificate number:

(B) Where the delivery of securities is over-the window and where the delivering institution has a receipt, the delivering institution shall supply the receiving institution the certificate numbers of the securities within two business days from the date of request from the receiving institution. The receiving institution shall report within one business day of notification of the certificate number;

(C) Where the delivery of securities is over the window and where the delivering institution has no receipt, the delivering institution shall report within two business days of notification of non-receipt by the receiving institution; or

(D) Where delivery of securities is made by mail or via draft, if payment is not received within ten business days, the delivering institution shall confirm with the receiving institution the failure to receive such delivery; if confirmation shows non-receipt, the delivering institution shall report within two business days of such confirmation.

(3) *Counterfeit securities.* Every reporting institution shall report the discovery of any counterfeit security to the appropriate instrumentality and the appropriate law enforcement agency within one business day of such discovery.

(4) *Recovery.* Every reporting institution shall report the recovery or finding of any security previously reported missing, lost or stolen pursuant to this rule to the appropriate instrumentality within one business day of such recovery or finding. If a report of stolen securities was made to the appropriate law enforcement agency, a report of recovery shall also be made to such agency. Recovery may only be reported by the institution which reported the security as missing, lost or stolen.

(5) *Information to be reported.* All reports made pursuant to this section shall include, if applicable or available, the following information with respect to each security:

(i) Issuer;
(ii) Type of security and series;
(iii) Date of issue;
(iv) Maturity date;
(v) Denomination;
(vi) Interest rate;
(vii) Certificate number, including alphabetical prefix or suffix;
(viii) Name in which registered;
(ix) Distinguishing characteristics, if counterfeit;
(x) Date of discovery of loss or recovery;
(xi) CUSIP number; and
(xii) FINS number.

(6) *Forms.* All reports made pursuant to this section shall be made on Form X–17F–1A.

(c) *Required inquiries.* (1) Every reporting institution shall inquire of the appropriate instrumentality with respect to every security which comes into its possession or keeping, whether by pledge, transfer, or otherwise, to ascertain whether such security has been reported

as missing, lost, counterfeit or stolen, unless

(i) The security is received directly from the issuer or issuing agent at issuance;

(ii) The security is received from another reporting institution or Federal Reserve Bank in its capacity as fiscal agent;

(iii) The security is received from a customer of the reporting institution and is registered in the name of such customer or its nominee.

(2) *Form of inquiry.* Inquiries shall be made in such manner as prescribed by the appropriate instrumentality.

(d) *Permissive reports and inquiries.* Every reporting institution may report to or inquire of the appropriate instrumentality with respect to any security not otherwise required by this section to be the subject of a report or inquiry. The Commission on written request or upon its own motion may permit reports to and inquiries of the system by any other person or entity upon such terms and conditions as it deems appropriate and necessary in the public interest and for the protection of investors.

APPENDIX—CRITERIA FOR A LOST AND STOLEN SECURITIES REPORTING AND INQUIRY SYSTEM

The Commission suggests that those persons interested in serving as the Commission's designee for reporting and inquiry under § 240.17f–1 should include the following criteria in plans which they may choose to submit. While the Commission believes that this program may be best implemented by a system containing the following characteristics, the Commission encourages the submission of any plan which would implement § 240.17f–1 in an efficient manner.

DESIGNEE'S FUNCTIONS

The designee will perform certain functions under the Commission's direction. It is contemplated that the designee will operate a manual, computer assisted system.

The designee will collect reports of instances of lost or stolen securities and maintain such information on microfilm or similar means. Such reports will be maintained on a current basis. Reports should be capable of being received by means of telephone, the mails or telex.

Similarly, the designee will receive inquiries by means of telephone, the mails or telex, and answer such inquiries promptly. The designee shall send hard copy confirmations to the inquiring institution concerning each inquiry.

It is contemplated that the designee will process approximately 10,000 reports and inquiries daily.

GENERAL CONSIDERATIONS

The immobilization and elimination of securities certificates will greatly diminish the lost and stolen securities problem. Accordingly, the start-up costs of any system to implement § 240.17f–1 should be as low as possible.

The "reporting institutions" subject to Rule 17f–1 will encompass entities of differing sizes, geographic locations and frequency of contact with the system. Consequently, the system should have sufficient flexibility to deal with these institutions as their needs require. This flexibility should entail different means of communication, ranging from the use of the mails for low volume users to automatic input and retrieval for the high volume entities.

Submissions should also address equitable means of allocating the costs of the system among the participants. Finally, not only the cost of operating the system, but compliance costs to participants should be considered in the design of a system.

REPORTING CONSIDERATIONS

The system should be capable of receiving reports by telephone and the mails as well as electronic means. The system should verify that the reporting entity is an authorized subscriber. The system should have the capacity to include reports into its lost and stolen securities file promptly and to generate a hard copy confirmation to the person making the report and to the transfer agent concerned.

The system should also contain procedures for removing such reports when the security is recovered by the reporting institution.

INQUIRY CONSIDERATIONS

The system should have the flexibility to answer inquiries in a variety of ways including by telephone, by mail and by electronic means. The system should initially verify that the person making inquiry is an authorized subscriber. The system should be able to respond to the inquiry promptly and to provide the inquirer with a hard copy confirmation.

The system should have the capacity to store a record of inquiries. Such records should be capable of being retrieved by the name of the subscriber as well as the particular security.

OTHER CONSIDERATIONS

The system should be capable of handling fluctuations in volume of reports and inquiries without loss of efficiency. All proposed systems should include estimates of the cost of implementation, the amount of time necessary to initiate the system, the cost of operation, the method of billing subscribers and allocation of the costs of the system among subscribers.

In making a designation for the purposes of the pilot program, the Commission will consider the following factors among others: The cost of implementing the system, the amount of time necessary to initiate the system, the cost of operation, the cost of compliance to reporting institutions, the compatibility of the system with existing securities information systems, the ability of the system to respond to fluctuations in reporting and inquiry volume in an efficient manner, the experience of the designee in managing similar programs, and the method of allocating costs and billing subscribers.

The Commission has solicited comments regarding the desirability of appointing an advisory committee to advise the Commission on the conduct of the lost and stolen securities pilot program. If such an advisory committee is appointed, it is anticipated that the committee will advise the Commission regarding the performance of the designee during the pilot program and make recommendations concerning the appointment of an entity on a permanent basis

[FR Doc.76–36989 Filed 12–15–76;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER VI—WATER RESOURCES COUNCIL

PART 701—COUNCIL ORGANIZATION

Observer Status for River Basin Commission Vice-Chairmen

Pursuant to the authority vested in it by section 402 of the Water Resources Planning Act (Pub. L. 89–80) (42 U.S.C. 1962d–1) the Water Resources Council hereby amends its regulations to grant observer status on the Council to the Vice-Chairmen of River Basin Commissions established under Title II of that Act.

Dated: December 13, 1976.

GARY D. CODB,
Acting Director.

Section 701.56(a) is amended to read as follows:

§ 701.56 Observers.

(a) Chairmen and Vice-Chairmen of River Basin Commissions established under Title II of the Act shall be Observers.

* * * * * *

[FR Doc.76–37054 Filed 12–15–76;8:45 am]

Title 19—Customs Duties

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

[T.D. 76–330]

PART 1—GENERAL PROVISIONS

Extension of Port Limits of Progreso, Texas

On June 8, 1976, a notice of a proposal to extend the port limits of Progreso, Texas, in the Laredo, Texas, Customs district (Region VI) was published in the FEDERAL REGISTER (41 FR 22952).

One of the responses to the notice correctly noted that the description of the territorial boundaries of the proposed extended port limits of Progreso, Texas, failed to include all of the area within the city limits of Mercedes, Texas. Consequently, on October 22, 1976, the notice of proposed rulemaking was republished in the FEDERAL REGISTER (41 FR 46605) in order to clarify the geographical limits of the proposed extension. All of the comments received in response to the proposal were favorable.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 12 (41 FR 47970), the port limits of Progreso, Texas, in the Laredo, Texas Customs district (Region VI), are extended to include all the territory within the following boundaries:

Beginning at the intersection of Mile 9 North Road and the Cameron County and Hidalgo County line proceeding in a westerly direction along Mile 9 North Road to its intersection with Mile 6½ West Road, then proceeding in a southerly direction along Mile 6½ West Road and a continuation thereof to its intersection with the United States-Mexico international boundary, then proceeding in a easterly direction along the United States-Mexico international boundary to its intersection with the Cameron County and Hidalgo County Line, then proceeding in a northerly direction on the Cameron County and Hidalgo County line, to its intersection with Mile 9 North Road.

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by deleting the language "(T.D. 71-278)." which appears directly after "Progreso" in the column headed "Ports of entry" in the Laredo, Texas, Customs district (Region VI) and adding in lieu thereof the language "(including territory described in T.D. 76-339)."

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

It is desirable to make the benefits of this extension of the port limits of Progreso, Texas, available to the public as soon as possible. Therefore, good cause is found for dispensing with the 30 day effective date provision of 5 U.S.C. 553(d).

Effective date: This amendment shall become effective January 3, 1977.

Dated December 10, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-37016 Filed 12-15-76;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.730]

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

Miscellaneous Amendments

The enactment on October 20, 1976 of Pub. L. 94-571, the Immigration and Nationality Act Amendments of 1976, requires a series of amendments to Title 22, Code of Federal Regulations, Part 42—Visas: Documentation of Immigrants under the Immigration and Nationality Act, as amended. Many of the necessary amendments are editorial; some are substantive in nature. The Department finds that, because of the necessity of making the amendments required by Pub. L. 94-571 effective as of January 1, 1977, notice of proposed rulemaking with respect to these amendments is impractical. The amendments are therefore promulgated to become effective January 1, 1977.

In accordance with the intent of 5 U.S.C. 553, however, interested persons may submit written comments, suggestions, data or arguments concerning these amendments to the Administrator, Bureau of Security and Consular Affairs, Room 6811, Department of State, Washington, D.C. 20520. Material submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, the amendments contained in this document shall remain in effect, in order to permit orderly implementation of the provisions of Pub. L. 94-571 commencing January 1, 1977.

Part 42, Chapter I Title 22 of the Code of Federal Regulations is amended as follows:

1. In § 42.1 Definitions, the following definitions are amended as set forth below:

§ 42.1 Definitions.

* * * * *

"Dependent area" means a colony or other component or dependent area overseas from the governing foreign state, natives of which are subject to the limitation prescribed by section 202(c) of the Act (i.e., not more than 600 per year).

* * * * *

"Entitled to immigrant classification" means that the alien (1) is the beneficiary of an approved petition to accord him immediate relative or preference status, or (2) has obtained an individual labor certification, or (3) has satisfied the consular officer that he (i) is entitled to special immigrant status under section 101(a)(27) of the Act, or (ii) is within one of the professional or occupational groups listed in Schedule A of the Department of Labor regulations, or (iii) is within one of the classes described in § 42.91(a)(14)(ii) and is therefore not within the purview of section 212(a)(14) of the Act.

"Foreign state." For the purpose of according alternate chargeability pursuant to section 202(b) of the Act, the term "foreign state" is not restricted to those areas to which the numerical limitation prescribed by section 202(a) of the Act applies but includes dependent areas, as defined in this section, and the Canal Zone.

"Not subject to numerical limitations" means that the alien is entitled to immigrant status as an immediate relative within the meaning of section 201(b), as a special immigrant within the meaning of section 101(a)(27) of the Act, or as a nonquota immigrant as defined in this section.

* * * * *

2. In § 42.12, paragraph (b) is amended to read as follows:

§ 42.12 Classification symbols.

* * * * *

(b) The following symbols shall be used in cases of aliens who are special immigrants:

Class	Section of the law	Symbol to be inserted in visa
Returning resident	101(a)(27)(A)	SB-1
Person who lost U.S. citizenship by marriage.	101(a)(27)(B) and 324(a).	SC-1
Person who lost U.S. citizenship by serving in foreign armed forces.	101(a)(27)(B) and 327.	SC-2
Minister of religion	101(a)(27)(C)	SD-1
Spouse of alien classified SD-1.	do	SD-2
Child of alien classified SD-1.	do	SD-3
Certain employees or former employees of U.S. Government abroad.	101(a)(27)(D)	SE-1
Accompanying spouse of alien classified SE-1.	do	SE-2
Accompanying child of alien classified SE-1.	do	SE-3

* * * * *

§ 42.20 [Amended]

3. In § 42.20, the third and fourth lines are amended by deleting "or section 21(e) of the Act of October 3, 1965," and by placing a comma immediately after "203 of the Act". Lines eight and nine are amended by deleting "(B) through (E)".

§ 42.21 [Amended]

4. Section 42.21 is amended by deleting the last line reading "(B) through (E)." and by placing a period at the end of the preceding line.

§ 42.23 [Amended]

5. Section 42.23, paragraph (a) is amended by changing "101(a)(27)(B)" to read "101(a)(27)(A)" in line three.

§ 42.24 [Amended]

6. Section 42.24, paragraph (a) is amended by changing "101(a)(27)(C)" to read "101(a)(27)(B)" in line four. Paragraph (b) is amended by changing "101(a)(27)(C)" to read "101(a)(27)(B)" in line three.

§ 42.25 [Amended]

7. Section 42.25, paragraph (a) is amended by changing "101(a)(27)(D)" to read "101(a)(27)(C)" in line three. Paragraph (b) is amended by changing "101(a)(27)(D)" to read "101(a)(27)(C)" in line two.

§ 42.26 [Amended]

8. Section 42.26, line three is amended by changing "101(a)(27)(E)" to read "101(a)(27)(D)".

§ 42.34 [Amended]

9. Section 42.34, paragraph (a) is amended by deleting the last sentence and inserting in place thereof, "In the case of a petition filed on or after January 1, 1977, a U.S. citizen must be at least twenty-one years of age to confer fifth preference status upon a brother or sister."

§ 42.37 [Revoked]

10. Section 42.37 is hereby revoked and the entry in the table of contents deleted.

§ 42.50 [Amended]

11. Section 42.50, lines three through eight are amended by deleting "or to the numerical limitation prescribed by section 21(e) of the Act of October 3, 1965 for special immigrants within the meaning of section 101(a)(27)(A) of the Act,". Line twelve is amended by deleting "(B) through (E)".

§ 42.51 [Amended]

12. In § 42.51, lines two through four are amended by deleting "or in an independent country of the Western Hemisphere,".

§ 42.52 [Amended]

13. In § 42.52, lines two through four are amended by deleting "or in an independent country of the Western Hemisphere,".

§ 42.55 [Amended]

14. In § 42.55, line eight is amended by deleting "(B) through (E)".

15. In § 42.60, paragraph (a) is amended to read as follows:

§ 42.60 Control of numerical limitations by the Department.

(a) *Centralized control.* Centralized control of the numerical limitations on immigration specified in sections 201, 202, and 203 of the Act is established in the Department. In order to effectuate this control, the Department shall limit the number of immigrant visas that may be issued and the number of adjustments of status and conditional entries that may be granted to aliens subject to these numerical limitations as follows: (1) Within the numerical limitations specified in sections 201, 202, and 203 of the Act for aliens born in any foreign state or dependent area located in the Eastern Hemisphere, a number not to exceed a total of 45,000 in any of the first three quarters of any fiscal year and of 17,000 each month plus any balance remaining from authorizations for preceding months in the same fiscal year; (2) within the numerical limitations specified in sections 201, 202, and 203 of the Act for aliens born in any foreign state of the Western Hemisphere or in the Canal Zone, or in a dependent area located in the Western Hemisphere, a number not to exceed a total of 32,000 in any of the first three quarters of any fiscal year and of 12,000 each month plus any balance remaining from authorizations for preceding months in the same fiscal year.

* * * * *

§ 42.61 [Amended]

16. In § 42.61, paragraph (a) is amended by deleting "and section 21(e) of the Act of October 3, 1965," in lines 15 through 17; by deleting "(B) through (E)" in lines 18 and 19; by deleting "(B) through (E)" in lines two and three of subsection (3)(i); by deleting subsection (3)(iii) in its entirety and by renumbering subsection "(3)(iv)" as "(3)(iii)".

17. In § 42.62, paragraph (b)(2) is amended by deleting subdivision (ii) in its entirety and by renumbering subdivision "(iii)" as "(ii)". Paragraph (c) is amended to read as follows:

§ 42.62 Priority date of individual applicants.

* * * * *

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, an alien who, prior to January 1, 1977 was subject to the numerical limitation specified in section 21(e) of the Act of October 3, 1965 and who was registered as a Western Hemisphere immigrant with a priority date prior to January 1, 1977 shall retain such priority date as a nonpreference immigrant pursuant to section 203(a)(8) of the Act.

* * * * *

§ 42.63 [Amended]

18. In § 42.63, paragraph (a) is amended by deleting "and section 21(e) of the Act of October 3, 1965" in lines four through six.

§ 42.64 [Amended]

19. In § 42.64, paragraph (a) is amended by deleting "and section 21(e) of the Act of October 3, 1965" in lines six and seven.

20. An entry for § 42.65 is added to the table of contents and the text is added as follows:

§ 42.65 Termination of registration.

(a) *Grounds of termination.* An alien's registration on an immigrant visa waiting list shall be terminated if he shall have failed to respond within one year to a notification sent subsequent to January 1, 1977 from a consular officer to prepare for final action on his application for an immigrant visa or if he shall have failed to apply for an immigrant visa within one year following the scheduling of an appointment for final interview.

(b) *Termination following visa refusal.* An alien's registration on an immigrant visa waiting list shall be terminated if within one year following the refusal of his immigrant visa application pursuant to section 221(g) of the Act he shall have failed to present to a consular officer evidence purporting to overcome the basis for the refusal.

(c) *Notice of termination.* Upon the termination of registration provided for in paragraph (a) or (b) of this section, the consular officer at the post where the alien is registered shall notify the alien of the termination and shall inform him of his right to have his registration reinstated if the alien shall, within one year from the date of termination, establish to the satisfaction of the consular officer that his failure to take further action in the case was due to circumstances beyond his control.

(d) *Reinstatement of registration.* If an alien, as provided for in paragraph (c) of this section, establishes to the satisfaction of a consular officer that his failure to take further action in the case was due to circumstances beyond his control, the consular officer shall reinstate the alien's registration on an immigrant visa waiting list. Any petition approved pursuant to section 204(b) which had been automatically revoked as a result of the termination of registration shall be considered to be automatically reinstated.

(e) *"Circumstances beyond his control".* For the purposes of this section, the term "circumstances beyond his control" shall include, but shall not be limited to, an illness or other physical disability which prevents the alien from travelling, a refusal by the authorities of the country of an alien's residence to grant him permission to depart the territory of that country as an immigrant, and foreign military service.

21. In § 42.91(a)(14), paragraph (i) is amended by striking the comma and deleting all language following "203(a)(8)" and by placing a period in place thereof. This section is further amended by adding a new subdivision (iii) and by revising subparagraph (24) to read as follows:

§ 42.91 Aliens ineligible to receive visas.

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

(14) * * *

(iii) Notwithstanding the provisions of subdivisions (i) and (ii) of this subparagraph, an alien who is within the purview of § 42.62(c) shall be deemed to have met the requirements of section 212(a)(14) of the Act for the purpose of applying for an immigrant visa: *Provided,* That the status, relationship or other qualification on the basis of which the alien was originally registered as an intending immigrant continues to exist as of the time of the alien's application for a visa, or if such status, relationship, or other qualification no longer exists, that the alien has again become entitled to nonpreference immigrant classification.

* * * * *

(24) *Aliens arriving in foreign contiguous territory or adjacent islands on nonsignatory or noncomplying transportation lines.* The provisions of section 212(a)(24) of the Act shall not be applicable to the following classes of immigrants:

(i) An alien who is described in section 101(a)(27)(A) of the Act;

(ii) An alien born in the Western Hemisphere;

(iii) An alien who proceeded to an adjacent island or foreign contiguous territory by nonsignatory carrier and who subsequently proceeded to Canada by signatory carrier and seeks to enter the United States from Canada, regardless of the method by which he first entered the adjacent island or foreign contiguous territory; or

(iv) An alien who proceeded from the United States by a nonsignatory carrier to an adjacent island or foreign con-

tiguous territory from which he seeks to reenter the United States, if, at the time of his last entry into the United States he would not have been ineligible to receive an immigrant visa under the provisions of section 212(a)(24) of the Act.

* * * * *

§ 42.124 [Amended]

22. In § 42.124, paragraph (a)(2) is amended by deleting the last sentence. Paragraph (a)(3) is amended by deleting "(B) through (E)" in line four.

§ 42.125 [Amended]

23. In § 42.125, paragraph (a) is amended by deleting "(B) through (E)" in line six. Paragraph (b) is amended by deleting "or section 21(e) of the Act of October 3, 1965" in lines four and five.

Effective date. The amendments will become effective January 1, 1977. (Amendments issued pursuant to Pub. L. 94-571 and section 104 of the Immigration and Nationality Act, 66 Stat. 174. 8 U.S.C. 1104. Interpret or apply sections 201, 202, 203 and 212 of the Act.)

For the Secretary of State.

Dated: December 6, 1976.

ROBERT T. HENNEMEYER,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

[FR Doc.76-36775 Filed 12-15-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-3—PROCUREMENT BY NEGOTIATION

Subpart 3-3.8—Price Negotiation Policies and Techniques

NONCOMPETITIVE PROCUREMENTS

On August 4, 1976, a document was published in the FEDERAL REGISTER (41 FR 32607-32612) proposing to amend 41 CFR, Chapter 3, Part 3-3, Procurement by Negotiation, Subpart 3-3.8, Price Negotiation Policies and Techniques, by revising Subsection 50 to § 3-3.802, Preparation for Negotiation:

The purpose of the amendment is to strengthen the Department's rules against unnecessary noncompetitive procurement. It (a) sets forth revised illustrative definitions of circumstances that constitute availability of services or supplies from only a single source, (b) requires that where a test of the market is an appropriate method of ascertaining whether such circumstances exist the market be tested at an early stage of the procurement process, (c) requires that where a number of procurements totaling $100,000 or more conceived as an entity for planning and budgetary purposes is planned as including any noncompetitive procurement, the whole project be reviewed at the outset for appropriateness of the contemplated noncompetitive aspects and (d) requires that justifications for sole-source procurements of $100,000 or over be approved by a chief administrative official or by a sole-source review board consisting of a chief administrative official, a key procurement official and two program officials.

Interested parties were asked to comment within 45 days of its publication. Three organizations submitted comments.

The first response was from a university and concerned the following:

(a) The increased administrative burden created by the proposed rule on program operators and their upper levels of management;

(b) A recommendation to exclude "whole project buys" from the provisions of the regulation if less than $100,000 is going to be spent in each fiscal year; and

(c) A recommendation to exclude additional work requirements that are to be added to existing contracts from the review process if the contractor has performed satisfactorily.

These comments were considered but not adopted because:

(a) The need to strengthen the Department's rules against unnecessary noncompetitive procurement and the benefits of increased competition justify the establishment of these policies and procedures.

(b) Projects aggregating $100,000 represent significant procurement notwithstanding that amounts spent in any fiscal period may be less than $100,000. Therefore, such projects will be subject to the "whole project" review and $100,000 represents a logical dollar level for application of the "whole project buy" process.

(c) The policy requires that all noncompetitive procurements be reviewed and approved. Therefore, the regulation must be applied to proposed noncompetitive modifications to contracts in effect at the time this regulation becomes effective. If the proposed noncompetitive action was not included in the "whole project buy," separate review and approval will be required.

The second response was from a Government agency and concerned various suggestions to strengthen the proposed regulation by:

(a) Adopting new procurement policies;

(b) Revising two of the criteria used to illustrate factors to be considered in determining whether a procurement should be awarded on a noncompetitive basis; and

(c) Changing the composition of the noncompetitive review board.

These comments were als onot adopted for the reasons set forth in the following paragraphs.

(a) We were requested to adopt procurement policies providing for: (1) The release of requests for proposals containing a clause which stated "award is contingent upon availability of funds;" (2) A Department or agency-wide source referral system for research and development procurements; and (3) The establishment of a Departmental policy regarding a cutoff date for acceptance of requests for contracts.

The Department has a policy regarding the release of requests for proposals with a notice regarding the availability of funds. This action can be undertaken in limited circumstances only. However, the policy is currently under review and consideration will be given to expanding the application of the policy. Regarding the adoption of a research and development referral system and strengthening bidders mailing list procedures, these actions are outside the framework of this regulation. However, consideration will be given to these suggestions, and, if desirable, they will be accomplished separately. The Department does have policies regarding end-of-the-year buying. Section 3-1.351, Year-end procurements, of the Department's procurement regulations requires all HEW procuring activities to determine closing date for purchases made under annual appropriations. The procurement planning policy (HEWPR 3-3.50) is also directed toward the reduction of year-end buying and the establishment of realistic time frames for accomplishing procurement.

(b) The respondent suggested that the criterion (3-3.802-50(f)(8)) be broadened to allow profitmaking firms to compete unless the Noncompetitive Review Boards deny them the opportunity to do so. This criterion is applicable where the required services must be procured from a certain State or local government unit, or from a nonprofit organization comprised of representatives of such governmental units, and should not be used to obtain services or supplies available from the commercial marketplace. This criterion covers such situations where legislation or other requirements restrict the procurement to a State or local government or other nonprofit organization. In these circumstances, competition cannot be expanded to include profitmaking organizations and the Board review could not alter the circumstances. In addition, the respondent suggested we require the use of a sources sought synopsis under this criterion. This was not deemed feasible since it would be fruitless if the criterion is being properly applied (i.e., you must contract with a particular State or local government or another type of nonprofit organization).

The respondent also questioned the use of time as a factor in deciding whether noncompetitive procurement is justified (3-3.802-50(f)(9)). However, there are circumstances which would permit the use of urgency as a factor and this criterion deals with those circumstances.

Another Government agency submitted comments as follows:

(a) Further explain the procedure requiring the issuing of a "sources sought synopsis" under the criterion in § 3-3.802-50(f)(3) where one source has a unique idea, approach, or equipment.

(b) Include the requirements for issuing a sources sought synopsis in such cases where competition is precluded by geographic, socio-economic, or epidemiologic considerations.

With regard to the first comment, the fact that a source has a unique idea, ap-

proach, or equipment does not, in itself, justify noncompetitive procurement. Where feasible, a description of the Government's need in terms of desired end results will be prepared without compromising the unique idea or approach. This description will be used to formulate a sources sought synopsis to test the market for other potential sources. We have not revised this procedure because, although complex, it is considered necessary in order to assure that noncompetitive procurement is fully justified under this criterion.

The second recommendation was not adopted because the issuance of a sources sought synopsis would be fruitless if competition is precluded by such factors as socioeconomic, geographic or epidemiologic considerations.

During the internal review process, one Departmental component suggested changes regarding (a) responsibility for establishing boards in Regional Offices; (b) the selection of chairpersons for such boards; and (c) the appointment of individuals in the Regional Offices to approve justifications for noncompetitive procurements when boards are not used.

Based on these suggestions, the regulation has been revised to provide that the Regional Director will be responsible for such tasks for those activities for which he has delegated procurement authority. The principal operating components will be responsible for such tasks in the regional offices for which they have functional contracting responsibilities.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. The provisions of this amendment shall be effective February 14, 1977.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 10, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

Accordingly, the revised regulation is hereby adopted subject to the following changes:

1. Section 3-3.802-50(i)(4) is deleted and the following is substituted therefor:

All Procurements $100,000 or over shall be submitted through the contracting officer for approval by a Noncompetitive Review Board as described in § 3-3.802-50(k), unless the Head of the POC, Agency Head, or the Regional Director, as required, determines that the activity will not utilize a Noncompetitive Procurement Review Board. If a review board is not utilized, the justifications for $100,000 or over shall be submitted through the contracting officer for approval by the chief official of the agency responsible for administration. In regional offices the Regional Director shall appoint the official to approve such justification for those activities for which he has delegated procurement authority, *Provided, however,* That this official shall be at an organizational level not lower than the Assistant Regional Director for Administration. The POC's which have functional contracting responsibilities in the regional offices shall appoint the approval official to approve justifications of $100,00 or over in those offices.

2. Section 3-3.802-50(k)(1) and (2) are deleted and the following is substituted therefor:

(1) *Purpose.* The purposes of the Noncompetitive Procurement Review Board, hereinafter referred to as the "Board," are to review the reasons given in certain justifications for noncompetitive procurement against the criteria in this section, and to make judgments as to the applicability of the policy requiring competition to specific procurements. In regional offices, the Regional Director shall have authority to establish Boards for those activities for which he has been delegated procurement authority. The POC's which have functional contracting responsibilities in the regional offices also have the authority to establish boards in those offices. If it is determined by the Head of POC, Agency Head, or appropriate regional personnel to utilize a board, such board shall comply with the requirements of this paragraph.

(2) *Establishment of Boards.* Boards shall be established at an organizational level not lower than agency head. The heads of the POC's (the Assistant Secretaries for Health, Human Development, Education; the Administrator of the Social and Rehabilitation Service; and the Commissioner of the Social Security Administration) are responsible for establishing Boards as needed in their POC's and their respective agencies. The Assistant Secretary for Administration and Management is responsible for establishing a Board in the Office of the Secretary. In regional offices, the Regional Director shall have the authority to establish Boards for those activities he has delegated procurement authority. The POC's which have functional contracting responsibilities in the Regional Offices also have the authority to establish boards in these offices. The number and geographical location of Boards will be decided by the Heads of POC's based upon volume of noncompetitive procurements to be reviewed and the need for timely decisions: *Provided,* That the composition of the Boards shall meet the requirements of (3) below.

3. Section 3-3.802-50(k)(3)(i) is deleted and the following is substituted therefor:

(i) Chairperson—There will be a permanent chairperson of the Board who shall be the chief agency official responsible for administration. In the regional offices, the Regional Director shall be responsible for the appointment of the chairperson of the Board for those activities for which he has delegated procurement authority and POC's which have functional contracting responsibilities in the regional offices shall be responsible for the appointment of the chairperson of the Boards for such activities. The chairperson should represent the appointing official and be able to review actions submitted to the Board from an agencywide point of view. The chairperson will designate which of the alternate members will attend indiviual board meetings and will assure that the proceedings of each meeting are recorded.

The revised section will read as follows:

§ 3-3.802-50 Noncompetitive procurements.

(a) *Purpose.* This subsection states the policies and procedures applicable to all noncompetitive procurements. It describes the criteria for use in determining whether a procurement may be made noncompetitively, describes the justification documents required, and prescribes review and approval requirements.

(b) *Policy.* (1) All negotiated procurements will be conducted competitively as required by FPR 1-1.301-1, 1-1.302-1(b), and 1-3.101(d) unless there are compelling and convincing reasons and/or circumstances which justify a noncompetitive procurement. Procurements should be conducted competitively to obtain the benefits of competitive prices and to stimulate bidders, offerors, and current contractors who desire contracts to exert their best efforts to deliver high quality physical and conceptual products. Although competition is the rule, it is recognized that there are certain instances where a noncompetitive procurement may be necessary. Where a noncompetitive procurement can be justified, affirmative action must be taken whenever possible to avoid the need for subsequent or continuing noncompetitive procurements.

(2) Submission of an unsolicited proposal can also lead to a noncompetitive procurement. In this circumstance, the initiating program office may recommend, for approval by the appropriate authority listed in paragraph (i) of this section, that a noncompetitive procurement be made to only one organization or individual to perform the required work or services. This recommendation shall be in writing and prepared as a document entitled "Justification for Acceptance of Unsolicited Proposal" that shall set forth information required by § 3-4.5203-3. A solicitation for a noncompetitive procurement shall not be issued, and negotiations with a source that submitted an acceptable unsolicited proposal shall not be undertaken, in advance of approval in accordance with § 3-3.802-50(i).

(c) *Exceptions.* The provisions of this subsection will apply to all negotiated procurements except:

(1) Procurements of $500, or less (see § 3-3.603-50(a));

(2) Procurements of professional services, e.g., for physician, veterinarian, dentist, or legal services negotiated under the authority of 41 U.S.C. 252(c)(4), or where the foregoing kinds of services are for $10,000 or less and are negotiated under 41 U.S.C. 252(c)(3) (see § 3-3.603-50(b)(4));

(3) Procurement of architect-engineer services (see §§ 1-4.10 and 3-4.10);

(4) Procurements of utility services where the services are available from only one source;

(5) Acquisitions from or through other Federal Government agencies, e.g., interagency agreements, contracts with the Small Business Administration pursuant to section 8(a) of the Small Business Act.

(d) *Competitive Procurement.* A procurement is competitive when the Government provides the opportunity to more than one source to submit bids, offers, or quotations. If a procurement

is announced in a presolicitation synopsis which states where copies of solicitations may be obtained, provides the opportunity for interested sources to submit bids, offers, or quotations, provides adequate time for requests for solicitations and submission of responses, and describes the procurement requirement without restrictions which would unavoidably result in only one source being responsive, the procurement will be classified as competitive.

(e) *Classification of procurements.* (1) The issuance of a sources sought synopsis does not require classification of a procurement as competitive or noncompetitive. The data resulting from the sources sought synopsis must be evaluated to determine whether there is more than one source which can adequately perform the contract requirement. If there is more than one source, the procurement should be classified as competitive and a presolicitation synopsis making solicitations available should be issued. If there is only one source resulting from the sources sought synopsis, this data may be used to support a justification for noncompetitive procurement. (The term "sources sought synopsis" includes advance notices in accordance with § 1–1.1003–3, and other similar types of notices which are used to determine the availability of interested potential sources. A sources sought synopsis does not permit potential sources to request solicitations and therefore is merely an opportunity for the marketplace to indicate its interest in submitting bids, offers, or quotations for a future procurement.)

(2) The decision to classify a specific procurement as competitive should be made at the point in the procurement process prior to issuance of a presolicitation synopsis where required, or solicitation(s) where a presolicitation synopsis is not required. This classification is fixed throughout the procurement's life and may not be subsequently altered even though only one offer is received.

(f) *Criteria.* Criteria are provided below for use in deciding whether a proposed noncompetitive procurement is justified. The critical question to be answered in each justification is why the opportunity to meet a procurement requirement cannot be made available to more than one source. It is critical to justify a noncompetitive procurement that reasonable, informed opinions supported by available facts be provided. Each of the criteria is illustrative of possible reasons. Short of giving the marketplace an opportunity to speak for itself with respect to its capabilities and available sources, the value of the supporting statements and opinions in a justification must be judged by the extent to which the opinions reflect accurate and knowledgeable judgments about the marketplace. The more facts that are offered and the more knowledgeable the opinions about the marketplace are, the greater is the support to conclude that a noncompetitive procurement is justified. If the contracting officer or approving officials conclude that support offered to justify a noncompetitive procurement is not convincing, or where there is some unresolved doubt, the doubt should be settled by permitting the marketplace to speak for itself by issuing a sources sought synopsis. As each justification for noncompetitive procurement is reviewed against these criteria, the reviewer should ask why the procurement cannot be competed, are there sufficient grounds for excluding all other actual or potential offerors, what action can be taken to obtain competition in the instant procurement, and what action is needed to avoid the need for a subsequent or a continued noncompetitive procurement?

(1) There is only one source in existence which can perform the contract requirements. The existence of one source for the purposes of this regulation should be a matter of fact, and not a matter dependent upon the relative and limited knowledge of sources known by the project or contracting officers. This criterion may not be used to justify a noncompetitive procurement prior to testing the marketplace by issuing a sources sought synopsis. Such a sources sought synopsis should state that the Government knows of only one source who can do the work, state the name of the source, and the work required. If only one source submits a response to the sources sought synopsis, this data may be used to support a justification for noncompetitive procurement.

(2) One source controls copyrights, patent rights, trade secrets, technical data, secret processes, or other proprietary data which are essential to the performance of the contract requirements and the source refuses to license or otherwise make the foregoing data available to other sources, and the requirement cannot be revised to allow other sources to compete who do not have access to the foregoing data. Factual information should be provided to support the use of this criterion such as the citation of copyrights, exactly what is covered by the copyright or other data which is necessary to the contract performance, and why the requirement cannot be revised to permit competition. The mere existence of such rights does not in and of itself justify noncompetitive procurement. It must be shown that the Government cannot meet its requirement(s) without the use of the proprietary data. Any doubts should be resolved by summarizing the procurement requirement and issuing a sources sought synopsis. When this criterion is to be utilized the approving official will obtain legal advice from the OGC (BAL).

(3) One source or individual has a truly unique idea, approach, or equipment which has no like or equal and is the only known item which can meet the Government's needs. Unsolicited proposals are excluded from the provisions of this paragraph and shall be processed in accordance with § 3–4.52. Except in very rare cases, the fact that a proposer submits a proposal containing a unique idea or approach does not, in itself, justify a noncompetitive procurement. Mere claims of uniqueness must not be pointed to in justifications for departures from regulatory requirements for competitive procurements. There may be other potential sources with equally suitable approaches or ideas which could accomplish the same end results. Except in cases which are convincingly supported by a panel opinion or a consensus of experts who are very familiar with the sources available in the marketplace, the opinion of uniqueness should be tested. The claim that the unique item is the only one which can meet the Government's needs should be based on the objective requirements of the Government not the personal preferences of the originator. Where a test of the claim of uniqueness becomes appropriate, the project officer should draft a description of the agency's requirement that does not compromise the unique idea or proprietary data of the proposer, and the procurement office shall issue a sources sought synopsis. If the only acceptable response to the sources sought synopsis is the organization or individual which the Government originally believed had a unique offering, this data may be used to support a justification for noncompetitive procurement.

(4) A specific item or equipment must be obtained as part of an agency's program responsibility to test and evaluate certain kinds and types of products. This criterion is limited to testing and evaluation purposes only and may not be used for initial outfitting or repetitive procurements. Project officers should support the use of this criterion with citations from their agency's legislation and the technical rationale for the item or equipment required.

(5) Only one source has complex or specialized physical facilities or equipment which by reason of exclusive use, access or ownership, or by reason of clear superiority to facilities and equipment available to other sources is capable of adequately meeting the technical requirements of the contract. The success of the contract objective is critically dependent upon the use of the facilities and equipment of this one source. Specific details should be provided as to why the facilities or equipment are mandatory for the contract performance and why the facilities and equipment of other contractors cannot meet the contract requirements. This criterion should not be used to justify a noncompetitive procurement without first defining what equipment or facilities is needed and issuing a sources sought synopsis asking for sources with comparable equipment and facilities. If no other qualified sources respond, then this data may be used to support the justification of a noncompetitive procurement.

(6) Government - owned facilities which are essential to performance of the contract are available to only one source. Efforts should be made to determine from the cognizant Government agency whether the Government-owned facil-

ities can be made available to more than one source. Then a noncompetitive procurement may be justified.

(7) Full and free competition is precluded because of geographic, socio-economic, or epidemiologic considerations necessarily associated with the procurement. This criterion is intended to recognize certain limits to achieving full and free competition which sometimes follow from certain program legislation and special program requirements. This criterion may not be used in the absence of such established limits and only where it can be shown that there is only one source which can perform the particular procurement.

(8) The required services must be procured from a certain State, interstate, or local government unit, or from a nonprofit organization comprised of representatives of such governmental units or of their officers, which organizations or units are unique bodies without like or equal in being able to meet the contract requirements. This criterion is intended to recognize that in certain cases where dealing with governmental entities or their representatives, there is in fact only one entity available to perform and/or the entity has a unique ability to accomplish the work. This criterion should not be used to obtain supplies or services which are or can be provided from the commercial marketplace. Where there is more than one such unit or organization which can meet the contract requirements, a noncompetitive procurement cannot be justified, unless a Federal or State statute dictates the source. The fact that the government units or other nonprofit organizations may offer a lower price or agree to cost share, is not adequate reason to justify a noncompetitive procurement to the exclusion of others.

(9) *Time is of the essence* and only one known source can meet the Government's needs within the required time frame or time would not permit the testing of a product offered by a source other than a sole source to meet the delivery schedule. However, the recognized extreme of public exigency in § 1-3.202 is not to be taken lightly. It contemplates a need which is compelling and of unusual urgency, as when the Government would be seriously injured financially or otherwise, if the property or services to be purchased or contracted for were not furnished by a certain time, and when they could not be procured by that time by means of formal advertising. This applies irrespective whether that urgency could or should have been foreseen. Examples are when property or services are needed at once because of a fire, flood, explosion, or other disaster. Public exigency or other reasons causing situations where time is of the essence, may not be used to justify noncompetitive procurement without first showing that a limited competition using abbreviated procedures is impossible. If a limited competition is impossible, it must be shown that the recommended contractor possesses the unique capability to perform the required work on time to the exclusion of all other firms. The considerable latitude of the contracting officer to determine the method best suited to satisfy the urgent need is limited by the need to try and achieve a limited competition if at all possible and, if not, to determine that one contractor is uniquely able to meet the Government's requirements in time.

(10) There is existing equipment which for reasons of compatibility and interchangeability, requires an item which is manufactured only by one source. This criterion is for use in procurements where a particular brand name item is required and an "or equal" will not meet the Government's requirements. This criterion may not be used where there are other manufacturers available who may be able to produce acceptable items even though their products might require some adjustments and modifications. Such other manufacturers must be given the opportunity to compete.

(11) The segments of the project are so intertwined that it is impossible to successfully accomplish the project objectives if all segments are not procured from the same contractor. This criterion is intended for use under research and development procurements as well as studies. It can only be used where there is a necessity to procure the project as a whole package in order to successfully complete the project. This criterion can not be used where segments of the project can be completed separately. The possibility, by itself, that additional work may be done more conveniently or even at less expense by the original contractor is not sufficient reason to justify a noncompetitive procurement using this criterion.

(g) *Procedure.* (1) Program offices should discuss prospective noncompetitive procurement requests with the procurement offices as early as possible during the procurement planning stage (see § 3-3.50), preferably before submitting the requisition or request for contract. Such discussions may resolve uncertainties, provide program offices with names of other sources, allow proper scheduling of the procurement, and avoid delays which might otherwise occur should it be determined that noncompetitive procurement is unjustified.

(2) When a program office desires to obtain certain goods or services by contract without competition, it shall, at the time of forwarding the request for contract furnish the procurement office a "Justification for Noncompetitive Procurement" prepared in accordance with this subsection. All justifications shall be submitted initially to the contracting officer.

(3) A contracting officer who receives a justification for processing shall ascertain whether the document is complete; shall request advice from pricing, audit, legal, and other staff offices as appropriate; shall forward the justification including his recommendation and/or concurrence to the appropriate approving official. If noncompetitive procurement is disapproved, he shall promptly so notify the program office concerned.

(4) All required approvals shall be obtained prior to issuing a solicitation to, or commencement of contract negotiations with the proposed contractor. Preliminary arrangements or agreements with the proposed contractor not made by the contracting officer will have no effect or influence on the rationale to support a noncompetitive procurement.

(5) It is the responsibility of the approving official to determine whether a contract may properly be awarded without competition. Program offices and project officers are responsible for furnishing contracting officers and other approving officials with pertinent factual information and opinions necessary to make such determinations. Other staff offices shall advise the contracting officer and approving official as requested.

(h) *Format.* (1) The justification for noncompetitive procurement in excess of $10,000 will be a separate, self-contained document. Justifications for noncompetitive procurements of $10,000 or less may be a statement in the requisition or request for contract.

(2) Justifications for noncompetitive procurement whether over or under $10,000 shall fully express what is to be procured and the reason why the requirement should not be competed. Justifications must offer reasons which go beyond inconvenience and must explain why it is impossible to obtain competition. The justification will be documented only with information that is based on facts rather than untested and unsubstantiated conclusions or opinions. Documentation in the justification should be sufficient to permit an individual with technical competence in the area to follow the rationale.

(3) Justifications have two parts.

(i) Part I contains background information about the program and a description of the procurement. The following information should be included:

(A) Date.

(B) Agency, program office, and project officer (name, address, and telephone number).

(C) Project identification (Program legislation including citations or other internal program identification data such as title, contract number, etc.)

(D) Descriptive title of the project. Attach a full description of the contract requirement. This may be a specification, purchase description, or statement of work. If the "whole project buy" (see § 3-3.820-50(j) for explanation of "whole project buy" concept) as contemplated at the outset is expected to exceed $100,000, a procurement plan as required by § 3-3.50 shall be prepared by the project officer and attached to the justification. The description of the whole project buy must include what is being bought, the estimated cost of the whole or component parts, phases, options, continuations, etc., and the periods of time involved. The description is critical to the approving official's understanding of what he is being asked to approve, and

subsequent use of the approval by the procurement or project offices.

(E) Explain whether the instant procurement is an entity in itself, whether it is one in a series, or part of a related group of procurements.

(F) Proposed contractor (name and address).

(ii) Part II includes the facts and reasons to justify a noncompetitive procurement. Part II should begin with the statement:

I recommend that this procurement be noncompetitively negotiated with _____ in the amount
(Name of proposed contractor)
of
:_____ for the following reasons:
(Amount)

Each of the applicable criteria listed in § 3-3.802-50(f) must be addressed and specific support for its use must be included.

At the end of Part II signatory lines should be provided as follows:

Recommended _____ Date _____
Project Officer
Concur _____ Date _____
Project Officer's Immediate Supervisor
Concur _____ Date _____
Contracting Officer
Approved _____ Date _____
Approving Officer

(i) *Review and Approvals.* Justifications for noncompetitive procurement shall be reviewed as follows:

(1) For small purchases over $500, but not over $10,000, the "justification", which must address the criteria in § 3-3.802-50(f), may be in the form of a statement within the requisition or request for contract. The contracting officer may approve or disapprove the justification. If the contracting officer awards the contract or purchase order up to $10,000 as requested, such award shall constitute the contracting officer's approval of the justification.

(2) For procurements over $10,000, but not over $25,000, the justification shall be submitted to the contracting officer for approval.

(3) For procurements over $25,000, but not over $100,000 the justification shall be submitted through the contracting officer who will add a recommendation and forward to the chief of the procurement office for approval. Where the chief of the procurement office and the contracting officer are the same individual, the approval level will be at one administrative level above the chief of the procurement office.

(4) All procurements $100,000 or over shall be submitted through the contracting officer for approval by a Noncompetitive Review Board as described in § 3-3.802-50(k), unless the Head of the POC, Agency Head, or the Regional Director, as required, determines that the activity will not utilize a Noncompetitive Review Board. If a review board is not utilized, the justifications for $100,000 or over shall be submitted through the contracting officer for approval by the chief official of the agency responsible for administration. In regional offices the Regional Director shall appoint the official to approve such justification for those activities for which he has delegated procure-authority, *Provided, however,* That this official shall be at an organizational level not lower than the Assistant Regional Director for Administration. The POC's which have functional contracting responsibilities in the regional offices shall appoint the approval official to approve justifications of $100,000 or over in those offices.

(5) Agencies may prescribe board reviews for procurements under $100,000, if reduced levels for review would be more consistent with the dollar ranges of contracts awarded.

(j) *Whole Project Buys.* (1) A "whole project buy" is a project consisting of any number of procurements which is conceived as a single entity for planning and budgetary purposes. The whole project buy concept should not be limited to only that part of the whole project which is the subject of the current contract when contracts to be awarded in the future are part of the same project.

(2) Any whole project buy which exceeds $100,000 in the aggregate which contemplates any noncompetitive procurement actions of any dollar value at any time during the project life shall be submitted to the review board or approving official for approval.

(3) This requirement applies even if the first of a series of related procurements in a whole project buy is less than $100,000. This includes projects with several related procurement actions where the first part of the project is competitively or noncompetitively awarded, and there are to be subsequent noncompetitive procurements with the original contractor. This requirement applies to all procurements regardless of whether the noncompetitive procurement is called a renewal, follow-on, continuation, extension or the like, or is effected by means of a contract modification or is a new start.

(4) Justifications of whole project buys submitted to the review board or approving official shall fully describe what the whole requirement is, how the requirement will be divided into procurement actions, the total estimated cost of the project whole and each individual procurement action, the total period of time for the project whole and each procurement action, and whether all or only part of the project whole will be procured noncompetitively. For certain projects, as in the case of basic research, where an end point cannot be forecast with certainty, the whole project buy will be the circumscribed amount of time which the program office presently intends to continue a certain effort.

(5) If the review board or approving official clearly approves the noncompetitive procurement action(s) at the outset of a whole project buy, and the whole project buy results in an original contract followed by either a noncompetitive new contract, or noncompetitive modifications to the original contract for work, dollars, and time approved by the board or approving official at the outset, these subsequent noncompetitive procurement actions will not have to be resubmitted for approval. Once the noncompetitive procurement actions for the whole project buy are approved, no subsequent approvals of the individual procurement actions are required. Whole project buys may not be approved in excess of 3 years before a subsequent review is required. Approval is limited to that explicitly contained in the justification. If a part of the "whole project buy" is not included in the justification or there are changes in the project which change the whole project buy as approved, the excluded part and/or changes will require separate review and approval. Doubts as to what was approved shall be submitted to the review board or approving official for clarification. Noncompetitive increases for new work to contracts in effect at the time this regulation becomes effective which are part of a whole project buy exceeding $100,000 shall be submitted to the review board or approving official for approval prior to taking the noncompetitive action.

(k) *Noncompetitive Procurement Review Boards*—(1) *Purpose.* The purposes of the Noncompetitive Procurement Review Board, hereinafter referred to as the "Board," are to review the reasons given in certain justifications for noncompetitive procurement against the criteria in this section, and to make judgments as to the applicability of the policy requiring competition to specific procurements. In regional offices, the Regional Director shall have authority to establish Boards for those activities for which he has been delegated procurement authority. The POC's which have functional contracting responsibilities in the regional offices also have the authority to establish boards in those offices. If it is determined by the Head of POC, Agency Head, or appropriate regional personnel to utilize a board, such board shall comply with the requirements of this paragraph.

(2) *Establishment of Boards.* Boards shall be established at an organizational level not lower than agency head. The heads of the POC's (the Assistant Secretaries for Health, Human Development, Education; the Administrator of the Social and Rehabilitation Service; and the Commissioner of the Social Security Administration) are responsible for establishing Boards as needed in their POC's and their respective agencies. The Assistant Secretary for Administration and Management is responsible for establishing a Board in the Office of the Secretary. In regional offices, the Regional Director shall have the authority to establish Boards for those activities he has delegated procurement authority. The POC's which have functional contracting responsibilities in the Regional Offices also have the authority to establish boards in these offices. The number and geographical location of Boards will be decided by the Heads of POC's based upon volume of noncompetitive procurements to be reviewed and the need for timely decisions, provided that the com-

position of the boards shall meet the requirements of subparagraph (3) of this paragraph.

(3) *Authority and responsibility.* The Board members shall be appointed by the Head of the POC's, Agency Heads, or Regional Directors as appropriate. The Board shall be established and delegated the authority by the appointing official to represent and make decisions on behalf of the appointing official with respect to approving or disapproving certain justifications for noncompetitive procurement.

(i) *Chairperson.* There will be a permanent chairperson of the Board who shall be the chief agency official responsible for administration. In the regional offices, the Regional Director shall be responsible for the appointment of the chairperson of the Board for those activities for which he has delegated procurement authority and POC's which have functional contracting responsibilities in the regional offices shall be responsible for the appointment of the chairperson of the Boards for such activities. The chairperson should represent the appointing official and be able to review actions submitted to the Board from an agency-wide point of view. The chairperson will designate which of the alternate members will attend individual board meetings and will assure that the proceedings of each meeting are recorded.

(ii) *Procurement official.* There will be a key procurement official appointed to the Board. This official will be the chief of the contract office or procurement staff of the agency, whichever is organizationally higher. Where the agency has more than one contracting office, the chiefs of the respective contracting offices will be designated alternate members. In this case, a contracts chief will serve on the Board to review proposed noncompetitive procurements expected to be assigned to his office for procurement action. Whenever the chief of the contract office and the contracting officer are the same individuals, the official one administrative level above the chief of the contract office shall represent the procurement office in such Board actions.

(iii) *Program official(s).* Two representatives will be selected from officials at the agency level which have responsibility for program policy or operations, program planning and evaluation, scientific affairs, research and the like and/or from the program divisions of the agency that sponsor contract projects. The members should be selected on the basis of their knowledge of a program as a whole, but should not ordinarily be involved in the initiation and mangement of particular or single projects.

(iv) *Contracting Officer.* The contracting officer responsible for the procurement to which the justification for noncompetitive procurement relates shall serve as a nonvoting member. When Board meetings consider justifications for procurements involving more than one contracting officer, each contracting officer may attend and offer opinions on the justification pertinent to him.

(v) *Project Officer.* The project officer is that individual in the program office who originated the justification and will be responsible for project mangement of the contract project. The project officer is not a member of or alternate member of the Board. The project officer may be invited by the chairperson to the Board meeting during which the justification will be discussed. The project officer should be prepared to answer questions raised by the Board.

(4) *Meetings.* (i) If the estimated amount of the procurement is more than $500,000, a formal meeting of the Board is required. If the estimated amount of the procurement is $500,000 or less, a formal meeting of the Board need not be held if the chairperson, procurement official and the contracting officer concur that a noncompetitive procurement is justified. If any one of these three persons is of the opinion that a noncompetitive procurement is not justified, a formal meeting must be held. Formal meetings will include all appropriate members and will be convened by the chairperson. No action shall be considered by the Board unless the chairperson, procurement official, and two program officials are present. Decisions of the Board will be by majority rule. In case of a tie vote the action will be resolved in favor of seeking competition.

(ii) The chairperson may seek independent counsel from any source inside or outside of the agency if he feels that additional advice is necessary for the Board to reach a sound decision.

(iii) The Board shall maintain a written record of the justifications reviewed and the decision made on each. If a justification is approved, only Board approval need be indicated. If a justification is disapproved, the reasons should be stated in writing and forwarded to the originator of the justification. The written decision of the Board should be made a part of the contract file.

(1) *Implementation.* Each POC, Agency Head, and Regional Director is responsible for implementing this regulation. Implementing instructions and subsequent changes shall be furnished to the Deputy Assistant Secretary, Office of Grants and Procurement Management, OS, for review and approval prior to implementation.

[FR Doc.76-37001 Filed 12-15-76;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

PART 252—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES

Amendment

Part 252 of Title 46, Code of Federal Regulations, which prescribes regulations governing the payment of operating-differential subsidy (ODS) to bulk cargo vessels engaged in worldwide services, pursuant to Title VI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1171–1183), is hereby amended.

The amendment to § 252.21(a) provides that the requirement that a vessel carry at least 30 percent of all cargo in subsidized service in the U.S. foreign Commerce (defined in § 252.3) in order to be "deemed to be used in an essential service of the U.S.", shall be satisfied, as to all voyages commenced by a vessel under an ODS contract on or before December 31, 1977, by worldwide service, including foreign-to-foreign trading, without regard to any required percentage of carriage of cargo in U.S. foreign Commerce.

This amendment affects operators of subsidized vessels, and is adopted without notice of proposed rulemaking under the exemption provided in 5 U.S.C. 553 (a) (2), relating to public grants.

Part 252 of Title 46, Code of Federal Regulations, is hereby amended by adding a sentence at the end of § 252.21(a) to read as follows:

§ 252.21 Essential service and U.S. foreign commerce requirements.

(a) * * * With respect to any voyage commenced by a vessel on or before December 31, 1977, for the carriage of bulk cargo under an ODSA, the essential service requirement shall be satisfied by worldwide service, including foreign-to-foreign trading, without regard to any required percentage of carriage in U.S. foreign commerce as provided in paragraph (b) of this section.

Effective date: The amendment shall be effective as of July 8, 1976.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 1970, July 23, 1973))

This amendment to 46 CFR 252 has been reviewed pursuant to Executive Order 11821 and OMB Circular A107, and has been determined to have no major inflationary impact.

Dated: December 13, 1976.

By Order of the Maritime Subsidy Board/Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-37059 Filed 12-15-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20550; FCC 76-1113]

PART 1—PRACTICE AND PROCEDURE

Nondiscrimination in Employment Policies and Practices of Broadcast Licensees

Adopted: November 30, 1976.
Released: December 16, 1976.

Order. In the matter of nondiscrimination in the employment policies and practices of Broadcast Licensees—Revision of Section VI of FCC Forms 301, 309, 311, 314, 315, 340 and 342, Docket No. 20550.

1. In July of 1976, the Commission undertook in this proceeding a thorough

review of its rules, policies and compliance review procedures as they relate to nondiscrimination in the employment policies and practices of broadcast applicants, permittees and licensees. See Notice of Inquiry and Notice of Proposed Rulemaking, 54 FCC 2d 354. Following an eleven-month inquiry, the Commission issued a Report and Order wherein it revised its equal employment opportunity rules and procedures and adopted a model EEO program which is to serve as a sample program for applicants filing certain broadcast station applications on or after December 1, 1976. See 60 FCC 2d 226 (1976) (41 FR 31210, July 27, 1976). Since it appeared that the formal and sophisticated techniques of affirmative action programs were of questionable applicability to the operations of smaller broadcast stations and due to the relative unreliability of statistical information in analyzing employment patterns of stations with small numbers of employees, the threshold for filing EEO programs was raised to stations with more than ten full-time employees. Again, the scheduled effective date of this revision was December 1, 1976.

2. In paragraph 57 of the aforenoted Report and Order, we stated our intention to revise through further orders our broadcast application forms to comport with the actions taken in this proceeding. Accordingly, we modified the instructions accompanying the EEO questions contained in the new radio and revised television renewal application forms. See Memorandum Opinion and Order (Docket No. 20419), FCC 76-868, 41 Fed. Reg. 42030 (Sept. 24, 1976), released September 20, 1976. Through this Order we are revising the other broadcast application forms affected by our earlier action in this proceeding—that is, FCC Forms 301, 309, 311, 314, 315, 340 and 342.[1] The revised forms are attached hereto as Appendix A below.

3. In accordance with 44 U.S.C. 3512, the revisions to the aforenoted broadcast station application forms were transmitted to the Government Accounting Office for its review and reporting clearance. While GAO assented to the scheduled implementation of the revised threshold for submission of written EEO programs, full and final clearance of the other reporting requirements flowing from the Commission's action in Docket No. 20550 was delayed pending that agency's consideration of the comments received in response to its clearance review notice.

4. While the required reporting clearance has now been obtained, a further delay is unavoidable as the approved revisions are incorporated into the existing forms. Therefore, the Commission has determined on its own motion to postpone the effective date of the revisions to FCC Forms 301, 309, 311, 314, 315 and 340 until February 1, 1977. Accordingly, broadcast applicants utilizing these forms shall respond to the questions and follow the guidelines set forth in the existing equal employment opportunity sections. It should be noted, however, that a written affirmative action program need not be filed where the applicant proposes to employ or has ten or less full-time station employees.

5. The February 1, 1977 date cannot be used with respect to the commercial and noncommercial license renewal application forms—that is, FCC Forms 303, 303-R, and 342. Licensees scheduled to file renewals on February 1, 1977 have already been sent the existing, unrevised forms. The Commission will, therefore, postpone the effective date of the EEO revisions to FCC Forms 303, 303-R, and 342 until April 1, 1977—the filing date for licensees whose station authorizations expire on August 1, 1977.

6. For the reasons set forth in the foregoing paragraphs and considered in the Report and Order in Docket No. 20550: *It is ordered,* That Section VI of FCC Forms 301, 309, 311, 314, 315, 340 and 342 IS REVISED in the manner set forth in Appendix A below.

7. *It is further ordered,* That Question 23 of FCC Form 303-R and the similarly-worded Question 1, Section V of FCC Form 303, are revised in the manner set forth in Appendix B.

8. *It is further ordered,* That the above revisions are effective for broadcast applicants filing FCC Forms 301, 309, 311, 314, 315 and 340 on or after February 1, 1977, and for license renewal applicants filing FCC Forms 303, 303-R and 342 on or after April 1, 1977.

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

APPENDIX A

Section VI of FCC Forms 301, 309, 311, 314, 315, 340 and 342 are revised to read as follows:

FCC form 301, equal employment opportunity, sec. VI

Name of applicant	Call sign	City and State which station is licensed to serve

INSTRUCTIONS TO SECTION VI

Applicants seeking authority to construct or make changes in a commercial AM, FM, or TV broadcast station are required by the Commission's regulations to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See §§ 73.125, 73.301, and 73.680 of the Commission's rules. Pursuant to these requirements, an applicant who either proposes to employ or has more than ten full-time station employees, must establish a positive, continuing program of practices to assure equal employment opportunity for women. A program must also be established by that applicant for minority groups that have traditionally suffered from discrimination in employment (that is, Blacks, Orientals, Spanish-Surnamed Americans, and American Indians) unless the minority group is represented in the area in such insignificant numbers that a program would not be meaningful. In such a situation, a statement of explanation should be submitted with the application filed with the Commission. An explanatory statement should also be filed in response to Question No. 1, *infra,* where the applicant proposes to employ or has ten or less full-time employees.

On July 26, 1976, the Commission issued a Report and Order in Docket No. 20550, 60 FCC 2d 226, 41 FR 31210, wherein it adopted a ten-point EEO program which is to serve as a model to be followed by all non-exempt broadcast applicants. Guidelines to assist these applicants in applying the model EEO program to their particular situations are set forth in Attachment A. Also appended hereto as Attachment B is a copy of the model EEO program.

In responding to Question No. 1, an applicant for a construction permit for a new commercial broadcast station who proposes to employ more than ten full-time employees must, therefore, set forth in an exhibit its proposed EEO policy and practices relative to the first five elements of the model program. An applicant seeking a change in facilities of an existing commercial broadcast station, which employs more than ten persons on a full-time basis, must set forth in its exhibit a description of the station's EEO program (elements 1-5) and a demonstration of the effectiveness of that program (elements 6-10). However, a program need not be filed where the required information was submitted to the Commission within the preceding 12 months in another application involving the subject station.

Complaints, alleging unlawful discrimination in the employment practices of the station for which a change in facilities is requested, should be reported in response to Question No. 2. The applicant should set forth in an exhibit a description of any discrimination complaint filed during the preceding license period before any judicial or administrative body having competent jurisdiction under federal, state, or local law. That description should include an identification of the persons involved, the specification of the court or agency with which it was filed as well as the date of filing and file number assigned to that complaint (if any), and the disposition or current status of the matter.

1. Submit as Exhibit No. _____ a description of the program the applicant proposes to follow during the coming license term and, where applicable, the program implemented during the preceding license term to assure equal employment opportunity for minorities and women.

2. Submit as Exhibit No. _____ a brief description of any complaint which has been filed before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in employment practices of the station, including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

FCC form 309, equal employment opportunity, sec. VI

Name of applicant	Call sign	City and State which station is licensed to serve

[1] The text of Question 23, FCC Form 303-R and Question 1, Section V of FCC Form 303 will also be conformed to the standard text used in the aforenoted forms to elicit a description of the applicant's existing and/or proposed EEO program. See Appendix B.

[2] Commissioner Lee absent.

INSTRUCTIONS TO SECTION VI

Applicants seeking authority to construct or make changes in an existing international broadcast station are required by the Commission's regulations to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See section 73.793 of the Commission's Rules. Pursuant to these requirements, an applicant who either proposes to employ or has more than ten full-time station employees, must establish a positive, continuing program of practices to assure equal employment opportunity for women. A program must also be established by that applicant for minority groups that have traditionally suffered from discrimination in employment (that is, Blacks, Orientals, Spanish-Surnamed Americans, and American Indians) unless the minority group is represented in the area in such insignificant numbers that a program would not be meaningful. In such a situation, a statement of explanation should be submitted with the application filed with the Commission. An explanatory statement should also be filed in response to Question No. 1, infra, where the applicant proposes to employ or has ten or less full-time station employees.

On July 26, 1976, the Commission issued a Report and Order in Docket No. 20550, 60 FCC 2d 226, 41 FR 31210, wherein it adopted a ten-point EEO program which is to serve as a model to be followed by all non-exempt broadcast applicants. Guidelines to assist these applicants in applying the model EEO program to their particular situations are set forth in Attachment A. Also appended hereto as Attachment B is a copy of the model EEO program.

In responding to Question No. 1, an applicant for a construction permit for a new international broadcast station who proposes to employ more than ten full-time employees must, therefore, set forth in an exhibit its proposed EEO policy and practices relative to the first five elements of the model program. An applicant seeking a change in facilities of an existing international broadcast station, which employs more than ten persons on a full-time basis, must set forth in its exhibit a description of the station's EEO program (elements 1–5) and a demonstration of the effectiveness of that program (elements 6–10). However, a program need not be filed where the required information was submitted to the Commission within the preceding 12 months in another application involving the subject station.

Complaints, alleging unlawful discrimination in the employment practices of the station for which a change in facilities is requested, should be reported in response to Question No. 2. The applicant should set forth in an exhibit a description of any discrimination complaint filed during the preceding license period before any judicial or administrative body having competent jurisdiction under federal, state, or local law. That description should include an identification of the persons involved, the specification of the court or agency with which it was filed as well as the date of filing and file number assigned to that complaint (if any), and the disposition or current status of the matter.

1. Submit as Exhibit No. _____ a description of the program the applicant proposes to follow during the coming license term and, where applicable, the program implemented during the preceding license term to assure equal employment opportunity for minorities and women.

2. Submit as Exhibit No. _____ a brief description of any complaint which has been filed before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in employment practices of the station, including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

FCC form 311, equal employment opportunity, sec. VI

Name of applicant	Call sign	City and State which station is licensed to serve

INSTRUCTIONS TO SECTION VI

Applicants seeking renewal of license for an international broadcast station are required by the Commission's regulations to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See § 73.793 of the Commission's Rules. Pursuant to these requirements, an applicant who has more than ten full-time station employees must establish a positive, continuing program of practices to assure equal employment opportunity for women. A program must also be established by that applicant for minority groups that have traditionally suffered from discrimination in employment (that is, Blacks, Orientals, Spanish-Surnamed Americans, and American Indians) unless the minority group is represented in the areas in such insignificant numbers that a program would not be meaningful. In such a situation, a statement of explanation should be submitted with the application filed with the Commission. An explanatory statement should also be filed in response to Question No. 1, infra, where the applicant has ten or less full-time station employees.

On July 26, 1976, the Commission issued a Report and Order in Docket No. 20550, 60 FCC 2d 226, 41 FR 31210, wherein it adopted a ten-point EEO program which is to serve as a model to be followed by all non-exempt broadcast applicants. Guidelines to assist these applicants in applying the model EEO program to their particular situations are set forth in Attachment A. Also appended hereto as Attachment B is a copy of the model EEO program.

In responding to Question No. 1, an applicant seeking renewal of license for an international broadcast station which employs more than ten persons on a full-time basis must, therefore, set forth in an exhibit a description of its station's EEO program (elements 1–5) and a demonstration of the effectiveness of that program (elements 6–10). However, a program need not be filed where the required information was submitted to the Commission within the preceding 12 months in another application involving the subject station.

Complaints, alleging unlawful discrimination in the employment practices of the station for which renewal is requested, should be reported in response to Question No. 2. The renewal applicant should set forth in an exhibit a description of any discrimination complaint filed during the preceding license period before any judicial or administrative body having competent jurisdiction under federal, state, or local law. That description should include an identification of the persons involved, the specification of the court or agency with which it was filed as well as the date of filing and file number assigned to that complaint (if any), and the disposition or current status of the matter.

1. Submit as Exhibit No. _____ a description of the program the applicant proposes to follow during the coming license term and, where applicable, the program implemented during the preceding license term to assure equal employment opportunity for minorities and women.

2. Submit as Exhibit No. _____ a brief description of any complaint which has been filed before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in employment practices of the station, including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

FCC form 314, equal employment opportunity, sec. VI

Name of applicant	Call sign	City and State which station is licensed to serve

INSTRUCTIONS TO SECTION VI

Applicants seeking authority to assign a broadcast station construction permit or license are required by the Commission's regulations to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See §§ 73.125, 73.301, 73.599, 73.680 and 73.793 of the Commission's rules. Pursuant to these requirements, an applicant who either proposes to employ or has more than ten full-time station employees, must establish a positive, continuing program of practices to assure equal employment opportunity for women. A program must also be established by that applicant for minority groups that have traditionally suffered from discrimination (that is, Blacks, Orientals, Spanish-Surnamed Americans, and American Indians) unless the minority group is represented in the area in such insignificant numbers that a program would not be meaningful. In such a situation, a statement of explanation should be submitted with the application filed with the Commission. An explanatory statement should also be filed in response to Question No. 1, infra, where the applicant proposes to employ or has ten or less full-time station employees.

On July 26, 1976, the Commission issued a Report and Order in Docket No. 20550, 60 FCC 2d 226, 41 FR 31210, wherein it adopted a ten-point EEO program which is to serve as a model to be followed by all non-exempt broadcast applicants. Guidelines to assist these applicants in applying the model EEO program to their particular situations are set forth in Attachment A. Also appended hereto as Attachment B is a copy of the model EEO program.

The assignee who is seeking to acquire a broadcast station construction permit or license must, therefore, set forth in an exhibit its proposed EEO policy and practices relative to the first five elements of the model program if it proposes to employ more than ten full-time station employees. The assignor who is requesting authority to dispose of either a permit for a broadcast station that has been constructed and is operating pursuant to program test authority or a license for an existing broadcast station, must also respond to Question No. 1. The assignor's exhibit must include a description of the station's EEO program (cle-

ments 1–5) and a demonstration of the effectiveness of that program (elements 6–10) provided that the station being assigned employs more than ten persons on a full-time basis. A program need not be filed by the assignor where the subject station is not as yet on the air or where the required information was submitted to the Commission within the preceding 12 months in another application involving that station.

Complaints, alleging unlawful discrimination in the employment practices of the station for which assignment is requested, should be reported in response to Question No. 2. The assignor should set forth in an exhibit a description of any discrimination complaint filed during the preceding license plaint filed during the preceding license period before any judicial or administrative body having competent jurisdiction under federal, state, or local law. That description should include an identification of the persons involved, the specification of the court or agency with which it was filed as well as the date of filing and file number assigned to that complaint (if any), and the disposition or current status of the matter.

1. Submit as Exhibit No. __ a description of the program the applicant proposes to follow during the coming license term and, where applicable, the program implemented during the preceding license term to assure equal employment opportunity for minorities and women.

2. Submit as Exhibit No. __ a brief description of any complaint which has been filed before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in employment practices of the station, including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

FCC form 315, equal employment opportunity, sec. VI

Name of applicant	Call sign	City and State which station is licensed to serve

INSTRUCTIONS TO SECTION VI

Applicants seeking authority to transfer control of a corporation holding a broadcast station construction permit or license are required by the Commission's regulations to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See §§ 73.125, 73.301, 73.599, 73.680 and 73.793 of the Commission's rules. Pursuant to these requirements, an applicant who either proposes to employ or has more than ten full-time station employees, must establish a positive, continuing program of practices to assure equal employment opportunity for women. A program must also be established by the applicant for minority groups that have traditionally suffered from discrimination (that is, Blacks, Orientals, Spanish-Surnamed Americans, and American Indians) unless the minority group is represented in the area in such insignificant numbers that a program would not be meaningful. In such a situation, a statement of explanation should be submitted with the application filed with the Commission. An explanatory statement should also be filed in response to Question No. 1, infra, where the applicant proposes to employ or has ten or less full-time station employees.

On July 26, 1976, the Commission issued a Report and Order in Docket No. 20550, 60 FCC 2d 226, 41 FR 31210, wherein it adopted a ten-point EEO program which is to serve as a model to be followed by all non-exempt broadcast applicants. Guidelines to assist these applicants in applying the model EEO program to their particular situations are set forth in Attachment A. Also appended hereto as Attachment B is a copy of the model EEO program.

The transferee who is seeking to acquire control of a corporation holding a broadcast station construction permit or licence must, therefore, set forth in an exhibit its proposed EEO policy and practices relative to the first five elements of the model program if it proposes to employ more than ten full-time station employees. The transferor who is seeking to relinquish control of a corporation holding either a permit for a broadcast station that has been constructed and is operating pursuant to program test authority, or a license for an existing broadcast station, must also respond to Question No. 1. The transferor's exhibit must include a description of the station's EEO program (elements 1–5) and a demonstration of the effectiveness of that program (elements 6–10) provided that the subject station employs more than ten persons on a full-time basis. A program need not be filed by the transferor where the subject station is not as yet on the air or where the required information was submitted to the Commission within the preceding 12 months in another application involving that station.

Complaints, alleging unlawful discrimination in the employment practices of the subject station, should be reported in response to Question No. 2. The transferor should set forth in an exhibit a description of any discrimination complaint filed during the preceding license period before any judicial or administrative body having competent jurisdiction under federal, state, or local law. That description should include an identification of the persons involved, the specification of the court or agency with which it was filed as well as the date of filing and file number assigned to that complaint (if any), and the disposition or current status of the matter.

1. Submit as Exhibit No. __ a description of the program the applicant proposes to follow during the coming license term and, where applicable, the program implemented during the preceding license term to assure equal employment opportunity for minorities and women.

2. Submit as Exhibit No. __ a brief description of any complaint which has been filed before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in employment practices of the station, including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

FCC form 340, equal employment opportunity, sec. VI

Name of applicant	Call sign	City and State which station is licensed to serve

INSTRUCTIONS TO SECTION VI

Applicants seeking authority to construct or make changes in a noncommercial educational AM, FM, or TV broadcast station are required by the Commission's regulations to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See §§ 73.125, 73.599, and 73.680 of the Commission's rules. Pursuant to these requirements, an applicant who either proposes to employ or has more than ten full-time station employees, must establish a positive, continuing program of practices to assure equal employment opportunity for women. A program must also be established by that applicant for minority groups that have traditionally suffered from discrimination in employment (that is, Blacks, Orientals, Spanish-Surnamed Americans, and American Indians) unless the minority group is represented in the area in such insignificant numbers that a program would not be meaningful. In such a situation, a statement of explanation should be submitted with the application filed with the Commission. An explanatory statement should also be filed in response to Question No. 1, infra, here the applicant proposes to employ or has ten or less full-time station employees.

On July 26, 1976, the Commission issued a Report and Order in Docket No. 20550, 60 FCC 2d 226, 41 FR 31210, wherein it adopted a ten-point EEO program which is to serve as a model to be followed by all non-exempt broadcast applicants. Guidelines to assist these applicants in applying the model EEO program to their particular situations are set forth in Attachment A. Also appended hereto as Attachment B is a copy of the model EEO program.

In responding to Question No. 1, an applicant for a construction permit for a new noncommercial educational broadcast station who proposes to employ more than ten full-time employees must, therefore, set forth in an exhibit its proposed EEO policy and practices relative to the first five elements of the model program. An applicant seeking a change in facilities of an existing noncommercial educational broadcast station, which employs more than ten persons on a full-time basis, must set forth in its exhibit a description of the station's EEO program (elements 1–5) and a demonstration of the effectiveness of that program (elements 6–10). However, a program need not be filed where the required information was submitted to the Commission within the preceding 12 months in another application involving the subject station.

Complaints, alleging unlawful discrimination in the employment practices of the station for which a change in facilities is requested, should be reported in response to Question No. 2. The applicant should set forth in an exhibit a description of any discrimination complaint filed during the preceding license period before any judicial or administrative body having competent jurisdiction under federal, state, or local law. That description should include an identification of the persons involved, the specification of the court or agency with which it was filed as well as the date of filing and file number assigned to that complaint (if any), and the disposition or current status of the matter.

1. Submit as Exhibit No. a description of the program the applicant proposes to follow during the coming license term and, where applicable, the program implemented during the preceding license term to assure equal employment opportunity for minorities and women.

2. Sumit as Exhibit No. a brief description of any complaint which has been filed before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in employment practices of the station, including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

FCC form 342, equal employment opportunity, sec. VI

Name of applicant	Call sign	City and State which station is licensed to serve

INSTRUCTIONS TO SECTION VI

Applicants seeking renewal of license for a noncommercial educational AM, FM, or TV broadcast station are required by the Commission's regulations to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See §§ 73.125, 73.599 and 73.680 of the Commission's rules. Pursuant to these requirements, an applicant who has more than ten full-time station employees must establish a positive, continuing program of practices to assure equal employment opportunity for women. A program must also be established by that applicant for minority groups that have traditionally suffered from discrimination in employment (that is, Blacks, Orientals, Spanish-Surnamed Americans, and American Indians) unless the minority group is represented in the area in such insignificant numbers that a program would not be meaningful. In such a situation, a statement of explanation should be submitted with the application filed with the Commission. An explanatory statement should also be filed in response to Question No. 1, infra, where the applicant has ten or less full-time station employees.

On July 26, 1976, the Commission issued a Report and Order in Docket No. 20550, 60 FCC 2d 226, 41 FR 31210, wherein it adopted a ten-point EEO program which is to serve as a model to be followed by all non-exempt broadcast applicants. Guidelines to assist these applicants in applying the model EEO program to their particular situations are set forth in Attachment A. Also appended hereto as Attachment B is a copy of the model EEO program.

In responding to Question No. 1, an applicant seeking renewal of license for a noncommercial educational station which employs more than ten persons on a full-time basis must, therefore, set forth in an exhibit a description of its station's EEO program (elements 1–5) and a demonstration of the effectiveness of that program (elements 6–10). However, a program need not be filed where the required information was submitted to the Commission within the preceding 12 months in another application involving the subject station.

Complaints, alleging unlawful discrimination in the employment practices of the station for which renewal is required, should be reported in response to Question No. 2. The renewal applicant should set forth in an exhibit a description of any discrimination complaint filed during the preceding license period before any judicial or administrative body having competent jurisdiction under federal, state, or local law. That description should include an identification of the persons involved, the specification of the court or agency with which it was filed as well as the date of filing and file number assigned to that complaint (if any), and the disposition or current status of the matter.

1. Submit as Exhibit No. a description of the program the applicant proposes to follow during the coming license term and, where applicable, the program implemented during the preceding license term to assure equal employment opportunity for minorities and women.

2. Submit as Exhibit No. a brief description of any complaint which has been filed before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in employment practices of the station, including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

ATTACHMENT A

GUIDELINES TO THE MODEL EEO PROGRAM

The model EEO program, which was adopted by the Commission in Docket No. 20550, provides comprehensive and clearly-defined practices to assist the non-exempt broadcast applicant in developing an effective EEO program for its proposed or existing station. The EEO program designed for a particular station should be reasonably responsive to the elements of the model program to the extent they are appropriate in terms of station size, location, and the like. However, the data requirements, which are set forth in sections IV, VI, VII, and VIII of the model, are essential for self-evaluation and must be part of whatever program is devised by the broadcast applicant. While the most current information available should be used in responding to these elements, statements of policy and general descriptions of a station's EEO practices, which were set forth in an earlier-filed EEO program, can be incorporated by reference where the applicant does not intend to augment or otherwise modify its program in that respect during the forthcoming license term. The specific elements which should be addressed are as follows:

I. General policy. The first section of the program should contain a statement by the applicant that it will or does afford equal employment opportunity in all personnel actions without regard to race, color, religion, national origin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of minorities and women in the relevant available labor force.

II. Responsibilities for implementation. This section calls for the title and the name (if possible) of the official designated by the applicant with responsibility for implementation of the station's program.

III. Policy dissemination. The purpose of this section is to disclose the manner in which the station's EEO policy will be or is communicated to employees and prospective employees. In this respect, the applicant's program should disclose whether it: (a) proposes to or does utilize an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have been discriminated against may notify appropriate government agencies; (b) proposes to or does post a notice which informs job applicants and employees that the broadcast applicant is an equal employment opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and, where applicable, (c) proposes to or does seek the cooperation of labor unions represented at the station in the implementation of its EEO program and in the inclusion of nondiscrimination provisions in union contracts. The applicant should also set forth any other methods it will or does utilize in conveying its EEO policy (e.g., orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

IV. Recruitment. In this section, the applicant should set forth the recruitment sources and other techniques it proposes to or does use to refer minority and female job applicants or to increase the station's pool of minority and female job applicants.

All minority and female applicant referral sources which the station has contacted in the previous 12 months and the number of individuals, who were referred from each source, should also be listed.

NOTE.—Not all of the categories of recruitment sources listed in the model program need be utilized if there are sufficient numbers of minority and females applying for positions at the station. The purpose of the listing is to determine whether the specialized referral sources are producing the desired results. Sources which prove to be nonproductive in terms of qualified minority and female applicants should not be relied on and new sources should be sought.

V. Training. Training programs are not mandatory. Each applicant is expected to decide, depending on its own individual situation, whether a training program is feasible and would assist it in its effort to increase the pool of available minority and female applicants. Also, where an applicant already has employee training programs, the information reported in this element of the model program should enable it to ascertain whether minority and female employees have the same opportunity to participate as other employees. Information submitted with respect to any training programs utilized should include a report covering at least the 12-month period prior to the filing of the application, but may encompass the entire license period, if so desired.

Additionally, the applicant may set forth any other assistance to students, schools or colleges which is designed to be of benefit to minorities and women interested in entering the broadcasting field. The beneficiary of such assistance should be listed, as well as the form of assistance, such as contributions to scholarship, participation in work-study programs, and the like.

VI. Availability survey. Pursuant to this section the applicant should state the percentages of women, Blacks, Orientals, American Indians, and persons with Spanish-surnames in the station's labor recruitment area. Generally speaking, where a station is located in a Standard Metropolitan Statistical Area, the S.M.S.A. should be considered as the labor recruitment area. Where a station is not located in an S.M.S.A., the city of license or county figures should be used. The necessary data may be obtained from state employment agencies' "Manpower Information for Affirmative Action Programs," which is available in most localities, or other publications such as "General Population Characteristics" and "General Social and Economic Characteristics," obtainable from any Department of Commerce Field Office.

NOTE.—The inclusion of this data is designed to assist the applicant in evaluating the effectiveness of its station's EEO program. The availability survey produces a means to determine whether the station's workforce percentages bear some reasonable relationship to those reflected in the relevant available labor force.

VII. Current employment survey. Applicants of stations with less than 50 full-time employees are required to state whether there has been any change in their employment profile from the payroll period covered by the station's most recently filed Annual Employment Report (FCC Form 395). If there has been no change with respect to the station's full-time or part-time employee profile, the sentence to this effect should be checked. If there has been a change in the total number and/or the makeup of the incumbents in

any of the job categories the applicant must submit an updated Form 395 that identifies all employees under each job category by race and sex. The updated employment profile should cover the payroll period as close to the filing of the application as possible. The payroll period chosen must be specified.

Stations with 50 or more full-time employees are required to prepare and submit a list of all job titles within each Form 395 job category, with part-time and full-time status indicated. Each job title must show the number of incumbents that are male, female, Black, Spanish-surnamed American, Oriental, and American Indian. In other words, under each applicable job category, (i.e., Officials and Managers, Professionals, Technicians, etc.) the applicant should list each job title it includes in the category on the Form 395 and identify the number of incumbents by sex and race. This showing should reflect the station's employment profile for the payroll period as close to the filing of the application as possible. The payroll period chosen must be specified.

VIII. Job hires. Each applicant must state the total number of persons hired for station positions, both full-time and part-time, during the 12-month period preceding the date utilized for the "Current Employment Survey." This aggregate hiring information is to also include a breakout of the number of minorities and women hired. Predicated on this data and the recruitment information already compiled for the fourth element of the EEO program, the applicant must determine whether a sufficient number of minorities and women are applying for positions at the station. (The answer to the two parts of this question need not be the same. For example, a representative number of minorities may be applying, whereas the pool of women applicants may be less than sufficient.) Should either minorities or women be inadequately represented among the applicants for available positions, the applicant should analyze its recruitment techniques and referral sources and propose additional methods to expand the applicant pool of minorities and/or women.

IX. Promotion. Under this section the applicant should describe any promotional policies and practices which have benefited minority or female employees during the preceding 12 months. (For instance, the licensee might list the number of minorities and/or women elevated from part-time to full-time status, the number of those promoted from a training status, or the number that have advanced to more responsible jobs.) Also, if not listed in the "Training" element, the applicant may wish to note any extra effort undertaken to increase promotional opportunities for minorities and women.

X. Effectiveness of the affirmative action plan. Under this section the applicant should analyze the results of its efforts to recruit, hire and promote minorities and women and explain any difficulties encountered in implementing its EEO program. One way this can be done is to compare the percentages of minorities and women on the station's current staff with their respective percentages in the relevant available labor force. (See "Availability Survey" and "Current Employment Survey" of the model program.) If the percentages do not reasonably relate, the disparity may be attributable to deficiencies in the station's recruitment, hiring, placement, training or promotional policies and practices. If so, the applicant should propose alternative policies to correct the deficiency.

ATTACHMENT B

MODEL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

I. *General Policy.* It is our policy to provide equal employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It is also our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have developed an Equal Employment Opportunity Program which includes the following elements:

II. *Responsibility for Implementation.* (Name _____ Title), is responsible for the administration and implementation of our Equal Employment Opportunity Program. It is also the responsibility of all persons making employment decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III. *Policy Dissemination.* To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts are made:

☐ The station's employment application form contains a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, state, or federal agency if they believe they have been the victims of discrimination.

☐ Appropriate notices are posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, state, or federal agency if they believe they have been the victim of discrimination.

☐ We seek the cooperation of the unions represented at the station to help implement our EEO program and all union contracts contain a nondiscrimination clause.

☐ Other (Specify) _____

_____

IV. *Recruitment.* To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration in filling job vacancies, we utilize the following recruitment procedures:

☐ We attempt to maintain systematic communication, both orally and in writing, with a variety of minority and women organizations to encourage the referral of qualified minority and female applicants. Examples of such organizations contacted during the past twelve months are:

Organization/Source	Number of Referrals
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

☐ In addition to the organizations noted above, which specialize in minority and women candidates, we deal only with employment services, including state employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services contacted during the past twelve months and the number of referrals are:

_____ _____
_____ _____
_____ _____

☐ When we recruit prospective employees from educational institutions such recruitment efforts include area schools and colleges with significant minority and female enrollments. Educational institutions contacted for recruitment purposes during the past twelve months and the number of referrals are:

_____ _____
_____ _____

☐ When utilizing media for recruitment purposes, help-wanted advertisements always include a notice that we are an Equal Opportunity Employer and contain no indication, either explicit or implied, of a preference for one sex over another.

☐ When we place employment advertisements in printed media some of such advertisements are placed in media which have significant circulation or are of particular interest to minorities and women. Examples of publications utilized during the past twelve months and the number of referrals are:

_____ _____
_____ _____

☐ We encourage present employees, particularly minority and female employees, to refer minority and female candidates for existing and future job openings.

V. *Training.* ☐ Station resources and or needs are such that we are unable or do not choose to institute specific programs for upgrading the skills of employees.

☐ We provide on-the-job training to upgrade the skills of employees. Tangible benefits of such training to minority and women employees during the past 12 months may be briefly described as follows: _____

_____

_____

☐ We provide assistance to students schools or colleges in programs designed to enable minorities and women to compete in the broadcast employment market on an equitable basis:

Schools or Other Beneficiary

_____
_____
_____

Form of Assistance

_____
_____
_____

☐ Other (Specify). _____

_____

VI. *Availability Survey.* Based on information derived from _____, the respective minority and female workforce in the station's recruitment area is as follows:

Percentage in the workforce:

Women _____
Blacks _____
Oriental _____
American Indian _____
Spanish-surnamed _____

NOTE.—The following to be used only if workforce data is unavailable.

Based on information derived from _____, the respective minority and female population in the station's recruitment area is as follows:

Percentage in the population:

Women _____
Blacks _____
Oriental _____
American Indian _____
Spanish-surnamed _____

The above information is for: ☐ S.M.S.A. ☐ City ☐ County
☐ Other (Specify)_____

VII. *Current Employment Survey.* A. To be completed by stations with less than 50 full-time employees.

☐ There has been no change in our employment profile since the filing of our most recent Annual Employment Report.

☐ There has been a change in our employment profile since the filing of our last Annual Employment Report. Attached is an updated report identifying the incumbents under each FCC Form 395 job category for the two weeks period beginning _____ and ending _____.

B. To be completed by stations with 50 or more full-time employees.

☐ Attached as Exhibit No. VII B is a survey of our workforce showing a list of all job titles within each FCC Form 395 category and showing the number of incumbents who are male, female, Black, Spanish-Surnamed American, Oriental, and American Indian.

VIII. *Job Hires.* During the twelve month period beginning (Month—Day—Year) and ending (Month—Day—Year), we hired a total of ( ) persons of whom ( ) were minorities and ( ) were women.

☐ An analysis of our recruitment techniques, job applications, and new hires suggests that a sufficient number of qualified minorities and women (are) (are not) applying for available positions.

☐ We are expanding our recruitment sources to include:

IX. *Promotion.* It is our policy to provide promotions on a nondiscriminatory basis. Further, to assure that minorities and women are given due consideration for promotional opportunities, special effort is taken to encourage minorities and women to qualify and apply for advancement. During the past twelve months our policy has had the following results:

X. *Effectiveness of Affirmative Action Plan.* [This section should contain a brief narrative discussion of the effectiveness of the station's efforts to ensure Equal Employment Opportunity. For example, the licensee might compare the percentage of minority employees in its own workforce with the percentage of minority persons in the licensee's labor market, also setting forth information which suggests that discrepancies which may exist are not unreasonable. The licensee may also explain any difficulties it has experienced in implementing its affirmative action plan, together with any steps it proposes to take to surmount these difficulties in the future.]

APPENDIX B

Question 23 of FCC Form 303-R and Question 1, Section V of FCC Form 303, are amended to read as follows:

Attach as EXHIBIT 23 ["Submit as Exhibit No.—" in the case of FCC Form 303] a description of the program the applicant proposes to follow during the coming license term and, where applicable, the program implemented during the preceding license term to assure equal employment opportunity for minorities and women.

[FR Doc.76-36867 Filed 12-15-76;8:45 am]

[Docket No. 20815; Second Erratum to Report and Order, FCC 76-898]

EXPANSION OF SECONDARY FIXED USE OF BASE/MOBILE FREQUENCIES

Report and Order; Correction

Released: December 15, 1976.

In the Matter of amendment of Parts 89, 91, and 93 of the Commission's rules to expand the secondary fixed use of base/mobile frequencies in the 450–470 MHz band, Docket 20815.

Commission's Report and Order, FCC 76-898 in Docket 20815, released October 8, 1976, and published at 41 FR 46853, October 26, 1976, is amended to read as follows:

Parts 89, 91, and 93 of the Commission's rules and regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

1. Section 89.101(q) is corrected to read as follows:

§ 89.101 Frequencies.

* * * * *

(q) Fixed stations authorized prior to June 1, 1968, for operation on frequencies in the region 450–470 MHz, if located 85 or more miles from any urbanized area of 600,000 or more population, may continue until such time as a modification involving new facilities is proposed. At that time, the system must be modified to frequencies available pursuant to paragraph (p) of this section.

2. Sections 89.259(g)(4), 89.309(h)(4), 89.359(g)(4), 89.409(f)(1), 89.459(e)(1), 89.525(f)(22), 91.254(b)(30), 91.304(b)(33), 91.354(b)(33), 91.454(b)(12), 91.504(b)(29), 91.554(b)(9), 91.730(b)(18), and 91.754(b)(14) are corrected to read as follows:

This frequency may be assigned to a control station associated with a mobile relay system if it is also assigned to the associated mobile station. Control stations operating on this frequency shall comply with the following requirements if they are located within 65 miles of the center of urbanized areas of 600,000 or more population.

(i) If the station is used to control one or more mobile relay stations located within 45 degrees of azimuth, a directional antenna having a front-to-back ratio of at least 15 dB shall be used at the control station. For other situations where a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. In each case, the antenna used must, consistent with reasonable design, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each mobile relay station and limit radiation in other directions to the extent feasible.

(ii) The strength of the signal of a control station controlling a single mobile relay station, may not exceed by more than 6 dB, at the antenna terminal of the mobile relay receiver, the signal strength produced then by a unit of the associated mobile station. When the station controls more than one mobile relay station, the 6 dB control-to-mobile signal difference need be verified at only one of the mobile relay station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location, or, if that is not practical, from a location within one-fourth mile of the control station site.

(iii) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(iv) [Reserved]

(v) Urbanized areas of 600,000 or more population are defined in the U.S. Census of Population, 1970, Volume 1, Table 20, pages 1–74. The centers of urbanized areas are determined from the Appendix, page 226, of the U.S. Commerce publication, "Air Line Distance between Cities in the United States."

* * * * *

PART 91—INDUSTRIAL RADIO SERVICE

3. Section 91.8(1) is corrected to read as follows:

§ 91.8 Policy governing the assignment of frequencies.

* * * * *

(1) Fixed stations located more than 85 miles from the center of urbanized areas of 600,000 or more population and operating on frequencies no longer available for that use may continue indefinitely until such time as a modification involving an addition of new facilities is proposed. Such use is, however, on a secondary basis to land mobile operations and harmful interference may not be caused to land mobile stations.

* * * * *

4. Section 91.504(b)(35) is corrected to read as follows:

§ 91.504 Frequencies available.

* * * * *

(b) * * *

(35) This frequency may be assigned to an itinerant fixed control or relay station on a secondary, noninterference basis to land mobile stations in this service, provided that the fixed relay or control station is to be associated with base and mobile facilities authorized to use other itinerant or general use frequencies available in this service. All such use of these frequencies for fixed systems is limited to locations 85 or more miles from the center of any urbanized area of 600,000 or more population, except that the distance may be 65 miles if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, the separation between transmit-receive frequencies is 5 MHz. The centers of urbanized areas of 600,000 or more population are determined from the Appendix, page 226, of the U.S. Commerce publication, "Air Line Distance Between Cities in the United States." Urbanized areas of 600,000 or more population are defined in the U.S. Census of Population, 1970, Volume 1, Table 20, pages 1–74.

* * * * *

PART 93—LAND TRANSPORTATION RADIO SERVICE

5. The table and the footnotes in § 93.104(b) (2) are corrected to read as follows:

§ 93.104 Emission limitations.

* * * * *

(b) * * *

(2) * * *

Frequency band (megahertz)	Authorized bandwidth (kilohertz)	Frequency deviation (kilohertz)
25 to 50	20	5
50 to 150	[1] 20	[1] 5
150 to 450	20	5
450 to 470	20	5
470 to 512	20	5
806 to 821	20	5
851 to 866	20	5

[1] Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 73–74.6 MHz may continue to operate with a bandwidth of 40 kHz and a deviation of ±15 kHz.

* * * * *

6. Section 93.352(d) is changed to read as follows:

§ 93.352 Frequencies below 952 MHz available for base and mobile stations.

* * * * *

(d) Control stations associated with mobile relay systems may be authorized to operate on the mobile only frequency assigned to the associated mobile station. Control stations operating on these frequencies shall comply with the following requirements if they are located within 65 miles of the center of urbanized areas of 600,000 or more population.

(1) If the station is used to control one or more mobile relay stations located within 45 degrees of azimuth, a directional antenna having a front-to-back ratio of at least 15 dB shall be used at the control station. For other situations where a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. In each case, the antenna used must, consistent with reasonable design, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each mobile relay station and limit radiation in other directions to the extent feasible.

(2) The strength of the signal of a control station, controlling a single mobile relay station, may not exceed by more than 6 dB, at the antenna terminal of the mobile relay receiver, the signal strength produced there by a unit of the associated mobile station. When the station controls more than one mobile relay station, the 6 dB control-to-mobile signal difference need be verified at only one of the mobile relay station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location, or, if that is not practical, from a location within one-fourth mile of the control station site.

(3) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(4) [Reserved]

(5) Urbanized areas of 600,000 or more population are defined in the U.S. Census of Population, 1970, Volume 1, Table 20, pages 1–74. The centers of urbanized areas are determined from the Appendix, page 226, of the U.S. Commerce publication, "Air Line Distance Between Cities in the United States."

* * * * *

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-36865 Filed 12-15-76;8:45 am]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments; Correction

Released: December 13, 1976.

Editorial Amendment of Part 2 of the Commission's rules and regulations.

1. On November 1, 1976 the Commission adopted an Order containing numerous editorial changes to Part 2 of the rules and regulations. These changes were made to improve Part 2 from an editorial standpoint in preparation for the new edition of Volume II of the rules. (41 FR 49820, November 11, 1976.)

2. Several typographical errors were contained in this Order most of which resulted in misspellings, word omissions and punctuation errors. All of the typographical errors arose in the Appendix to the Order, specifically, in the text of the Geneva footnotes. In footnote (246) the comma after the word "services" in line 2 should be changed to a semicolon. In footnote (256) the word "service" in line 3 should be changed to "services". In footnote (258) the comma after the word "service" in line 3 should be changed to a semicolon, and a comma should be inserted between the words "fixed mobile" on line 3. In footnote (274) the word "provinces" in line 2 should be capitalized. In footnote (275) the word "Provinces" in line 2 was misspelled and the word "Rwanda" in line 2 was misspelled and the word "Sierra" in line 3 was misspelled. In footnote (281C) the words "United Arab Republic, Roumania, Czechoslovakia" should appear between the two words "the the" in line 1. Also, the double hyphen between "137—138 MHz" should be corrected to read "137–138 MHz". In footnote (295) a comma should be inserted after the words "MHz" on line 1. In footnote (305) the word "Sierra" was misspelled on line 1. In footnote (314) the comma after the word "service" on line 2 should be changed to a semicolon. In footnote (323) the word "mobile" was omitted after the word "aeronautical" on line 2. In footnote (324) the word "field" on lines 1 and 2 should be changed to "fixed". In footnote (364) the words "radio communication" on line 3 should be combined into one word, and the word "table" on line 4 should be capitalized. In footnote (364B) the word "Bulgaria" was misspelled on line 1, and the word "table" on line 5 should be capitalized. In footnote (368) the word "Roumania" was misspelled. In footnote (386) the word "service" should be inserted after the word "radionavigation" on line 2. In footnote (394) the words "radio location" should be combined into one word. In footnote (407) the band 13.25–13.56 MHz in line 2 should be corrected to read 13.25–13.5 GHz. In footnote (409) the word "Hungary" should be inserted between "Bulgaria, Poland" on line 1. In footnote (412) the word "services" on line 2 should be corrected to read "service". The complete text of all affected footnotes is contained below.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In § 2.106 the Table is amended by changing the following Geneva footnotes to read as follows:

(246) In Australia, the band 50–54 MHz is allocated to the fixed, mobile and broadcasting services; the band 56–58 MHz is allocated to the amateur service.

(256) In Korea, the band 68–72 MHz is also allocated to the broadcasting service; the bands 76–87 MHz and 100–108 MHz are al-

located to the fixed, mobile and broadcasting services.

(258) In North Borneo, Brunei, Sarawak, Singapore and Malaya, the band 72.8–74.6 MHz is also allocated to the aeronautical radionavigation service; the band 100–108 MHz is allocated to the fixed, mobile and broadcasting services.

(274) In Bulgaria, Japan, Poland, Portugal, Portuguese Oversea Provinces in Region 1 south of the equator, Roumania, Sweden, Czechoslovakia and the U.S.S.R. existing stations in the aeronautical mobile (OR) service in the band 132–136 MHz, may continue to operate for an unspecified period on a primary basis.

(275) In Burundi, Ethiopia, Gambia, Malawi, Nigeria, Portuguese Oversea Provinces in Region 1 south of the equator, Rhodesia, Rwanda, Sierra Leone and in the Republic of South Africa, the band 138–144 MHz is allocated to the fixed and mobile services. In these countries, existing stations in the fixed and mobile services may continue to operate in the band 132–136 MHz until 1 January 1976.

(281C) In Bulgaria, Hungary, Kuwait, Lebanon, Poland, the United Arab Republic, Roumania, Czechoslovakia, the U.S.S.R. and in Yugoslavia, the band 137–138 MHz is also allocated to the aeronautical mobile (OR) service.

(295) In India, the band 197–216 MHz, and in New Zealand, Pakistan and the Philippines, the band 200–216 MHz are also allocated to the aeronautical radionavigation service.

(305) In Nigeria, Sierra Leone and Gambia, the band 223–251 MHz is also allocated to the broadcasting service.

(314) In the United Kingdom, the band 400.05–420 MHz is also allocated to the radiolocation service; however, between 400.05 and 410 MHz the allocation to the radiolocation service is on a secondary basis.

(323) In Indonesia, the band 420–450 MHz is also allocated, on a secondary basis, to the fixed service and mobile, except aeronautical mobile, service.

(324) In Australia, the band 420–450 MHz is also allocated to the fixed service until the frequency assignments in this band for the fixed service stations are transferred to another band.

(364) In Region 1, tropospheric scatter systems may operate in the band 2550–2690 MHz, subject to agreement between the administrations concerned and those having terrestrial radiocommunication services, operating in accordance with the Table, which may be affected.

(364B) In Algeria, Bulgaria, Hungary, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., tropospheric scatter systems may operate in the band 2690–2700 MHz under agreements concluded between administrations concerned and those having services operating in accordance with the Table, which may be effected.

(368) In Albania, Austria, Belgium, Bulgaria, Hungary, Poland, Roumania, Sweden, Switzerland, Czechoslovakia and the U.S.S.R., the band 3100–3300 MHz is also allocated to the radionavigation service.

(386) In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 5470–5650 MHz is also allocated to the aeronautical radionavigation service.

(394) In Australia and the United Kingdom, the band 8250–8400 MHz is allocated to the radiolocation and fixed-satellite services.

(407) In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the bands 13.25–13.5 GHz, 14.175–14.3 GHz, 15.4–17.7 GHz, 23.6–24 GHz, 24.05–24.25 GHz and 33.4–36 GHz are also allocated to the fixed and mobile services.

(409) In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the band 3.5–14 GHz is also allocated to the radionavigation service.

(412) In Japan the bands 24.25–25.25 GHz and 33.4–36 GHz are also allocated to the meteorological aids service.

[FR Doc.76-37017 Filed 12-15-76;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-128; Amdt. 175-3]

PART 175—CARRIAGE BY AIRCRAFT

Approval of Bulk Tanks for Transportation By Air

The purpose of this amendment to the Department's Hazardous Materials Regulations is to amend § 175.320(c) to require air carriers to obtain FAA Regional Office approval for the use of bulk tanks, associated piping, and the installation thereof, in the air carriage of flammable and combustible liquids. The present requirements of 49 CFR 175.320 (c) state that an approval under a supplemental type certificate is necessary for the air carriage of these materials in bulk tanks. This requirement for such an approval was published in an amendment to 14 CFR 103.37 on December 16, 1975, (40 FR 58284), under this docket. Subsequently, this requirement was set forth in 49 CFR 175.320 under Docket HM-103/112 published on April 15, 1976, (41 FR 15972).

Section 175.320(c) presently requires air carriers with aircraft having type certificates covering bulk tanks to also obtain supplemental type certificates. Type certificates are required for tanks installed in aircraft at the time of its manufacture. However, this section does not take into account the need for expeditious handling of requests for approval of tanks, piping, and installations due to changes in demand for air deliveries of fuel to remote locations such as the native villages in Alaska. These areas may become dependent on delivery of fuel by air on short notice. The Bureau believes that approval of the tanks, piping, and their installation is necessary. Accordingly, approval by the appropriate FAA Regional Office is specified. The appropriate Regional Office is that office either issuing the type certificate or responsible for the region in which the aircraft is operating.

Since this amendment concerns internal procedures of the Department, notice and public procedure thereon are not necessary. This amendment is effective on January 1, 1977 less than 30 days after publication in the FEDERAL REGISTER, since it does not impose additional requirements on the public and because compliance with amendments to 49 CFR 175.320(c) as published under Docket HM103/112 becomes mandatory on that date.

In consideration of the foregoing, Part 175 of Title 49 CFR is amended as follows:

In § 175.320, paragraphs (c)(1) and (c)(2) are revised to read as follows:

§ 175.320 Cargo-only aircraft; only means of transportation.

* * * * *

(c) * * *

(1) The tanks and their associated piping and equipment and the installation thereof must have been approved for the material to be transported by the appropriate FAA Regional Office.

(2) In the case of an aircraft being operated by a certificate holder, the operator shall list the aircraft and the approval information in its operating specifications. If the aircraft is being operated by other than a certificate holder, a copy of the FAA Regional Office approval required by this section must be carried on the aircraft.

Effective: January 1, 1977.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau 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.

Issued in Washington, D.C. on December 8, 1976.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.76-36592 Filed 12-15-76;8:45 am]

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

[Docket No. 71-13; Notice 12]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids

This notice amends Standard No. 116, Motor Vehicle Brake Fluids, to specify color coding requirements for hydraulic brake system fluids, to alter the warnings required on labels, to include a definition for "brake fluid," and to revise the definition of "hydraulic system mineral oil."

These amendments are based on a proposal to amend Standard No. 116 (49 CFR 571.116) issued by the National Highway Traffic Safety Administration (NHTSA) on December 5, 1975 (40 FR 56928). Interested persons were afforded an opportunity to submit comments on the proposal by February 5, 1976, and due consideration has been given to the 15 comments received. The National Motor Vehicle Safety Advisory Council did not take a position on the proposed amendments.

As proposed, paragraphs S1 and S2 of Standard No. 116 are amended to substitute the word "fluid" for the term "brake fluid," since the standard now includes requirements for hydraulic system mineral oils which are not normally called "brake fluids." A definition of the term "brake fluid" is added to the standard in order to clarify the distinction between it and hydraulic system mineral oil.

With regard to the proposed definition of hydraulic system mineral oil, Citroen requested that polychloroprene rubber (CR) be deleted from the list of components designated as incompatible with the mineral oil. The NHTSA has determined that Citroen's comments have merit, since the type of CR used in brake hoses is compatible with hydraulic system mineral oils, unlike the SBR, EPR, and NR materials also listed in the proposed definition. This final rule reflects revision of the definition accordingly.

In addition to changes in the labeling requirements, the notice proposed color coding requirements for both fluids and their containers and closures. After reviewing the comments submitted in response to the proposed amendments, the NHTSA has decided not to adopt the proposed changes in labeling (with one exception) or the proposed color coding of containers and their closures. The NHTSA has concluded that color coding of the fluids, combined with the existing warnings on container labels, is a sufficient safeguard against failures in hydraulic braking systems that may result from the use of improper or contaminated fluids.

The proposed color coding of fluids was generally supported by the commenters, although there were requests for colors different than those specified in the proposal. Burma-Castrol requested that the NHTSA defer color coding of fluids until the International Standard Organization (ISO) establishes standard colors for all motor vehicle fluids. This request is denied since the ISO is not actively developing a color code, and there is no indication that it will issue such a code at any time in the near future. The NHTSA can act immediately to reduce the potential safety hazards created by the use of improper fluids in hydraulic braking systems.

Alfred Teves GMBH requested that the color requirement for DOT 3 and DOT 4 brake fluids be blue instead of the proposed "colorless to amber," in order to distinguish these fluids from motor oil and antifreeze. This request is denied since there are many windshield cleaning solutions and some antifreeze fluids that are blue, and because most domestic brake fluids are currently "colorless to amber."

Volkswagen also requested that DOT 3 and DOT 4 brake fluids be blue in order to assure visibility of the fluids in translucent master cylinder reservoirs. The NHTSA does not consider visibility in master cylinders to be a problem since clear or amber fluids would be visible initially in most cases, or would soon become so, because brake fluids generally darken rapidly with use. The major purpose of the color coding requirements is to permit easy identification of fluids before they are placed in the vehicle, in order to prevent the mixing of an incompatible fluid in a braking system. Volkswagen pointed out that if amber or yellow fluids are mixed with the blue fluids that are currently in many master cylinder reservoirs, the resulting green colored fluid might be mistaken for a hydraulic system mineral oil (by this amendment, hydraulic system mineral oils are required to be green). The NHTSA does not consider this concern justification for a change in the proposed color because, as stated earlier, most brake fluids tend to become darker after they are in use for a short period.

Volkswagen suggested that hydraulic system mineral oils be required to be red in color instead of green to avoid any confusion with mixtures of existing brake fluids that would be green. The NHTSA rejects this suggestion in order to avoid confusion with the synthetic red fluids that must be used in some older brake systems. The addition of the wrong fluid to such vehicles could result in substantial damage to the brake system and potential brake failure.

The U.S. Army Mobility Equipment Research and Development Center requested that hydraulic system mineral oils be required to be colored red, consistent with the Army color code. The Center's comment cited examples of brake failure caused by the inadvertent mixing of incompatible fluids in hydromechanical systems. The NHTSA has determined, however, that inconsistency between the Army color code and the proposed color coding requirements for oils sold commercially should not create a safety problem. Only mineral oils procured specifically for use by the military would be colored red, because § 571.7(c) of NHTSA regulations (49 CFR 571.7(c)) provide that no standard applies to a vehicle or item of equipment manufactured for, and sold directly to, the Armed Forces of the United States in conformity with contractual specifications. If a situation arose in which it was necessary to buy commercial oil for a military vehicle, the oil would be purchased according to label information.

The Brake System Parts Manufacturers Council (BSPMC) iterated its previous comments to Docket No. 71-13, Notice 5, stating that requirements for color coding of fluids and containers would not enhance safety but would only increase cost. They commented that the matching of a fluid in a master cylinder reservoir by its color would be impossible after a few months since DOT 3 and DOT 4 fluids tend to darken rapidly and thereafter might not be distinguishable from incompatible green hydraulic system mineral oils. They further commented that because master cylinder reservoirs are not required to be color coded with the appropriate fluid, the inadvertent mixing of incompatible fluids would still continue to occur.

The NHTSA agrees that the matching of color coded fluids is difficult under certain conditions. However, the main purpose of the fluid color coding requirements is to enable users to distinguish among various unused brake fluids, rather than to match fluid in a master cylinder with additional fluid. It is particularly important to be able to distinguish fluids when they are in unmarked drums or pressured dispensing containers in garages.

Volkswagen requested that the NHTSA regulate the marketing of DOT 5 brake fluids to prevent their use in vehicles unsuited to DOT 5. Volkswagen takes issue with advertisements stating that DOT 5 fluids are suitable for all vehicles and that they can be mixed with all other types of brake fluids. It contended that DOT 5 fluids cause severe corrosion when added to brake systems containing DOT 3 fluids, and submitted a report of laboratory tests to substantiate this claim. Volkswagen recommended that DOT 5 fluids be excluded from regulation by Standard No. 116.

The request by Volkswagen is repetitious of a petition for reconsideration submitted by Ford Motor Company that was denied by a notice published May 16, 1975 (40 FR 21474). Ford petitioned to revoke the amendments that added DOT 5 brake fluids to the standard, because the fluids "may cause hazardous deterioration of brake systems or their components." The NHTSA rejected Ford's petition on the basis that the information submitted did not substantiate the claim that DOT 5 fluids are deleterious to some brake systems. Likewise, the NHTSA does not consider the test reports submitted by Volkswagen adequate to simulate actual field use, and field testing in the United States and Panama has demonstrated that mixtures of DOT 5 and DOT 3 fluids do not accelerate corrosion.

It should be understood that the NHTSA considers the question of the compatibility of DOT 5 fluids with brake systems and other brake fluids to be a separate issue from the question whether DOT 5 fluids should be regulated by Standard No. 116. The fact that DOT 5 fluids might cause corrosion in certain systems does not mean that there should not be specified performance requirements for DOT 5 fluids in Standard No. 116. By its terms Standard No. 116 applies "to all fluid for use in hydraulic brake systems of motor vehicles."

Concerning Volkswagen's alternative request that the NHTSA regulate the marketing and use of DOT fluids, we assume that Volkswagen intended this to be accomplished by the use of additional warnings on the labels of DOT 5 brake fluid containers. Any such labeling changes will have to be dealt with in future rulemaking. Interested persons should submit additional data concerning the compatibility of DOT 5 with various brake systems and other brake fluids, along with any recommended label changes.

The notice proposing these amendments also specified requirements for the color coding of brake fluid containers. Bell Chemical Company, Brake System Parts Manufacturers Council, Gold Eagle and Wagner Corporation opposed the proposed color coded border around the printed warnings on brake fluid containers, on the basis that the color of the border would have no significance to the typical consumer. They commented that the propsed borders would cost approximately one million dollars for printing and that no tangible benefit would be realized. After considering these comments, the NHTSA has decided that the

color coded borders should not be required on brake fluid containers. Likewise, the color coded cap requirement is not included in paragraph S5.2.2.4 as was proposed, although the proposed labeling requirement of S5.2.2.5 is made final as S5.2.2.4. It specifies that the labeling requirements of the standard shall be placed on the protective outer container or carton of brake fluids whose inner container is not normally visible during use. Since the color-coded-border requirement is not adopted, the proposed paragraph S5.2.2.6 regarding color tolerance requirements is unnecessary and, therefore, is not included in the amendments.

Eight commenters opposed the proposed color coding requirements for container caps and closure devices. The commenters pointed out that consumers would not be cognizant of the significance of the colored caps, and that procurement of colored caps would result in high costs and require long lead times. It was also noted that the wrong color of cap could easily be inadvertently applied by packages or switched by users of the brake fluids. Further, they stated that since service stations and shops often mount dispenser pumps on one gallon brake fluid cans in place of their original caps, the purpose of color coded caps would be thwarted in many instances. The NHTSA has concluded that these arguments have merit. The proposed requirements for color coded caps and closures are not included in the amendments.

The proposed labeling changes included specification of the minimum wet boiling point in degrees Celsius as well as Fahrenheit, container capacity in liters as well as gallons, and colored border width in millimeters as well as inches. Classic Chemical supported these proposed labeling changes. Wagner Electric and Bell Chemical opposed them on the basis that metric equivalents do not serve a safety need and should be left to the jurisdiction of the Federal agencies responsible for the "metrication" program.

The agency's authority extends to labeling with safety information, and all available methods to increase the comprehensibility of labeling, including metric equivalents, is justified. Nonetheless, the NHTSA has concluded that the cost of the proposed metric labeling does not justify a change at this time. The proposed changes in S5.2.2.1(c), S5.2.2.2.(f) and S5.2.2.2(g)(4) are not adopted.

Classic Chemical objected to the proposed change in the last sentence of paragraph S5.2.1 regarding requirements for container sealing. The rewording was proposed for the purpose of clarifying the requirement that the container closure be tamper-proof to the extent that it would be obvious to a user that the closure had been previously opened. Classic Chemical commented that the present wording which refers to inclusion of a "tamper proof feature" is preferable to the proposed wording. After reconsideration, the NHTSA has decided that the proposed rewording could result in confusion rather than clarification. Therefore, paragraph S5.2.1 is not amended as was proposed.

Dow Corning Corporation, a manufacturer of DOT 5, a low-water-tolerance silicone brake fluid, earlier suggested that the admonition in S5.2.2.2(g)(3) to keep containers "tightly closed to prevent absorption of moisture" is unnecessary and redundant when applied to water intolerant brake fluids such as DOT 5 fluids. Based on this suggestion, the notice proposing these amendments specified the amendment of S5.2.2.2(g)(3) to read, "* * * to prevent entry of water and other contaminants." Wagner Electric commented that the S5.2.2.2(g)(3) warning label on DOT 3 and DOT 4 containers should not be required to be changed simply because the label does not apply, as worded, to DOT 5 brake fluids. They noted that consumer cost could be greatly reduced if only the labels on DOT 5 fluids are changed. The NHTSA agrees with this suggestion. Paragraph S5.2.2.2(g)(3) is therefore modified to add the following parenthetical: "(The last five words of the second sentence may be omitted from the labeling on DOT 5 containers.)"

Bowes Seal Fast commented that the third warning listed in S5.2.2.2(g) ("Store Brake Fluid Only In Its Original Container * * *") is contrary to the general garage practice of using dispensing containers that are continuously refilled from bulk containers. Bell suggested that warning number (3) be eliminated on the basis that warning number (2) is adequate. The NHTSA considers the dispensing containers to be devices for use rather than for storage, so warning number (3) is not contrary to normal garage practices. The NHTSA disagrees with Bell since warning number (2) concerns contamination of fluids in master cylinders, while warning number (3) pertains to the storage of fluids.

The notice proposing these amendments specified a new consumer warning against accepting containers whose "tamper proof" seals have been broken. Wagner opposed the proposed warning. They noted that metal screw caps on fluid containers are often very tightly fastened, and that consumers could not remove them without pliers to inspect the inner "tamper proof" seal. The tendency would be, according to Wagner, to not inspect the inner seal at the place of purchase. The NHTSA has considered these comments and further evaluated the possible problems of the sale of brake fluid or hydraulic system mineral oil containers refilled with other than approved fluid. It has been determined that the potential safety problem does not warrant the expense of adding another warning of this type to either the container or its outer closure. The proposed new warning, S5.2.2.2(g)(5), is not adopted.

The notice preceding these amendments proposed the amendment of paragraph S6.7.3(a) to specify the phrase "suitable solvent" rather than the solvents presently listed, to be used to inhibit frosting of the exterior surfaces of specimen containers in the test for fluidity and appearance at low temperature. After reconsideration, the NHTSA has decided that this proposed change might only create confusion and should, therefore, not be adopted. This does not mean that manufacturers are restricted to the use of ethanol, isopropanol, or acetone. The obligation of a manufacturer is to ensure that its certification of compliance is not false or misleading in a material respect, and that it has exercised due care in manufacturing to conform to the requirements of Standard No. 116 (15 U.S.C. 1397(b)(2)). A manufacturer is not required to follow specifically the test procedures of the standards, but only to ascertain, in the exercise of due care, that its product will conform to the standard's requirements when it is tested by the stated methods.

The NHTSA has determined that these amendments will have a negligible economic impact. It is estimated that the color coding requirements will have an annual cost of approximately $10,000. Because of residual inventories it should take several years before all brake fluids are color coded. After this phasing-in period it is estimated that the amendments will result in the reduction of approximately 400 accidents per year, with an annual consumer cost savings of $512,000. The NHTSA has determined that the amendments will have a negligible effect on the environment.

It has been determined that an effective date later than the normal statutory limit of one year is justified for these amendments in order to give manufacturers and packagers sufficient time to exhaust existing supplies of brake system fluids destined for new motor vehicles.

In consideration of the foregoing, Standard No. 116 (49 CFR 571.116) is amended as follows:

1. Section S1 is amended to read:

S1 *Scope.* This standard specifies requirements for fluids for use in hydraulic brake systems of motor vehicles, containers for these fluids, and labeling of the containers.

2. Section S2 is amended by deleting the word "brake".

3. In S4, a definition for "brake fluid" is added following the definition of "blister" and the definition of "hydraulic system mineral oil" is amended, to read:

S4 *Definitions*

* * * * *

"Brake fluid" means a liquid designed for use in a motor vehicle hydraulic brake system in which it will contact elastomeric components made of styrene and butadiene rubber (SBR), ethylene and propylene rubber (EPR), polychloroprene (CR) brake hose inner tube stock or natural rubber (NR).

* * * * *

"Hydraulic system mineral oil" means a mineral-oil-based fluid designed for use in motor vehicle hydraulic brake systems

in which the fluid is not in contact with components made of SBR, EPR or NR.

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4. In S5, the first sentence is amended to read:

S5 *Requirements.* This section specifies performance requirements for DOT 3, DOT 4 and DOT 5 brake fluids, requirements for brake fluid certification, and for container sealing, labeling and color coding for both brake fluids and hydraulic system mineral oils.

5. S5.1 is amended to read:

S5.1 *Brake fluid.* When tested in accordance with S6, brake fluids shall meet the following requirements.

6. S5.1.14 is added to read:

S5.1.14 *Fluid color.* Brake fluid and hydraulic system mineral oil manufactured on or after September 1, 1978, shall be of the color indicated:

DOT 3 and DOT 4—colorless to amber.
DOT 5—purple.
Hydraulic system mineral oil—green.

7. In S5.2.2.2, the words "other than hydraulic system mineral oil" are deleted.

8. S5.2.2.2(g)(3) is amended by the addition of "(The last five words of the second sentence may be omitted from the labeling on DOT 5 containers)" at the end of the text.

9. A new paragraph S5.2.2.4 is added to read:

S5.2.2.4 If a container for brake fluid or hydraulic system mineral oil is not normally visible but designed to be protected by an outer container or carton during use, the outer container or carton rather than the inner container shall meet the labeling requirements of S5.2.2.2 or S5.2.2.3, as appropriate.

10. Section S5.3 is amended by deleting the word "brake" preceding "fluid".

Effective date: September 1, 1978.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on December 6, 1976.

JOHN W. SNOW,
Administrator.

[FR Doc.76-36932 Filed 12-15-76;8:45 am]

[Docket No. 73-3; Notice 08]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

School Bus Seating

This notice amends Standard No. 222, *School Bus Passenger Seating and Crash Protection,* to delay the effective date for maximum rearward deflection of seats from April 1, 1977, to April 1, 1978.

Standard No. 222 (49 CFR 571.222), as published January 28, 1976 (41 FR 4016), established October 27, 1976, as the effective date of the standard, as mandated by the Motor Vehicle and School-bus Safety Amendments of 1974 (the Act) (Pub. L. 93-492). Congress subsequently amended the Act by Pub. L. 94-346 (July 8, 1976) to extend the effective date for the implementation of school bus standards to April 1, 1977.

The NHTSA has promulgated regulations on several aspects of performance mandated by Congress in the Act. These regulations become effective on April 1, 1977. The agency concludes, however, that compliance with one provision of Standard No. 222 by the April 1, 1977, effective date would be impracticable, would result in substantial economic waste, and would not be in the public interest.

Since publication of Standard No. 222, a misunderstanding has arisen within the industry concerning the definition of the term "absorbed" when used in connection with the requirements in sections S5.1.3.4 and S5.1.4.2. The NHTSA explained the term "absorbed" in an interpretation to Thomas Built Buses (July 30, 1976) to mean "receive without recoil." This interpretation requires that returned energy be subtracted from total energy applied to the seat back to calculate energy "absorbed" by the seat back.

School bus manufacturers tested their seats in accordance with the NHTSA definition of "absorbed" and found that the seats continued to comply with the requirements of Standard No. 222 when tested for forward performance (S5.1.3), but these same seats were marginally below the NHTSA requirements for rearward seat deflection. Based upon these test data, petitions have been received from Thomas Built Buses, Blue Bird Body Company, Carpenter Body Works, Wayne Corporation, and Ward School Bus Manufacturing, all requesting a change in rearward performance requirements.

The NHTSA has examined the data submitted by the manufacturers and concludes that the seats upon which the tests were made demonstrate a high probability of meeting most of the requirements of Standard No. 222. Further, the agency concludes that to mandate full compliance with the rearward performance requirements of Standard No. 222 would require extensive retooling and redesign. This would result in substantial economic waste of seats now in production and severe economic hardship for manufacturers.

The NHTSA is particularly concerned that to require full compliance with the rearward performance requirements at this late date might mean that manufacturers would be unable to redesign their seats in time to commence manufacture of completed buses on April 1, 1977. Since single-stage buses produced after April 1, 1977, must meet NHTSA safety requirements in all other respects, they will be substantially safer than buses currently in use. Therefore, the agency finds that it is in the interest of safety to ensure that these safer buses will be available on April 1, 1977, to replace older less safe models. To ensure that safer buses can be marketed without delay, the NHTSA extends the effective date of requirements for maximum rearward deflection of seats to April 1, 1978. It is emphasized that the numerous other requirements for school bus seating, including all other rearward performance requirements, remain in effect which ensures adequate interior protection as of April 1, 1977, as mandated by Congress. A proposal for minor modification of S5.1.4 (to be published shortly) will permit reinstitution of rearward deflection requirements following the 1-year delay.

Because of the imminent effective date of the school bus safety standards and the lead time required to modify seat design, the NHTSA for good cause finds that notice and public procedure on this amendment are impracticable and contrary to the public interest.

In consideration of the foregoing, S5.1.4(b) of Standard No. 222 (49 CFR 571.222) is amended by the addition, at the beginning of the first sentence, of the following phrase: "In the case of a school bus manufactured on or after April 1, 1978,".

Effective date: December 16, 1976, because this amendment relieves a restriction and does not impose requirements on any person, it is found, for good cause shown, that an immediate effective date is in the public interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegation of authority at 49 CFR 1.50)

Issued on December 10, 1976.

CHARLES E. DUKE,
Acting Administrator.

[FR Doc.76-36986 Filed 12-15-76;8:45 am]

[Docket No. 74-21; Notice 05]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Windshield Zone Intrusion

This notice amends Standard No. 219, Windshield Zone Intrusion, to exclude walk-in van-type vehicles from the requirements of the standard.

The National Highway Traffic Safety Administration (NHTSA) proposed to exclude walk-in van-type vehicles from the applicability of Standard No. 219 (49 CFR 571.219) in a notice published March 11, 1976 (41 FR 10451). No opposition was registered in response to the proposed rulemaking. The National Motor Vehicle Safety Advisory Council did not take a position on the proposal.

The NHTSA, therefore, amends Standard No. 219 in accordance with the proposal. For the information of all interested persons, the NHTSA considers a "walk-in van-type" vehicle to be only the "step van" city delivery type of vehicle that permits a person to enter the vehicle without stooping.

It has been determined that this amendment will have a negligible economic and environmental impact, since it creates an exemption from existing

requirements that is expected to affect relatively few vehicles.

In consideration of the foregoing, paragraph S3 of Standard No. 219 (49 CFR 571.219) is amended to read as follows:

S3. *Application.* This standard applies to passenger cars and to multipurpose passenger vehicles, trucks and buses of 10,000 pounds or less gross vehicle weight rating. However, it does not apply to forward control vehicles, walk-in van-type vehicles, or to open body-type vehicles with fold-down or removable windshields.

Effective date: December 16, 1976, because this amendment relieves a restriction and does not create additional obligations for any person and because it permits the resumption of manufacture of a vehicle type not intended to be covered by the standard, it is found that an immediate effective date is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on December 10, 1976.

CHARLES E. DUKE,
Acting Administrator.

[FR Doc.76-36985 Filed 12-15-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING TAKING AND IMPORTING OF MARINE MAMMALS

Cape Fur Seals; Waiver of Moratorium; Correction

In FR Doc. No. 76-34754 appearing on page 51795, in the issue of Wednesday, November 24, 1976, the Director, National Marine Fisheries Service amended Part 216—Regulations Governing Taking and Importing of Marine Mammals, Cape Fur Seals; Waiver of Moratorium.

The paragraph amending § 216.32 was erroneously stated and is corrected to read as follows:

§ 216.32 [Amended]

Section 216.32 is amended by deleting the number 19,180 from paragraphs (a), (a)(1), (b), and (f)(5) and substituting therefor, in each case, the number 23,170.

Dated: December 8, 1976.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.76-36994 Filed 12-15-76;8:45 am]

proposed rules

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

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

[1 CFR Part 445]

PRIVACY ACT OF 1974

Proposed Regulations for Implementation

The following proposed regulations, drafted in accordance with section (f) of 5 U.S.C. 552a, the Privacy Act of 1974, are hereby offered for public comment. Interested parties should submit comments on or before January 17, 1977. Comments should be addressed to the Chairman, National Transportation Policy Study Commission, 312 House Office Building Annex #1, Washington, D.C. 20515. The Commission's system of records has been published in the December 10, 1976 issue of the FEDERAL REGISTER on Page 54157.

Signed this 10th day of December 1976, by

BUD SHUSTER,
Chairman.

It is proposed to add the following Part 445 to Title 1 of the CFR:

PART 445—PRIVACY ACT IMPLEMENTATION

Sec.

445.1 Purpose and scope.
445.2 Definitions.
445.3 Procedures for requests for access to individual records in a record system.
445.4 Times, places, and requirements for the identification of the individual making a request.
445.5 Access of requested information to the individual.
445.6 Request for correction or amendment of the record.
445.7 Agency review of request for correction or amendment of the record.
445.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
445.9 Disclosure of record to a person other than the individual to whom the record pertains.
445.10 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93-579.

§ 445.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the National Transportation Policy Study Commission (hereafter known as the Commission) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 445.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it is collected.

§ 445.3 Procedures for requests for access to individual records in a record system.

An individual shall submit a request to the Executive Director of the Commission to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a request to the Executive Director of the Commission which states the individual's desire to review his or her record.

§ 445.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Executive Director of the Commission pursuant to § 445.3 shall present the request at the Commission offices, 312 House Office Building Annex No. 1, Washington, D.C. 20515, on any business day between the hours of 9 a.m. and 5 p.m. The individual submitting the request should present himself or herself at the Commission's offices with a form of identification which will permit the Commission to verify that the individual is the same individual as contained in the record requested.

§ 445.5 Access to requested information to the individual.

Upon verification of identity the Commission shall disclose to the individual the information contained in the record which pertains to that individual.

§ 445.6 Request for correction or amendment to the record.

The individual should submit a request to the Executive Director of the Commission which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 445.4.

§ 445.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Executive Director of the Commission will acknowledge in writing such receipt and promptly either:

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Commission for the individual to request a review of that refusal.

§ 445.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Executive Director of the Commission to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman, National Transportation Policy Study Commission, 312 House Office Building Annex No. 1, Washington, D.C. 20515. The Chairman will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty day period. If, after his or her review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his or her disagreement with the refusal of the Foundation and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a (g) (1) (A).

§ 445.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Commission will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record

pertains, unless the disclosure has been listed as a "routine use" in the Commission's notices of its systems of records.

§ 445.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record in advance of receipt of the pages.

[FR Doc.76-36919 Filed 12-15-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Change in Nomination of Plum Commodity Committee Grower Members

Notice is given of a proposal to: (1) Increase the number of grower members nominated to serve on the Plum Commodity Committee from the Fresno District from six nominees to seven nominees; and (2) provide that one grower member be nominated from the Placer-Colfax District, North Sacramento Valley District, and Central Sacramento Valley District to serve on that committee.

The Plum Commodity Committee is established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 41 FR 17528). The order regulates the handling of fresh pears, plums, and peaches grown in California and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The grower representation on the Plum Commodity Committee is set forth in § 917.116 of Subpart—Rules and Regulations (7 CFR 917.100–917.179). Grower representation on the committee is allocated on the basis of production of plums in districts established under the order. The present allocation has been in effect since 1969. Production in some of the districts has changed since that time, thus the committee has recommended appropriate changes in representation to more nearly reflect current production patterns.

As proposed, the Placer-Colfax District (which currently nominates one grower member) and the North and Central Sacramento Valley Districts (which currently nominate one grower member) would nominate one member to represent all three districts. Membership from the Fresno District would be increased from six to seven members. It is intended that nominations of grower members to the Plum Commodity Committee to serve the two-year term ending the last day of February 1979, would be made on the basis of the changes recommended in this proposal.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file them, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than December 31, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 917.116 to read as follows:

§ 917.116 Changes in nomination of Plum Commodity Committee members.

Nominations for membership on the Plum Commodity Committee shall be made by the growers of plums in the respective representative areas as follows:

(a) Kern District, Tehachapi District, South Coast District, and Southern California District one nominee.

(b) Tulare District two nominees.

(c) Fresno District seven nominees.

(d) Placer-Colfax District, North Sacramento Valley District, and Central Sacramento Valley District one nominee.

(e) All of the production area not included in the Kern District, Tehachapi District, South Coast District, Southern California District, Tulare District, Fresno District, Placer-Colfax District, North Sacramento Valley District, and Central Sacramento Valley District one nominee.

Dated: December 10, 1976.

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

[FR Doc.76-36963 Filed 12-15-76;8:45 am]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Handling Regulation

This proposal, designed to promote orderly marketing of South Texas onions, would impose minimum grade, size and container standards and require inspection of fresh market shipments to keep undesirable onions from being shipped to consumers.

Consideration is being given to the issuance of a handling regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959). This program regulates the handling of onions grown in designated counties in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1977 early spring crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin about March 7.

The proposed grade and size requirements are similar to last season's and are designed to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels.

Thus, only onions that contain not more than 20 percent defects of U.S. No. 1 grade and are not packed or loaded on Sunday except for export may be shipped from March 7 through May 14, 1977. Again this season in order to provide more orderly marketing from all districts, the inspection and container requirements are proposed to be extended through June 11, 1977.

The proposed container requirements should prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, it would not preclude the use of containers customarily packed for the retail trade. The proposed prohibition on packaging and loading onions on Sunday is recommended principally to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings. However, this season handlers may, with approval of the committee, grade, package and load onions on Sunday for export, provided that they shut down packing and loading operations on the first working day after shipment for the same length of time as they operated on Sunday. This should prevent handlers who ship on Sunday for export from gaining a competitive advantage due to longer packing hours over handlers who do not have export orders.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 100 pounds of onions may be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of onions.

The proposals with respect to special purpose shipments are recommended to allow the shipment of onions for experimental purposes or the use of containers including bulk bins which have been the subject of test shipments during past seasons, and should encourage exports by allowing the use of containers required for such purposes. Shipments for relief or charity should be exempt from inspection and assessment requirements since no useful purpose would be served by regulating such shipments.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 3, 1977.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 959.317 Handling regulation.

During the period March 7 through June 11, 1977, no handler may package or load onions on any Sunday, except in accordance with paragraph (f) of this section, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the assessment requirements of § 959.217

and the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (e) or (f) of this section except the grade and size requirements of paragraphs (a) and (b) and the Sunday packaging prohibition shall terminate at 11:59 p.m. on May 14, 1977.

(a) *Grade requirements.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. onion standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small" 1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(5) Tolerances for size in the U.S. onion standards shall apply except that for 'repacker' and 'medium' sizes not more than 20 percent, by weight, of onions in any lot may be larger than the maximum diameter specified. Application of tolerances in the U.S. onion standards shall apply.

(c) *Container requirements.* (1) 25-pound bags, with an average net weight in any lot of not more than 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with an average net weight in any lot of not more than 55 pounds per bag, and with outside dimensions not larger than 33 inches by 39½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraphs (e) or (f) (3) of this section, unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 100 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 100 pounds of onions.

(f) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2-, 3- or 5-pound containers customarily packed for the retail trade, or 50-pound cartons, if they meet the grade, size, and inspection requirements of paragraphs (a), (b) and (d) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments: *Provided,* That shipments of 2-, 3- and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments, *and provided further,* That shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled. Such report, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Experimental shipments.* Upon approval of the committee, onions may be shipped in bulk bins with inside dimensions of 47 inches x 37½ inches x 36 inches deep and having a volume of 59,440 cubic inches, or similar containers. Each container shall have a new perforated 2-mil polyethylene liner. Also, onions may be shipped in 40-pound cartons, but not to exceed 4,000 cartons. Such experimental shipments shall be exempt from paragraph (c) of this section but shall not exceed ten percent of a handler's total weekly onion shipments and shall be handled in accordance with safeguard provisions of § 959.54 and this paragraph. Also, the receiver must agree to furnish the committee with a report on the arrival condition of each shipment. Further, upon approval of the committee, onions may be shipped for other experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60, provided they are handled in accordance with safeguard provisions of § 959.54.

(4) *Export shipments.* Upon approval of the committee, the prohibition against packaging or loading onions on any Sunday may be modified or suspended to permit the handling of onions for export. If a handler, with approval of the committee, grades, packages and ships onions for export on any Sunday, such handler shall on the first workday following shipment of the onions, cease all grading, packaging and shipping operations for the same length of time as the handler operated grading, packaging and shipping operations on Sunday.

(5) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempted under paragraph (e) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(g) *Definitions.* "U.S. onion standards" mean the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or the United States Standards for Grades of Onions (Other Than Bermuda Grenex-Grano and Creole Types) (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U.S. No. 1" shall have the same meaning as set forth in these standards.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

Dated: December 13, 1976.

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

[FR Doc.76-37039 Filed 12-15-76;8:45 am]

[7 CFR Part 981]

[Docket No. AO-214-A6]

ALMONDS GROWN IN CALIFORNIA

Emergency Decision On Proposed Further Amendment of the Marketing Agreement and Order; Correction

In FR Doc. 76-35015 appearing at page 52478 in the FEDERAL REGISTER of Tuesday November 30, 1976, the following changes should be made:

1. On page 52478 in the second full paragraph of the third column, the word "edible" is corrected to read "inedible".

2. On page 52479 in the second full paragraph of the first column, the word "or" is corrected to read "of".

3. On page 52479, the second sentence of paragraph (1) of the *General findings* is corrected to read "Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed."

Dated: December 13, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-37040 Filed 12-15-76;8:45am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-SW-47]

ALTERATION OF VOR FEDERAL AIRWAYS

Withdrawal of Notice of Proposed Rulemaking

On September 30, 1976, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 43182) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would exclude the airspace 4,000 feet MSL and below from V-76, V-76N and V-306 within the Camp Swift Military Operations Area (MOA).

Subsequent to publication of the NPRM it was determined by the Department of Air Force that the type of training to be conducted in the Camp Swift MOA does not require alteration of Federal Airways.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 76-SW-47 (41 FR 43182) is withdrawn.

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

Issued in Washington, D.C., on December 9, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-36730 Filed 12-15-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WE-33]

ALTERATION OF TRANSITION AREA

Palmdale, California

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Palmdale, California Transition Area.

The proposed additional transition area is necessary in order to provide controlled airspace for radar vectors in the Trona-China Lake areas. Edwards Radar Approach Control (RAPCON) facility is presently providing radar vectors in the area but is limited due to lack of controlled airspace. Designation of controlled airspace in the area would provide for descending arrival aircraft to China Lake to the minimum vector altitude and for vectoring departure aircraft.

Interested persons may participate in the proposed rule making 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 January 17, 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 the 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.

In consideration of the foregoing, the FAA proposed the following airspace action.

In § 71.181 (41 FR 440) the description of the Palmdale, California Transition Area is amended by deleting all between latitude 36°07'00" N., longitude 117°35'00" W., and to latitude 35°34'30" N., longitude 116°29'40" W., and substituting therein the following: Latitude 35°47'46" N., longitude 116°55'20" W., to latitude 35°21'35.8" N., longitude 116°55'20" W., to latitude 35°34'30" N., longitude 116°29'40" W.

(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)))

Issued in Los Angeles, California on December 3, 1976.

LYNN L. HINK,
Acting Director, Western Division.

[FR Doc.76-36729 Filed 12-15-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Chapter I]

VETERANS EDUCATION POLICIES AND PROCEDURES

Opportunity for Public Comment

CROSS REFERENCE: For the text of DVB Circular 20-76-84, and of Appendices A through H to that circular, see FR Doc. 76-36835, published in the Notices section of this issue under the Veterans Administration.

This document contains Veterans Administration policies and procedures concerning Pub. L. 94-502 (90 Stat. 2383), relating to various aspects of the veterans education benefits program. In this document the Veterans Administration also requests comments on Circular 20-76-84, which will be considered in drafting final regulations implementing Pub. L. 94-502.

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM77-3]

POSTAL RATE COMMISSION AND EX PARTE COMMUNICATIONS

Rules Governing Public Attendance At Meetings

DECEMBER 10, 1976.

Pursuant to the authority contained in 39 U.S.C. 3603 and 5 U.S.C. 552b(g), the Postal Rate Commission gives notice that it proposes to amend certain sections of 39 CFR Part 3001, Subpart A, to implement (1) the open meeting requirements of section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409) and (2) the ex parte provisions of section 4 of that act.

Section 3(a) of Pub. L. 94-409, which was signed by the President on September 13, 1976, amends title 5 of the United States Code by adding a new section 552b. Subsection (b) of this new section requires that, except as provided in section 552b(c), every portion of every meeting of government agencies subject to the act must be open to public observation. In addition, section 552b(g) requires each agency subject to section 552b to promulgate regulations to implement the requirements of sections 552b(b) through (f) within 180 days of enactment and following opportunity for written comment by any person.

The Sunshine Act does not specifically require subject agencies to promulgate regulations implementing the ex parte provisions found in section 4 of the Act. Nevertheless, the Commission believes that implementing regulations are necessary since the ex parte provisions contained in the Sunshine Act are, for the most part, broader and more stringent than those currently found in the Commission's rules of practice. The current rules, for example, forbid ex parte communications by any party or limited participator, or any person acting on his behalf or any interceder (39 CFR 3001.7(a)). The Sunshine Act, however, extends the prohibition to any "interested person outside the Agency" (5 U.S.C. 557(d)(1)(A)). In addition, the Sunshine Act provides more severe sanctions for violation of the ex parte provisions than do the current rules. Under the Sunshine Act the Commission may go so far as to consider a violation of the ex parte rules grounds for a decision adverse to the violator (5 U.S.C. 556(d)).

In order to incorporate the open meeting requirements of section 3(a) of the

Act (5 U.S.C. 552b(b) through (f)) the Commission proposes to amend 39 CFR 3001.5 by adding a new paragraph (n). Although section 552b(g) of title 5 does not require subject agencies to define the term "meeting," paragraph (n) would incorporate the definition of meeting contained in section 552b(a)(2).

The Commission also proposes to add a new § 3001.43.

Section 3001.43(a) would provide that Commission meetings shall be open to the public. Neither this section nor § 3001.5(n) is intended to prevent members of the Commission from considering individually business that is circulated to them sequentially in writing. The Commission has frequently used notation voting to dispose of procedural matters and to make minor refinements to orders informally adopted but not yet issued.[1] It will continue in this practice.

Section 3001.43(b) would provide that the Secretary of the Commission shall make the physical arrangements for open Commission meetings.

Section 3001.43(c) would provide 10 exceptions to the requirement that Commission meetings be open to the public. Paragraph (c) incorporates the exceptions found in 5 U.S.C. 552b(c)(1) through (10).

Section 3001.43(d) would provide procedures for closing Commission meetings under subsection (c) by the recorded vote of three Commissioners. Paragraph (d)(2) of § 3001.43 would require the Commission to vote whether to close a meeting whenever any person whose interests may be directly affected by a portion of the meeting requests them to close the meeting for the reasons referred to in paragraph (c) pertaining to

(1) Matters involving accusation of a crime or formal censure (§ 3001.43(c)(5)),

(2) Information of a personal nature (§ 3001.43(c)(6)), or

(3) Investigatory records compiled for law enforcement purposes (§ 3001.43(c)(7)).

Paragraph (d)(3) of § 3001.43 would provide that, within one day of a vote to close a meeting, the written copy of the vote reflecting the vote of each member is to be made public, and, if a portion of a meeting is to be closed, a written explanation of the action must be made available together with a list of all persons expected to attend.

Paragraph (d)(4) of § 3001.43 would require any person who wishes to protest a Commission decision to close a meeting pursuant to (d)(1) or (d)(2) to file a motion to open the meeting within 24 hours of the time for which the closed meeting is scheduled.

The Commission has determined that a majority of its meetings may be closed pursuant to paragraphs (c)(4), (c)(8), (c)(9)(i), or (c)(10) of § 3001.43 or any combination thereof. With respect to paragraph (c)(10), the Commission notes that over the course of FY 1976, approximately 57 percent of its agenda items involved the initiation, conduct, or disposition of proceedings requiring a hearing on the record pursuant to sections 556 and 557 of title 5. The Commission interprets section 552b(c)(10) of title 5 as including information which is likely to specifically concern the initiation, conduct, or disposition of Commission proceedings pursuant to 39 U.S.C. 3622 (ratemaking), 3623 (changes in the mail classification schedule), and 3661 (advisory opinions on changes in postal services). Although these proceedings are not cases of agency adjudication as that term is used in the Administrative Procedure Act (5 U.S.C. 551(4)–(7)), nevertheless, they do require a determination on the record under sections 556 and 557 of title 5. Thus, they are procedures for formal rulemaking and are within the exemption of 5 U.S.C. 552b(c)(10).[2] Accordingly paragraph (d)(5) of § 3001.43 would provide for the closing of any Commission meeting under paragraphs (c)(4), (c)(8), (c)(9)(i), or (c)(10) of § 3001.43 or any combinations thereof by a vote at the beginning of the meeting. The procedures of paragraphs (d)(1), (d)(2), (d)(3), and (d)(4) of § 3001.43, and the announcement procedures of paragraph (e) would not apply to a meeting closed under these special procedures.

Section 3001.43(e)(1) would require the Commission to announce information pertinent to a meeting at least a week in advance and to state whether it will be open or closed. Three Commissioners may determine by recorded vote that Commission business requires the meeting to be called earlier. When this is done public announcement must be at the earliest practicable time.

Normally the Commission will meet every week. Copies of its agenda for that week will be available on Monday at 12 noon in the Commission's Office of Information at 2000 L Street, NW., Washington, D.C. 20268. Further requests for information may be directed to the Information Officer of the Postal Rate Commission by calling phone number (202) 254–5614.

Paragraph (e)(2) of § 3001.43 would allow the time or place of a meeting to be changed following public announcement if the change is announced at the earliest practicable time. Change in the subject matter of a meeting or in the determination to open or close it, however, would require a vote by three Commissioners that agency business so requires.

Paragraph (e)(3) of § 3001.43 would require certain information announcing the meeting to be published in the FEDERAL REGISTER.

For every closed meeting, § 3001.43(f)(1) would require the General Counsel of the Commission (1) to certify that it may be closed and (2) to state the relevant exemption. The Commission would be required to maintain complete transcripts or recordings of all closed meetings. For meetings closed pursuant to paragraphs (c)(8), (c)(9)(i), or (c)(10) of § 3001.43, however, the Commission may choose to maintain either a transcript or recording, or a set of minutes.

Paragraph (f)(2) of § 3001.43 would require the Commission to make public the recording, transcript, or minutes of any item discussed which was not exempt under paragraph (c). It would also establish the length of time during which the Commission must maintain the transcripts, recording, or minutes.

In addition to the amendments proposed above, the Commission also proposes amendments to implement the ex parte provisions of section 4 of the Sunshine Act.

Section 3001.5 of 39 CFR is proposed to be amended by adding a new paragraph (o). This paragraph incorporates into the Commission's rules the definition of ex parte communications found in section 4(b) of the Sunshine Act (5 U.S.C. 551(14)).

Section 3001.7 of 39 CFR is proposed to be amended to combine the provisions of sections (4)(a) and (4)(c) of the Sunshine Act (5 U.S.C. 557(d) and 556(d)) with several of the Commission's current ex parte rules.

Section 3001.7(a) would forbid ex parte communications between interested persons outside the Commission and Commission employees involved in the decisional process.

Paragraph (a)(3) of § 3001.7 would retain the Commission's rule concerning offers of ex parte communications. Commission employees subject to the prohibitions are required to decline to listen to such communications. Some changes are proposed to make the language of the current rule match the phraseology of the proposed rules based on the Sunshine Act.

Paragraph (b) of § 3001.7 would apply ex parte prohibitions to the Officer of the Commission and his staff. An exception is provided for communications between the Officer of the Commission and participants in agency proceedings where the communications relate to matters of procedure only. Paragraph (b) is based on the Commission rule currently in effect concerning communications between participants and the Officer of the Commission. No similar provision is contained in the Sunshine Act. Nevertheless, the Commission thinks that the policy of insulating the OOC from ex parte communications on matters of substance is a wise one and should be retained.

Section 3001.7(c) would establish provisions concerning the applicability of the new rules as found in 5 U.S.C. 557(d)(1)(E) and (d)(2). Section 3001.7(c)(1) would provide that ex parte prohibitions apply when a proceeding is noticed for hearing; however, if the person responsible for an ex parte communication has knowledge that it will be noticed, the pro-

[1] Notation voting has sustained judicial scrutiny. T.S.C. Motor Freight Lines, Inc. v. U.S., 186 F. Supp. 777, 784–86 (S.C. Tex. 1960) aff'd sub nom. Herrin v. U.S., 366 U.S. 419 (1961).

[2] See House of Representatives Committee on the Judiciary, Government in the Sunshine Act, H.R. Rep. 94-880, Part 2, 94th Cong., 2d Sess. 9 (1976).

hibitions would apply from the time he acquires such knowledge. Section 3001.7 (c) (2) woud provide that these ex parte prohibitions do not constitute authority to withhold information from Congress.

Section 3001.7(d) would embody the sanctions authorized for violation of the ex parte rules (5 U.S.C. 556(d), 557(d) (1) (D)). Under § 3001.7(d) (1) the presiding officer would be permitted to require a violator of the ex parte prohibitions to show cause why his interest in the proceeding should not be adversely affected on account of his violation. Section 3001.7(d) (2) would authorize the presiding officer to consider a violation of the ex parte prohibitions as grounds for an adverse decision.

In consideration of the foregoing, the Commission proposes to amend 39 CFR Part 3001 as follows:

PART 3001—RULES OF PRACTICE AND PROCEDURES

Subpart A—Rules of General Applicability

1. By adopting a new § 3001.5 (n) and (o) to read as follows:

§ 3001.5 Definitions.

* * * * *

(n) *Commission meeting* means the deliberations of at least three Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business, but does not include deliberations required or permitted by § 3001.43(d) or § 3001.43(e).

(o) *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 subchapter II of chapter 5 of title 5.

2. By revising § 3001.7 to read as follows:

§ 3001.7 Ex parte communications.

(a) *Prohibition.* In any agency proceeding which is required to be conducted in accordance with section 556 of title 5, except to the extent required for the disposition of ex parte matters as authorized by law:

(1) No interested person outside the Commission shall make or knowingly cause to be made to any member of the body comprising the Commission, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, an ex parte communication relevant to the merits of the proceeding;

(2) No member of the body comprising the Commission, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, shall make or knowingly cause to be made to any interested person outside the Commission an ex parte communication relevant to the merits of the proceeding;

(3) A member of the body comprising the Commission, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding who receives an ex parte communication relevant to the merits of the proceeding shall decline to listen to such communication and explain that the matter is pending for determination. If unsuccessful in preventing such communication, the recipient thereof shall advise the communicator that he will not consider the communication and shall promptly and fully inform the Commission in writing of the substance of and the circumstances attending the communication, so that the Commission will be able to take appropriate action.

(4) A member of the body comprising the Commission, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of such proceeding who receives, or who makes or knowingly causes to be made, a communication prohibited by this paragraph shall place on the public record of the proceeding:

(i) All such written communications;

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

(iii) All written responses, and memoranda stating the substance of all oral responses to the materials described in paragraphs (a) (4) (i) and (a) (4) (ii) of this section;

(5) Requests for an opportunity to rebut, on the record, any facts or contentions contained in an ex parte communication which have been placed on the public record of the proceeding pursuant to paragraph (a) (4) of this section may be filed in writing with the Commission. The Commission will grant such requests only where it determines that the dictates of fairness so require. Generally, in lieu of actually receiving rebuttal material, the Commission will direct that the alleged factual assertion and the proposed rebuttal be disregarded in arriving at a decision.

(b) *Officer of the Commission.* The prohibitions of paragraph (a) of this section shall apply to the Officer of the Commission designated to represent the interest of the general public (or his staff or the technical staff designated to support him); however, the prohibitions of paragraph (a) of this section do not apply to a communication between a participant or a limited participator and the Officer of the Commission (or his staff or the technical staff designated to support him), if such communication relates to matters of procedure only, including matters arising in the course of requests for interrogatories or discovery and informal requests for clarification of evidentiary material. Said Officer shall file with the Commission a monthly report briefly describing any ex parte communication received pursuant to this exception, and this report, which shall be a public record of the Commission, shall identify the individuals involved and the nature of the subject matter discussed.

(c) *Applicability.* (1) The prohibitions of paragraph (a) of this section shall apply beginning at the time at which 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 beginning at the time of his acquisition of such knowledge.

(2) Paragraph (a) of this section does not constitute authority to withhold information from Congress.

(d) *Violations of ex parte rules.* (1) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this paragraph (a) of this section, the Commission, 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 claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(2) The Commission may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the Commission, consider a violation of paragraph (a) 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.

3. By adopting a new § 3001.43 to read as follows:

§ 3001.43 Public attendance at Commission meetings.

(a) *Open Commission meetings.* Commissioners shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in paragraph (c) of this section, every portion of every meeting of an agency shall be open to public observation. The public shall not be permitted to participate nor to record any of the discussions by means of electronic or other devices, or cameras. Access to documents being considered at Commission meetings shall be obtained in the manner set forth in § 3001.42.

(b) *Physical arrangements for open meetings.* The Secretary shall be responsible for seeing that ample space, sufficient visibility, and adequate acoustics are provided for public observation of the Commission meetings.

(c) *Closed Commission meetings.* Except in a case where the Commission finds that the public interest requires otherwise, the second sentence of paragraph (a) of this section shall not apply to any portion of a Commission meeting, and the requirements of paragraphs (d) and (e) of this section shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the Commission properly determines that such portion or portions of its meeting or the disclosure of such information is likely to

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

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

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

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

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

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

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

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

(9) Disclose information the premature disclosure of which would

(i) Be likely to (*a*) lead to significant financial speculation in currencies, securities, or commodities, or (*b*) significantly endanger the stability of any financial institution; or

(ii) Be likely to significantly frustrate implementation of a proposed Commission action, except that paragraph (c)(9)(ii) of this section shall not apply in any instance where the Commission has already disclosed to the public the content or nature of its proposed action, or where the Commission is required by law to make such disclosure on its own initiative prior to taking final Commission action on such proposal; or

(10) Specifically concern the Commission's issuance of a subpoena or the Commission's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct or disposition by the Commission of a particular case of formal Commission adjudication pursuant to the procedures in section 554 of title 5 or otherwise involving a determination on the record after opportunity for a hearing as provided by 3624(a), 3661(c) of title 39.

(d) *Procedures for closing meetings.* (1) Action under paragraph (c) of this section shall be taken only when three Commissioners vote to take such action. A separate vote of the Commissioners shall be taken with respect to each agency meeting a portion or portions of which are proposed to be closed to the public pursuant to paragraph (c) of this section, or with respect to any information which is proposed to be withheld under paragraph (c) of this section. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each Commissioner participating in such vote shall be recorded and no proxies shall be allowed.

(2) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the Commission close such portion to the public for any of the reasons referred to in paragraphs (c)(5), (c)(6), or (c)(7) of this section, the Commission upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

(3) Within one day of any vote taken pursuant to paragraph (d)(1) or (d)(2) of this section, the Commission shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Commission shall, within one day of the vote taken pursuant to paragraph (d)(1) or (d)(2) of this section, make publicly available a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

(4) Any person may protest a Commission decision to hold a closed meeting under paragraphs (d)(1) or (d)(2) of this section by filing a motion to open the meeting. Such motion shall be addressed to the Commission and shall set forth with particularity the statuory or other authority relied upon, the reasons for which the movant believes the meeting should not be closed, and the reasons for which the movant believes that the public interest requires the meeting to be open. Such motion shall be filed with the Secretary no later than 24 hours prior to the time for which the closed meeting is scheduled.

(5) The Commission has determined that a majority of its meetings may be closed to the public pursuant to paragraphs (c)(4), (c)(8), (c)(9)(i) or (c)(10) of this section or any combination thereof. Therefore, pursuant to 5 U.S.C. 552b(d)(4), Commission meetings shall be closed to the public pursuant to paragraphs (c)(4), (c)(8), (c)(9)(i), or (c)(10) of this section or any combination thereof when three Commissioners vote by recorded vote at the beginning of such meeting, or portion thereof, to close the exempt portion or portions of the meeting, and a copy of such vote, reflecting the vote of each Commissioner on the question, is made available to the public. The provisions of paragraphs (d)(1), (d)(2), (d)(3) and (e) of this section shall not apply to any portion of a meeting to which paragraph (d)(5) of this section applies: Provided, that the Commission shall, except to the extent that such information is exempt from disclosure under the provisions of paragraph (c) of this section, provide the public with public announcement of the time, place, and subject matter of the meeting and of each portion thereof at the earliest practicable time.

(e) *Scheduling and public announcement.* (1) In the case of each meeting, the Commission shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the Commission to respond to requests for information about the meeting. Such announcement shall be made unless three Commissioners determine by a recorded vote that Commission business requires that such meeting be called at an earlier date, in which case the Commission shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.

(2) The time or place of a meeting may be changed following the public announcement required by paragraph (e)(1) of this section only if the Commission publicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the Commission to open or close a meeting, or a portion of a meeting, to the public, may be changed following the public announcement required by paragraph (e)(1) of this section only if (i) three Commissioners determine by a recorded vote that Commission business so requires and that no earlier announcement of the change was possible, and (ii) the Commission publicly announces such change and the vote of each Commissioner upon such change at the earliest practicable time.

(3) Immediately following each public announcement required by paragraph (e) of this section, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and phone number of the official designated by the Commission to respond to requests for information about the meeting, shall also be submitted for publication in the FEDERAL REGISTER.

(f) *Certification of closed meetings; transcripts, electronic recordings, and minutes.* (1) For every meeting closed pursuant to paragraphs (c)(1) through (c)(10) of this section, the General Counsel of the Commission shall publicly

certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the Commission. The Commission shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (c) (8), (c) (9) (i), or (c) (10) of this section, the Commission shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each Commissioner on the question). All documents considered in connection with any action shall be identified in such minutes.

(2) The Commission shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic recording, or minutes (as required by paragraph (f) (1) of this section of the discussion of any item on the agenda, or any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Commission determines by a majority vote of all its members (i) contains information which may be withheld under paragraph (c) of this section, and (ii) is not required by the public interest to be made available. Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The Commission shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion was held, whichever occurs later.

Comments regarding the efficacy and fairness of the proposed rules are invited and are to be filed by January 13, 1977. Any replies to such comments are to be filed by February 3, 1977. An original plus 19 fully conformed copies of all comments and replies must be filed with the Secretary of the Commission at the offices of the Postal Rate Commission, 2000 L Street, NW., Washington, D.C. 20268.

By the Commission.

JAMES R. LINDSAY,
Secretary.

[FR Doc.76-36956 Filed 12-15-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 656-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision of the New Jersey Implementation Plan

On October 27, 1976 New Jersey submitted to the Environmental Protection Agency (EPA) a proposed revision to the New Jersey State Implementation Plan. Supplemental information was submitted by New Jersey on November 22, 1976.

The proposal, if approved by EPA, would permit until July 12, 1977 the continued use by 18 facilities of fuel oil with a sulfur content higher than that normally required by the applicable State regulation. The 18 facilities affected are all located in Salem, Cumberland or Cape May Counties in New Jersey. The temporary use of fuel oil with a higher sulfur content was approved previously by EPA for 16 of these facilities on July 12, 1976 (41 FR 28491); approval was granted for an additional facility on October 1, 1976 (41 FR 43408). Finally, the temporary use of higher sulfur content fuel oil at one more facility was proposed in the FEDERAL REGISTER on October 28, 1976 (41 FR 47283), but final action has not yet been taken by EPA. A list of the 18 facilities affected by this proposal, their location, the normally applicable (under Subchapter 9, Sulfur in Fuels, of the New Jersey Administrative Code (N.J.A.C. 7:27-9.2)) and proposed sulfur in fuel limitations are presented in Table 1.

TABLE 1.—*Proposed Sulfur in Fuel Limitations*

[In percent]

Source	Location	Sulfur by weight	
		Normally applicable limitation	Proposed limitation
National Bottle Corp	Salem City, Salem County	0.3	2.0
E. I. DuPont de Nemours & Co	Deepwater, Salem County	.3	1.5
Heinz-USA	Salem City, Salem County	.3	2.0
B. F. Goodrich Chemical Co	Pedricktown, Salem County	.3	1.5
Anchor Hocking Corp	Salem City, Salem County	.3	2.0
Atlantic City Electric Deepwater Station	Penns Grove, Salem County	.3	1.5
E. I. DuPont de Nemours & Co	Carney's Point, Salem County	.3	1.5
Mannington Mills, Inc	Salem City, Salem County	.3	2.0
Atlantic City Electric B. L. England Station	Beesley Point, Cape May County	1.0	2.0
Hunt Wesson Foods, Inc	Bridgeton City, Cumberland County	1.0	2.5
Kerr Glass Manufacturing Corp	Millville City, Cumberland County	1.0	2.5
Owens Illinois, Inc., Kimble Products Division	Vineland City, Cumberland County	1.0	2.5
Leone Industries	Bridgeton, Cumberland County	1.0	2.5
Owens Illinois, Inc.[1]	Bridgeton City, Cumberland County	1.0	1.5
Progresso Food Corp	Vineland City, Cumberland County	1.0	2.5
Bridgeton Dyeing & Finishing Corp	Bridgeton City, Cumberland County	1.0	2.5
Whitehead Bros. Co	Haleyville, Cumberland County	1.0	2.5
Vineland Chemical Co	Vineland City, Cumberland County	1.0	2.5

[1] Owens Illinois currently is required to use fuel oil with a sulfur content of 1 pct. A request from New Jersey to permit the use of fuel oil with a sulfur content of 1.5 pct at this facility is presently being considered for approval by EPA (see 41 FR 47283).

The control strategy demonstration for this proposed plan revision was submitted by the State at the time that the earlier EPA action of July 12, 1976 was being considered. This control strategy demonstration shows through the use of a diffusion analysis that the proposed plan revision will not cause any contravention of national ambient air quality standards for sulfur oxides in New Jersey. For the currently proposed plan revision, the control strategy demonstration also includes air quality data for Cumberland, Salem, Atlantic and Cape May Counties for the period of July through September 1976 when higher sulfur content fuel oil than is normally required was being used in these counties. The data show no contraventions of the national ambient air quality standards for sulfur oxides.

In addition to New Jersey's control strategy demonstration submitted in support of the approval action published in the FEDERAL REGISTER on July 12, 1976, EPA analyzed the impact of that proposal on the air quality of the City of Philadelphia. This analysis predicted that the potential impact, although small (0.3 $\mu g/m^3$ sulfur dioxide, annual average), could be expected to increase the ambient concentrations of sulfur dioxide in Philadelphia. At the time of EPA's analysis the air quality standards for sulfur dioxide were being attained in the City of Philadelphia. However, recent ambient air monitoring data indicates that standards are being contravened.

EPA indicated in its July 12, 1976 FEDERAL REGISTER notice that New Jersey would have to consider air quality in Philadelphia in any subsequent request to EPA to extend beyond the initial 6-month period the use of fuel oil with a sulfur content higher than normally required. In response, in its current submittal the State reports that the City of Philadelphia Air Management Services is of the opinion that the presently approved use in New Jersey of fuel oil with a higher sulfur content than normally required has had little or no impact on

Philadelphia's air quality. The State also notes that EPA, Region III has not determined (41 FR 28826; July 13, 1976) that the Pennsylvania State Implementation Plan is "substantially inadequate" to provide for the attainment and maintenance of standards in Philadelphia and has determined that any existing air quality problems will be eliminated once the Eddystone Power Plant, which is located in Pennsylvania, completes the installation of sulfur dioxide emission control systems. EPA invites information or comment on these issues.

In this regard, in accordance with the provisions of section 110(a) (2) (E) of the Clean Air Act, EPA is requesting the State of Pennsylvania to comment with respect to the impact of this proposal on the attainment and maintenance of standards in the City of Philadelphia.

It should be noted that, if EPA approves the currently proposed sulfur-in-fuel limitations, such approval will expire on July 12, 1977, the same expiration date as applies to New Jersey's approval. Any extension of this date will require that New Jersey submit to EPA for approval a new proposal to revise the State's Implementation Plan. It also should be noted that this relaxation of sulfur-in-fuel limitations can limit or preclude, depending upon the degree of air quality degradation, the type and amount of future growth in the affected areas.

This proposed revision to the New Jersey State Implementation Plan was submitted in accordance with all applicable EPA requirements as contained in 40 CFR Part 51. A public hearing on this proposal was held by the State on October 12, 1976.

This notice is issued, as required by section 110 of the Clean Air Act, to advise the public that comments may be submitted on whether the proposed plan revision should be approved or disapproved. Only comments received during a period for public comment ending on or before January 17, 1977. The Administrator's decision to approve or disapprove the proposed plan revision will be based on whether the revision meets the requirements of section 110(a) (2) (A)–(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Copies of the proposed plan revision are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, and at the New Jersey Department of Environmental Protection, John Fitch Plaza, Trenton, New Jersey 08625. Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, S.W., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York 10007.

Dated: December 9, 1976.

G. M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-36927 Filed 12-15-76;8:45 am]

[40 CFR Part 52]

[FRL 656-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision of the New York State Implementation Plan

On September 20, 1976, the State of New York submitted to the Region II Office of the Environmental Protection Agency (EPA) a proposed revision to the New York State Implementation Plan (SIP). Supplemental information pertaining to this revision was submitted on November 5, 1976. The proposal, which revises 6 NYCRR 225, "Fuel Composition and Use," was submitted in accordance with all applicable EPA requirements as contained in 40 CFR Part 51 including a public hearing which was held by the State on October 9 and 10, 1975.

A detailed discussion of each aspect of the proposed revision to Part 225 follows:

A. Changes in Current Sulfur Content Limitation for Fuel Oil in the Niagara Frontier Air Quality Control Region (AQCR).

1. *Regulation of fuel sulfur content.* The proposal revises the State's control strategy for the attainment and maintenance in the Niagara Frontier AQCR (Erie and Niagara Counties) of national ambient air quality standards for sulfur oxides. Since October 1, 1975, the approved SIP for New York State has limited the sulfur content of fuel oil used in the entire Niagara Frontier AQCR to 1.1 percent. A limitation of 2.2 percent sulfur in fuel oil was in effect before October 1, 1975. Under the State's proposal the applicable limitations on the sulfur content of fuel oil which may be used in the AQCR are as follows:

a. 1.1 percent sulfur in fuel oil in the South Buffalo-Lackawanna area. This area consists of the entire City of Lackawanna and part of the City of Buffalo (primarily the portion south of Interstate 190).

b. 1.7 percent sulfur in fuel oil as a 3-month average and 2.0 percent maximum for the rest of the AQCR until December 1, 1977.

c. 1.1 percent sulfur in fuel oil for the entire AQCR effective December 1, 1977.

2. *Sulfur dioxide emissions.* The average sulfur content of residual fuel oil used during 1975 in the AQCR was 1.32 percent. Based on 1975 fuel use data, a limit for sulfur in fuel oil of 1.1 percent in South Buffalo-Lackawanna and a 1.7 percent 3-month average in the rest of the AQCR equates to an annual average sulfur content of 1.47 percent for residual fuel oil. This increases sulfur dioxide emissions over those which occurred in 1975 in the AQCR by 3,000 tons per year. The increase in sulfur dioxide emissions resulting from the proposed revision over that which would occur if the current limitation of 1.1 percent were in effect is 5,800 tons per year for the entire AQCR.

For South Buffalo-Lackawanna, the use of fuel oil with a 1.1 percent sulfur limit will reduce sulfur dioxide emissions by 428 tons per year from 1975 emissions. However, if emission sources increase their operating rates and reach maximum fuel use, a 1.1 percent limit will increase sulfur dioxide emissions by 390 tons per year over 1975 emissions.

The State indicates in its submittal that further changes in sulfur dioxide emissions in the AQCR are expected during 1976 and 1977. These changes include:

a. An increase in emissions resulting from increased production levels at industrial process facilities in South Buffalo-Lackawanna;

b. A decrease in emissions resulting from compliance by the Donner Hanna Company and the Bethlehem Steel Corporation with the State's regulation, 6 NYCRR 214, "By-Product Coke Oven Batteries." Both facilities are located in South Buffalo-Lackawanna;

c. A decrease in emissions resulting from compliance by the Niagara Mohawk Power Corporation's C.R. Huntley Steam Station with Part 225; and

d. An increase in emissions resulting from increased fuel oil use required by natural gas curtailments to current users of natural gas.

3. Air quality. The national ambient air quality standard for sulfur oxides (sulfur dioxide) is 80 μg/m3 (0.03 ppm) as an annual arithmetic average. In 1975, the annual average concentrations of sulfur dioxide observed at two sampling sites were equal to or greater than 0.03 ppm. Both sites are located in South Buffalo-Lackawanna. For the 12-month period ending September 9, 1976, the annual averages at both sites increased. The site and their annual concentration for 1975 and the 12-month period ending September 9, 1975 are shown in the Table I.

TABLE I.—*Annual average sulfur dioxide concentrations (parts per million)*

Site location	Address	Average for the 12-mo period ending—	
		Dec. 31, 1975	Sept. 9, 1976
Buffalo	P.S. 20, 84 Harrison Ave.	0.022	0.045
Lackawanna	P.S. 4, 36 11th St.	.030	.053

The national ambient air quality standards for sulfur dioxide are not being exceed in the AQCR outside of South Buffalo-Lackawanna.

4. *Anaylsis.* The submittal by the State indicates that the increase in the allowable sulfur content of fuel oil in the area outside of South Buffalo-Lackawanna will not contribute to the contraventions of the air quality standards in South Buffalo-Lackawanna or cause additional contraventions in the AQCR. The State believes that coke ovens in South Buffalo-Lackawanna are the principle source of the sulfur dioxide which is causing the contraventions and that standards will be attained upon the control of these sources by compliance with Part 214.

The analysis by the State is based on the use of modified rollback techniques. However, EPA hereby advises the State that for subsequent plan revisions of Part 225 for the Niagara Frontier AQCR, the State must demonstrate attainment of

the standards utilizing diffusion modeling techniques. Acceptable diffusion modeling for this revision is not possible because a complete and accurate emission inventory for the Niagara Frontier does not exist.

In an effort to assist the State in preparing subsequent plan revisions to demonstrate attaintment and maintenance of standards, the EPA Region II Office is currently assisting the State in the development of a complete and accurate emission inventory. This work is being performed under an EPA contract and will be followed by diffusion modeling of the AQCR. The work is scheduled for completion in mid-1977.

At this time, within the context of the limited data base available for the Niagara Frontier, EPA agrees with the State's conclusion that the proposed revision can reasonably be expected not to cause or contribute to the contravention of ambient air quality standards.

As a further point supporting its proposed revision, New York State indicates that during 1975 it was informed by the fuel suppliers for the AQCR that the suppliers would not be able to meet the 1.1 percent limit for sulfur in fuel oil effective October 1, 1975. The State notes in its submittal to EPA that almost all of the fuel oil consumed in the AQCR is produced and supplied by two local refineries. Additional fuel oil is supplied to the area from an out-of-State refinery. Canada has been the primary source of crude oil for these refineries. However, the Canadian government has recently instituted a plan to phase out crude oil exports by January 1, 1984 on a stepwise basis. The State also notes that the refineries are now attempting to develop alternative sources of low sulfur crude oil; however, this is made difficult by the present crude oil supply and transportation conditions in the AQCR.

B. *Changes affecting special limitations.* Under § 225.2(b), the Commissioner of the NYSDEC has the authority to approve a special limitation increasing the permissible sulfur content of fuel used by small air pollution sources in areas where the ambient air quality standards for sulfur dioxide are being met. For large sources, the Commissioner also has the authority under § 225.2(c) to approve a special limitation increasing the permissible sulfur content of fuel used after the source owner demonstrates that the use of the higher sulfur fuel would not contribute to the contravention of the ambient standards.

The State has requested that EPA approve a change in the cutoff point for applicability of § 225.2 (b) and (c) for coal burning sources from the present 250 million BTU per hour to 100 million BTU per hour. Therefore, coal burning sources greater than 100 million BTU per hour would be considered to be large sources. This change is proposed because coal users have a greater air pollution impact than oil users of an equivalent heat input.

C. *Changes incorporating gas into fuel mixtures.* The State has requested that EPA approve a revision to § 225.5 to delete § 225.5(a)(2) and modify the formula contained in § 225.5(a)(1) dealing with sulfur dioxide emissions from the burning of fuel mixtures. These changes permit the allowable emissions of sulfur compounds to be determined by prorating on the basis of the heat input from gaseous fuels in addition to that from oil and coal. At present, only coal and oil may be used in applying the formula found in § 225.5(a)(1). The State finds no good reason for excluding gaseous fuels from prorating.

D. *Changes in fuel reporting requirements.* The proposed revision to § 225.7 (c) requires a person selling fuel to furnish fuel sale records upon request of the State. This will eliminate the present necessity for NYSDEC personnel to expend time and travel to inspect these fuel records. The proposed revision also states what information a fuel analysis should include.

E. *Changes in determining operating levels for boilers.* The State has requested that EPA approve a revision to delete the word "rated" from §§ 225.1(a)(1), 225.2 and 225.6 where the phrase "rated total heat input" currently appears. The State believes that the use of the work "rated" in association with total heat input is ambiguous since uncertainty exists whether the work "rated" refers to the rated heat input of the boilers or the entire facility. The intent of the regulation is to consider the total maximum heat input of the facility.

This notice is issued, as required by section 110 of the Clean Air Act, to advise the public that comments may be submitted for a period on or before before January 17, 1977, on whether the proposed revision to 6 NYCRR 225, "Fuel Composition and Use," should be approved or disapproved. Only comments received during the 30-day public comment period hereby established will be considered. the Administrator's decision to approve or disapprove the proposed plan revision will be based on whether such revision meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

A copy of the proposed plan revision is available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007; at the New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233; and at the New York State Department of Environmental Conservation, Region 9, 584 Delaware Avenue, Buffalo, New York 14202. Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, S.W., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: December 8, 1976.

G. M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-36928 Filed 12-15-76;8:45 am]

[40 CFR Part 52]

[FRL 653-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Montana Plan Revisions

Correction

In the issue for Monday, December 6, 1976, FR Doc. 76-35730 appearing on page 53370 was incorrectly published as a Notice. It should have appeared as a Proposed Rule with the hearings set forth as above.

NATIONAL SCIENCE FOUNDATION

[45 CFR Part 614]

NATIONAL SCIENCE BOARD

Open Meeting Regulations

The National Science Board is proposing the regulations set out below to implement the Government in the Sunshine Act, 5 U.S.C. 552b. The Board invites and would appreciate written comments on the proposed regulations from anyone who is interested. Please send such comments to:

General Counsel, National Science Foundation, Washington, D.C. 20550.

The Board can promise that any comment will be fully considered before promulgation of final regulations only if it receives the comment on or before January 21, 1977.

It is the policy of the United States and of the National Science Board to give the public open access to the decisionmaking of the Board to the fullest extent that is practicable, consistent with the rights of individuals, and consistent with the ability of the Board and the Government generally to carry out their responsibilities. Thus, the general rule under the Act and § 614.1 of the proposed regulations is that "every portion of every meeting of the National Science Board will be open to public observation". Because of the need to protect the rights of citizens and the functioning of the Foundation and the Government as a whole, however, there must be some exceptions. The exceptions under which portions of the Board's meetings may be closed and certain other information may be withheld are spelled out in proposed § 614.2, which with limited and non-substantive exceptions follows the language of the Act. The Board will be called upon to determine how these rather abstract provisions apply to specific Board deliberations. It will do so on a case-by-case basis, taking a separate vote for each meeting if it is considering closing any portion of the meeting. Hard-and-fast rules are not feasible here. For the guidance of the public, however, and to allow the Board the benefit of public comment, the Board wishes to make clear its present inclinations as to certain types of Board deliberations.

General policy deliberations of all types will normally be open to the public

and will usually take up most of any Board meeting.

The Executive Branch of the Government has long taken the position that internal deliberations on budget matters before the President has forwarded his budget to the Congress are privileged. The Board understands that the Office of Management and Budget (OMB) will soon provide guidance on how, if at all, the Sunshine Act affects the application of this position to budget deliberations of the Board and other affected agencies. The Board will follow the OMB guidance.

Portions of most Board meetings are devoted to considering particular proposed awards to institutions for the use of individual investigators or groups of investigators. In most cases the Board will close those portions of its meetings in order to protect the personal privacy of the investigators and, in at least some cases, their trade secrets and confidential commercial or financial information.

Portions of meetings in which the Board specifically considers the personal or professional qualifications of individuals will ordinarily be closed.

In particular, portions of meetings in which the Board considers recommendations to the President on filling vacancies in the Office of Director, Deputy Director, or Assistant Director of the Foundation or vacancies in the membership of the Board itself will almost invariably be closed. Public discussion of candidates could easily disclose highly personal information and seriously invade their privacy. Moreover, premature revelation of confidential recomendations to the President would be likely in many cases to significantly frustrate implementation of the recommendations.

Board discussions of any Foundation disputes or negotiations with grantees, contractors, other Federal agencies, or other independent parties may often be closed in order to protect personal privacy, to present frustration of the implementation of a negotiating strategy, or to forestall complication of a judicial or similar proceeding.

Again, none of these indications of present Board inclinations represents any hard-and-fast rule. Nor are the types of Board deliberations mentioned exhaustive. Nor are the accompanying brief explanations to be taken as legal justifications for the closings. The Board will decide whether to open or close meetings based on specific circumstances and with the advice of counsel. Explanation of the Board's action and counsel's certificate of its propriety will be provided each time any portion or portions of a particular meeting are closed. The Board nonetheless wishes to give the public an opportunity to understand and comment on its present thinking.

These regulations, when made final, will, like the Act they implement, apply not only to the National Science Board but also to its Executive Committee whenever that Committee is meeting pursuant to its authority to act on behalf of the Board. Proposed Regulations § 614.8. Neither these regulations nor the Act, however, will otherwise apply to the committees of the Board, for the Act applies to a "subdivision" of an affected agency only when and if the subdivision is "authorized to act on behalf of the agency", 5 U.S.C. 551b(a)(1).

The remainder of the proposed regulations concern primarily procedural, notice, and recordkeeping requirements and are self-explanatory.

TEXT OF PROPOSED REGULATIONS

PART 614—GOVERNMENT IN THE SUNSHINE ACT REGULATIONS

Sec.

614.1 General rule.
614.2 Grounds for closing meetings.
614.3 Materials relating to closed portions of meetings.
614.4 Opening of transcript or recording.
614.5 Public announcement.
614.6 Meeting changes.
614.7 Record vote.
614.8 Application to Board Executive Committee.

AUTHORITY: Government in the Sunshine Act, sec. 552b of Title 5, United States Code; 90 Stat. 1241.

§ 614.1 General rule.

Except as otherwise provided in these regulations, every portion of every meeting of the National Science Board will be open to public observation.

§ 614.2 Grounds for closing meetings.

(a) The National Science Board may by record vote close any portion of any meeting if it properly determines that an open meeting

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

(2) Is likely to relate solely to the internal personnel rules and practices of the National Science Foundation;

(3) Is likely to disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552): *Provided,* That the statute (i) requires in such a manner as to leave no discretion on the issue that the matters be withheld from the public, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Is likely to involve accusing any person of a crime, or formally censuring any person;

(6) Is likely to disclose personal information where the disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Is likely to disclose investigatory law-enforcement records, or information which, if written, would be contained in such records, but only to the extent provided in 5 U.S.C. 552b(v)(7);

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

(9) Is likely to disclose information, the premature disclosure of which would

(i) In the case of information received from an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (A) lead to significant financial speculation in currencies, securities, or commodities, or (B) significantly endanger the stability of any financial institution; or

(ii) Be likely to significantly frustrate implementation of a proposed Foundation action, unless the Foundation has already disclosed to the public the content or nature of its proposed action or is required by law to make such disclosure on its own initiative before taking final action; or

(10) Is likely to specifically concern the Foundation's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration.

(b) Anyone who believes his interests may be directly affected by a portion of a meeting may request that the Board close it to the public for any reason referred to in paragraphs (a) (5), (6), or (7) of this section. The request should be addressed to the National Science Board at the headquarters of the National Science Foundation. It will be circulated to Members of the Board if received at least three full days before the meeting, and on motion of any Member, the Board will determine by record vote whether to close the affected portion of the meeting.

§ 614.3 Materials relating to closed portions of meetings.

If a portion or portions of any meeting of the National Science Board are closed to the public under § 614.2:

(a) The General Counsel of the National Science Foundation shall publicly certify that, in his opinion, that portion or portions may properly be closed to the public. The certificate shall state the exemptions under 5 U.S.C. 552b(c) that make the closings proper.

(b) The presiding officer of the meeting (usually the Chairman of the Board) shall furnish a statement setting forth the time and place of the meeting and the persons present.

(c) The Board shall make a complete transcript or electronic recording adequate to record fully the proceedings of each portion of the meeting that is closed to the public.

(d) The National Science Board office shall maintain the General Counsel's certificate, the presiding officer's statement and the transcript or recording of the meeting for at least two years after the meeting and at least one year after the Board completes consideration of any proposal, report, resolution, or similar matter discussed in any closed portion of the meeting.

§ 614.4 Opening of transcript of recording.

(a) Except as otherwise provided in this section, the transcript or electronic recording of every portion of every meet-

ing closed to the public will promptly be made available on request to any member of the public in an easily accessible place. The National Science Board office will furnish to any member of the public on request copies of the transcript or of a transcription of the recording disclosing the identity of each speaker, and will charge for the copies or transcriptions no more than the actual cost of duplication or transcription.

(b) The Board will, however, withhold the transcript or recording of the discussion of any agenda item if the Chairman of the Board or a Board Member designated by him determines that the discussion contains information which should be withheld under the same standards as apply for closing meetings under § 614.2.

(c) The Board will release any transcript or recording withheld under paragraph (b) of this section when the chairman of the Board or any person designated by him determines that the grounds for withholding it no longer apply.

(d) A request under paragraph (a) of this section should be directed in writing to the Executive Secretary of the Board, should clearly state what is requested, and should contain a promise to pay the costs of any duplication or transcription requested.

§ 614.5 Public announcement.

(a) Except as provided in paragraphs (c) and (d) of this section, the National Science Board will make a public announcement of each Board meeting at least one week before the meeting takes place. The announcement will cover: (1) The time, place, and subject matter of the meeting; (2) what portions of the meeting, if any, are to be closed to the public; and (3) the name and phone number of the official designated to respond to requests for information on the meeting.

(b) Each such announcement will be promptly made available to journals of general scientific interest. Immediately following the issuance of such an announcement it will be submitted for publication to the FEDERAL REGISTER.

(c) The announcement may be made less than a week before the meeting it announces or after the meeting only if (1) the Board by record vote determines that agency business requires the meeting to be called on such short or after-the-fact notice and (2) a full announcement is made at the earliest practicable time.

(d) All or any portion of the announcement of any meeting may be omitted if the Board by record vote determines that the announcement would disclose information which should be withheld under the same standards as apply for closing meetings under § 614.2.

§ 614.6 Meeting changes.

(a) The time or place of a meeting of the National Science Board that has been publicly announced as provided in § 614.5 may subsequently be changed, but any such change will be publicly announced at the earliest practicable time.

(b) The subject matter of any portion of any meeting of the Board that has been publicly announced as provided in § 614.5 or the determination whether any portion of any meeting so publicly announced will be open or closed may subsequently be changed, but only when: (1) The Board determines by record vote that agency business so requires and that no earlier announcement of the change was possible, and (2) the Board publicly announces the change and the vote of each member on the change at the earliest practicable time.

§ 614.7 Record vote.

(a) For purposes of this part a vote of the National Science Board is a "record vote" if: (1) It carries by a majority of all those holding office as Board Members at the time of the vote; (2) no proxies are counted toward the necessary majority; and (3) the individual vote of each Member present and voting is recorded.

(b) Within one day of any such record vote or any attempted record vote that fails to achieve the necessary majority under paragraph (a)(1) of this section the Board office will make publicly available a written record showing the vote of each member on the question.

(c) Within one day of any record vote under which any portion or portions of a Board meeting are to be closed to the public, the Board office will make available a full written explanation of the Board's action and a list of all persons expected to attend the meeting, showing their affiliations.

§ 614.8 Application to Board Executive Committee.

All the provisions of this part applicable to the National Science Board shall apply equally to the Executive Committee of the Board whenever the Executive Committee is meeting pursuant to its authority to act on behalf of the Board.

Dated: December 9, 1976.

CHARLES H. HERZ,
General Counsel.

[FR Doc.76-37014 Filed 12-15-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 173 and 178]

[Docket No. HM-146; Notice No. 76-13]

SHIPPING CONTAINERS

Extension of Service Life of DOT 3HT Cylinders

The Materials Transportation Bureau (MTB) is considering amending §§ 173.34 and 178.44 of the Department's Hazardous Materials Regulations as they pertain to shipments of certain nonflammable, non-poisonous compressed gases by extending the service life of DOT 3HT specification cylinders from 15 years to 24 years.

DOT 3HT cylinders are made of high strength steel with high operating wall stresses. Because of these high stresses, the authorized service life of the 3HT cylinder is specifically limited. Authorized service life in the original DOT 3HT specification was limited to 4380 pressurization (equivalent to a 12-year life based on once-a-day pressurization) or 12 years, whichever occurred first. In 1970 while retaining the 4380 pressurization limitation, the 12 years was extended to 15 years by Docket HM-31, Amendment Nos. 173-19 and 178-9 (35 FR 5331, March 31, 1970). That docket provided for consideration of further extension if sufficient justification was provided.

This proposal is based on the petitions by the Air Transport Association, Inc. (ATA), dated July 17, 1975, and Compressed Gas Association, Inc. (CGA), dated March 6, 1973. These Associations have submitted the results of a comprehensive test program performed on cylinders selected at random, representing eight existing 3HT cylinder sizes. The test cylinders selected had been in service for an average of 14.2 years. The test results show that:

1. Each cylinder of the 26 cylinders subjected to a pressure cycling test passed the 10,000 cycles required for new cylinders.

2. Of 24 cylinders that were pressurized to burst, one cylinder failed to withstand the specified minimum burst pressure requirement for new cylinders (2.22 times the service pressure). This cylinder burst at 2.11 times the service pressure. Considering that this cylinder has been in service for 14 years and has successfully passed other prescribed tests, such as the hydrostatic test, magnetic particle inspection, and visual inspection, this minimal deviation in burst pressure is not considered significant.

3. The test regimen, consisting of but not limited to complete internal and external visual inspection, magnetic particle inspection, hydrostatic testing, cycling and physical testing, was followed and all results obtained were satisfactory.

The ATA, in its supporting data, showed that the field service recharging frequency of these cylinders was estimated to be not more than once in 10 days. Based on the 4,380 pressurization allowed, this is equivalent to 120 years service life.

The MTB agrees that the petitions have merit. In addition, the MTB on its own initiative is proposing to require that the cylinder be permanently marked with its rejection elastic expansion (REE). The reason for this proposal is to make the retester aware of this requirement peculiar only to the DOT 3HT specification. The MTB proposes to amend certain sections in the regulations, covering cylinder rejection due to excessive elastic expansion, as follows:

1. For new cylinders, the REE instead of the original elastic expansion (EE) must be marked on the cylinder.

2. For existing cylinders, the REE must be determined and then marked on the cylinder near the original EE prior to the next retest.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 178 as follows:

1. In § 173.34, paragraphs (e) (13(i) and (e) (13) (iii) would be revised; paragraph (e) (13) (v) would be added to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

* * * * *

(e) * * *

(13) * * *

(i) Cylinder shall be subjected, at least once in three years, to a test by hydrostatic pressure in a water jacket, for the determination of the expansion of the cylinder. A cylinder must be condemned if the elastic expansion exceeds the marked rejection elastic expansion.

(ii) * * *

(iii) A cylinder must be condemned at the termination of a 24-year period following the date of the original test or after 4,380 pressurizations, whichever occurs first. If a cylinder is recharged more than an average of once every other day, an accurate record of the number of rechargings must be maintained by its owner, or his agent.

(iv) * * *

(v) A cylinder made before [effective date of this rule] and not yet marked with a rejection elastic expansion (REE) must be marked with that REE in cubic centimeters near the marked original elastic expansion. The REE for a cylinder is 1.05 times its original elastic expansion.

2. Section 178.44-23(a) (4) would be revised to read as follows:

§ 178.44-23 Marking.

(a) * * *

(4) Rejection elastic expansion (REE) in cubic centimeters (cc) near the date of test. The REE for a cylinder is 1.05 times its original elastic expansion.

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and submitted to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted. Communications received on or before March 22, 1977, will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of Hazardous Materials Operations, Room 6500, Trans Point Building, 2100 Second Street, S.W. Washington, D.C., both before and after the closing date for comments.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) (4) of App. A to Part 102.)

NOTE.—The Materials Transportation Bureau 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.

Issued at Washington, D.C., on December 8, 1976.

C. H. THOMPSON,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.76-36593 Filed 12-15-76;8:45 am]

[49 CFR Parts 172, 173, 174, 176, 177]

[Docket No. HM-143; Notice No. 76-11]

BLASTING AGENTS

Proposed Rule Making

Correction

In FR Doc. 34554, appearing at page 52083 in the issue of Friday, November 26, 1976, make the following changes on page 52084:

1. In column three, in the table of contents for Part 172, the words "EXPLOSIVE A," "EXPLOSIVE B," "EXPLOSIVE C," and "BLASTING AGENTS" should all be in capital letters;

2. In the table, under the heading "Maximum net quantity in 1 package, cargo only aircraft," the figure should read "100 lb.";

3. In the first column, the BLASTING AGENT label should read from the lower left hand corner diagonally to the upper right hand corner.

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 72-23; Notice 02]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Anchorages

This notice proposes the elimination of an optional configuration of the test device used in Standard No. 210, *Seat Belt Anchorages*, to evaluate the strength of seat belt anchorages. A clarification in the description of another test device is also proposed.

Standard No. 210 (49 CFR 571.210) requires that the seat belt anchorages in motor vehicles comply with specified strength requirements. The procedure for strength testing is set forth in paragraph S5 of the standard. It involves the attachment of seat belts to the anchorages, followed by the application of force to the seat belt which is thereby transferred to the anchorage itself.

Force is applied to Type 1 and Type 2 seat belt assemblies through body blocks that simulate the human torso. The body blocks are described in Figures 2 and 3 of the standard. Experience in compliance testing demonstrates that minor changes in their description is justified.

Figure 2 describes the body block for lap belt anchorage testing. Recent experience with a similar body block used in Standard No. 222 (49 CFR 571.222) has shown that the description can be clarified somewhat by modification of the drawing in Figure 2. The proposed modifications are not intended to change the requirements of the standard in any way. To illustrate the proposed change, both the present Figure 2 and the proposed new Figure 2 are reproduced below.

Figure 3 describes the body block for combination shoulder and lap belt anchorage testing. An optional "buckle cutout" is shown on the surface of the body block, which means that a manufacturer may, if it chooses, make an indentation in the face of the body block to accommodate buckle hardware. NHTSA compliance test experience with the cutout demonstrates that the edge of the cutout places additional stress on the belt webbing and interferes with its movement, thereby complicating the test of the underlying anchorage.

The agency estimates that the "buckle cutout" option is disadvantageous to manufacturers and therefore is not being utilized. For this reason, the option is no longer justified and the agency proposes its deletion. However, it is conceivable that some manufacturer utilizes the cutout option, and therefore comments are solicited on the proposed modification.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

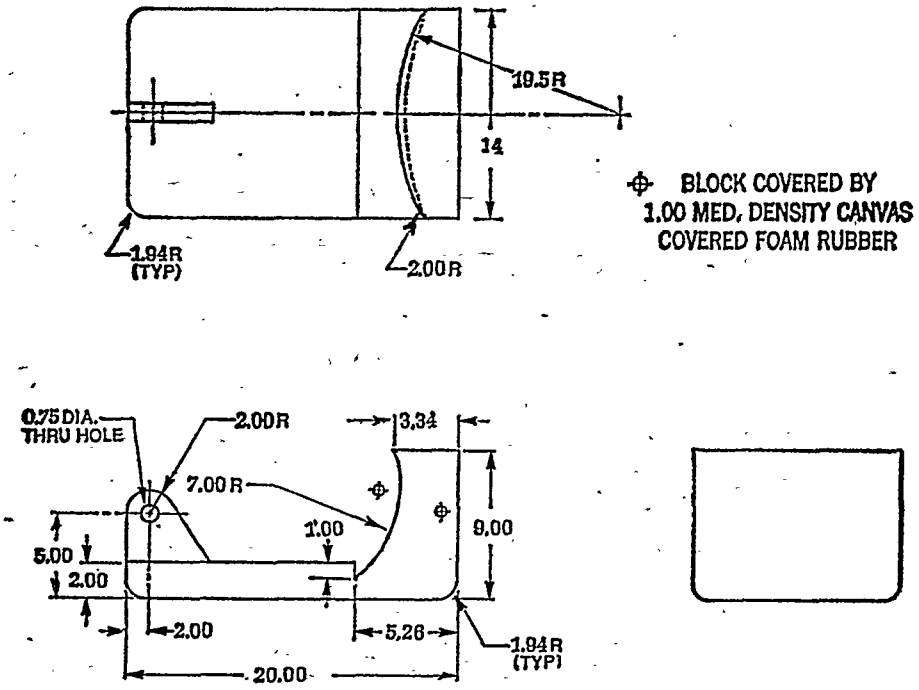
Comment closing date: January 31, 1977.

Proposed effective date: 30 days after publication of final rule.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on December 8, 1976.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.



(PROPOSED) FIGURE 2 – BODY BLOCK FOR LAP BELT

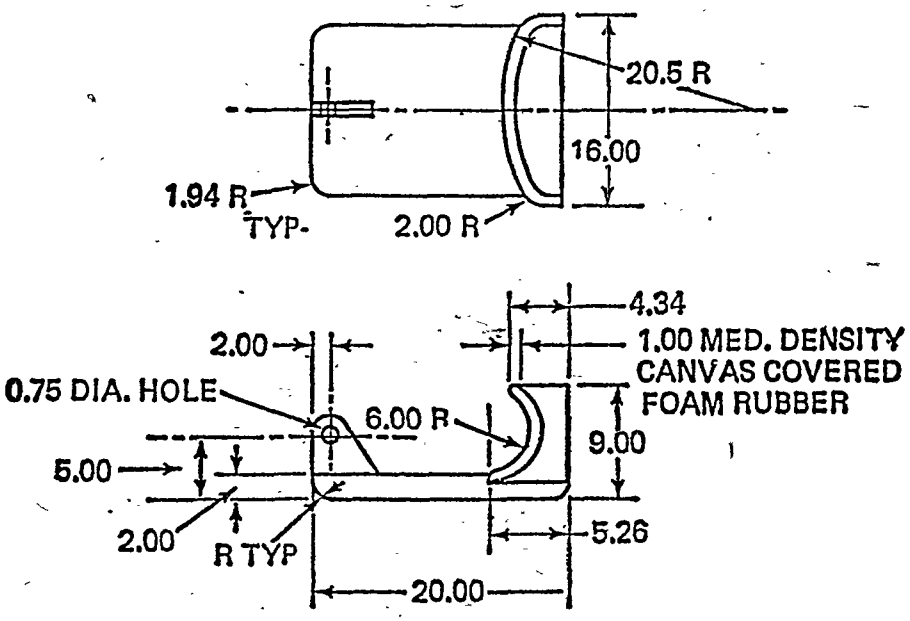


FIGURE 2 - BODY BLOCK FOR LAP BELT

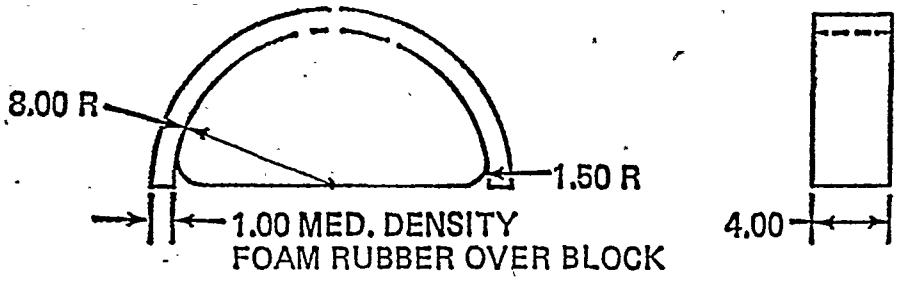


FIGURE 3 - BODY BLOCK FOR COMBINATION SHOULDER AND LAP BELT ANCHORAGE

[FR Doc.76-36934 Filed 12-15-76;8:45 am]

[49 CFR Part 571]

[Docket No. 74-14; Notice 7]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Advance Notice Concerning Improvement of Seat Belt Assemblies

This is an advance notice of proposed rulemaking to advise the public that the National Highway Traffic Safety Administration (NHTSA) is considering several modifications of its occupant crash protection standards as they regulate seat belt assembly performance.

Standard No. 209, *Seat Belt Assemblies* (49 CFR 571.209), specifies requirements for the construction of seat belt assemblies. Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), requires the installation of seat belt assemblies (that conform to Standard No. 209) at each designated seating position of most motor vehicles. Exceptions to the installation requirement exist for passenger positions in heavy trucks and buses. Standard No. 210, *Seat Belt Assembly Anchorages*, specifies location and strength requirements for the anchorages to which assemblies are attached.

The purpose of this ANPRM is to discuss possible new requirements for seat belt assembly performance intended to increase their rate of usage and effectiveness as installed in new motor vehicles. The notice solicits the views of all interested persons on specific questions relating to the need and proper form for such new requirements. The specific questions are set forth below, followed by discussions of some of the major issues which are relevant to the contemplated change. Interested persons are encouraged to comment on these aspects of the contemplated changes and any others not raised directly by the questions. It is also requested that responses indicate whether the comments concern active "type 2" belt systems or passive belt systems. A type 2 belt assembly means a combination lap-shoulder belt. A passive belt system refers to a system that does not require occupant action to provide protection.

Could improved consumer acceptance and hence increased rates of seat belt use be achieved through the establishment of specifications for ease of donning and stowing and for the comfort of seat belt systems?

A study completed for NHTSA by Man Factors, Inc., in 1974 (Sources and Remedies for Restraint System Discomfort and Inconveniences, DOT HS-801 277) reinforces other studies that conclude "The most frequent reasons given for non-use of seat belts include inconvenience, discomfort, laziness, forgetfulness, and fear of entrapment * * *." The Man Factors study confirms that "* * * research indicated that usage rates have increased with newer belt system in which [integral lap-shoulder belts with emergency-locking retractor (ELR)] characteristics have been implemented." Other factors, such as the ignition interlock introduced along with these comfort and convenience features, obscure the degree to which greater usage is due to increased comfort and convenience. However, two studies of the newer belt systems (DOT HS-801 594, -801 957) confirm that discomfort and inconvenience are still the main reasons given for not using belts.

The existing requirements for seat belt characteristics related to comfort and convenience in Standard No. 208 are as follows: The belts must "fit" persons of specified size; front outboard lap belts must adjust by means of automatic-locking or emergency-locking retractors (ELR's) and shoulder portions must adjust by means of ELR's (in the first two rows of seats of a vehicle); the latch mechanism must be accessible, must release both portions of a type-2 belt simultaneously, and must release by pushbutton action. Standard No. 210 specifies anchorage location to improve belt fit.

The NHTSA has responded favorably to a Center for Auto Safety petition for rulemaking to improve belt systems. In September 1974 (39 FR 32624, September 10, 1974), the NHTSA also proposed additional ELR requirements and limitations on "comfort clips" to improve the performance of integral type-2 seat belt assemblies.

Because improved comfort and convenience would increase belt usage and thus contribute to motor vehicle safety, additional requirements in this area, based largely on recommendations in the Man Factors study, are under consideration. The inboard (receptable end) of seat belt assemblies at front and rear outboard designated seating positions would be required to meet a "stiffness" requirement, tested by means of a lateral force application to the belt as installed in the vehicle. The receptable end of belt assemblies would be required to be not less than 6 inches and not more than 7 inches from the occupant's centerline, as measured in accordance with the existing requirements of S7.1.2 of Standard 208.

The required force on the pushbutton (minimum size of 1 inch by 1 inch) to effect release would be limited to a force of 2 to 4 pounds. The pushbutton would be required to be recessed a minimum of one-thirty second of an inch and not more than one-eighth of an inch. To balance comfort and convenience considerations against potential loss of safety performance, the agency is considering limits on hardware size to avoid injury-producing forces on the abdomen during a crash.

To facilitate accessibility and ease of buckling, the shoulder portion of a type-2 assembly would be required to join the lap belt portion of the assembly within 5 inches of the center of the pushbutton of the latch mechanism. The requirements of S7.1.2 of FMVSS 208 would remain in effect. In the fully retracted position, the outboard portion of the assembly would be required to be incapable of being caught in a closing door, the shoulder portion would lie along the side of the seat back, and the latch plate would be no closer than 4 inches to the rearmost surface of any armrest provided.

Vehicle-sensitive ELR's would be required for both shoulder harness and for lap belt retraction. The use of automatic locking retractors (ALR's) on lap belts would be permissible only if they locked after the buckle is fastened (i.e., they could not lock while the belt is being donned). All retractors that are electrically operated would be required to lock if electric power is lost. ELR's could incorporate a manually actuated lock, as long as the lock released automatically upon unfastening of the belt.

Retractors, as tested in the vehicle, would be required to fully retract both the lap and the shoulder belts. A maximum of 3 pounds of belt tension would be permitted on a 50th-percentile male occupant's pelvis, with a maximum of 15 pounds on his shoulder. In addition, no more than 4.5 pounds of force would be required to pull the latch plate from its fully retracted position to its latched position.

The retraction of all belt restraint systems would be required to be sufficiently rapid (and consistent) to prevent entrapment of the belt or its hardware when the door is closed immediately after exiting rapidly. Comment is solicited on a time requirement for retraction.

"Comfort clips" would be permitted only on type-2 assemblies that are equipped with a separate retractor on the lap belt portion.

Automatic comfort devices of the "window-shade retractor" type might be allowed if they retract automatically and sufficiently to permit full retraction of the assembly whenever the assembly is unfastened and the belt released, and whenever the door is opened. However, the tendency of such retractors to permit introduction of excessive slack in the upper torso portion is an argument against permitting their use. Comments are specifically solicited on this question.

To improve and maintain comfort and "fit," the shoulder belt would be required to pass through seat-mounted guides to prevent change in belt geometry with changes in seat position. Requirements for the geometric relationship of belt anchorages would be as set forth in figure 1. The NHTSA recognizes that the geometric location of the upper torso restraint anchorage has contributed substantially to the public's complaints of lack of comfort and fit. Permanently attaching the upper torso restraint to the top of the seat back is one means of improving fit. Information is therefore requested on the complexity of integrating the upper torso restraint, as well as the lap belt, into the seat structure.

The concept of belt assembly "fit" would be extended to require that a 5th-percentile female would be capable, while restrained at the driver's position, of reaching the vehicle's driving controls, the glove compartment latch, the nearest ash tray, the left front window handle, the seat-adjustment control, and the locks on both front doors.

A clearly-discernible contrasting color strip would be required to be imprinted on the "reverse" side of the webbing (normally the side next to user's body) to aid the user in determining if belts are twisted.

Related changes would be made to the requirements of Standard No. 209. To protect clothing against damage from rough or sharp edges or protrusions on hardware or webbing of the assembly, a requirement would be specified to draw webbing and hardware (as assembled) over a fabric-covered surface (having specified characteristics and size) without snagging or abrasion.

This notice solicits views on these and other suggested improvements in the comfort and convenience of type 1 and type 2 seatbelts, in either active or passive configurations. Persons interested in background for the suggestions are directed to the Man Factors study (DOT HS-801 277, and 712) which is available from NHTSA's Technical Reference Library.

Because comfort and convenience are qualities of complex and inherently subjective character, it is difficult to characterize them completely in simple objective terms. An approach under consideration for purposes of this rulemaking is application of the "jury rating" method wherein samples of individuals, representative of the range of intended users, subjectively assess qualities of a product (in this case, comfort and convenience qualities of a safety belt), and assign them numerical ratings according to suitably defined criteria. Measures obtained by utilizing appropriate statistics (e.g., DOT HS-801 594, -801 957) on a sufficiently large sample of such ratings can provide reliable, repeatable, and objective measurements.

Application of such a jury rating method is being considered as a possible basis for minimum requirements that at least 90 percent of intended users would judge that: both latch plates and buckles are comfortably accessible regardless of seat position (one means of facilitating this would be to require that the end(s) of the lap belt portion be attached to the seat); that the belt system is capable of easy one-hand fastening, accomplishable even with some initial misalignments (e.g., 15 degrees). of the latch plate and buckle; that latch plates and buckles are of shape, dimensions and materials which are easily gripped and manipulated from the fully stowed to the fully latched position; that manual repositioning (if required) of latch plates be easily accomplished; that the system's comfort and convenience are not significantly degraded when occupants are in winter clothing (e.g., heavy coats and wool gloves); and that the system is comfortable when worn with the vehicle in motion over both smooth and rough roads as well as when the vehicle is stopped.

This notice also solicits comments on potential loss of seat belt effectiveness that could result from the addition of comfort and convenience features. It is evident that some improvements in design for comfort may be made at the expense of effectiveness.

Would the establishment of injury criteria and dynamic tests for seat belt assemblies installed in vehicles be an appropriate means to improve seat belt effectiveness?

Standard No. 208 specified "structural integrity" requirements for seat belt installations in 1972- and 1973-model passenger cars (see § 4.1.1.3.1(c)). These requirements and requirements that seat belt assemblies meet the "injury criteria" of Standard No. 208 were issued for 1974- and 1975-model passenger cars. They were deleted before they became effective as a result of two court decisions that found the anthropomorphic test dummy used in these requirements to be inadequate. The NHTSA indicated to the Center for Auto Safety in July 1975 that injury criteria performance standards would be considered anew if a decision were made not to mandate passive protection for vehicle occupants. Volkswagen has also commented on the need to apply performance criteria to belt restraint systems.

The NHTSA, as it stated in April 1973 (38 FR 9830, April 20, 1973), believes that a structural integrity requirement does not contribute substantially to the performance of belt systems, which are required by Standard No. 209 to have higher breaking strength than they would be subjected to during a 30-mph barrier impact. The agency considers that a more appropriate assessment of a belt system's protective performance capability lies in its ability to properly restrain a Part 572 test dummy in a simulated crash environment. The agency is contemplating a requirement for a dynamic test for belt systems. The test would be a frontal and frontal oblique test at 30 mph into a fixed flat barrier. A number of alternatives exist to evaluate the belt systems protective performance. First, the head and chest accelerations and femur force levels measured on the dummy could be limited to some levels, although these may not necessarily be the existing levels specified in § 5 of FMVSS 208.

Another option is to limit the torso belt load applied to the test dummy. This criteria would be in addition to head, chest, and femur criteria. The data in a recent paper presented by Eppinger at the Sixth International Conference on Experimental Safety Vehicles indicates that 1,200 pounds of shoulder belt force can produce multiple rib fractures.

Comments are solicited on these two alternatives as well as any others thought to be more appropriate.

Two other possible types of injury for occupants are facial and abdominal injury. Comments regarding methods to avoid these injuries are requested.

Comment is requested on the comparability of forces registered with the Part 572 dummy to forces that would be expected to register with a comparable adult male restrained by the same seat belt assembly. Comments on the potential for pre-loading of belts and use of energy-absorbing webbing are also solicited, as well as the desirability of web-locking devices to reduce belt stretch and eliminate "spool out."

Other performance requirements for seat belt assemblies may be justified. The agency would not require ELR's on center seat belt assemblies, to permit the attachment of child restraints without difficulty. However, the agency believes it may be reasonable to require a manually operated lock (self-restoring after seat belt release) to the outboard ELR on the passenger side to permit the secure attachment of child restraints. Consideration is also being given to limiting buckle size to permit passage of the hardware through slots on child restraints.

A method to prevent unlocking of ELR's also appears justified to prevent their release during pre-crash maneuvering and throughout the crash sequence.

A further performance requirement would apply to "continuous-loop" systems equipped with "automatic comfort devices" in the shoulder portion and a single ELR at the shoulder portion attachment point. In these cases, slack can be introduced into the lap belt portion inadvertently, increasing the danger of submarining under the lap belt in the event of a crash. The agency contemplates placing the Part 572 dummy at the seating position, attaching the continuous loop assembly, and pulling the lap belt in the outboard direction to see if slack is transferred into the lap portion. Another test would evaluate whether slack in the lap portion is removed by the single ELR during "normal occupant motion" (e.g., lifting the dummy legs several inches off the seat

cushion several times). These requirements would be intended to assure that comfort and convenience features would not be added at the expense of adequate protection.

Should durability requirements be added to Standard No. 209 (and possibly Standard No. 208) to assure that systems do not malfunction after introduction into service?

Surveys of new car owners and rental car fleets indicate that a significant percentage (10 to 35 percent) of seat belt assembly and warning system components malfunction relatively soon after introduction into service. The term "malfunction" refers to the failure of the system, including the warning system, to operate as it was designed with regard to donning, wearing, doffing, and stowage. Malfunctions that occur in normal operation (e.g., failure of belt to retract or extend properly, reminder light and buzzer sound when belt is being worn) nullify the motivating properties of the use-inducing system and the belt's protective capability. For example, many systems develop webbing that is twisted or folded double (roughly parallel to the long dimension of the webbing). Such conditions occur with significant frequency and degrade the crash-protective effectiveness of belts. Use of these systems becomes difficult or impossible for the average vehicle occupant. These malfunctions motivate users to circumvent or defeat the system permanently (usually by disconnecting or removing various sensing or signalling components). Additionally, these failures stimulate negative attitudes and hostility toward belt use, the automobile manufacturers, and government regulation, and provide substance for arguments opposing seat belt use.

Designing and producing a system so that it operates properly over the life of the car and assures the availability of rapid repair is, of course, a basic responsibility of the vehicle manufacturer. At the same time durability requirements have been shown to be a valid regulatory concern. Therefore, comments are invited as to means which would lower the incidence of system malfunction through improper or inadequate design, manufacture, quality control, or testing. Means of assuring that repairs for such malfunctions are available rapidly should also be considered. Comments are also invited as to how to render such systems less susceptible to circumvention or defeat (e.g., making the components or wiring of such systems less accessible, providing better protection to wiring, eliminating easily disconnectable components from the system, or placing other systems (e.g., the fuel gauge) on the same circuit, so that disconnecting the remainder system would also result in the disconnection of systems which the user would wish to retain). Comments addressed to the subject of diminishing system defeatibility should address both the beneficial and the detrimental facets of recommended solutions. Specific suggestions for bench tests or in-vehicle testing are requested.

The Department notes that it could encourage continued functioning of seat belt assemblies by amendment of the criteria for vehicle-in-use inspection (49 CFR Part 570).

Would a sequential logic warning system (designed to activate unless buckling action follows occupancy of seating position) with a continuous light and a 4- to 8-buzzer significantly improve seat belt usage? What would the cost of such a system be?

One avenue for improved seat belt usage would be a more effective warning system that advises an occupant that the seat belt assembly is not fastened. Since Congressional prohibition of "continuous buzzer" warning systems in 1974, the agency has required a warning system at the driver's position which activates, for a period of 4 to 8 seconds, a reminder light each time the vehicle ignition is operated, and an audible warning if the driver's lap belt is not in use.

Studies of seat belt usage in 1975-model vehicles indicate that a sequential logic system which incorporates a visible reminder light of continuous duration and a 4- to 8-second audible reminder could produce usage rates significantly greater than those obtained with the warning system presently specified. Incorporating a continuous buzzer (presently prohibited by law) would increase seat belt use even more. While the agency anticipates field studies to examine the efficacy and consumer acceptability of longer-duration reminders, and would have to obtain a statutory change to implement a continuous buzzer, it would be beneficial to have the views of interested persons on the likely effect of improved warnings on seat belt usage. Several vehicle manufacturers have suggested that increased usage would result, and the agency requests the arguments and data that underlie these suggestions.

Equally important are the views of vehicle and component manufacturers on the cost associated with a sequential warning systems, installed at both outboard seating positions or at the driver's position only.

Interested persons are invited to submit comments on this advance notice. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

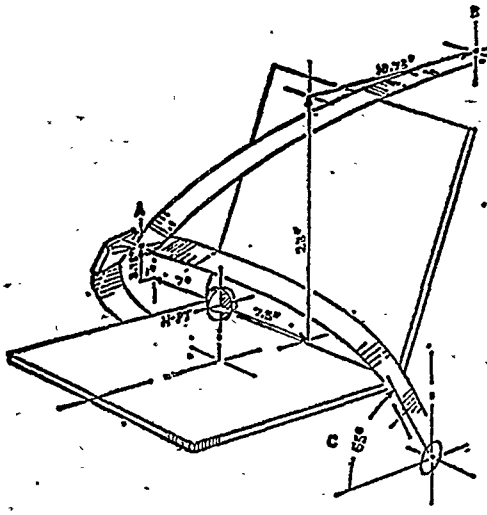
All comments received before the close of business on the comment closing date indicated below will be considered and will be available for examination in the docket at the above address both before and after that date. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: April 15, 1977.

(Secs. 103, 119, Pub. L. 89-563; 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on December 13, 1976.

ROBERT L. CARTER,
Acting Administrator.



LEGEND:

A = Juncture between shoulder harness and lap belt (± 1" in all directions)

B = Point above occupant's shoulder from which shoulder harness departs to pass across the shoulder and chest (± ½" in all directions)

C = Angle of seat belt (± 10°)

Figure 1 Geometric Requirements for Seat Belt-Shoulder Harness Assembly and Installation to Insure Proper Fit for Passenger Population Ranging From 5th %-tile Female Through 95th %-tile Male (Adults).

[FR Doc.76-36984 Filed 12-13-76;2:24 pm]

notices

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

DEPARTMENT OF AGRICULTURE

FEDERAL GRAIN INSPECTION SERVICE

Establishment of New Agency

Notice is hereby given that pursuant to section 3A of the United States Grain Standards Act (7 U.S.C. 71 et seq.), as amended by the United States Grain Standards Act of 1976, Pub. L. 94-582 (90 Stat. 2867), the Federal Grain Inspection Service was established effective November 20, 1976, in the Department of Agriculture to administer the Act and establish policies, guidelines, and regulations for carrying out the provisions of the Act.

A more detailed statement of organization, functions, and delegations of the new Service will be published later in the FEDERAL REGISTER.

Done at Washington, D.C., on: December 13, 1976.

DONALD E. WILKINSON,
Interim Administrator.

[FR Doc.76-37037 Filed 12-15-76;8:45 am]

Forest Service

MT. HOOD NATIONAL FOREST BADGER-JORDAN PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Badger-Jordan Planning Unit, USDA-FS-R6-DES(Adm)-77-5.

The environmental statement concerns a proposed land use plan for the Badger-Jordan Planning Unit, Barlow Ranger District, Mt. Hood National Forest, in Wasco and Hood River Counties, Oregon. The plan applies to approximately 58,000 acres within the National Forest, of which 21,200 were inventoried and reported in the Forest Service Final Environmental Statement for Roadless and Undeveloped Areas in 1973. The plan includes a preferred management plan plus three alternatives, allocating land to a variety of uses, such as wildlife winter range, timber harvest, roadless backcountry recreation and watershed.

Copies are available for inspection during regular working hours at the following locations:

Mt. Hood National Forest Supervisor's Office, 2440 S.E. 195th, Portland, Oregon 97233.
Barlow Ranger District, Mt. Hood National Forest, Dufur, Oregon 97021.

A limited number of single copies are available upon request to F. Dale Robertson, Forest Supervisor, Mt. Hood National Forest, 2440 S.E. 195th, Portland, Oregon 97233.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to F. Dale Robertson, Forest Supervisor, Mt. Hood National Forest, 2440 S.E. 195th, Portland, Oregon 97233. Comments must be received by March 7, 1977 in order to be considered in the preparation of the final environmental statement.

F. DALE ROBERTSON,
Forest Supervisor.

DECEMBER 8, 1976.

[FR Doc.76-37010 Filed 12-15-76;8:45 am]

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (the Act) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on Thursday, January 6, 1977 from 8:00 a.m. to 6:00 p.m. and on Friday, January 7, 1977 from 8:30 a.m. to 5:00 p.m., at 2201 C Street, NW., Washington, D.C., in Room 7516.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 11652 dated March 10, 1972.

The meeting will be closed to the public in accordance with the determination of even date made by the Director of the Arms Control and Disarmament Agency pursuant to section 10(d) of the Act and paragraph 8d(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: December 6, 1976.

SIDNEY D. ANDERSON,
Advisory Committee, Management Officer, Arms Control and Disarmament Agency.

[FR Doc.76-36962 Filed 12-15-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 30099, etc.; Order 76-12-63]

DELTA AIR LINES, INC. AND NATIONAL AIRLINES, INC.

Order of Suspension Regarding Increased Air Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of December 1976.

By tariff revisions[1] bearing the posting date of November 12 and marked to become effective December 27, 1976, Delta Air Lines, Inc. (Delta), and National Airlines, Inc. (National) propose, with certain exceptions; systemwide increases of 6 percent in standard service and express rates and charges. Exceptions include certain northbound rates from Florida origins, which would be increased by 10 percent, but not to exceed the southbound rate, and rates on human remains, which would not be increased. Delta also proposes to increase small package charges to levels similar to that of other carriers and to extend its density-discount rates until December 27, 1977.[2]

The carriers variously assert, inter alia, that the purpose of these proposed increases is to obtain needed revenue to compensate for deficient rate levels and rising costs although neither carrier will achieve a 12-percent rate of return on freight investment from the proposals. As a result of the proposed increases, Delta and National estimate annual revenue increases of $5.1 million and $1.7 million, respectively. In addition, Delta indicates that its proposal is justified, except for bulk minimum charges, on the basis of June 1976 industry-average costs, updated from the "Domestic Air Freight Rate Investigation (DAFRI)", Docket 22859.

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[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 169, 227 and 235.

[2] Density-discount general commodity rates are applicable on bulk traffic with a density of at least 25 pounds per cubic foot and are equal to 60 percent of the otherwise applicable general commodity rate.

A complaint requesting suspension has been filed by Braniff Airways, Inc. (Braniff) against Delta's proposed extestion of density-discount rates. The complaint alleges, inter alia, that the density-discount experiment has been a failure, contrary to Delta's claim of success; that no real evidence has been submitted to substantiate Delta's claim that most traffic generated under this rate would not have otherwise moved by air; that the vast bulk of the traffic has been diverted not only from Delta's regular freight service, but from other carriers as well; that while Delta made a $17,000 profit over a three-month period from this service, Braniff lost almost this much revenue from one shipper in one month due to the availability of the density-discount rate; and that, if these rates are extended, Braniff will be forced to file lower rates to recapture the traffic diverted.

In support of its proposed extension of density-discount rates and in answer to the complaint Delta asserts, inter alia, that these rates not only have received wide and ever increasing acceptance by the shipping public, as evidenced by numerous letters from shippers in support of the concept,[3] but also have been successful from an economic and marketing standpoint, resulting in about $17,000 of profits and approximately 1 million pounds of traffic for the period July through September 1976. Furthermore, the extremely impressive average weight of 1,438 pounds and the average shipment revenue of about $160 are far greater than anticipated, highlighting the fact that density-discount-traffic is not typical air freight and a strong indication that only insignificant diversion is occurring. Delta asserts that the overwhelming majority of density-discount shipments would otherwise not have moved by air and that, since the density-discount concept is in an embryonic stage and will require further experimentation, it should be extended.

The proposed rates all come within the scope of either "DAFRI" or the "Priority Reserved Air Freight Rates Investigation (PRAFRI)", Docket 26838, and their lawfulness will be determined in those proceedings. The issue before the Board is whether to suspend the rates or to permit them to become effective pending the decision in those investigations.

In Order 76-6-93, adopted June 11, 1976, we permitted the Delta density-discount rates to be established on the expectation that the rates would cover all variable noncapacity costs and make a contribution to fixed noncapacity and capacity costs, and that the diversionary/dilutionary effect of the reduced rates would be minimal. The Braniff complaint does not present any facts or arguments which would warrant a change in the Board's previous position. Consequently, since the results attained thus far reflect only three months' experience, we believe the density discounts should be continued for another year. Should Delta desire to extend these rates in the future, we would expect the carrier to submit supporting data similar to that requested previously in Order 76-6-93.

The Board has also reviewed all of the other rates proposed in the light of recent industry-average costs (including return on investment) of carrying air freight and, in this respect, we find that a number of the proposed increased minimum charges per shipment exceed costs.[4]

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposed bulk minimum charges per shipment for markets with lengths of haul less than about 497 miles,[5] as specified in Appendix A hereto,[6] should be suspended. The corresponding express minimum charges should also be suspended since, if permitted to become effective, they would exceed the 30-percent premium over standard service charges in these markets. The remaining portions of these proposals, including the remaining regular and express bulk and container rates and charges, do not appear excessive and the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That, 1. Pending hearing and decision by the Board, the charges and provisions described in Appendix A hereto are suspended, and their use deferred to and including March 26, 1977, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint of Braniff Airways, Inc. in Docket 30099 is dismissed; and

3. Copies of this order shall be filed with the tariffs and served upon Delta Air Lines, Inc., National Airlines, Inc., and Braniff Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-37025 Filed 12-15-76;8:45 am]

[3] The Board has received thirteen shipper letters in support of Delta's proposed extension of density discount.

[4] Industry-average costs recommended by the administrative law judge in DAFRI, revised for cost increases through the 12 months ended June 1976. The minimum charges suspended exceed the costs of a 35-pound shipment, the estimated size of an average shipment below 100 pounds in various markets. This standard for small shipment rates has been applied in Orders 76-10-90 and 76-10-136.

[5] Since National does not publish its minimum charges on a point-to-point basis, it is necessary as a technical matter to suspend such charges on a systemwide basis.

[6] Filed as part of the original document.

[Docket No. 27813; Order 76-12-58]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North/Central Pacific and South Pacific Passenger Fares

Issued under delegated authority December 10, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, which were adopted at the Composite Passenger Traffic Conference held in Miami during September and October 1976, have been assigned the above designated C.A.B. agreement numbers.

In general, the agreements would establish a charge of $10 for stopovers at certain points on through South Pacific and North/Central Pacific first-class, normal economy and promotional fares for which no stopover charge is presently applied. The charge would be imposed only for stopovers between certain designated gateway points and interior points of origin, destination or turnaround within Australia, New Zealand, and the continental U.S./Canada. Free stopovers at specified international gateway points would continue to be permitted under existing fare resolutions.

It is not the Board's customary approach to call for specific justification from the carriers and comments from other interested persons on IATA agreements which do not involve an overall change in fare structure or level within a major international ratemaking area. However, in this instance, we consider it appropriate to do so since this particular agreement, although of apparent limited extent, nonetheless involves a principle of broad implication for the worldwide structure of international fares. The Board has long supported, and indeed urged, the imposition of a charge for stopovers, particularly but not exclusively in connection with North Atlantic travel, to counteract in some degree the dilution in yield stemming from the relatively liberal circuity permitted at through fares. The carriers have responded to some extent by limiting stopover privileges or imposing a stopover charge on certain promotional fares. However, to date, their move in this direction has fallen far short of the Board's ultimate objective.

Accordingly, the agreement here before us takes on a significance beyond its particular terms, and we have therefore concluded to solicit comments prior to its disposition by the Board. We will expect the carriers to provide the cost basis underlying the amount of the stopover charge to be imposed, a forecast of volume of traffic involved and the additional revenue anticipated, and an ex-

planation as to the reason for restricting imposition of the charge to certain points and routes of travel rather than applying it as a general rule for transpacific travel.

Northwest Airlines, Inc., a non-IATA carrier, will be required to file data similar to that required of the IATA carriers so that the full economic impact of the agreement in the North/Central Pacific area may be assessed.

Accordingly, it is ordered, That: 1. All United States air carrier members of the International Air Transport Association providing North/Central or South Pacific passenger services shall file, within 10 calendar days after the date of service of this order, full documentation and economic justification for the stopover charges and related conditions embodied in the subject agreements;

2. Northwest Airlines, Inc. shall file within 10 calendar days after the date of service of this order, data similar to that required of the IATA carriers;

3. Comments and objections from interested persons shall be submitted within 10 calendar days after the date of service of this order;

4. Replies to submissions received in response to ordering paragraphs 1 and 2 above and comments received pursuant to ordering paragraph 3 above shall be submitted within 15 calendar days after the date of service of this order; and

5. Insofar as air transportation is defined by the Act is concerned, tariffs implementing the subject agreements shall not be filed in advance of Board action on the subject agreements.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-37024 Filed 12-15-76;8:45 am]

[Docket No. 21448]

SPOKANE-MONTANA POINTS SERVICE INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 8, 1977, at 9:30 a.m. (local time) in the Isabella Room, Davenport Hotel, W 807 Sprague, Spokane, Washington, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report, served on October 6, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 10, 1976.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.76-37023 Filed 12-15-76;8:45 am]

[Docket Nos. 23584, etc; Order 76-12-69]

TACA INTERNATIONAL AIRLINES, S.A. AND AEROLINEAS EL SALVADOR, S.A.

Order Regarding Foreign Permit Amendment and Renewal

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of December 1976.

In a motion filed October 19, 1976, the Bureau of Operating Rights requests the consolidation into one proceeding, Docket 23584, of four other applications of TACA International Airlines, S.A. (TACA) and an application of Aerolineas El Salvador, S.A. (AESA) for renewal and/or amendment of their foreign air carrier permits.

TACA is presently authorized to engage in foreign air transportation with respect to persons, property and mail between El Salvador, various intermediate points in Guatemala, Honduras, British Honduras (Belize), and the terminal points New Orleans and Miami. It is also authorized to serve Merida Mexico, on its New Orleans route, but the service between Merida and New Orleans is not of a continuing nature.[1] The carrier has applied to amend its permit by adding the additional United States points Los Angeles, San Francisco, Washington, D.C., New York and Newark (Docket 23584), Houston (Docket 27909), and Dallas (Docket 26565), and the foreign points Managua, Nicaragua (Docket 26343) and Merida (Docket 26342). AESA is presently authorized to engage in foreign air transportation with respect to property and mail only, between points in El Salvador and Miami. It seeks to renew its permit and to receive additional property and mail authorization between El Salvador and Houston.

The Bureau's motion contends that the applications should be consolidated because they are highly inter-related, require analysis of a great deal of identical factual data, and can more efficiently be handled in one proceeding. It also asserts that since both applicants are of El Salvador nationality, the elements of comity and reciprocity between the United States and El Salvador should be considered in one proceeding as a matter of formulating a consistent policy toward U.E.-El Salvador foreign air transportation.

In an answer filed November 11, 1976, TACA indicated that it was requesting dismissal of its applications in Dockets 26343 and 27909 and that it would not prosecute that part of its application requesting authority to New York, Newark, and Washington, D.C. The carrier agreed with the Bureau that the remainder of its applications should be consolidated, but opposes the consolidation of AESA's application.

AESA also opposed consolidation of its application, arguing that consolidation is not warranted under the standards of Rule 12 of the Board's Rules of Practice since the same parties are not involved, the same or closely related issues are not involved, and the cases are not such that consolidation would be conducive to the proper dispatch of the Board's business.

We will grant the Bureau's motion to the extent it requires consolidation of Docket 26565 in Docket 23584, but deny it in all other respects.[2] TACA is already authorized to serve New Orleans-Merida for a temporary period, and we will be more able to evaluate its application in Docket 26342 for more permanent fifth-freedom rights in this market after completion of the "Houston/New Orleans-Yucatan Route Proceeding" in Docket 29198, where applications by U.S. carriers to provide this service are being considered.

Turning to Docket 26373, we agree with the applicants' conclusions. With the dismissal of Docket 27909 the motion rests solely on the ground that the applicants are of the same nationality, but the formulation of a consistent policy on the question of comity and reciprocity does not here require consideration of AESA's application in the same docket as TACA's.[3] In the present circumstances, it would be unduly burdensome upon AESA, a small carrier seeking only cargo authority, to require it to participate in a much broader proceeding where the full spectrum of operating rights are involved and there are several, different, U.S. points in issue. Consolidation of AESA's application would add a needless complication to Docket 23584, would turn a relatively routine proceeding in Docket 26373 into a more complex case, and would not be conducive to the orderly dispatch of the Board's business and the ends of justice.

Accordingly, it is ordered, That. 1. The application of TACA International Airlines, S.A., in Docket 26565 be, and it hereby is, consolidated in Docket 23584;

2. The motion of the Bureau of Operating Rights be, and it hereby is, denied in all other respects; and

3. This order shall be served upon TACA International Airlines, S.A., Aerolineas El Salvador, S.A., and the Bureau of Operating Rights.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-37027 Filed 12-15-76;8:45 am]

[Docket No. 30137; Order 76-12-67]

VENEZOLANA INTERNACIONAL DE AVIACION, S.A.

Statement of Tentative Findings and Conclusions and Order To Show Cause

In the matter of Venezolana Internacional de Aviacion, S.A. for amendment

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[1] Orders 76-1-78 and 76-10-44.

[2] The request to dismiss Dockets 26343 and 27909 will be acted upon in a separate order.

[3] Compare Order 75-8-106, where, because of the relationship between the carriers, there were a number of other inter-related reasons pointing toward consolidation of the applications of two carriers which were of common nationality.

of a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of December 1976.

Venezolana Internacional de Aviacion, S.A. (VIASA) is the holder of a foreign air carrier permit[1] authorizing: (a) Foreign air transportation of persons, property, and mail over five routes between a point or points in Venezuela via specified intermediate points to Houston, Miami, Washington, D.C., San Juan, New York and beyond New York to Canada and beyond San Juan to Europe; and (b) the performance of charter trips in foreign air transportation pursuant to Part 212 of the Board's Economic Regulations.

By application filed on December 1, 1976,[2] VIASA requests amendment of one of its routes[3] so as to add Baltimore, Maryland as a hyphenated point with Washington, D.C.

In granting VIASA routes to the United States, the Board found that the carrier met the fitness standards of the Act and that its services were in the public interest. VIASA has performed its presently authorized services successfully. It currently serves the Venezuela-United States market with 22 northbound and 23 southbound frequencies with DC-8 and DC-10 equipment. Service to Baltimore, Maryland via the Netherlands Antilles and the Dominican Republic is provided for in the United States-Venezuela Air Transport Services Agreement,[4] and VIASA has been appropriately designated by the Government of Venezuela.

In view of the foregoing and all the facts of record, the Board tentatively finds:

1. That it is in the public interest to amend the foreign air carrier permit held by Venezolana Internacional de Aviacion, S.A. so as to authorize the carrier under Route 4 to engage in the foreign air transportation of persons, property, and mail between a point or points in Venezuela, except Maracaibo; intermediate points in the Netherlands Antilles and the Dominican Republic; and the coterminal points Washington, D.C.-Baltimore, Maryland, and New York, New York, subject to the condition that the holder shall serve Washington, D.C.-Baltimore, Maryland through a single airport: either Dulles International Airport or Baltimore-Washington International Airport.

2. That the public interest requires that the exercise of the privileges granted by said amended permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

3. That Venezolana Internacional de Aviacion, S.A. is fit, willing, and able properly to perform the above-described foreign air transportation, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

4. That an evidentiary hearing is not required in the public interest; and

5. That the amendment of Venezolana Internacional de Aviacion, S.A.'s foreign air carrier permit is not a "major federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Quality Act of 1969.[5]

Accordingly, it is ordered, That: 1. All interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and why an amended foreign air carrier permit substantially in the form attached to this order should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Venezolana Internacional de Aviacion, S.A.;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within 21 days after the adoption of this order. If an evidentiary hearing is requested, the objection should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[6]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Venezolana Internacional de Aviacion, S.A. and the Ambassador of Venezuela in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

SPECIMEN PERMIT

PERMIT TO FOREIGN AIR CARRIER

(as amended)

Venezolana Internacional de Aviacion, S.A. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail, as follows:

1. Between a point or points in Venezuela, except Maracaibo; intermediate points in the Netherlands Antilles and the Dominican Republic, the intermediate point New York, N.Y.; and the coterminal points Montreal and Toronto, Canada.

2. Between a point or points in Venezuela, except Maracaibo; and the coterminal points San Juan, Puerto Rico, and New York, N.Y.

3. Between a point or points in Venezuela; intermediate points in the Netherlands Antilles, Jamaica, and Cuba; and the coterminal points Miami, Florida, and Houston, Texas.

4. Between a point or points in Venezuela, except Maracaibo; intermediate points in the Netherlands Antilles and the Dominican Republic; and the coterminal points Washington, D.C.-Baltimore, Maryland, and New York, N.Y.

5. Between a point or points in Venezuela; the intermediate points San Juan, Puerto Rico; Madrid, Spain; Paris, France; Amsterdam, the Netherlands; and the coterminal points Frankfurt and Hamburg, Germany.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

This permit shall be subject to the conditions that the holder shall (1) serve New York, N.Y., only on flights originating or terminating at a point in Venezuela other than Maracaibo, and (2) serve Washington, D.C.-Baltimore, Maryland through a single airport: either Dulles International Airport or Baltimore-Washington International Airport.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Venezuela for Venezuelan international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Venezuela shall be parties.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to the liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with

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[1] Issued pursuant to Order 72-6-109, approved June 23, 1972.

[2] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[3] Between a point or points in Venezuela, except Maracaibo; intermediate points in the Netherlands Antilles and the Dominican Republic; and the coterminal points Washington, D.C., and New York, New York.

[4] The Agreement was amended by exchange of notes dated September 22, 1976 to add Baltimore, Maryland.

[5] Our tentative finding therein is based upon the fact that the amendment of VIASA's permit will not result in a significant increase in operations in the near future to Washington, D.C.-Baltimore, Maryland, as VIASA merely plans to transfer its services from Dulles International Airport to Baltimore-Washington International Airport.

[6] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The holder shall not commence any service authorized herein, except pursuant to an initial tariff setting forth rates, fares, and charges no lower than the lowest rates, fares, or charges that are then in effect for any U.S. air carrier engaged in the same foreign air transportation.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted hereby shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on _____. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date on any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the routes hereby authorized from the routes which may be operated by airlines designated by the Government of Venezuela (or in the event of the elimination of any part of a route or routes hereby authorized, the authority granted shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Venezuela in lieu of the holder hereof, or (3) upon the termination or expiration of the Air Transport Agreement between the Government of the United States and the Government of Venezuela, effective August 22, 1953, as last amended by an exchange of notes dated September 22, 1976: *Provided, however,* That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Venezuela are or shall become parties.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the_____.

Secretary.

(SEAL)

Issuance of this permit to the holder approved by the President of the United States on _____ in Order _____.

[FR Doc.76-37026 Filed 12-15-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FREDERICK CANCER RESEARCH CENTER ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrmuent or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before January 5, 1977.

Amended regulations issued under cited Act (15 CFR Part 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00032. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, MD 21701. Article: Scanning Electron Microscope, Model HFS-2 and accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used to study the distribution of antigen sites on the cell surface with use of tagged antibodies. For pilot studies, ferritin, keyhole limpet hemocyanin, polystrene and viruses will be used to label antibodies in an attempt to determine specific antigen sites of various tumor cells (leukemia, melanomas, sarcomas). The studies will include investigations of the following: (1) Various parameters that are known biochemically to alter membrane characteristics thus altering the distribution of antigens on the cell surface and the susceptibility of different types of cells to various chemical and physical agents. (2) Certain characteristics of the cell membrane such as fluidity of cell membrane and surface change of tumor cells, lymphocytes and macrophages. Application received by Commissioner of Customs: November 8, 1976.

Docket number: 77-00034. Applicant: The University of Texas, Department of Chemistry, Austin, Texas 78712. Article: Rotating Anode X-ray Generator, Model GX-20 and accessories. Manufacturer: Marconi-Elliott Avionics Ltd., United Kingdom. Intended use of article: The article is intended to be used as a high intensity monochromatic X-ray source for irradiating small protein crystals so that their diffraction patterns may be analyzed and their three-dimensional molecular structure determined. Under current investigation are the photo receptor accessory pigment proteins responsible for harvesting the light for photosynthesis, a number of toxins that have been implicated as possible antitumor agents and several enzymes which occupy key positions in the regulation of metabolism. The structures of these systems are being investigated with an objective of understanding the principles of the molecular mechanisms of action for these types of compounds. Application received by Commissioner of Customs: November 9, 1976.

Docket number: 77-00035. Applicant: University of California, San Francisco, 1438 South Tenth Street, Richmond, CA 94804. Article: Electron Microscope, Model JEM 100C. Manufacturer. JEOL (West), Inc., Japan. Intended use of article: The article is intended to be used to study the detailed fine structure of a variety of biological tissues which are currently under investigation by the Department of Physiology. Some of the specific experiments to be carried out include:

(1) Immunohistochemical localization of neurosecretory peptides in the brain.
(2) Role of microfilaments and microtubules in secretion from the pancreas.
(3) Role of zymogen granule membrane in secretion from the pancreas.
(4) Insertion of biologically active proteins into artificial phospholipid membranes.
(5) Ultrastructural basis of neuronal "competition" for peripheral fields during development.
(6) Isolation and purification of the synaptic vesicles and toxin binding sites involved in secretion from motor nerves.
(7) Ultrastructural basis of neurosecretion.
(8) Isolation and chemical characterization of the cholinergic receptor protein from the synapse.

The overall objectives to be pursued in the course of these investigations are to reveal the relationships between the molecular organization and function of cellular and subcellular components of biological systems. The article will also be used to teach graduate students the methods of electron microscopy in the course Physiology 203. At various other times during the year, selected students will be allowed to carry out their Ph. D. research on the article. Application received by Commissioner of Customs: November 9, 1976.

Docket number: 77-00036. Applicant: University of California, Lawrence Livermore Laboratory, Post Office Box 808—Livermore, Calif. 94550. Article: Electronic Intensifying Streak Camera. Manufacturer: John Hadland Photographic Instrumentation, Ltd., United

Kingdom. Intended use of article: The article is intended to be used for the study of shock-induced free surface motion and high-speed intensified flash X-ray diagnostics. The experiments to be conducted will consist of measurement of the thermodynamic properties of various materials under shocked conditions, and the measurement of the velocity vs. time history of material-air interfaces with the objective of understanding more fully the thermodynamic properties of matter at high pressure temperature. Application received by Commissioner of Customs: November 9, 1976.

Docket number: 77-00037. Applicant: NASA Lewis Research Center, 21000 Brookpark Rd., Cleveland, Ohio 44135. Article: Electron Microscope, Model JEM-100C/SEG. Manufacturer: JEOL Limited, Japan. Intended use of article: The article is intended to be used in a wide variety of research programs which will include the following:

(1) Identification of precipitates and/or inclusions in dispersion strengthened alloys, directionally solidified alloys, ceramics, fibers, powders, fiber reinforced plastics, solar cells, cell separators, etc.;

(2) Investigation of high temperature lubrication properties which will be applicable in space technology;

(3) Research on high strength, high temperature alloys, high strength plastics, ceramics fiber reinforced materials, solar cells, etc.; and

(4) Characterization and identification of all the materials used in the various research projects and to aid in correlating physical phenomena with microstructure and distribution of elemental characteristics. Application received by Commissioner of Customs: November 9, 1976.

Docket number: 77-00038. Applicant: Emory University School of Medicine, 1380 S. Oxford Rd., N.E., Atlanta, Georgia 30322. Article: Electron Microscope, Model EM 400 HTG., Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the following research that will tend to link basic and clinical sciences:

(1) Interests in demyelinating diseases and neuromuscular diseases using a range of ultrastructural approaches, e.g., human multiple sclerosis (MS), studies of experimental allergic encephalomyelitis (EAE), and study of the possible relation of measles virus to multiple sclerosis; and

(2) Research into cardiovascular diseases and diseases of the central nervous system, e.g., cardiomyopathy; cardiac fibrillation and certain other disrhythmias; herpes virus infection of cardiac cells, and generation of abnormal movements such as tremors, by certain regions of the brain. Application received by Commissioner or Customs: November 10, 1976.

Docket number: 77-00039. Applicant: University of Nebraska Medical Center, 42nd and Dewey Avenue, Omaha, Nebraska 68105. Article: Electron Microscope, Model EM 201C and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the following research programs:

(1) Research efforts directed toward virology with examination of virus infected tissue in order to detect and characterize any virus present and also for the detection and description of cell damage.

(2) Study of the sputum cell dynamics and chronic obstructive pulmonary diseases, morphologic studies of eosinophilic leukocytes and mast cells in sputum obtained from patients with COPD and the role of pulmonary alveolar macrophages in alpha-1 antitrypsin utilization; and

(3) Experimental work on the diabetic monkey in which studies will be done in regard to glomerular changes in the long term animal on varying doses of insulin and on certain diets.

The article will also be used for training in a course of ultrastructural techniques (Pathology 861). Application received by Commissioner of Customs: November 10, 1976.

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

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-36939 Filed 12-15-76;8:45 am]

National Bureau of Standards

RECOMMENDED VOLUNTARY PRODUCT STANDARD

Circulation

The National Bureau of Standards is giving public notice that it is circulating the following recommended voluntary product standard for a determination of its acceptability: TS 214c, "Carbonated Soft Drink Bottles."

This circulation is being made in accordance with the provisions of § 10.5 of the Department of Commerce "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970).

The purpose of the recommended standard is to improve safety performance by establishing nationally recognized manufacturing requirements for conventional glass bottles designed as containers for carbonated soft drinks. This standard is intended to provide producers, distributors, users, and other interested groups with a basis for common understanding of the characteristics of these products.

Copies of this recommended standard[1] may be obtained from the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234. Written comments concerning the standard should be submitted to the Standards Development Services Section on or before January 31, 1977.

Dated: December 9, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc. 76-36936 Filed 12-15-76; 8:45 am]

[1] Filed as part of original document.

National Oceanic and Atmospheric Administration

NORTHWEST FISHERIES CENTER, NATIONAL MARINE FISHERIES SERVICE

Receipt of Application of Scientific Research and Scientific Purposes Permits to Take Marine Mammals

Notice is hereby given that the following Applicant has applied for permits to take marine mammals for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C 1361-1407) and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

Northwest Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington 98112, to take, by tagging, eight hundred eighty (880) Hawaiian monk seals, which species is listed as endangered.

The Applicant proposes to study the population numbers and dynamics of the Hawaiian monk seal (*Monachus schauinslandi*) throughout the range of the species. Up to 250 pups will be marked with plastic tags over a 5 year period. During the course of the study up to six hundred (600) temporary tags may be applied and up to thirty (30) seals will be fitted with radio transmitters and subsequently tracked at sea to determine where pelagic feeding occurs. Aerial photo surveys will be conducted during the pupping season to determine pup production. An unspecified number of seal specimens will be collected and retained for study, as they are found dead. No animals will be killed during the course of this study.

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

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

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C.; Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application for the Marine Mammal

Protection Act permit to the Marine Mammal Commission and the Committee of Scientific Advisors. Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before January 17, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Director.

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

Dated: December 1, 1976.

HARVEY M. HUTCHINGS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.76-36998 Filed 12-15-76;8:45 am]

QUINLAN MARINE ATTRACTIONS

Issuance of Public Display Permit to Take Marine Mammals

On January 20, 1976, notice was published in the FEDERAL REGISTER (41 FR 2841), that an application has been filed with the National Marine Fisheries Service by Quinlan Marine Attractions, Route 3, Lincolnton, Lincoln County, North Carolina 28092 for a permit to take eight (8) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on November 29, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking to Quinlan Marine Attractions subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

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

Dated: November 29, 1976.

JACK W. GEHRINGER,
Deputy Director,
Naitonal Marine Fisheries Service.

[FR Doc.76-36997 Filed 12-15-76;8:45 am]

SOUTHWEST FISHERIES CENTER, NATIONAL MARINE FISHERIES SERVICE

Issuance of Scientific Research Permit for Marine Mammals

On July 12, 1976, notice was published in the FEDERAL REGISTER (41 FR 28566), that an application had been filed with the National Marine Fisheries Service by the Southwest Fisheries Center, National Marine Fisheries Service, La Jolla, California 92038, for a scientific research permit to take by killing, 8,349 porpoises, as part of the Applicant's Porpoise/Tuna Interaction Program, which is directed towards 1) developing methods, techniques, and technology to reduce porpoise mortality incidental to yellowfin tuna purse seine fishing; and 2) determining the status of the porpoise stocks.

It was estimated that the following porpoises might be killed during the proposed research:

Spotted dolphin (*Stenella attenuata*)	4,905
Spinner dolphin (*Stenella longirostris*)	2,909
Common dolphin (*Delphinus delphis*)	135
Striped dolphin (*Stenella coeruleoalba*)	100
Bottlenosed dolphin (*Tursiops truncatus*)	50
Risso's dolphin (*Grampus griscus*)	50
Short-finned pilot whale (*Globicephala macrorhynchus*)	50
Rough-toothed dolphin (*Steno bredanensis*)	50
Fraser's dolphin (*Lagenodelphis hosei*)	50
Pygmy killer whale (*Feresa attenuata*)	25
Melon-headed whale (*Peponocephala electra*)	25

Notice is hereby given that, on November 19, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above-described activities to the Southwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein.

During periods in any fishing year when the incidental take of a given species or stock is limited by a quota established by regulations, marine mammals taken under this permit will be counted against such quota.

During periods in any fishing year when the incidental take quota for a given species or stock has been reached, marine mammals taken under this permit will be added to the total incidental take for the year and be used with that incidental take in determining the following year's quota.

The take under this permit of a species or stock not covered by an incidental take quota or for which no incidental take is permitted, will be monitored for use in subsequent quota determinations.

In any event, the take under this permit will be monitored to assure that the take will not operate to the disadvantage of the species or stock.

The above-described method of accounting for the take of marine mammals will also be applied to that take authorized under the permit issued to Dr. Kenneth S. Norris, as announced on October 6, 1976 (41 FR 44062).

This Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: November 19, 1976.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.76-36996 Filed 12-15-76;8:45 am]

THEATRE OF THE SEA, INC.

Issuance of Public Display Permit to Take Marine Mammals

On July 14, 1976, notice was published in the FEDERAL REGISTER (41 FR 29008) that an application had been filed with the National Marine Fisheries Service by Theater of the Sea, Inc., P.O. Box 407, Islamorado, Florida 33036, for a permit to take two (2) California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that on December 6, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking to Theater of the Sea, Inc., subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Gandy Boulevard, Duval Building, St. Petersburg, Florida 33702; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 6, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-36995 Filed 12-15-76;8:45 am]

Domestic and International Business Administration

[Order No. 41-1, Amdt. 1]

OFFICE OF THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization and Function

This order effective November 18, 1976 amends the material appearing at 41 FR 1935 of January 13, 1976.

DIBA Organization and Function Order 41-1, dated December 15, 1975, is hereby amended as shown below to expand upon the function of development and production of audio visual information material intended for public consumption.

1. Section 4., The Office of Public Affairs paragraph 4.02 is revised to read as follows:

.02 The "Public Information Division" shall develop long-range plans, programs and goals; develop, prepare, clear and release press releases; develop and

produce audio visual information material intended for public consumption including slide presentations, motion pictures, and television production, audio (cassette) presentation, exhibit displays, advertising material (radio-TV-print), and scripts and record material for distribution; draft speeches and public statements; develop speaking forums for DIBA officials designed to support Departmental and Administration objectives; perform editorial services including research and editorial assistance in the preparation and publication of technical articles; and maintain mailing lists, biographical data, business information and other reference material.

Effective date: November 18, 1976.

DONALD E. JOHNSON,
Acting Assistant Secretary for Domestic and International Business.

[FR Doc.76-36941 Filed 12-15-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Monday, 10 January 1977

The entire meeting commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence data requirements.

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

DECEMBER 13, 1976.

[FR Doc.76-36999 Filed 12-15, 76;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Pub. L. 94-409, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C. on:

Tuesday and Wednesday, 1-2 February 1977.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

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

DECEMBER 13, 1976.

[FR Doc.76-37000 Filed 12-15-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

MANDATORY PATENT LICENSING

Public Colloquium

In response to the requirements of subsection 9(n) of the Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93-577, ERDA submitted a report, ERDA 76-16, entitled "The Patent Policies Affecting ERDA Energy Programs". Copies of this report may be obtained from the Government Printing Office, Washington, D.C. 20402.

This report was devoted to assessing the applicability of existing patent policies affecting ERDA programs under the patent provisions of the Federal Nonnuclear Energy Research and Development Act of 1974 and the Atomic Energy Act of 1954, as amended.

It investigated the statutory scheme for allocating the rights to inventions made under ERDA contracts, the acquisition of rights in the contractor's background patents, the licensing of ERDA-owned patents, and the subject of compulsory licensing. Compulsory (or mandatory) licensing of patents can generally be defined as requiring patent owners to forego the injunctive remedy against the infringing acts of another.

The study on mandatory licensing was based on the twenty-nine (29) years of ERDA (the Atomic Energy Commission) and six (6) years of Environmental Protection Agency experience with legislative compulsory licensing. In addition, during two days of public hearings (40 FR 48388, October 15, 1975) ERDA obtained the public's views on compulsory licensing of patents in the energy field, and specifically, if legislation is required, what should be its essential provisions.

In presenting ERDA's initial findings to the President and Congress on compulsory patent licensing, ERDA determined that further study was needed on this subject prior to recommendation as to whether additional compulsory licensing authority would be desirable for energy technology. These studies will include an empirical data gathering effort as to nature and frequency of injunctive relief in patent infringement cases, the need for and effect of existing compulsory licensing through industry surveys, an analysis of the effect of compulsory licensing degrees in antitrust cases and an assessment of experience of foreign countries with compulsory licensing. A panel of experts in law, business and economics has also been formed to prepare papers and present their views on these issues.

ERDA will hold a public colloquium on mandatory patent licensing on January 12, 1977, at Germantown, Maryland, for the presentation and discussion of ERDA sponsored papers on compulsory patent licensing by this panel of distinguished members of the business, legal and economic professions.

The panelists are as follows:

Dr. Dayton H. Clewell, Vice President, Research and Development, Mobil Oil Corporation, New York City, New York;
Dr. Nat C. Robertson, Senior Vice-President, Research and Development, Air Products and Chemicals, Allentown, Pennsylvania;
Mr. Marcus B. Finnegan, Partner, Finnegan, Henderson, Farabow and Garrett, Washington, D.C.;
Professor James B. Gambrell, Partner, Pravel, Wilson and Gambrell, Houston, Texas;
Dr. Frederic M. Scherer, Economist, College of Arts and Sciences, Northwestern University, Evanston, Illinois, (formerly Director, Bureau of Economics, Federal Trade Commission);
Dr. Jesse W. Markham, Charles Edward Wilson Professor of Business Administration, Graduate School of Business Administration, Georgia Baker Foundation, Harvard University, Cambridge, Massachusetts.

The purpose of this colloquium is to obtain comments on such questions as:

1. What is the need for compulsory patent licensing in the energy field?
2. What is the impact of compulsory patent licensing on research, development and demonstration, patent licensing and other pertinent industry practices?
3. What is the effect of compulsory patent licensing under existing domestic and foreign legislative compulsory licensing provisions, and compulsory licensing decrees in antitrust cases?

The intent of this colloquium is to provide a forum for panel members having particular expertise in the legal, economic and business communities to express their views on this emotional, complex and controversial subject.

Notice is hereby given by the Energy Research and Development Administration that this public colloquium on compulsory patent licensing will be held on January 12, 1977, at 9:30 a.m. (local time) in the auditorium, U.S. Energy Research and Development Administration, Maryland State Route 118, Germantown, Maryland.

This colloquium will be conducted in three phases. The first phase will be an oral presentation of the papers by each panelist. The second phase will be a round table discussion of each panelist's paper by the remaining members of the panel. The third, and last phase, will be a dialogue between panelists responsive to questions submitted by the Department of Justice, Department of Commerce, the Office of Federal Procurement Policy and ERDA.

Members of the public are invited to attend this colloquium. Due to the prior public hearings on this subject providing an opportunity for public comment, the public colloquium will be limited to the above presentations, discussions and dialogues. ERDA will receive written public comments on all colloquium phases for inclusion in the colloquium record up to 45 days after the date of the colloquium. Copies of the colloquium transcript will

be available in the ERDA Public Document Room, 20 Massachusetts Avenue, SW., Washington, D.C. after the colloquium for those desiring to submit written comments.

All persons or organizations desiring to submit written comments or suggestions on this public colloquium are requested to notify Mr. Kenneth L. Cage, Office of the Assistant General Counsel for Patents, U.S. Energy Research and Development Administration, Washington, D.C. 20545, Telephone (301) 353-5093 before the close of business (5 p.m. local time) on February 28, 1977.

For the United States Energy Research and Development Administration.

Dated at Washington, D.C., this 14th day of December 1976.

JAMES A. WILDEROTTER,
General Counsel.

[FR Doc.76-37118 Filed 12-15-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 657-5; OPP-240016]

STATE OF MONTANA

Approval of Request for Interim Certification To Register Pesticides To Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides To Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed section 162.158(c).

The Agency has received a Request for Interim Certification to register pesticides to meet special local needs (Request) from the State of Montana. After reviewing the Request, the Agency found that it satisfies the requirements set forth in the FEDERAL REGISTER document of September 3, 1975. Accordingly, notice is hereby given that the EPA has approved the Montana Request for Interim Certification, as described below.

MONTANA

The Montana Request sought authority to register "new products", as that term is defined in section 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as that term is defined in section 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations is the Montana Department of Agriculture. This agency was notified on November 22, 1976, that its Request had been approved.

A copy of the Montana Request for Interim Certification, along with a letter reflecting the Agency's decision to approve the Request, are available at the following locations: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., S.W., Washington, D.C. 20460. Pesticide Branch, Hazardous Materials Control Division, EPA, 1860 Lincoln Street, Suite 103, Denver, Colorado 80295.

Dated: December 13, 1976.

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

[FR Doc.76-37057 Filed 12-15-76;8:45 am]

[FRL 657-6; OPP-50267]

WEYERHAEUSER CO.

Receipt of Application for Experimental Use Permit To Use Strychnine Alkaloid To Control Gopher Damage to Forests and Solicitation of Views

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the Weyerhaeuser Company, Tacoma, Washington 98401 (hereafter referred to as the "Applicant") has applied to the Environmental Protection Agency (EPA) for an experimental use permit allowing use of a maximum of 1.5 lbs or 680.4 grams of strychnine alkaloid in small polyethylene bags on a total of 600 acres in the State of Oregon; this permit would be granted in order to determine the efficacy of polyethylene-bagged baits for control of pocket gopher damage to forest regeneration. This application for an experimental use permit is subject to the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

According to the section 5 regulations, the Administrator shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the permit may be of regional or national significance; the determination has been made that this application falls within that category. It should be noted that a rebuttable presumption exists against registration of those pesticide products containing strychnine and strychnine sulfate which are registered for outdoor, above-ground use (see FEDERAL REGISTER of December 1, 1976, p. 52810). However, this application is concerned with underground use of strychnine. Accordingly, all interested parties are invited to submit written comments pertinent to the application to the Federal Register Section, Room E-401, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the submissions. The comments must be received within 30 days after the date of publication of this notice in the FEDERAL REGISTER, and should bear the identifying notation OPP-50267. 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. during normal work days.

This document contains a summary of information required by regulation to be included in the notice and does not indicate a decision by this Agency on the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH–567), Office of Pesticide Programs, Room E–315, located at the Headquarters address mentioned above.

According to the Applicant, pocket gopher damage to reforestation in the western United States is increasing; a recent questionnaire survey conducted by the Northwest Forest Pocket Gopher Committee (1976) indicated that excessive pocket gopher damage is occurring on over 200,000 acres of timber land in eastern Washington, Oregon, and northern California. Damage has been reported as increasing on forest lands in Idaho, Montana, Utah, Wyoming, and Colorado. The Applicant states that over the years, population reduction through toxic baiting has been the primary method of damage control. Data on the relationship of population reduction to seedling damage reduction are limited; observations to date indicate population reductions of 30–70 percent reduce damage by 50–70 percent. However, this response is highly variable, depending on such factors as initial population level, vegetation type, soil type, and similar aspects. Costs for control of gopher damage are also variable, according to the Applicant, and range from about $5 to $15 per acre for hand baiting and from $2.50 to $10 per acre for machine baiting.

At present, oat groats treated with 0.25 to 0.6 percent strychnine alkaloid used as a poison bait are the most effective means of pocket gopher control via toxic baits. This bait is currently registered with EPA for hand or machine application below ground. Hand application involves locating and making a small opening into the underground burrow system of the gopher. A small quantity of bait is then dropped into the burrow and the hole closed. Machine application with the "burrow builder" involves systematic baiting of artificial tunnels as they are formed by the machine.

Gopher populations range from 1 or 2 to over 30 animals per acre. On forest lands populations are usually less than 15 animals per acre. Normally, two points in the burrow system are treated with 3 to 5 grams of oat bait per point, or a maximum of about 150 grams of oat bait per acre. This bait remains acceptable to gophers for 2 to 4 weeks, depending on soil moisture and temperature. After this time, the oats either become moldy or sprout, and are no longer of value as a bait. A factor limiting the effectiveness of baiting is rapid repopulation of treated areas, which often occurs. Evaluations of baiting programs indicate population reductions of up to 90 percent several weeks after baiting; however, by the next year, populations have often recovered to pre-treatment levels. This rapid recovery occurs as result of invasion of animals from outside the treated area or from reproduction of treatment survivors. In areas of high populations, annual baiting is necessary to control damage.

The Applicant proposes to evaluate small polyethylene bags containing 2 to 5 grams of the registered strychnine and oat groat bait for their potential for gopher control. The main advantage of this bait delivery system is that bagged baits would remain available for a longer period than standard baits. The 3 to 4 mil. thick polyethylene allows movement of odor out through the bag but prohibits moisture movement into the bag. The Applicant states that the following factors have been discovered in its research efforts:

1. Gophers readily locate bagged baits, open the bags, and consume the baits;
2. Bagged baits may be consumed when first located, or transported to the nest or food cache intact and subsequently opened and consumed;
3. Contents of a single bag are sufficient to cause mortality if consumed by a gopher;
4. In moist soil, bagged baits have remained in good condition and acceptable to gophers for as long as 240 days;
5. Attractant material (parsley, carrot, or banana flakes) can be readily added to the bagged bait to increase acceptance; and
6. Bagged baits could readily be adapted for mechanical application.

With these factors in mind, the Applicant proposes to have treatment blocks of 50 to 100 acres in size, with at least 1 replication for each of the following treatments:

1. Standard 0.57 percent strychnine/oat groat bait;
2. Bagged 0.57 percent strychnine/oat groat bait;
3. Bagged 0.57 percent strychnine/oat groat bait plus attractant mixture; and
4. Control block—no treatment.

The maximum acreage in the test would be 800 acres, of which 600 would be treated. Application rates would be approximately the same for each treatment, with variation corresponding to variation in gopher density on the field plots. All burrow systems would be treated with 3 to 5 bait drops per system. Expected rates of application per acre would be 50 to 200 grams of bait, which is equivalent to 0.3 to 1.14 grams of strychnine alkaloid per acre. Treatments would be applied by hand in the spring and fall of 1977. Animal activity determination and levels of seedling damage will be evaluated prior to treatment, two weeks post-treatment, and for at least 1½ additional years. Major treatment effects to be compared are (1) The reduction in gopher population as indicated by activity before and after baiting, and (2) The reduction in seedling damage determined through examination of samples of marked trees.

Dated: December 10, 1976.

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

[FR Doc.76–37058 Filed 12–15–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I–299]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

DECEMBER 13, 1976.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

Amendment TELECABLE OF OVERLAND PARK, INC., Overland Park, Kansas. Amendment to the construction permit/license application to permit the reception of Channel 17, Station WTCG–TV, Atlanta, Georgia.

55–DSE–P/L–77 AMERICAN TELEVISION & COMMUNICATIONS CORPORATION, West Monroe, Louisiana. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 32°32'10", Long. 92°09'51". Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

56–DSE–P–77 TELECABLE OF SPARTANBURG, INC., Spartanburg, South Carolina. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 34°59'11", Long. 81°54'09". Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

[FR Doc.76–37019 Filed 12–15–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Intention To Issue Construction Orders to Certain Powerplants in the Early Planning Process

The Federal Energy Administration (FEA) hereby gives notice of its intention to issue construction orders pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974, as amended (ESECA), and in accordance with 10 CFR Parts 303 and 307, to the following powerplants in the early planning process:

Docket No.	Owner	Generating station	Unit No.	Location
OCU-156-N	Gulf Power Co	Robert F. Ellis	1	Caryville, Fla.
OCU-163-N	Central Louisiana Electric Co., Inc.	Rodemacher	2	Near Boyce, La.
OCU-166-N	East Kentucky Power Co-op., Inc.	H. L. Spurlock	2	Maysville, Ky.
OCU-168-N	Indianapolis Power & Light Co.	Petersburg	4	Petersburg, Ind.
OCU-176-N	Power Authority of the State of New York.	MTA fossil plant (Arthur Kill).		Staten Island, N.Y.
OCU-181-N	City of Hastings, Nebr., and city of Grand Island, Nebr.	Great Plains		Doniphan, Nebr.
OCU-183-N	Nebraska Public Power District.	Gerald Gentlemen	2	Sutherland, Nebr
OCU-197-N	Southwestern Public Service Co.	Harrington	3	Amarillo, Tex.
OCU-199-N	Upper Peninsula Power Co.	Dollar Bay		Dollar Bay, Mich.
OCU-201-N	Kentucky Utilities Co	Ghent	4	Ghent, Ky.
OCU-202-N	Arkansas Power & Light Co.	Arkansas Coal Station	1	Undited.
OCU-203-N	do	do	2	Do.
OCU-205-N	Colorado-Ute Electric Association, Inc.	Craig	3	Craig, Colo.
OCU-206-N	do	do	4	Do.
OCU-207-N	New York State Electric & Gas Corp.	Cayuga		Lansing, N.Y.
OCU-208-N	Sunflower Electric Co-op	1982 coal fired		Undited.
OCU-211-N	Northern States Power Co.	1985 coal fired		Do.
OCU-216-N	South Carolina Electric & Gas Co.	1984 unit		Do.
OCU-218-N	Southwestern Electric Power Co.	South Hallsville (temporary name).	1	Hallsville, Tex.
OCU-219-N	do	do	2	Do.

FEA hereby also gives notice of the opportunity for written presentation of data, views and arguments regarding these proposed construction orders.

The proposed orders would require each of the above listed powerplants in the early planning process to be designed and constructed to be capable of using coal as its primary energy source.

Prior to issuance of a construction order to a powerplant in the early planning process, section 2(c) of ESECA and FEA's regulations (§§ 303.46(b) and 307.3 (b) and (c)) require that FEA find that the powerplant is in the early planning process. They also prohibit FEA from issuing a construction order if FEA finds that (1) such order is likely to result in an impairment of reliability or adequacy of service, or (2) an adequate and reliable supply of coal is not reasonably expected to be available. FEA's initial conclusions and rationale with respect to these findings for each of the powerplants are set out in section 1 of Appendix A to this notice. These findings, conclusions and rationale may be amended as a result of comments received by FEA pursuant to this notice and other information available to FEA. The findings, conclusions and rationale will be included, with any amendments, in a construction order when it is issued.

In addition, ESECA and FEA's regulations (§§ 303.46(b), 307.3(d)) require that FEA consider certain other factors prior to issuance of a construction order. FEA's initial conclusions, and a brief statement of the rationale for such conclusions, with respect to such considerations are set out in section 2 of Appendix A to this notice. The conclusions and rationale may be amended as a result of comments received by FEA pursuant to this notice and other information available to FEA. The conclusions and rationale will be included, with any amendments, in the construction order when it is issued.

Upon completion of the proceedings described in this notice, FEA may determine to issue construction orders to some or all of the above listed powerplants in the early planning process. These construction orders will not become effective, however, until FEA has considered the environmental impact of any such order, pursuant to 10 CFR 208.3 (a)(4) and 307.7, and has served the affected powerplant in the early planning process with a Notice of Effectiveness, as provided in §§ 303.10(b), 303.47(b) and 307.5 of FEA's regulations. Section 307.7 (c) requires that prior to the issuance of a Notice of Effectiveness to a powerplant, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness. That analysis shall result either 1) in a declaration that a specific construction order or group of construction orders, will not, if made effective by a Notice of Effectiveness, be likely to have a significant impact on the quality of the human environment; or, 2) in the preparation by FEA of an environmental impact statement covering significant site-specific impacts that are likely to result from a specific construction order or group of construction orders and that have not been adequately discussed in the programmatic Environmental Impact Statement (FES 75-1, dated April 25, 1975) for the FEA program to implement section 2 of ESECA, or in other official documents made publicly available during the FEA proceedings in connection with issuance of a construction order, or otherwise made available to the public. If FEA prepares an environmental impact statement covering significant site-specific impacts from a construction order or group of such orders, the statement shall be prepared and published for comment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 and prior to issuance of a Notice of Effectiveness. Interested persons may request a public hearing pursuant to § 303.173 of the FEA regulations to comment on the contents of a draft environmental impact statement published pursuant to § 307.7(c) of the FEA regulations.

Public comment on the proposals to issue construction orders to the above listed powerplants in the early planning process is invited in the form of written presentation of data, views and arguments. Comments should relate to individual docket numbers and should make clear to which docket number the individual comment is addressed.

Comments are solicited addressing (1) the adequacy and validity of each of the proposed findings, and the conclusions and the rationale in support of these findings, as well as the conclusions, and rationale in support of the conclusions, with respect to the other factors EPA must consider; (2) the identification of any site-specific environmental impacts resulting from the proposed construction orders that were not identified or described in the programmatic Environmental Impact Statement for the FEA program to implement section 2 of ESECA; and, (3) any other aspects or impacts of the proposed construction order believed to be relevant. It should be recognized that any such powerplant in the early planning process would have to comply with applicable new source performance standards prescribed by the Environmental Protection Agency under the Clean Air Act, as amended.

Interested persons are invited to submit written comments consisting of data, views, or arguments with respect to a proposed construction order or group of orders to Executive Communications, Federal Energy Administration, Box JT, Washington, D.C. 20461.

Comments and other documents submitted to FEA Executive Communications should be identified on the outside of the envelope in which they are transmitted with the designation "Proposed Construction Order for the _____ _____ Powerplant." Fifteen copies should be submitted.

All written comments received by 4:30 p.m. e.s.t., January 17, 1976, and all other relevant information submitted to or otherwise available to FEA will be considered by FEA prior to issuance of any construction order.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Copies of the FEA regulations implementing section 2 of ESECA (10 CFR Parts 303 and 307) are available from the FEA Regional Offices:

Federal Energy Administration, regional offices

Region	Address	Phone
I	Robert Mitchell, Regional Administrator, 150 Causeway St., Room 709, Boston, Mass. 02114.	(617) 223-3701
II	Alfred Kleinfeld, Regional Administrator, 26 Federal Plaza, Room 3206, New York, N.Y. 10007.	(212) 264-1021
III	J. A. LaSala, Regional Administrator, 1421 Cherry St., Room 1001, Philadelphia, Pa. 19102.	(215) 597-3390
IV	Donald Allen, Regional Administrator, 1655 Peachtree St., NE., 8th Floor, Atlanta, Ga. 30309.	(404) 526-2837
V	N. Allen Andersen, Regional Administrator, Federal Office Building, 175 West Jackson Blvd., Room A-333, Chicago, Ill. 60604.	(312) 353-8420
VI	Delbert Fowler, Regional Administrator, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Tex. 75235.	(214) 749-7345
VII	Nell Adams, Regional Administrator, Twelve Grand Building, P.O. Box 2208, 112 East 12th St., Kansas City, Mo. 64142.	(816) 374-2061
VIII	Dudley Faver, Regional Administrator, P.O. Box 26247, Belmar Branch, 1075 South Yukon St., Lakewood, Colo. 80226.	(303) 234-2429
IX	William Arntz, Regional Administrator, 111 Pine St., San Francisco, Calif. 94111.	(415) 556-7216
X	Jack Robertson, Regional Administrator, 1992 Federal Building, 915 2d Ave., Seattle, Wash. 98174.	(206) 442-7280

Any questions regarding this notice should be directed to the FEA National Office as follows Federal Energy Administration, Code OCU (Construction Order No. 3), Washington, D.C. 20461.

(Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319), as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974 (Pub. L. 93-275); E. O. 11790 (39 FR 23185).)

Issued in Washington, D.C., December 10, 1975.

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

APPENDIX A

Proposed Findings and Conclusions

ESECA and the FEA regulations require FEA to make certain findings and consider certain factors before issuing a construction order. FEA's initial findings, as well as its initial conclusions with respect to the factors FEA is required to consider, are set out below with respect to each of the powerplants in the early planning process listed below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OCU-156-N	Gulf Power Co.	Robert F. Ellis	1	Caryville, Fla.
OCU-163-N	Central Louisiana Electric Co., Inc.	Rodemacher	2	Near Boyce, La.
OCU-166-N	East Kentucky Power Co-op., Inc.	H. L. Spurlock	2	Maysville, Ky.
OCU-168-N	Indianapolis Power & Light Co.	Petersburg	4	Petersburg, Ind.
OCU-176-N	Power Authority of the State of New York.	MTA fossil plant (Arthur Kill).		Staten Island, N.Y.
OCU-181-N	City of Hastings, Nebr., and city of Grand Island, Nebr.	Great Plains		Doniphan, Nebr.
OCU-183-N	Nebraska Public Power District.	Gerald Gentleman	2	Sutherland, Nebr.
OCU-197-N	Southwestern Public Service Co.	Harrington	3	Amarillo, Tex.
OCU-199-N	Upper Peninsula Power Co.	Dollar Bay		Dollar Bay, Mich.
OCU-201-N	Kentucky Utilities Co.	Ghent	4	Ghent, Ky.
OCU-202-N	Arkansas Power & Light Co.	Arkansas Coal Station	1	Unsited.
OCU-203-N	do.	do.	2	Do.
OCU-205-N	Colorado-Ute Electric Association, Inc.	Craig	3	Craig, Colo.
OCU-206-N	do.	do.	4	Do.
OCU-207-N	New York State Electric & Gas Corp.	Cayuga		Lansing, N.Y.
OCU-208-N	Sunflower Electric Co-op.	1982 coal fired		Unsited.
OCU-211-N	Northern States Power Co.	1985 coal fired		Do.
OCU-216-N	South Carolina Electric & Gas Co.	1984 unit		Do.
OCU-218-N	Southwestern Electric Power Co.	South Hallsville (temporary name).	1	Hallsville, Tex.
OCU-219-N	do.	do.	2	Do.

(1) *Proposed Findings.*

(a) *The powerplant is in the early planning process.* Based on an analysis of the information submitted to or otherwise available to FEA, including the information provided to FEA by the powerplant on FEA Form C-603-S-0 (Identification Report), and information provided by the powerplant in response to subsequent inquiry to assure the continued applicability and currency of such information, FEA proposes to find that the powerplant is in the early planning process. This proposed finding is based on the facts, assumptions and reasoning stated below:

(i) The date by which the powerplant plans to commence the sale or exchange of electric power is not more than 10 years from December 10, 1976, and the driving of the foundation piling, or the equivalent foundation structural event, in accordance with the approval final drawing for the main boiler of the powerplant, has not commenced.

(ii) The powerplant has identified itself as a powerplant in the early planning process by filing with FEA an FEA Form C-603-S-0 in accordance with 10 CFR 307.6(b) and with the notice of the requirement to file such report that was published in the FEDERAL REGISTER on May 22, 1975 (40 FR 22309).

(b) *FEA cannot find that the design and construction of the powerplant with the capability of using coal as its primary energy source is likely to result in an impairment of the reliability or adequacy of service.* Based on an analysis of the information submitted to or otherwise available to FEA, FEA proposes that it cannot find that the requirement that the powerplant be designed and construction to be capable of using coal as its primary energy source is likely to result in an impairment of the reliability or adequacy of service. This proposed conclusion is based on the facts, assumptions and reasoning stated below:

(i) There will not be a delay in the commencement of the sale or exchange of electric power by reason of the FEA requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source, because such capability is already planned. Specifically, the powerplant stated on FEA Form C-603-S-0 that it is being designed and constructed either (1) to burn only coal, or (2) if it is being designed and constructed with multiple fuel design, coal is its anticipated primary fuel.

(ii) The fact that there will not be a delay in the commencement of the sale or exchange of electric power by the powerplant by reason of the FEA requirement means that the dispatching system of which the powerplant will be a part cannot be adversely affected, nor can the Gross Reserve Margin for such system be reduced by reason of this requirement. ("Dispatching system" means the group of powerplants for which there is centralized control of power generation scheduling and transmission planning.)

(iii) Because the powerplant is being designed and contructed to burn coal as its primary energy source, FEA assumes that there will be no derating of the powerplant when using coal as its primary energy source that would impair reliability or adequacy of service.

(c) *FEA cannot find that an adequate and reliable supply of coal is not reasonably expected to be available.* Based on analysis of the information submitted to or otherwise available to FEA, FEA proposes that it cannot find that an adequate and reliable supply of coal is not

reasonably expected to be available. This proposed conclusion is based on the facts, interpretations and reasoning stated below:

(i) It is 40 or more months before the powerplant can realistically plan to commence the sale or exchange of electric power. Since the length of time prior to the planned commencement of the sale or exchange of electric power is 40 or more months, there is a sufficient period of time for the powerplant to obtain an adequate and reliable supply of coal.

(ii) Because the powerplant stated on FEA Form C-603-S-0 that it is being designed and constructed either (1) to burn only coal, or (2) if it is being designed and constructed with multiple fuel design, coal is its anticipated primary fuel, FEA assumes that the powerplant has determined that an adequate and reliable supply of coal will be available at the time the powerplant commences the sale or exchange of electric power.

(2) *Proposed Conclusions Concerning Factors FEA Is Required To Consider.*

(a) *The existence and effects of any contractual commitment for the construction of the powerplant.* The powerplant has not informed FEA, nor is FEA aware, of any contractual commitments for the construction of the powerplant that would be adversely affected by the FEA requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source. Further, because the powerplant has indicated on FEA Form C-603-S-0 that it will be designed and constructed to be capable of using coal as its primary energy source, FEA assumes that the FEA requirement will have no independent effect on any contractual commitments for design or construction of the powerplant. FEA therefore proposes to conclude that the FEA requirement that the powerplant be designed and constructed to be capable of using coal as its primary fuel will not affect any contractual commitment for the design or construction of the powerplant, and that as a result there are no such effects which FEA is required to consider.

(b) *The capability of the powerplant to recover any increase in projected capital investment required as a result of a construction order.* In the response to FEA Form C-603-S-0, the powerplant indicated that it would be designed and constructed to be capable of using coal as its primary fuel. FEA proposes to conclude, therefore, that the FEA requirement that the powerplant be designed and constructed to be capable of burning coal as its primary energy source will not require any increase in projected capital investment. FEA further proposes to conclude that since no increase in projected capital investment is required, FEA is not required to consider the capability of the powerplant to recover any increase.

(c) *The potential loss of revenue resulting from a delay in commencement of the sale or exchange of electric power, if any, as a result of a construction order.* In response to FEA Form C-603-S-0, the powerplant indicated that it would be designed and constructed to be capable of using coal as its primary fuel. FEA proposes to conclude, therefore, that the FEA requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source will not result in a delay in the commencement of the sale or exchange of electric power by such powerplant. FEA further proposes to conclude that because no delay will result, it is not necessary or appropriate for FEA to consider the potential for a significant loss of revenue as a result of delay in the commencement of sale or exchange of electric power.

(d) *The relevant regulations or policies of any State or local agency with jurisdiction over the sale or exchange of electric power by the powerplant.* No relevant regulations or policies of any State or local agency with jurisdiction over the sale or exchange of electric power by the powerplant have been brought to FEA's attention that would affect the powerplant as a result of the FEA requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source, nor is FEA aware of any such regulations or policies. FEA proposes to conclude, therefore, that it is not necessary or appropriate for FEA to consider the effects on the powerplant of such regulations or policies.

[FR Doc.76-36896 Filed 12-10-76;3:47 pm]

INDUSTRIAL ENERGY CONSERVATION

Identification of Corporations Required To File Information Regarding Energy Consumption

The Federal Energy Administration (FEA) hereby gives notice of the identification of corporations pursuant to section 373 (42 U.S.C. 6343) of the Energy Policy and Conservation Act (EPCA) (89 Stat. 871 et seq.). Each corporation has been identified as a corporation which consumes at least one trillion British thermal units (Btu's) of energy per year within the United States in any one of the ten major energy-consuming industries previously identified by FEA and which is among the 50 most energy-consumptive corporations within any one of these industries. Based upon these statutory criteria, some corporations have been identified as among the most energy-consumptive corporations in more than one industry. The identified corporations are listed by industry, in alphabetical order, in the appendix to this notice.

BACKGROUND

Part D of Title III (42 U.S.C. 6341-6346) of the EPCA authorizes FEA, in consultation with the Department of Commerce and the Energy Research and Development Administration, to establish a program to promote increased energy efficiency by American industry and to establish voluntary energy efficiency improvement targets for at least the ten most energy-consumptive major manufacturing industries in the United States.

By notice issued March 20, 1976 (41 FR 12766, March 23, 1976), FEA identified the ten most energy-consuming industries in the United States and established a priority ranking of such industries on the basis of their total annual energy consumption, as required by section 373 (42 U.S.C. 6343) of EPCA. The ranking, grouped by two-digit industries within the Standard Industrial Classification (SIC) manufacturing division, is as follows:

Ranking	Industry	SIC code
1	Chemical and allied products	28
2	Primary metal industries	33
3	Petroleum and coal products	29
4	Stone, clay, and glass products	32
5	Paper and allied products	26
6	Food and kindred products	20
7	Fabricated metal products	34
8	Transportation equipment	37
9	Machinery, except electrical	35
10	Textile mill products	22

Pursuant to a FEDERAL REGISTER notice dated September 1, 1976 (41 FR 36828), any corporation that consumed at least one trillion Btu's of energy, exclusive of energy consumed as feedstocks, within the United States and is within any of the ten previously identified major energy-consuming industries in calendar year 1975, was required to provide certain information to FEA by September 30, 1976. (The deadline for this information subsequently was extended through November 8, 1976 (41 FR 47285, October 28, 1976).) Each corporation was required to provide FEA with the total energy consumed in 1975, according to SIC classification, with the percentage of such energy that was in the form of electricity separately stated.

As provided in section 375(a) of EPCA (42 U.S.C. 6345(a)), each corporation identified is required to report directly to FEA the progress such corporation has made in improving its energy efficiency, unless the corporation has been exempted from the requirement in accordance with section 376(g) of EPCA (42 U.S.C. 6346(g)). (On November 22, 1976 FEA issued criteria that pertain to requests for exemption from the section 375(a) mandatory reporting requirement (41 FR 51866, November 24, 1976).) FEA now is in the final stages of internal review prior to proposing the form to be utilized by identified corporations in making section 375(a) reports and expects to publish the form in the FEDERAL REGISTER for public comment within the next several weeks.

METHODOLOGY

In response to the requirement to provide information on energy consumption appearing in the FEDERAL REGISTER, approximately 832 corporations identified themselves as consuming at least one trillion Btu's of energy within the United States in the calendar year 1975. For industries where the number of respondents exceeded 50, FEA selected the 50 most energy-consuming corporations based on the information provided by the corporations. In instances where FEA's evaluation of the information raised questions about the accuracy or adequacy of the data provided, FEA contacted the corporation or utilized its own resources to resolve any questions. In four of the SIC industries, all corporations using a trillion Btu's or more in 1975 were identified.

The number of corporations identified within each industry and, when more than 50 corporations reported the utilization of one trillion or more Btu's per year, the energy use cutoff for that industry are stated below:

SIC code	Industry	Number of identified corporations	Minimum level 1975 energy use (10^{12} Btu's)
28	Chemical and allied products	50	12.6
33	Primary metal industries	50	6.0
29	Petroleum and coal products	50	5.4
32	Stone, clay, and glass products	50	5.5
26	Paper and allied products	50	3.2
20	Food and kindred products	50	3.7
34	Fabricated metal products	42	1.0
37	Transportation equipment	33	1.0
35	Machinery, except electrical	45	1.0
22	Textile mill products	49	1.0

REQUESTS FOR MODIFICATION AND APPEAL

Except as stated below, any appeal of FEA's determination that a particular corporation consumed at least one trillion Btu's of energy and is among the 50 most energy-consumptive corporations within any of the 10 most energy-consuming industries identified by FEA and the subsequent identification of such corporations by this notice shall be filed with the FEA Office of Exceptions and Appeals, at the address provided in 10 CFR 205.12, on or before January 17, 1977. The procedures applicable for such appeal are those stated in 10 CFR Part 205, Subpart H.

Notwithstanding the preceding paragraph stating the procedures for appeal, a request for the modification of FEA's determination with respect to the identification of a particular corporation on the grounds of clerical or technical error may be filed with FEA in advance of any appeal. Any such request shall be filed on or before November 27, 1976, and FEA shall respond to such request by granting or denying it within 20 days of its receipt by the appropriate office. Such request shall be filed with the Director, Office of Industrial Reporting Programs, Federal Energy Administration, Room 311 Old Post Office Building, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461. (10 CFR 205.131 and 205.134 (a,b) may be used as a guide for the format of such request.)

The request must demonstrate that the corporation identified does not use at least one trillion Btu's per year or that it is not among the 50 most energy-consumptive corporations within any of the 10 most energy-consuming industries identified by FEA. The filing of such a request shall automatically stay, until 30 days after the receipt of an FEA order granting or denying the request for modification, the requirement that any appeal of the determination with respect to the identified corporations be filed within 30 days of publication of this notice. The appeal of any denial of a request for modification shall be filed with FEA's Office of Exceptions and Appeals, at the address provided in 10 CFR 205.12, within 30 days of the issuance of such denial by FEA and shall be joined with any appeal on other grounds of FEA's determination with respect to its identification of a particular corporation. The procedures applicable for such an appeal are those specified in 10 CFR Part 205, Subpart H.

A request for modification of FEA's determination based on a showing of "significantly changed circumstances" may be filed in accordance with 10 CFR Part 205, Subpart J, at any time subsequent to the 30-day period within which a person may file an appeal has lapsed or, if an appeal has been filed, a final order has been issued. Such request shall be filed with the FEA Office of Exceptions and Appeals, at the above-stated address.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 231851.)

Issued in Washington, D.C., December 10, 1976.

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

APPENDIX

SIC 28, CHEMICAL AND ALLIED PRODUCTS

Air Products and Chemicals, Inc.
Akzona, Inc.
Allied Chemical Corp.
Aluminum Company of America
American Can Co.
American Cyanamid Co.
Atlantic Richfield Co.
B. F. Goodrich Co., The
Borden, Inc.
Celanese Corp.
C. F. Industries, Inc.
Cities Service, Co.
Continental Oil Co.
Diamond Shamrock Corp.
Dow Chemical Co.
Eastman Kodak Co.
E. I. du Pont de Nemours and Co., Inc.
El Paso Co.
Ethyl Corp.
Exxon Corp.
Farmland Industries, Inc.
Firestone Tire and Rubber Co.
FMC Corp.
Gulf Oil Corp.
Hercules Inc.
International Minerals and Chemical Corp.
J. M. Huber Corp.
Kaiser Aluminum and Chemical Corp.
Kerr-McKee Corp.
Luchem Corp.
Merck & Co., Inc.
Mississippi Chemical Corp.
Monsanto Co.
National Distillers and Chemical Corp.
Occidental Petroleum Corp.
Olin Corp.
PPG Industries, Inc.
Pennwalt Corp.
Phillips Petroleum Co.
Rohm and Haas Co.
Shell Oil Co.
Standard Oil Co. (Indiana)
Standard Oil Co. (Ohio)
Stauffer Chemical Co.
Tenneco, Inc.
Texaco, Inc.
Union Carbide Corp.
Union Oil Company of Calif.
W. R. Grace & Co.
Williams Companies, The

SIC 33, PRIMARY METAL INDUSTRIES

Alan Wood Steel Co.
Allegheny Ludlum Industries, Inc.
Aluminum Company of America
Amax Inc.
Anaconda Co., The
Armco Steel Corp.
ASARCO Inc.
Babcock & Wilcox Co., The
Bethlehem Steel Corp.
Colt Industries Inc.
Consolidated Aluminum Corp.
Crane Co.
Cyclops Corp.
Dow Chemical Co.
Ford Motor Co.
General Motors Corp.
Georgetown Steel Corp.
Gulf & Western Industries, Inc.
Inland Steel Co.
Interlake Inc.
International Harvester Co.
Jim Walter Corp.
Kaiser Aluminum & Chemical Corp.
Kaiser Steel Corp.
Kennecott Copper Corp.
Laclede Steel Co.
LTV Corp., The
Lukens Steel Co.
Lykes Corp.
Martin Marietta Corp.
McLouth Steel Corp.
National Steel Corp.
Newmont Mining Corp.
NL Industries, Inc.
Northwest Industries
Northwestern Steel & Wire Co.
NVF Corp.
Ohio Ferro-Alloys Corp.
Ormet Corp.
Pechiney Ugine Kuhlmann Corp.
Phelps Dodge Corp.
Republic Steel Corp.
Reynolds Metals Co.
Revere Copper & Brass Inc.
St. Joe Minerals Corp.
Shenango, Inc.
Timken Co.
Union Carbide Corp.
United States Steel Corp.
Wheeling Pittsburgh Steel Corp.

SIC 29, PETROLEUM AND COAL PRODUCTS

Allied Chemical Corp.
Amerada Hess Corp.
American Petrofina, Inc.
APCO Oil Corp.
Ashland Oil, Inc.
Atlantic Richfield Co.
Charter Oil Co.
Cities Service Co.
Clark Oil & Refining Corp.
Coastal States Gas Corp.
Commonwealth Oil Refining Co., Inc.
Continental Oil Co.
Crown Central Petroleum Corp.
Diamond Shamrock Corp.
Earth Resources Co.
Esmark, Inc.
EXXON Corp.
Farmers Union Central Exchange, Inc.
Farmland Industries, Inc.
Getty Oil Co.
Gulf Oil Corp.
Husky Oil Co.
Jim Walter Corp.
Kerr-McGee Corp.
Koch Industries, Inc.
La Gloria Oil & Gas Co.
Lion Oil Co.
Marathon Oil Co.
Mobil Oil Corp.
Murphy Oil Corp.
National Cooperative Refinery Association
Pennzoil Co.
Phillips Petroleum Co.
Placid Oil Co.
Quaker State Oil Refining Corp.
Rock Island Refining Corp.
Shell Oil Co.
Sinclair Oil Corp.
Standard Oil Co. of Calif.
Standard Oil Co. (Indiana)
Standard Oil Co. (Ohio)
Sun Co.
Tenneco, Inc.
Tesoro Petroleum Corp.
Texaco, Inc.
Texas City Refining, Inc.
Texas Oil & Gas Corp.
Total Leonard, Inc.
Union Oil Company of California
Union Pacific Corp.

SIC 32, STONE, CLAY AND GLASS PRODUCTS

Alpha Portland Industries, Inc.
Amcord, Inc.
Anchor Hocking Corp.
Ash Grove Cement Co.
Brockway Glass Co., Inc.
California Portland Cement Co.
Citadel Cement Corp.
Combustion Engineering, Inc.
Corning Glass Works
Dart Industries, Inc.
Dresser Industries, Inc.
Dundee Cement Co.
Englehard Minerals and Chemical Corp.
Flintkote Co., The
Ford Motor Co.
General Dynamics Corp.
General Portland, Inc.
General Refractories Co.
Gifford-Hill & Co., Inc.
Gulf & Western Industries, Inc.
Ideal Basic Industries, Inc.

SIC 32, STONE, CLAY AND GLASS PRODUCTS—CON.

Indian Head, Inc.
Interpace Corp.
Jim Walter Corp.
Johns-Manville Sales Corp.
Kaiser Aluminum and Chemical Corp.
Kaiser Cement and Gypsum Corp.
Kerr Glass Manufacturing Corp.
Lehigh Portland Cement Co.
Libby-Owens-Ford Co.
Lone Star Industries, Inc.
Louisville Cement Co.
Martin Marietta Corp.
Medusa Corp.
Midland Glass Co., Inc.
Mississippi Lime Co.
Missouri Pacific Corp.
Missouri Portland Cement Co.
National Gypsum Co.
Newmont Mining Corp.
Norton Simon, Inc.
Owens-Corning Fiberglass Corp.
Owens-Illinois, Inc.
Penn Dixie Industries, Inc.
Philtrol Corp.
PPG Industries, Inc.
Southdown, Inc.
Texas Industries, Inc.
United States Gypsum Co.
United States Steel Corp.

SIC 26, PAPER AND ALLIED PRODUCTS

Abitibi Paper Co.
Alton Box Board Co.
American Can Co.
Boise Cascade Corp.
Bowater Inc.
Champion International Corp.
Chesapeake Corp. of Virginia, The
Consolidated Papers, Inc.
Continental Group, Inc., The
Crown Zellerbach Corp.
Federal Paper Board Co., Inc.
Fibreboard Corp.
Flintkote Co., The
Fort Howard Paper Co.
Garden State Paper Co., Inc.
Georgia Pacific Corp.
Great Northern Nekoosa Corp.
Green Bay Packaging, Inc.
Gulf & Western Industries, Inc.
Gulf States Paper Corp.
Hammermill Paper Co.
Hoerner Waldorf Corp.
Hudson Pulp and Paper Corp.
Inland Container Corp.
International Paper Co.
International Telephone and Telegraph Co.
Kimberly-Clark Corp.
Longview Fibre Co.
MacMillan Bloedel Inc.
Mead Corp., The
Mobil Oil Corp.
Olinkraft, Inc.
Owens-Illinois, Inc.
Pineville Kraft Corp.
Potlatch Corp.
Proctor and Gamble Co., The
St. Joe Paper Co.
St. Regis Paper Co.
Scott Paper Co.
Sonoco Products Co.
Southland Paper Mills, Inc.
Southwest Forest Industries, Inc.
Time Inc.
Times-Mirror Co.
Tenneco Inc.
Union Camp Corp.
United States Gypsum Co.
Westvaco Corp.
Weyerhaeuser Co.
Willamette Industries, Inc.

SIC 20, FOOD AND KINDRED PRODUCTS

Adolph Coors Co.
A. E. Staley Manufacturing Co.
Amalgamated Sugar Co., The
American Crystal Sugar Co.

SIC, 20, FOOD AND KINDRED PRODUCTS—CON.

American Maize-Products Co.
AMFAC, Inc.
Amstar Corp.
Anderson Clayton, Inc.
Anheuser-Busch Inc.
Archer-Daniels-Midland Co.
Beatrice Foods Co.
Borden, Inc.
California and Hawaiian Sugar Co
Campbell Soup Co.
Cargill, Inc.
Carnation Co.
Central Soya Co., Inc.
Coca Cola Co., The
Consolidated Foods Corp.
Continental Grain Co.
CPC International, Inc.
Del Monte Corp.
Esmark, Inc.
Foremost-McKesson, Inc.
General Foods Corp.
General Mills, Inc.
Grain Processing Corp.
Great Western United Corp., The
Greyhound, Corp., The
H. J. Heinz Co.
Holly Sugar Corp.
International Telephone and Telegraph Co.
IU International Corp.
Jos. Schlitz Brewing Co.
Kellogg Co.
Kraft, Inc.
Land O' Lakes, Inc.
LTV Corp., The
Nabisco, Inc.
Nestle Co., Inc., The
Norton Simon, Inc.
Oscar Mayer and Co., Inc.
Pabst Brewing Co.
Pepsico, Inc.
Procter and Gamble Co., The
Ralston Purina Co.
Standard Brands, Inc.
Stokely-Van Camp, Inc.
U and I, Inc.
Univar Corp.

SIC 34, FABRICATED METAL PRODUCTS

Allegheny Ludlum Industries, Inc.
Aluminum Company of America
American Can Co.
American Standard Inc.
Amsted Industries Inc.
Babcock & Wilcox Co., The
Beatrice Foods Co.
Budd Co., The
Cameron Irons Works, Inc.
Canton Drop Forging & Manufacturing Co.
Chrysler Corp.
Combustion Engineering, Inc.
Continental Group, Inc., The
Crown Cork & Seal Co., Inc.
E. I. du Pont de Nemours Co., Inc.
Ethyl Corp.
Ford Motor Co.
General Motors Corp.
Gulf & Western Industries, Inc.
Harsco Corp.
International Telephone and Telegraph Corp.
Kaiser Aluminum & Chemical Corp.
Kohler Co.
Ladish Co.
Martin Marietta Corp.
Mason & Hanger-Silas Mason Co., Inc.
National Can Corp.
NL Industries Inc.
Olin Corp.
Pechiney Ugine Kuhlmann Corp.
Pittsburgh Forgings Co.
Questor Corp.
Reynolds Metals Co.
Rockwell International Corp.
Russell, Burdsall & Ward Inc.
Southwire Co.
Stanley Works, The
TRW Inc.
Textron Inc.
United States Steel Corp.
Wallace Murray Corp.
Wyman-Gordon Co.

SIC 37, TRANSPORTATION EQUIPMENT

American Motors Corp.
AMF Inc.
A. O. Smith Corp.
AVCO Corp.
Bendix Corp., The
Bethelehem Steel Corp.
Boeing Co., The
Borg-Warner Corp.
Budd Co., The
Chrysler Corp.
Clark Equipment Co.
Curtiss-Wright Corp.
Dana Corp.
Dayton-Walther Corp.
Eaton Corp.
Ford Motor Co.
Fruehauf Corp.
General American Transportation Corp. (GATX)
General Dynamics Corp.
General Electric Co.

SIC 37, TRANSPORTATION EQUIPMENT—CON.

General Motors Corp.
Goodyear Tire & Rubber Co., The
Grumman Aerospace Corp.
Hercules, Inc.
International Harvester Co.
Lockheed Aircraft Corp.
LTV Corp., The
Martin Marietta Corp.
McDonnell Douglas Corp.
Northrop Corp.
Rockwell International Corp.
Rohr Industries, Inc.
Signal Companies, The
Teledyne, Inc.
Tenneco, Inc.
Textron, Inc.
TRW, Inc.
United Technologies Corp.

SIC 35, MACHINERY, EXCEPT ELECTRICAL

Allis Chalmers Corp.
Beatrice Foods Co.
Beloit Corp.
Borg-Warner Corp.
Briggs and Stratton Corp.
Bucyrus-Erie Co.
Carrier Corp.
Caterpillar Tractor Co.
Chrysler Corp.
Clark Equipment Co.
Colt Industries Inc.
Control Data Corp.
Cooper Industries, Inc.
Cummins Engine Co., Inc.
Dana Corp.
Deere & Co.
Dresser Industries, Inc.
Eaton Corp.
Emhart Corp.
Federal-Mogul Corp.
Fiat-Allis, Inc.
Ford Motor Co.
FMC Corp.
Gardner Denver Co.
General Electric Co.
General Motors Corp.
Harnischfeger Corp.
Hughes Tool Co.
Ingersoll-Rand Co.
International Business Machines Corp.
International Harvester Co.
Joy Manufacturing Co.
Massey-Ferguson, Inc.
NCR Corp.
Outboard Marine Corp.
Rexnord, Inc.
Rockwell International Corp.
SKF Industries, Inc.
Sperry Rand Corp.
Teledyne, Inc.
Tenneco, Inc.
Textron, Inc.
Trane Co., The
TRW, Inc.
Westinghouse Electric Corp.

SIC 22, TEXTILE MILL PRODUCTS

Abney Mills
Allied Products Corp.
American Hoechst Corp.
American Thread Co.
Amoco Fabrics Co.
Armstrong Cork Co.
Avondale Mills
Bemis Co., Inc.
Bibb Co., The
Borden, Inc.
Burlington Industries, Inc.
Cannon Mills Co.
Coats & Clark, Inc.
Colgate-Palmolive Co.
Collins and Aikman Corp.
Cone Mills Corp.
Cranston Print Works Co.
Crompton Co., Inc.
Dan River, Inc.
Dixie Yarns, Inc.
E. T. Barwick Industries, Inc.
Fieldcrest Mills, Inc.
Goodyear Tire & Rubber Co., The
Graniteville Co.
Greenwood Mills Inc.
Gulf & Western Industries, Inc.
Hanes Corp.
Johnson and Johnson
J. P. Stevens and Co., Inc.
Lowenstein, M. and Sons, Inc.
Martin Processing, Inc.
Milliken and Co.
Mohasco Corp.
Monsanto Co.
Northwest Industries, Inc.
Reeves Brothers, Inc.
Riegel Textile Corp.
Russell Corp.
Salem Carpet Mills, Inc.
Shaw Industries, Inc.
Spartan Mills
Sperry and Hutchinson Co.
Springs Mills, Inc.
Standard-Coosa-Thatcher Co.
Texfi Industries, Inc.
Textile-Incorporated
Thomaston Mills
United Merchants and Manufacturers, Inc.
West Point-Pepperell, Inc.

[FR Doc. 76-36920 Filed 12-10-76; 4:55 pm]

BOSTON GAS CO.

Public Hearing and Opportunity to Submit Written Comments on Petition for Assignment of Synthetic Natural Gas Feedstocks

The Federal Energy Administration (FEA) hereby gives notice that written comments will be received and a public hearing will be held regarding the July 12, 1976, petition of Boston Gas Company (Boston Gas) a synthetic natural gas (SNG) manufacturer, for the assignment of a supplier and base period volume of propane to be utilized as SNG feedstock. The application was filed pursuant to 10 CFR 205.30 *et seq.* and 10 CFR 211.29, and Special Rule No. 1, issued thereunder, and in accordance with an FEA Decision and Order dated May 27, 1976.

The volume of SNG feedstock requested in the petition is 62,329,970 gallons (1,484,047 barrels) of propane per year commencing January 1, 1977.

The proposed suppliers and corresponding volumes requested are: Petrolane-Northeast Gas Service, Inc. (5,129,648 gallons); Country Gas Distributors, Inc. (1,295,863 gallons); Commonwealth Oil Refining Co., Inc. (2,606,118 gallons); C. M. Dining, Inc. (899,907 gallons); Enterprise Products Co. (298,434 gallons); and Exxon Company, U.S.A. (52,100,000 gallons.)

Boston Gas is currently producing SNG from an allocation of propane assigned to Boston Gas by an FEO Region I Decision and Order dated March 8, 1974 which granted an exception to Boston Gas. The March 8, 1974 Decision and Order was rescinded by FEA on May 27, 1976, effective as of January 1, 1977. Pursuant to the May 27, 1976 Decision and Order, Boston Gas was provided with an opportunity to file an application for assignment of SNG feedstocks under § 211.29. On November 16, 1976, to allow the July 12, 1976 petition to be fully considered, FEA changed the effective date of the rescission of the March 8, 1974 Decision and Order to January 31, 1977.

The July 12, 1976, petition, which is currently being reviewed under criteria established in 10 CFR 211.29, if granted, would allow Boston Gas to continue operation of its Everett, Massachusetts, SNG facility after January 31, 1977, at the same level and in a manner consistent with the March 8, 1974, exception, i.e., for 180 days per year of peak shaving service.

A file containing all information and data filed in conjunction with Boston Gas's petition, other than confidential information which FEA has determined to be exempt from the disclosure requirements of 5 U.S.C. 552, is available for public inspection and copying at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Written comments regarding the Boston Gas petition will be accepted and considered if filed by January 7, 1977. Any person submitting written comments with respect to the Boston Gas petition should comply with the requirements of the FEA procedural regulations set forth at 10 CFR 205.33. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Federal Energy Administration, Room 6318, 2000 M Street, NW., Washington, D.C. 20461, Attention Mr. Finn Neilsen. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation "Allocation of Feedstock for Boston Gas SNG Plant." Five copies should be submitted to FEA and one copy to Boston Gas Company, 155 McBride Street, Jamaica Plain, Mass. 02130, Attention: Mr. Richard A. Bleakney.

FEA believes that factual disputes between interested parties respecting this petition are likely and that a public hearing on this petition will materially advance consideration of the issues involved. Therefore, a public hearing on Boston Gas's petition will be held beginning at 9:30 a.m. e.s.t., on January 10, 1977, in the Auditorium, Room 2105, 2000 M Street, N.W., Washington, D.C., to receive comments from interested persons.

Any person who has an interest in the petition set forth above or who is a representative of a group or class of persons which has an interest in the petition, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., January 4, 1977. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give concise summary of the proposed oral presentation and a phone number where he or she may be reached through January 6, 1977. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.s.t., January 6, 1977, and must submit 50 copies of his or her statement to Allocation Regulations Development Office, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461 before 4:30 p.m., e.s.t., on January 7, 1977.

The FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, before 4:30 p.m., e.s.t., January 7, 1977. Any person who makes an oral statement and who wishes to ask a question at the hearing to another person making an oral statement may submit the question in writing to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

It is expected that the public hearing will initiate requests by the hearing panel for certain factual information and data which will not be immediately available for inclusion in the hearing record. Consequently, the hearing record will remain open to receive such information until January 21, 1977, after which the hearing record will be closed.

Additional public comment on all written and oral presentations received by January 21, 1977, will be permitted through January 28, 1977. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Room 6318, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn Neilsen. Persons submitting comments during this additional period must send five copies to FEA and one copy each to Boston Gas and to all persons who participated in the public hearings or who submitted written comments prior to the hearing. A list of such persons will be made available for public viewing on January 11, 1977, at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The transcript of the public hearing will be available for public review at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 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.

MICHAEL F. BUTLER,
General Counsel.

DECEMBER 13, 1976.

[FR Doc.76-37036 Filed 12-13-76;4:03 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of October 18 through October 22, 1976

Notice is hereby given that during the week of October 18 through October 22, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exceptions or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

C. H. Sprague & Son Co.; Boston, Mass.; FEA-0966; Freedom of Information

C. H. Sprague & Son Company (Sprague) filed an Appeal from an Order which had been issued to it by the FEA Information Access Officer. In that determination a Request for Information which Sprague had filed under the Freedom of Information Act, 5 U.S.C. 552 was denied in part. Sprague contended in its present Appeal that it was erroneous for the Information Access Officer to have denied release of thirteen FEA documents which discuss the interpretation or application of Sections 212.93(b) and 212.93(e) of the FEA Mandatory Petroleum Price Regulations. In considering the Appeal, the FEA determined that each of the thirteen documents withheld by the Information Access Officer were predecisional memoranda or drafts which reflect the agency's group thinking in formulating its policy. The FEA concluded that these documents were therefore properly withheld from public disclosure pursuant to 5 U.S.C. 552(b)(5) and this portion of Sprague's Appeal was denied. However, the FEA also concluded that other documents which properly fall within the scope of Sprague's Request for Information exist within the Office of Compliance and were not reviewed by the Information Access Officer. The FEA therefore remanded this portion of the Sprague Appeal and directed that an immediate review of these documents be conducted to determine which are releasable.

General Crude Oil Co., Houston, Tex., FEA-0855; Crude Oil

General Crude Oil Company (General Crude) appealed from a Remedial Order in which the FEA determined that the firm had been selling crude oil to Armour Oil Company (Armour) at prices which exceeded the maximum price levels specified in 6 CFR 150.354 and 10 CFR 212.73 and 212.74. The crude oil involved in the proceeding had been produced from the Banning Lease of which General Crude owns one-half of the working interest. In the Remedial Order the FEA held that General Crude had been improperly determining its sale price for the crude oil which it produced from the Banning Lease by reference to the provisions of the FEA Price Regulations which apply to refiners rather than those which apply to producers of crude oil. According to the findings reached in the Remedial Order, General Crude had improperly characterized the crude oil which it sold as "residual fuel oil" in order to obtain a higher price than it would have received from the sale of "crude oil". In considering General Crude's Appeal, the FEA noted that in a prior proceeding involving the owner of the remaining one-half of the working interest in the Banning Lease it was determined that the operation of the lease constituted a production activity which yielded crude oil, and that this decision constituted binding precedent in the present proceeding. *See G. E. Kadane and Sons,* 3 FEA Par. 80,516 (December 5, 1975). The FEA further determined that even if it is assumed that the product sold by General Crude meets the technical specifications of residual fuel oil as well as crude oil, General Crude is nevertheless essentially engaged in the recovery of crude oil from underground reservoirs. The FEA found that although the chemical composition of the substance concerned is altered somewhat as a result of the "in situ" combustion process through which it is recovered from the lease, that technique does not constitute a refining process but is merely the manner in which the firm extracts the substance from the property. The FEA also determined that the incidental and relatively insubstantial filtration and blending processes to which General Crude subjects the substance after it is recovered do not constitute the refining of residual fuel oil. In considering General Crude's further contentions, the FEA made the following findings: (i) the Remedial Order properly held General Crude responsible for refunding overcharges related to sales of the royalty owners' shares of production from the Banning Lease; (ii) the proceedings which led to the issuance of the Remedial Order did not violate General Crude's right to due process; (iii) the FEA has the authority to require General Crude to pay interest on the refunds which it is required to make the marketplace; and (iv) the determination reached in the Remedial Order did not constitute rulemaking. The determination reached in the Remedial Order that General Crude had charged prices in excess of maximum price levels was therefore upheld. The FEA further concluded, however, that the record did not contain substantial evidence to support the conclusion that General Crude's actions constituted the type of practices which are prohibited by 10 CFR 210.62(c). The FEA therefore rescinded those portions of the Remedial Order which found that General Crude had violated Section 210.62(c).

Gibbs, Roper, Loots & Williams; Milwaukee, Wis.; FEA-0609; Freedom of Information

The law firm of Gibbs, Roper, Loots & Williams (Gibbs, Roper) appealed from an Order denying in part a request, which it had filed under the Freedom of Information Act (the Act) seeking the production of all records relating to FEA Region V's audit policy concerning "netting" during the period prior to July 28, 1975. Although the FEA Information Access Officer released 53 pages of documents which were responsive to Gibbs, Roper's request, four documents or portions of documents were withheld on the grounds that they were intra-agency memoranda which were exempt from mandatory public disclosure under Section 552(b)(5) of the Act. In the Decision which was issued with respect to the Gibbs, Roper Appeal, the FEA determined that two of the four documents were properly withheld under Section 552(b)(5). This portion of the Appeal was therefore denied. The FEA also determined however that the two remaining documents which were withheld should have been released to Gibbs, Roper pursuant to 10 CFR 202.1. That provision requires the FEA to release documents to the public which are exempt from mandatory public disclosure under the Act if withholding the material would not be in the public interest. In this case, although portions of the two documents were arguably exempt from mandatory disclosure under Section 552(b)(5), the documents contain no sensitive, pre-decisional opinions or discussions of options for decision. In addition, a portion of one of the documents contains a statement of Region V policy which was in effect at that time and other portions of that document contain information which has been released in another form. Under these circumstances, no public interest would be served by withholding these materials, and copies of these documents were made available to the firm.

Hunt Oil Co.; Dallas Tex.; FEA-1007; Crude Oil

Hunt Oil Company filed an Appeal from the October Entitlements Notice which, if granted, would permit the firm to sell 48,472 additional entitlements. In August 1976, Hunt filed an amended entitlements report which resulted in certain retroactive adjustments to the firm's crude oil receipts and runs to stills. In preparing the October Notice, the FEA determined that after these adjustments for the prior periods were made, the number of entitlements which Hunt was permitted to sell in October should be reduced by 48,472. In considering Hunt's Appeal, the FEA found that the retroactive adjustments which were made related to February and March of 1976, periods when the small refiner exemption contained in Section 403(a) of the Energy Policy and Conservation Act was in effect. In accord with precedents established in *Kern County Refinery, Inc.,* 4 FEA Par. 80,533 (September 10, 1976) and *Newhall Refining Company, Inc.,* 4 FEA Par. 80,542 (September 24, 1976), the FEA concluded that Hunt's entitlement obligations should not have been increased on the basis of adjustments to crude oil receipts and runs to stills during a period when the small refiner exemption was in effect, and the firm's Appeal was therefore granted.

Petroleum Management, Inc., Wichita, Kans.; FEA-0912, Crude Oil

Petroleum Management, Inc. (PMI) appealed from a Decision and Order which had been issued to it by the FEA. *Petroleum Management, Inc.,* 3 FEA Par. 83,259 (June 29, 1976). In the prior determination the FEA denied an Application for Exception which PMI filed from the provisions of 10 CFR, Part 212, Subpart D. The PMI request, if granted, would have permitted the firm to increase the price of certain crude oil produced from the Kuhn Lease during February and May of 1975. The exception request was based upon the firm's contention that if the crude oil which was produced from the Kuhn Lease in February and May of 1975 had been sold during the months in which it had been produced, 278 barrels of crude oil sold at old oil prices during February and May could lawfully have been sold at exempt prices. In analyzing PMI's Appeal, the FEA determined that, contrary to PMI's contention the firm had not made any showing that the FEA had erred in finding that the crude oil in question was not marketable during February and May because it contained too much water and basic sediment. The FEA also found that

despite its significant expenditures to increase the capacity of the Kuhn Lease, PMI had failed to demonstrate that it had been uniquely or disproportionately affected by FEA regulatory requirements. PMI itself had indicated that the type of delay which it had experienced in the sale of the crude oil which it produced in February and May of 1975 is not uncommon. The FEA therefore concluded that PMI had failed to establish that the June 29, 1976 Decision was erroneous in fact or law, or was arbitrary or capricious, and the firm's Appeal was accordingly denied.

Supreme Petroleum Co. of New Jersey, Inc.; Petroleum International Associates, Inc.; Washington, D.C., FEA–0933, FEA–0932, Covered Petroleum Products

Supreme Petroleum Company of New Jersey, Inc. (Supreme) and Petroleum International Associates, Inc. (PIA) appealed from an Interpretation issued to them by the Regional Counsel of FEA Region II on July 19, 1976. In that Interpretation, the Regional Counsel concluded that when Supreme and PIA tok title in the course of a transfer of covered petroleum products, the firms acted as resellers or retailers subject to Section 212.93 of the FEA Mandatory Petroleum Price Regulations. The Appeals, if granted, would result in the issuance of an Order rescinding the Interpretation and concluding that the status of Supreme and PIA under the FEA Regulations and predecessor regulations would depend on the primary nature of each firm's activities with respect to each transaction involving covered products. In the Decision which it issued with respect to the Appeal, the FEA stated that the precedent established in *International Trading and Transport, Ltd.*, 3 FEA Par. 87,031 (July 9, 1976), governed the case and that passage of title alone was sufficient to result in the determination that a firm fell within the scope of the definition of the term "reseller" or "retailer" as specified in Section 212.31 of the FEA Price Regulations. The FEA also determined that two Price Commission Rulings upon which the firms relied in their Appeals were inapplicable because of the substantial difference between the authority and objectives of the Price Commission and the FEA. Consequently, the Appeals were denied.

Union Oil Company *of Calif.*; Los Angeles, *Calif.*; FEA–0907; *Refined Petroleum Products*

Union Oil Company of California (Union) appealed from a Remedial Order which had been issued to it by FEA Region IX. In the Remedial Order, Union was required to reinstate the credit arrangements which it had maintained on May 15, 1973, and thereby accept American Express, Carte Blanche, and Diner's Club credit card sales invoices as payment for gasoline or other covered products sold by Union dealers; Union was also required to refund 66.6 percent of the costs which individual Union resellers and dealers incurred in negotiating individual arrangements with the credit card companies subsequent to June 30, 1974, the date on which Union refused to accept the invoices. In its Appeal, Union contended that the provisions of 10 CFR 210.62(a) do not apply to its practice of accepting credit card sales invoices as payment for covered products because the only cerdit relationship which previously existed was between the credit card companies and the ultimate consumer. In considering the Union Appeal, the FEA found that the facts presented were virtually identical to those involved in a previous case. *Atlantic Richfield Company*, 3 FEA Par. 80,522 (December 12, 1975). In that Decision, the FEA held that the provisions of Section 210.62 were directly applicable to arrangements under which credit was extended by the firm to its customers. The FEA therefore determined that Union's termination of previous credit arrangements constitutes the type of change in business practice to which Section 210.62 was specifically directed. The FEA further held that contrary to Union's contention that the termination of its credit card arrangements did not impose any hardship upon Union resellers, dealers, and customers, a substantial number of customers had used the credit cards involved and were affected by Union's actions. Moreover, with respect to Union's claim that the Remedial Order should be rescinded as a result of a recent United States District Court Decision which held that the FEA does not have regulatory authority over the credit terms imposed in sales of covered petroleum products, the FEA noted that the holding had been stayed by the Temporary Emergency Court of Appeals and the FEA vigorously asserts that the Decision which the District Court reached is erroneous. Based on these considerations, the FEA denied the Appeal in the form submitted. However, the FEA found there was some merit to Union's contention that the terms of the Remedial Order fail to provide the firm with the contractual bargaining flexibility necessary to implement the prospective provisions of the Order. The FEA therefore remanded this portion of the Remedial Order to Region IX with a direction to provide Union with the option of complying with the Remedial Order on a prospective basis either by reinstating its terminated credit card programs or by reducing the selling prices which it currently charges for covered products to reflect the cost savings which resulted from the discontinued credit card arrangements.

Upham Oil and Gas Co., Chico, Tex., FEA–0853; Natural Gas Liquid Products

Upham Oil and Gas Company (Upham) appealed from a Decision and Order which the FEA issued to it on May 12, 1976. *Upham Oil and Gas Co.*, 3 FEA Par. 83,189 (May 12, 1976). In the previous Decision, the FEA granted exception relief which permitted Upham to reflect in the selling prices of its products non-product cost increases which the firm had incurred amounting to $.0194 per gallon above the levels set forth in 10 CFR 212.165. However, the FEA denied the firm's request that it be permitted to increase prices to reflect an additional $.0563 per gallon for certain non-product cost increases which Upham claimed that it had incurred. The present Appeal, if granted, would permit Upham to recover the additional cost increases which had been disallowed. In considering the Upham Appeal, the FEA found that the May 12 Decision and Order had erred in disallowing cost increases which the FEA had construed to be attributable to several expense categories including depreciation and wages and salaries. The FEA concluded that these cost increases represented necessary expenditures in operating the firm's natural gas processing plant and that their disallowance was inconsistent with FEA decisions in prior cases. Accordingly, the FEA granted Upham's Appeal and permitted the firm to increase its prices in order to recover an additional $.0473 of non-product cost increases which had been improperly disallowed in the May 12 Decision and Order.

REQUESTS FOR EXCEPTION

Bryant Oil Co., Huntington Park, Calif.; FEE–2905; Motor Gasoline

Bryant Oil Company (Bryant) filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would have resulted in the issuance of FEA orders (1) assigning Bryant a new supplier of motor gasoline to replace its base period suppliers, and (ii) directing the new supplier to furnish Bryant with its base period use of motor gasoline. In considering the exception request, the FEA determined that Bryant had failed to make any showing that the financial difficulties which it was experiencing were a direct result of the price which the firm pays Lion or Barnes & Rogers for motor gasoline. The copies of independent price surveys which both Bryant and Lion submitted in order to show comparative wholesale rack prices of gasoline in the Los Angeles, California area on specified recent dates indicated that Lion's price for motor gasoline was approximately equal to, or somewhat less than, the average price at which Lion's competitors sell product to their customers. In addition, Bryant's purchases of surplus gasoline from Lion in a recent month when demand for motor gasoline in the entire state of California was apparently depressed provided a further indication that the price which Lion charges for motor gasoline is within the competitive range in the Bryant marketing area. With respect to its request that Barnes & Rogers be replaced by a new supplier, Bryant made no showing that the price it pays Barnes & Rogers for gasoline is uncompetitive, or that the markup which the firm applies to its sales of that product has declined by any significant amount from the levels which the firm applied in historic periods. The exception request was therefore denied.

Central Petroleum Corp.; Bronx, N.Y.; FEE–2710; Residual Fuel Oil

Central Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR 211.67(a)(3). Central's request, if granted, would result in the issuance of entitlements to the firm for 148,391 barrels of residual fuel oil which it purchased from the Howard Oil Company, Inc. during the month of February 1976. Central based its exception request on the fact that under the provisions of the Entitlements Program which were in effect from November 1974 through February 1975, it would have been eligible to receive entitlements for these purchases, since at that time entitlements were issued to the owners of the residual fuel oil at the first place of storage. In considering the exception request, the FEA held that Central is not entitled to exception relief merely because the FEA changed the manner in which entitlements are issued for residual fuel oil imported into the East Coast market. The further findings were made that Central failed to demonstrate that it was disproportionately affected by the present Entitlements Program or that relief is necessary to effectuate any statutory or regulatory objective of the Entitlements Program. In addition, Central had not responded to the FEA's request that it provide documentary evidence in support of its contention that it is experiencing a serious financial hardship. Accordingly, the FEA determined that the record does not contain evidence which could lead to the conclusion that the firm is being adversely affected as a result of the FEA regulatory program, and Central's exception request was denied.

Exchange Oil & Gas Corp.; New Orleans, LA.; FEE–2947; Crude Oil

Exchange Oil and Gas Corporation (Exchange) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of the exception relief previously granted to Exchange and would permit Exchange to continue to sell a certain portion of the crude oil produced from 33 wells on the Golden Meadow Field, Lafourche Parish, Louisiana, at upper tier ceiling

prices. *Exchange Oil and Gas Corporation*, 3 FEA Par. 83,162 (April 9, 1976). In considering the exception application, the FEA found that the Golden Meadow Field wells were still incurring increased operating costs and the working interests would as a result lack the incentive to continue to produce crude oil from the property at the lower tier ceiling price. In view of this situation and on the basis of the operating data presented for the wells for January through June 1976, the FEA continued that an extension of exception should be granted. Accordingly, the working interest owners were permitted to sell 41.77 percent of the crude oil produced from the 22 wells on the Golden Meadow Field at upper tier ceiling prices in order to recover the increased operating costs which were being experienced.

Flying Diamond Oil Corp.; Washington, D.C.; FEE–2238; Crude Oil

The Flying Diamond Oil Corporation filed an Application for Exception from 10 CFR, Part 212, Subpart D which, if granted, would result in the issuance of an Order relieving the firm of any requirement that it recalculate the quantities of old and new crude oil which it produced during prior periods from the Altamont-Bluebell Field in Utah. The firm would also be permitted to calculate its production of old and new crude oil in future periods as if all of its interests in the Field were a single producing property. In its application, Flying Diamond contended that the extensive overlapping of leases and the 640 acre sections which resulted from a State spacing requirement for wells in the Field made it virtually impossible for the firm to determine its crude oil production levels separately for each lease as required by the definition of the term "property" in the FEA Regulations. In considering the Application, the FEA found that since June 1975, Flying Diamond had calculated its production of old and new crude oil by using a well or unit method of measurement which the FEA has recognized as proper under a recent clarification of the definition of the term "property." It was therefore determined that exception relief was not necessary for the period after June 1, 1975. With respect to the prior period, the FEA determined that: (i) the method of calculating production which Flying Diamond employed during this period clearly violated FEA Regulations because the firm aggregated the production of all of its interests in the Field in calculating quantities of old and new crude oil instead of computing production separately for each producing property; (ii) although the firm alleged that it had sought a determination from the FEA in 1974 with regard to the application of the term "property," it failed to present any evidence to show that it had received or relied on incorrect advice from the FEA; (iii) the possible existence of noncompliance with FEA Regulations by other producers in the Field does not justify Flying Diamond's violation or provide a basis for granting exception relief, since the approval of relief of this nature would effectively alter the general definition of the term "property" for all crude oil producers; and (iv) contrary to Flying Diamond's contention, the financial data which it presented failed to demonstrate that it would incur a serious hardship if it were required to recalculate its production levels in accordance with the FEA's definition of "property." With respect to Flying Diamond's request for prospective exception relief, the FEA found that because the firm's submission was filed prior to recent regulatory changes, it did not sufficiently address the issue of whether the firm will incur a hardship or inequity if it complies with the regulations as amended. The FEA therefore dismissed without prejudice that portion of the Application which pertains to the period subsequent to September 1, 1976. Flying Diamond's Application with respect to prior periods was denied.

Kerr-McGee Corp., Southwestern Refining Co., Inc.; Corpus Christi, Tex.; FEE–2577; Residual Fuel Oil

The Kerr-McGee Corporation filed an Application for Exception from the provisions of 10 CFR 211.67(d)(4) (the Old Oil Entitlements Program, on behalf of its subsidiary, Southwestern Refining Company, Inc.) (Southwestern). The exception request, if granted, would permit the firm to calculate its entitlements obligations by including the crude oil runs to stills which are attributable to residual fuel oil produced by the firm for sale in the East Coast market and which are also in excess of the volumes otherwise permitted to be included under FEA Regulations. In addition, the firm would also be permitted to recalculate, retroactive to April 1, 1976, its entitlements obligations without regard to the provisions of Section 211.67(d)(4). In considering the Southwestern request, the FEA determined that although the provisions of Section 211.67(d)(4) reduce the benefits which the firm previously enjoyed under the Entitlements Program and the Crude Oil Allocation Program, Southwestern is still realizing a net benefit from those programs. Moreover, the benefit which Southwestern receives enhances its profitability and competitive position. Accordingly, the firm has not demonstrated that its overall operations were impeded or that its financial position was affected by the application of Section 211.67(d)(4) to such an extent that exception relief was warranted. Southwestern's Application for Exception was therefore denied.

McCulloch Gas Processing Corp.; Los Angeles, Calif.; FEE–3205; Natural Gas Liquid Products

McCulloch Gas Processing Corporation (McCulloch) filed an Application for Exception from the provisions of 10 CFR 211.9. The request, if granted, would result in a termination of the supplier/purchaser relationship which exists under FEA Regulations between McCulloch and H. W. Lemens, Inc. (Lemens). In its exception application, McCulloch contended that the maintenance of its supplier/purchaser relationship with Lemens constitutes a gros inequity because the natural gas processing plant from which it supplied Lemens during the base period is no longer in operation. In considering McCulloch's exception request, the FEA found that: (i) Lemens has not purchased any natural gas liquid products from McCulloch since February 1975, and McCulloch submitted no material to indicate that this situation is likely to change; and (ii) the provisions of 10 CFR 211.25 provide a method whereby any supplier many arrange to supply a purchaser which is entitled to receive an allocation from it through another supplier or suppliers in accordance with normal business practices. The FEA therefore concluded that McCulloch had failed to demonstrate that it was experiencing a current hardship, and its exception request was consequently denied.

Mobile Oil Corp.; New York, N.Y., FEE–2960 (Bryans Mill), FEE–2961 (Cameron), FEE–2962 (Chitwood), FEE–2963 (Dewey), FEE–2964 (Levelland), FEE–2965 (Old Ocean), FEE–2966 (Pegasus), FEE–2967 (Spivey), FEE–2968 (Wilcox); Natural Gas Liquids

Mobil Oil Corporation filed Applications for Exception from the provisions of 10 CFR 2212.165 which, if granted, would permit the firm to increase the prices it charges to reflect non-product cost increases which the firm has incurred at nine of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products and the $.00375 per gallon passthrough for natural gas liquids which are permitted under Section 212.165. *See Superior Oil Co.*, 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Mobil had made such a showing with respect to eight of the nine plants and granted Mobil appropriate exception relief with respect to those plants for the period October 22, 1976 through March 31, 1977. However, the FEA denied exception relief for the remaining plant on the grounds that the non-product cost increase experienced at that plant was not substantially in excess of $.005 per gallon.

Crude Oil

The Monsanto Company (Monsanto) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). In its Application, Monsanto requested retroactive exception relief which would permit it to include unfinished oils in the calculation of its crude oil runs to stills during the period November 1974 through December 1975. In considering the exception application, the FEA noted that as a result of the crude oil shortage which refiners were experiencing in 1974 and in view of the fact that unfinished oils could be substituted for crude oil as a feedstock for use at Monsanto's Chocolate Bayon petrochemical plant, the FEA Office of Regulatory Programs permitted Monsanto to include unfinished oils in the calculation of its crude oil runs to stills at the Chocolate Bayon plant. The resulting calculations were then used to determine Monsanto's crude oil purchase opportunity on the Buy/Sell List which is issued pursuant to Section 211.65. The FEA also found that in accordance with the FEA's directive Monsanto voluntarily relinquished a substantial portion of its right to purchase crude oil during the period for which exception relief was requested. During this period of time Monsanto purchased imported feedstocks rather than crude oil which would have been available to the firm at a substantially lower price through the Buy/Sell List. The FEA further noted that the definition of the term 'crude oil runs to stills" in Section 211.62 is the same for both the Buy/Sell Program and the Entitlements Program, and that although unfinished oils do not qualify as crude oil runs to stills under the Entitlements Program, Monsanto had reported its runs to stills for entitlement purposes in the same manner that it used in its initial reports for the Buy/Sell Program. This practice increased the amount of new oil included in the runs to stills which Monsanto reported and had the effect of reducing its entitlement purchase obligation. As a result unless exception relief were approved, the firm would be required to refile reports under the Entitlements Program for this period and to purchase a significant number of additional entitlements to correct for its reporting errors. The FEA found that the reduction in Monsanto's entitlement purchase obligations during the period November 1974 through December 1975 which resulted from its inclusion of unfinished oils in crude oil runs to stills nearly offset the entire amount of the increased feedstock costs which it incurred

during that period as a consequence of importing crude oil. In addition, on the basis of the record in this proceeding the FEA found that if at the inception of the Entitlements Program in November 1974 Monsanto had pointed out to the FEA that it was incurring an economic detriment as a result of its voluntary cooperation with the agency's directive to include unfinished oils in its crude oil runs to stills, it is very likely that some form of prospective exception relief would have been approved. On the basis of these factors the FEA determined that it would be grossly inequitable for the FEA to have invited Monsanto at a time of crude oil shortages to make a financial sacrifice of significant dimensions without permitting it to realize a concomitant reduction in obligations which were part of the same overall regulatory program and were based on exactly the same regulatory terms. Accordingly, Monsanto's request for retroactive exception relief was granted.

Southland Oil Co.; Savannah, Ga.; FEE–3202; Motor Gasoline

On December 8, 1975, the FEA granted exception relief to Southland Oil Company (Southland) on the ground that the application to it of the provisions of 10 CFR, Part 211, which require adherence to its base period supplier/purchaser relationship which its principal base period supplier resulted in a serious hardship to the firm. *Southland Oil Co.*, 3 FEA Par. 80,527 (December 8, 1975). In that Order the Regional Administrator for the FEA, Region IV, was directed to assign to Southland a supplier whose wholesale prices for motor gasoline and diesel fuel were within the range of prices paid for those products in Southland's marketing area by wholesale marketers. The Order further provided that upon the submission of certain financial and operating data Southland could request that the exception relief granted to the firm be extended for an additional period of time. On the basis of the data submitted by Southland in connection with its present Application, the FEA determined that (i) the serious hardship which Southland experienced in the past as a result of the provisions of 10 CFR 211.9 would continue to exist unless further exception relief were granted; and (ii) in order to alleviate this hardship Southland should be assigned a lower-cost supplier for the months of November and December 1976 for the quantity of gasoline which it is entitled to receive from its principal base period supplier.

Superior Oil Co.; Houston, Tex.; FEE–2954 (West Seminole), FEE–3160 (South Fullerton); Natural Gas Liquids

Superior Oil Company (Superior) filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase its selling prices for the natural gas liquids which it produces at its West Seminole and South Fullerton natural gas processing plants to levels which are in excess of those permitted by Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which could demonstrate that the non-product costs which it has incurred at its gas plant since May 1973 have increased substantially in excess of the passthrough permitted under the provisions of Section 212.165. Based on an analysis of the data presented by Superior, the FEA determined that the firm's West Seminole and South Fullerton gas plants did not qualify for exception relief under this standard. Exception relief for those plants was therefore denied.

REQUEST FOR STAY

McCoy Oil Co., Inc.; Portland, Oreg.; FES–1000; Refined Petroleum Products

The McCoy Oil Company, Inc. (McCoy) filed an Application for Stay of a Remedial Order which was issued to the firm by the FEA Region X on September 3, 1976. In the Remedial Order the FEA found that McCoy had charged prices in certain sales of No. 2 heating oil and No. 1 stove oil which were in excess of the maximum permissible prices for those products specified in 10 CFR 212.93, and directed the firm to make refunds to its purchasers to account for those overcharges. In considering McCoy's stay request, the FEA found that the firm failed to provide any evidence to support its assertions that in the absence of a stay the firm would incur an irreparable injury or that the denial of a stay would result in a more serious hardship and gross inequity to McCoy than to other persons affected by the proceeding. The FEA also concluded that McCoy had failed to make a prima facie showing that it would prevail on the merits of its Appeal. The McCoy stay request was therefore denied.

SUPPLEMENTAL ORDER

Energy Corp. of Louisiana Ltd.; Garyville, La.; FEX–0093; Residual Fuel Oil

On September 10, 1976, the FEA issued a Decision and Order to the Energy Corporation of Louisiana Ltd. (ECOL) in which ECOL was granted special redress relief. The relief granted was stayed until ECOL filed specified documents which indicate that ECOL's equity owners agree to repay the benefits which ECOL would have obtained under the September 10 Order. On October 12, 1976, the Marathon Oil Company advised the FEA that it had acquired ECOL and that it did not intend to request that the stay of the special redress relief be vacated. In view of these material changes in the factual conditions which formed the basis of the determination, the FEA revoked the September 10 Decision and Order.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Mike's Mobil Service; Howell, Mich.; FEE–3149

Standard Oil Co.; Cleveland, Ohio; FES–3196, FEE–3196

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Beard Oil Co.; Clearfield, Pa.; FEE–3137

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

H. S. Edwards; Abilene, Tex.; FEE–2841

Olico Eastern, Inc.; Gesham, Oreg.; FEE–2893

The following submission was dismissed on the grounds that the request is now moot:

Hunt Oil Co.; Dallas, Tex.; FES–1007

The following submission was dismissed on the grounds that an Application for Modification of a Stay is not permitted under FEA Regulations:

Cities Service Co.; Washington, D.C.; FMR–0066

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: December 13, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-37031 Filed 12-13-76;4:00 pm]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of October 25 through October 29, 1976

Notice is hereby given that during the week of October 25 through October 29, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Coastal States Gas Corp.; Houston, Tex.; FEA–0913; Crude Oil and Refined Products

Coastal States Gas Corporation (Coastal States) appealed from a Decision and Order which the FEA issued to the firm on June 29, 1976. Coastal States Gas Corp., 3 FEA Par. 83,252 (June 29, 1976). In the prior determination, the FEA specified the manner in which Coastal States should compute its maximum allowable selling prices for petroleum products which it produces at a refinery in Hercules, California (the Hercules refinery) which Coastal States recently purchased from the Gulf Oil Corporation (Gulf). According to the June 29 Decision, Section 212.111(c)(1) of the FEA Regulations required Coastal States to apply Gulf's May 15, 1973 selling prices for refined products as well as Gulf's May 1973 cost of crude oil at the Hercules refinery in order to calculate maximum permissible selling prices for products produced at the Hercules refinery. In its Appeal from that determination, Coastal States contended that Section 212.111 had been applied in an erroneous manner. In considering the Coastal States Appeal, the FEA pointed out that the provisions of Section 212.111(c)(1) apply only in circumstances where a firm has acquired a "legal entity or a component of a legal entity" and observed that the terms "legal entity" and "component of a legal entity" have been interpreted as referring to an ongoing business activity or a discrete subsidiary or division of a business activity. See The Oil Shale Corp., 2 FEA Par. 83,169 (June 10, 1975). In considering whether Coastal States had acquired an ongoing business operation, the FEA found that under the terms of its agreement with Gulf, Coastal States purchased only the Hercules refinery assets, but did not obtain the right to supply Gulf's customers and did not obtain the right to purchase crude oil from the refinery's traditional sources. In addition, Coastal States did not

acquire the marketing assets or facilities which had been used in the past to distribute the products refined at the Hercules refinery. In view of these factors, the FEA concluded that the type of business activity which Coastal States conducts at the Hercules refinery is substantially different from Gulf's previous integrated business activity and does not fall within the scope of Section 212.111(c)(1). The FEA therefore granted the Appeal and vacated the June 29, 1976 Order, stating that Coastal States should apply its firmwide May 15, 1973 selling prices and May 1973 crude oil costs in calculating maximum permissible price levels for the covered products produced at the Hercules refinery.

Garland Petroleum Co., Inc.; Cumberland, Md.; FEA–0914; Refined Petroleum Products

Garland Petroleum Company, Inc. (Garland) appealed from a Decision and Order denying an Application for Exception which the firm had previously submitted from the provisions of 10 CFR 212.93. Garland Petroleum Co., Inc., 3 FEA Par. 83,192 (May 21, 1976). The Appeal, if granted, would have permitted Garland to increase its selling price for motor gasoline above the maximum permissible levels specified in Section 212.93 and retain any revenues that it may have realized during the period November 1973 through August 1975 from charging prices for motor gasoline, No. 4 fuel oil, No. 5 fuel oil, and No. 6 fuel oil which were in excess of maximum permissible levels. In considering Garland's Appeal, the FEA noted that Garland merely reiterated in the same form the arguments which it had previously presented. Since no alleged error of fact or law in the prior determination was even addressed in the Garland submission, the FEA concluded that the Appeal should be denied.

Southern California Edison Co.; Rosemead, Calif.; FPI–0102; Residual Fuel Oil

Southern California Edison Company (Edison) appealed from a Decision and Order in which the FEA denied an Application for Exception which the firm had submitted from the provisions of 10 CFR 213.35(c). Southern California Edison Co., 3 FEA Par. 83,199 (May 21, 1976). Edison's Appeal, if granted, would result in the approval of exception relief which would permit the firm to import low sulfur residual fuel oil on a fee-exempt basis during the current allocation period. The exception relief would also apply to the nine subsequent allocation periods ending on April 30, 1986. Edison also requested a refund for license fees previously paid during the current allocation period. In considering Edison's Appeal, the FEA determined that the fact that Edison's cost of low sulfur residual fuel oil includes a component for import fees paid by its supplier does not in and of itself demonstrate the existence of a hardship either to Edison or to its customers. The FEA also rejected Edison's argument that the regulations governing license fees are unfair and discriminatory, stating that the exceptions process is not the appropriate vehicle for seeking a change in the overall FEA regulatory program. The FEA also determined that the evidence in the record supported the finding in the prior Decision that Edison had failed to demonstrate that domestic suppliers of residual fuel oil were unable or unwilling to guarantee it a supply of product on a long-term basis. Finally, the FEA determined that the evidence presented by Edison did not demonstrate that any individual customer would incur a financial hardship as a result of the payments of the license fees. On the basis of these considerations, the FEA concluded that Edison had failed to demonstrate that the May 21 Decision was erroneous. The Edison Appeal was therefore denied.

REQUESTS FOR EXCEPTION

A&N Producing Services, Inc.; Jackson, Miss.; FEE–3110; Crude Oil

A & N Producing Services, Inc. (A & N) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell crude oil produced from the USA well No. 2 at upper tier ceiling prices. In considering A & N's Application, the FEA determined that the costs of producing crude oil from the USA well have increased substantially and now exceed, on a per barrel basis, the lower tier ceiling price which A & N is permitted to charge. Consequently, A & N has no economic incentive to continue to operate the USA well. The FEA also determined that, if A & N were to abandon the well, a substantial amount of crude oil which otherwise could be recovered would not be produced. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application to A & N of the lower tier ceiling price rule resulted in a gross inequity and that exception relief should be approved. An analysis of the specific financial and operating data which A & N submitted led to the further conclusion that A & N should be permitted to sell for a six month period 68.21 percent of the crude oil produced for the benefit of the working interest owners at upper tier ceiling prices.

Berry Holding Co.; Fresno, Calif.; FEE–2641; Crude Oil

Berry Holding Company (Berry) filed an Application for Exception which, if granted, would permit the firm to retain approximately $7 million in revenues which it apparently realized during 1975 as a result of charging prices for crude oil which were in excess of the maximum levels permitted under the provisions of Subpart D of the FEA Mandatory Petroleum Price Regulations. In considering the exception request, the FEA held that there was no reasonable basis upon which Berry could have construed Section 210.32 of the FEA Regulations as permitting it to consider any well which produces crude oil for a portion of a calendar year to have produced crude oil for the entire year for purposes of determining whether the property qualifies as a stripper well lease. The FEA also determined that since the properties involved in the case operated on a profitable basis during 1975, it was unlikely that Berry would have received prospective exception relief if it had filed an exception application in a timely manner. The FEA therefore determined that Berry's request for retroactive relief should be denied. *See* John J. Cathey, 4 FEA Par. 83,022 (July 30, 1976). With respect to Berry's contention that it committed itself to an extensive crude oil drilling and exploration program in reliance on the revenues which it received as a result of classifying the properties as stripper well leases during 1975, the FEA determined that, in view of the fact that a final determination had not yet been reached with respect to the extent of the overcharges involved in the case, the issue was not ripe for consideration. Berry's exception request was therefore denied.

Clark Equipment Co.; Buchanan, Mich.; FEE–2959; Propane

The Clark Equipment Company (Clark) filed an Application for Exception from the provisions of 10 CFR, Part 211, which, if granted, would increase Clark's base period use of propane. In considering the exception request, the FEA reviewed the standards which it had previously applied in determining whether exception relief to increase a firm's base period use of an allocated product is warranted on the basis of a gross inequity. In this case, the FEA determined that Clark is experiencing an increased demand for propane at its Fort Benton plant as a result of a significant change in the circumstances under which the petroleum product is used. The FEA observed that while propane was used exclusively for heating during the base period, the Fort Benton plant now requires additional propane to fuel make-up air units which it must maintain in order to comply with regulations promulgated by the Federal Occupational Safety and Health Administration. The FEA also determined that if Clark were unable to obtain an increase in its base period volume of propane the objectives specified in Section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 would be significantly frustrated. Furthermore, Clark demonstrated that a gross disparity exists between the quantity of propane which the firm is actually using and its base period volume. Clark also made a showing that its operations at the Fort Benton plant are significantly and uniquely impeded by the conflict between the OSHA regulations and the FEA regulations limiting Clark's allocation of propane. On the basis of its consideration of those factors, the FEA concluded that a gross inequity existed in this case. The Application for Exception which Clark submitted was accordingly granted and the firm's base period volume of propane was established at 66,700 gallons per year.

Equitable Petroleum Corp. and Equitable Production 1974–A; New Orleans, La.; FEE–2547; Crude Oil

Equitable Petroleum Corporation and Equitable Production 1974–A (Equitable) filed a joint Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would permit the working interest owners of State Lease No. 2388, State Lease No. 2453 and the Jefferson Parish School Board Lease (the Leases) to sell the crude oil produced from the Leases at upper tier ceiling prices. In considering the exception application, the FEA found that the Jefferson Parish School Board Lease and a portion of State Lease No. 2453 were unitized in 1954 to form Unit B. Consequently, Unit B, that portion of State Lease No. 2453 which was not unitized, and State Lease No. 2388 constitute three separate properties under the provisions of the Mandatory Petroleum Price Regulations and the operations of each of the three properties should be considered separately in evaluating whether a serious hardship or gross inequity results from the application of the FEA regulatory requirements. Since Equitable failed to provide separate operating expense data for each of the crude oil producing properties despite repeated requests that it do so, the FEA was unable to determine whether a serious hardship or gross inequity exists with respect to any of the individual properties. However, the FEA determined that the financial data which Equitable did provide for the properties indicated that on a combined basis the working interest owners of the Leases would realize a significant profit in 1976. Equitable's exception application was therefore denied.

MAPCO, Inc.; Tulsa, Okla.; FEE–2836 (Altonah), FEE–2837 (Tyrone); Natural Gas Liquids

MAPCO, Inc. filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase its selling prices for natural gas liquid products produced at its Altonah gas

plant and natural gas liquids processed at its Tyrone gas plant to levels which are in excess of those permitted under Section 212.165. In a number of previous Decisions, the FEA determined that, as a general rule, exception relief would be granted to any natural gas processor which demonstrates that the nonproduct costs which it has incurred at its gas plant since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products and the $.00375 per gallon passthrough for natural gas liquids permitted under the provisions of Section 212.165. The FEA found that MAPCO had made such a showing and therefore granted appropriate exception relief with respect to the Altonah and Tyrone plants for the period October 29, 1976 through March 31, 1977.

Maurice L. Brown Co.; Kansas City, Mo.; FEE–3139; Crude Oil

Maurice L. Brown Company (Brown) filed an Application for Exception from the provisions of 10 CFR, Part 212, which, if granted, would result in an extension of the exception relief granted to Brown in a May 21, 1976 Decision and Order permitting Brown to sell the crude oil produced from the East Stroud Prue Unit (the Stroud Unit) in Creek County, Oklahoma, at upper tier ceiling prices. In considering Brown's Application, the FEA determined that the cost of producing crude oil from the Stroud Unit has increased significantly since 1973 and now exceeds the lower tier ceiling price which Brown is permitted to charge. Consequently, Brown does not currently have an economic incentive to continue to operate the Stroud Unit. The FEA also determined that, if Brown abandons the property, a considerable amount of otherwise recoverable crude oil will be lost. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application to Brown of the lower tier ceiling price rule resulted in a gross inequity and that exception relief should be granted in this case. An analysis of the specific financial and operating data which Brown submitted led to the further conclusion that Brown should be permitted to sell for a six month period 70.29 percent of the crude oil produced for the benefit of the working interest owners at upper tier ceiling prices.

Saxon Oil Co.; Midland, Tex.; FEE–2842; Crude Oil

Saxon Oil Company (Saxon) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would permit Saxon to sell all of the crude oil produced from the W. B. Reeves Lease (the Lease) at upper tier ceiling prices. In considering the exception application, the FEA determined that: (i) the operating losses which Saxon sustained during 1975 and the first six months of 1976 are clearly attributable to certain non-recurring expenditures which were incurred in connection with the completion of a salt water disposal well and the replacement of tubing; and (ii) in view of the operating profits which Saxon projects that the Lease will generate during the last half of 1976, Saxon failed to make a convincing showing that it has an economic incentive to terminate its crude oil production activities at the Lease. The exception application was therefore denied.

Sun Oil Co.; Dallas, Tex.; FEE–2949 (Halley), FEE–2950 (Jameson), FEE–2951 (Spivey), FEE–3081 (Fordoche), FEE–3082 (Pledger), FEE–3083 (Slaughter), FEE–3084 (Victoria), FEE–3143 (Bayou Sale), FEE–3144 (Levelland), FEE–3145 (Van); Natural Gas Liquids

Sun Oil Company filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges to reflect non-product cost increases which the firm has incurred at ten of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the nonproduct costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products and the $.00375 per gallon passthrough for natural gas liquids that are permitted under Section 212.165. *See Superior Oil Co.*, 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Sun had made such a showing with respect to each of the ten plants and granted Sun exception relief with respect to those plants for the period October 29, 1976 through March 31, 1977.

Texaco, Inc.; Houston, Tex.; FEE–3091 (Buckeye), FEE–3092 (Coalinga Nose), FEE–3093 (Garvin), FEE–3094 (Handy), FEE–3095 (Kettleman Hills), FEE–3096 (Lignite), FEE–3097 (Luby), FEE–3098 (Maurice), FEE–3099 (New Hope), FEE–3100 (Shiells Canyon), FEE–3101 (South Kermit), FEE–3102 (Wilson Creek), FEE–3103 (Van); *Natural Gas Liquids.*

Texaco, Inc. filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the prices it charges to reflect non-product cost increases which the firm has incurred at 13 of its natural gas processing plants. In considering the applications, the FEA noted that, as a general rule, exception relief will be granted to any natural gas processor which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough for natural gas liquid products permitted under Section 212.165. *See Superior Oil Co.*, 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Texaco had made such a showing with respect to 11 of the 13 gas plants and therefore granted Texaco appropriate exception relief for those plants. However, the FEA denied exception relief for the remaining two plants on the grounds that the non-product cost increase experienced at the Coalinga Nose plant was not substantially in excess of $.005 per gallon and that no unit cost increase was experienced at the Maurice plant.

Varibus Corp.; Beaumont, Tex.; FEE–2549; *No. 2 Fuel Oil*

Varibus Corporation (Varibus) filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would have retroactively relieved Varibus of the requirement that it determine the price of the No. 2 fuel oil which it sold to unaffiliated entities in accordance with the provisions of the Mandatory Petroleum Price Regulations. The approval of the retroactive exception would have also relieved Varibus of its obligation to refund overcharges which it realized on two sales of fuel oil during October 1973. In considering the exception request, the FEA noted that Varibus, a wholly-owned subsidiary of Gulf States Utilities Company (Gulf States) was principally engaged in the procurement of fuel oil which its corporate parent then used to generate electricity. However, on those occasions when Varibus had purchased fuel oil which exceeded Gulf States' immediate requirements and storage capabilities, Varibus resold the fuel oil from its inventories to utilities other than Gulf States and to resellers. In a Remedial Order which was issued to Varibus during the pendency of the exception proceeding, FEA Region VI found that Varibus had charged unlawful prices in two sales of fuel oil to unrelated parties during October 1973. The Remedial Order required the firm to refund the specified overcharges. On the basis of the financial data which Varibus submitted in connection with its Application for Exception, the FEA determined that the firm had failed to show that it would incur a serious financial hardship if the price regulations were applied to the transactions specified in the Remedial Order. After reviewing the record in this matter, the FEA rejected Varibus' contention that the reseller regulations should not be applied to the sales involved because the firm characterized its primary business as the procurement of fuel for Gulf States. The FEA noted that the applicability of the reseller price rules does not depend on a firm's own characterization of its business activities, but should properly be based on a determination as to whether a firm's activities fall within the definition of the term "reseller" as set forth in 10 CFR 212.31. The FEA concluded that since Varibus had taken title to covered products in its own name and subsequently resold them, the firm had failed to show that a gross inequity would result if it were required to determine the prices which it charged on those sales in accordance with the reseller regulations. The Application for Exception was therefore denied.

REQUESTS FOR STAY

Marion Corp.; Mobile, Ala.; FES–1010, Crude Oil

Marion Corporation (Marion) requested its obligation to purchase 169,492 entitlements as specified in the Entitlement Notice for August 1976 be stayed pending a determination by the FEA on the merits of an Appeal which the firm had filed. In considering the Application for Stay, the FEA found that the Office of Regulatory Programs had erroneously calculated the firm's August entitlement obligation. Furthermore, the Office of Regulatory Programs had indicated that it intended to correct that error by issuing Marion additional entitlements in November 1976. In view of these circumstances, the FEA concluded that Marion had made a *prima facie* showing that it would succeed on the merits of its Appeal. In addition, the FEA determined that Marion had presented financial data which demonstrated that the firm would incur an irreparable injury if it were required to expend the funds necessary to purchase the 169,492 entitlements. An Order was therefore issued staying Marion's obligation to purchase the 169,492 entitlements.

Varibus Corp., Beaumont, Tex.; FES–1003; No. 2 Fuel Oil

Varibus Corporation (Varibus) requested that a Remedial Order issued to the firm on September 20, 1976 be stayed pending a final determination of the firm's Appeal from the Remedial Order and of an Application for Exception which the firm had previously submitted. In the Remedial Order the Deputy Regional Administrator of Region VI of the FEA directed Varibus to refund the revenues which it had realized from charging prices for No. 2 fuel oil in October 1973 which were in excess of the maximum price levels permitted by 10 CFR 212.93(a) and 6 CFR 150.359(b). In considering the Varibus stay request, the FEA applied the principles established in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976). On the basis of those principles, the FEA concluded that a stay should be granted with regard to the refund provisions of the Remedial Order, provided that Varibus place in an escrow account the amount of the refunds set forth in the Remedial Order. The FEA further determined that the Procedural Regulations contemplate

that stay applications will only be considered in connection with specified proceedings which are currently or may soon be initiated by the stay applicant. The FEA therefore declined to consider Varibus' request that the stay which was approved in this Decision be extended beyond the pendency of its present Appeal and Application for Exception.

SUPPLEMENTAL ORDER

Southland Oil Co.; Yazoo City, Miss.; FEX-0091; Crude Oil

On September 24, 1976, the FEA issued a Decision and Order to Southland Oil Company (Southland) granting an Application for Stay which the firm had filed. *Southland Oil Co.*, 4 FEA Par. 85,021 (September 24, 1976). The stay which was issued relieved Southland of an obligation to purchase 90,828 of the firm's total entitlement purchase obligation specified in the Entitlement Notice issued in September 1976. Southland's obligation to purchase the 90,828 entitlements resulted from an administrative error which occurred in the calculation of Southland's entitlement purchase obligation. In the Entitlement Notice which was issued on October 21, 1976, the FEA Office of Regulatory Programs adjusted Southland's entitlement purchase obligation for October 1976 to correct for the error made in the previous Entitlement Notice. In view of the fact that upon consummation of its October entitlement sales Southland would be able to purchase the portion of its September obligation which was stayed, the effect of the error in the September Notice would be wholly eliminated. The FEA therefore issued a Supplemental Order which provides that the stay which was issued on September 24, 1976 would be rescinded effective on the date on which Southland consummates its October entitlement sales.

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Southland Oil Co.; Washington, D.C.; FEA-1009

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

Custom Oil Co., Inc.; New York, N.Y.; FEE-2927

Oil Patch Leasing Corp.; Borger, Tex.; FEE-3147

The following submission was dismissed on grounds that the request is now moot:

Southland Oil Co.; Washington, D.C.; FES-3202

The following submission was dismissed on the grounds that the request failed to present any basis for the FEA to reevaluate a Decision and Order previously issued to the applicant:

Placid Oil Co.; Washington, D.C.; FMR-0064

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: December 13, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-37032 Filed 12-13-76;4:01 pm]

FEDERAL HOME LOAN BANK BOARD

[H.C. #217]

BASS FINANCIAL CORP.

Receipt of Application for Permission to Purchase the Assets of Bridgeport Building and Loan Association

DECEMBER 13, 1976.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Bass Financial Corporation, Norridge, Illinois, a multiple savings and loan holding company, for approval of a bulk purchase of the assets of Bridgeport Building and Loan Association, Bridgeport, Illinois, an uninsured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4). Said acquisition to be effected through the purchase of all the assets of Bridgeport Building and Loan Association by the applicant for cash, the assumption of all liabilities and the payment of a premium to the shareholders. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before January 17, 1977.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.76-37023 Filed 12-15-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP77-44]

ABITIBI CORP. v. FLORIDA GAS TRANSMISSION CO.

Complaint, Request for An Order To Show Cause and Request for Interim Relief

DECEMBER 9, 1976.

Take notice that on October 22, 1976, the Abitibi Corporation (Abitibi), pursuant to sections 4(b), 5(a), 14(a) and 16 of the Natural Gas Act, 15 U.S.C. 717 et seq and section 1.6 of the Commission's Rules of Practice and Procedure, filed a complaint against Florida Gas Transmission Company (FGT).

Abitibi states that FGT has allocated natural gas entitlements to it in an unjust and discriminatory manner. Abitibi states that FGT's curtailment allocations constitute an undue preference in violation of the Natural Gas Act in that it discriminates in favor of firm customers and against interruptible customers such as Abitibi in contravention of the Commission's policies relating to the end use of natural gas.

Abitibi requests that the Commission direct FGT to file an end-use curtailment plan and provide for expedited procedures including an immediate hearing. Pending final resolution of the matter, Abitibi requests the Commission to suspend the present FGT curtailment plan and provide interim natural gas allotments to Abitibi commensurate with the initial FGT undertaking to it.

Abitibi states that a copy of the complaint has been served on FGT.

Any person desiring to be heard or to respond with reference to said notice should on or before January 7, 1977, file with the Federal Power Commission a petition to intervene or a response in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.6 or 1.8). All responses 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 the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36971 Filed 12-15-76;8:45 am]

[Docket Nos. CS77-100, etc.]

CHARLES G. NISSEN, ET AL.

Applications for "Small Producer" Certificates[1]

DECEMBER 9, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and section 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 3, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules and 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

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS77-100	Nov. 23, 1976	Charles Graham Nissen a/k/a, Charles G. Nissen, Box 97, Livermore, Calif. 94550.
CS77-101	Nov. 24, 1976	William M. Hall, 4214 Ortega Forest Dr., Jacksonville, Fla. 32210.
CS77-102	do	William R. Funk, agent for 2 groups, 70 South Morgan St., Waynesburg, Pa. 15370.
CS77-103	do	John M. Traxler, 123 Fairmor Dr., Morgantown, W. Va. 26505.
CS77-104	Nov. 23, 1976	Fire Frying Pan Oil & Gas Co., 3461 North Washington Blvd., Arlington, Va. 22201.
CS77-105	Oct. 28, 1976	Calpetco III—1976, 465 California St., San Francisco, Calif. 94104.
CS77-106	Nov. 23, 1976	O. F. Warren, 813 Beacon Bldg., Tulsa, Okla. 74103.
CS77-107	Nov. 26, 1976	Hugh B. Long, 78 Indian Hill Rd., Winnetka, Ill. 60093.
CS77-108	do	V. F. Martin, 1120 One Energy Square, 4925 Greenville Ave., Dallas, Tex. 75206.
CS77-109	do	Clay P. Bedford, 5223 East Palo Verde Pl., Scottsdale, Ariz. 85253.
CS77-110	do	J. W. Rettig, Jr., P.O. Box 51594, Lafayette, La. 70505.
CS77-111	do	Daniel C. Harrington, deceased estate, 2150 Valdez St., Suite 850, Oakland, Calif. 94612.
CS77-112	do	Deo J. Kelly, 3002 Fort Worth National Bank Bldg. Fort Worth, Tex. 76102.
CS77-113	do	Myrldean Scott McCollum, 417 Northwest 40th St., Oklahoma City, Okla. 73118.
CS77-114	do	Wolf Run Oil & Gas Co., 3031 Wallace Circle, Huntington, W. Va.
CS77-115	do	Callatin National Bank, guardian of the estate of J. A. Fox, agent, P.O. Box 753, Uniontown, Pa. 15401.
CS77-116	do	King No. 4, contract 1450 and contract No. 1167 B, 407 Penn Ave., Harrisville, W. Va.
CS77-117	do	Walter C. Crane, agent, 212 East Pierpoint St., Harrisville, W. Va.
CS77-118	do	Vesta Fuel Com., 212 East Pierpoint St., Harrisville, W. Va. 26362.
CS77-119	do	Nima Gas Co., 212 East Pierpoint St., Harrisville, W. Va. 26362.
CS77-120	do	Arlie and Iva P. Wright, R.F.D. 2 Box 128, Fairview, W. Va. 26570.
CS77-121	Nov. 29, 1976	William K. Finch, 826 Country Club Dr., Sistersville, W. Va. 26175.
CS77-122	do	Berry Holding Co., P.O. Box Bin X, Taft, Calif. 93268.
CS77-123	do	Robert B. Wallace, 1006 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS77-124	do	Carpenter Oil & Gas Co., 3105 Fidelity Union Tower, Dallas, Tex. 75201.
CS77-125	do	E. R. Carpenter, 3105 Fidelity Union Tower, Dallas, Tex. 75201.
CS77-126	do	Stanley F. Pauley, 3105 Fidelity Union Tower, Dallas, Tex. 75201.
CS77-127	do	Alan J. Schottenstein, 1000 Urlin Ave., Columbus, Ohio 43212.
CS77-128	do	Frances D. Schneider, 301 Cameron Bldg., Oklahoma City, Okla. 73106.
CS77-129	do	Laban H. Southmayd, 27 Barclay Rd., Scarsdale, N.Y. 10583.
CS77-130	Dec. 1, 1976	Huntington Oil & Gas Co., 3327 Route 60E, Huntington, W. Va. 25705.

[FR Doc.76-36981 Filed 12-15-76;8:45 am]

[Docket No. E-9574]

FLORIDA POWER & LIGHT CO.

Application

DECEMBER 9, 1976.

Take notice that on November 26, 1976, Florida Power & Light Company (Applicant), filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to acquire the fixed assets constituting the electric system operated by the City of Vero Beach, Florida.

Applicant is incorporated under the laws of the State of Florida with its principal business office in Miami, Florida and is engaged in the electric utility business in parts of 35 of the 67 counties in the State.

Vero Beach is a municipal authority, a body politic and corporate of the State of Florida and owns and operates facilities for the distribution and sale of electric energy within the city limits and adjacent areas.

The Applicant proposes, subject to regulatory approval, to purchase the facilities used for the sale and distribution of energy by the City of Vero Beach to customers within the city limits and adjacent areas (service territory of approximately 32 square miles).

The Applicant will pay a sum of up to $39,057,000 in exchange for said property (subject to adjustments at time of closing).

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 10, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file 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.76-36976 Filed 12-15-76;8:45 am]

GENERAL MOTORS CORP. v. NATURAL GAS PIPELINE CO. OF AMERICA

Filing of Complaint and Request for Order To Show Cause

DECEMBER 9, 1976.

Take notice that on April 16, 1976, General Motors Corporation (General Motors) filed a complaint against Natural Gas Pipeline Company of America (Natural) and a request for an order to show cause pursuant to sections 1.6 of the Commission's rules of practice and procedure and section 5 of the Natural Gas Act.

General Motors states that Natural's existing curtailment plan bears no relationship whatsoever to the end uses in which the gas is ultimately consumed and has no provisions designed to limit or deter distributor market expansion. Natural's curtailment tariff was approved in the form of an uncontested settlement in the Commission's Order issued November 23, 1971, in Docket No. RP70-42, 46 FPC 1262.

General Motors states that given the change in curtailment policy at the Commission since 1971 and given the deteriorating supply situation on Natural's system, it is imperative that there be a thorough and complete review of Natural's tariff provisions governing curtailments of service. General Motors states that Natural's current tariff provisions governing curtailment are unjust, unreasonable and unduly discriminatory. General Motors requests the issuance of an order requiring Natural to appear and show cause why its present curtailment plan should not be declared unjust, unreasonable, and unduly discriminatory and requests that formal hearings be ordered to consider the complaint and order to show cause.

General Motors states that copies of its complaint were served on Natural and on the parties to the proceeding in which Natural's curtailment plan was approved, Docket No. RP70-42.

Any person desiring to be heard or to respond with reference to said notice should on or before January 7, 1977, file with the Federal Power Commission a petition to intervene or a response in

accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.6 or 1.8). All responses 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 the 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 parties who have previously filed protests or petitions to intervene need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36973 Filed 12-15-76;8:45 am]

[Docket No. RP73-17; (PGA 77-2)]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes In Rates Pursuant to Purchased Gas Adjustment Provision

DECEMBER 8, 1976.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 66 Market Street (P.O. Box 508), Portsmouth, New Hampshire 03801, on December 1, 1976, tendered for filing Fifteenth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates for effectiveness on January 1, 1977.

According to Granite State, the instant filing tracks revised changes in its cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) which Tennessee has proposed to make effective January 1, 1977. Granite State further avers that its filing is made pursuant to the purchased gas cost adjustment provision in its Tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73-17.

Granite State further states that its revised purchased gas cost changes are applicable to its sales to Northern Utilities, Inc. (Northern) which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rates contained on Fifteenth Revised Sheet No. 3A is $107,258. The estimate is based on purchases from Tennessee and sales to Northern for the twelve months ended October 31, 1976.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commssion, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36979 Filed 12-15-76;8:45 am]

[Docket No. ER77-48]

MAINE PUBLIC SERVICE CO.

Order Accepting for Filing Suspending Proposed Tariff Sheets and Granting Intervention

DECEMBER 9, 1976.

On November 9, 1976, the Maine Public Service Company (Maine), tendered for filing a proposed increase in rates to its three wholesale customers.[1] The proposed rates would increase revenues by $380,820.80 (24 percent). Maine has requested that the increase become effective December 1, 1976. For the reasons discussed in this order, the Commission will accept the proposed tariff sheet reflecting the higher rates for filing, suspend its effectiveness for one day and permit it to become effective subject to refund, and grant intervention.

Public notice of the proposed filing was issued on November 12, 1976, with comments, protests and petitions due on or before November 30, 1976. On December 2, 1976, the Van Buren Light and Power District (Petitioner), filed a late Protest and Petition to Intervene. Petitioner alleges that it is a wholesale for resale customers of Maine, obtaining all of its power requirements from such company. In addition, Petitioner asserts that it will be directly and adversely affected by the proposed change in rates, that it may be bound by the Commission's actions in this proceeding, and that its interest cannot be adequately represented by other parties.

Maine's proposed rates under the revised tariff sheets have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. The Commission therefore suspends the proposed rates for one day and will establish hearing procedures.

The Commission finds: (1) Good cause exists to accept for filing Maine's proposed increased rates filed November 9, 1976, and to suspend those rates for one day until December 11, 1976, when they may be permitted to become effective subject to refund, pending the outcome of a hearing and decision thereon.

(2) Participation in this proceeding by the Petitioner is in the public interest.

The Commission orders: (A) Pending a hearing and decision thereon, Maine's proposed rate schedules are hereby accepted for filing and suspended from operation for one day, to become effective December 11, 1976, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a hearing shall be held concerning the justness and reasonableness of the rate increases proposed by Maine's filing.

(C) Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before March 15, 1977. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(E) The Petitioner is hereby premitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation of this Company shall be limited to matters affecting asserted rights and interests as specifically set forth in the Petition to Intervene; and *Provided, further,* that the admission of this company shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) Maine shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission's regulations, 18 CFR 35.19a.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] See Attachment for Rate Schedule Designations.

ATTACHMENT.—*Maine Public Service Co., rate schedule designations*

Dated: Undated. Filed: Nov. 9, 1976

Designations	Description	Other party
(1) Supp. No. 3 to rate schedule FPC No. 10 (supersedes rate 0-1, sheet No. 1, 5th revision; sheet No. 2, 7th revision; and sheet No. 3 original).	Rate 0-1, sheets Nos. 1, 2, and 3 original.	Houlton Water Co.
(2) Supp. No. 3 to rate schedule FPC No. 11 (supersedes rate 0-1, sheet No. 1, 5th revision; sheet No. 2, 7th revision; and sheet No. 3 original).	....do.....	Van Buren Light and Power District.
(3) Supp. No. 3 to rate schedule FPC No. 12 (supersedes rate 0-1, sheet No. 1, 5th revision; sheet No. 2, 7th revision; and sheet No. 3 original).	....do.....	Eastern Maine Electric Cooperative, Inc.

[FR Doc.76-36980 Filed 12-15-76;8:45 am]

[Docket No. RP73-14; (PGA77-1)]

MICHIGAN WISCONSIN PIPE LINE CO.

Proposed PGA Rate Adjustment Pursuant to Opinion No. 770-A

DECEMBER 8, 1976.

Take notice that on November 24, 1976, Michigan Wisconsin Pipe Line Company (Mich Wisc) tendered for filing a proposed PGA rate adjustment pursuant to Opinion No. 770-A. In its letter of transmittal, Mich Wisc states as follows:

Pursuant to the provisions of Section 15 of the General Terms and Conditions of its tariff and Opinion No. 770-A at Docket No. RM75-14, Michigan Wisconsin Pipe Line Company submits herewith for filing as part of its F.P.C. Gas Tariff, Second Revised Volume No. 1, six (6) copies of Fifteenth Revised Sheet No. 27F.

The foregoing tariff sheet reflects a commodity increase of 9.63¢ per Mcf in the Purchased Gas Adjustment to reflect Opinion No. 770-A effective December 1, 1976 and a special surcharge of 2.79¢ per Mcf reflecting the estimated impact of Opinion No. 770-A for the period July 27, 1976 through November 30, 1976 as authorized by the Commission's order at Docket No. RM75-14. Schedules detailing the cost of gas, the surcharge adjustment and related calculations supporting the change in rates are also enclosed.

Michigan Wisconsin requests a waiver of the requirements of Part 154 of the Commission's regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit this filing of Fifteenth Revised Sheet No. 27F to be made and to become effective December 1, 1976.

Copies of this letter and the enclosures are being made available during regular business hours for public inspection in a convenient form and place at Michigan Wisconsin's office at One Woodward Avenue, Detroit, Michigan, 48226.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36977 Filed 12-15-76;8:45 am]

[Docket No. ER77-74]

MINNESOTA POWER & LIGHT CO.

Filing of Agreement

DECEMBER 9, 1976.

Take notice that Minnesota Power & Light Company (MP&L), on November 22, 1976, tendered for filing six modifying supplements dated June 25, 1976, June 30, 1976, July 16, 1976 (three) and September 16, 1976, respectively, between MP&L and United Power Association. These modifications supplement the Transmission Service Agreement (FPC Rate Schedule Nos. 52 and 80) dated January 1, 1954 and May 19, 1964, between MP&L and United Power Association.

The supplements respectively delete a point of delivery, add a point of delivery, provide for maintenance of certain maintenance on United Power Association switching equipment by United Power Association, installation of a 34 to 69 kV substation and installation of two 115 to 69 kV substations.

No change in kilowatt hours used or wheeled is anticipated, nor is any increase or decrease in revenues anticipated to result therefrom.

Service on United Power Association has been made in accordance with section 35.2(d).

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 sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 20, 1976. Protests will be considered by the Commission in determining the appro-

priate 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.76-36975 Filed 12-15-76;8:45 am]

[Docket Nos. G-11989, etc.]

MOBIL OIL CORP., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

DECEMBER 9, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 3, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-11989..... B 9-16-76	Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Natural Gas Pipeline Co. of America, Clayton area, McMullen and Livesak Counties, Tex.	(3)	(3)
G-16310..... D 11-26-76	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Transwestern Pipeline Co., Crawford Field, Eddy County, N. Mex.	(3)	(3)
G-16563..... D 10-22-76	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	United Gas Pipe Line Co., portion of State tract 9, Corpus Christi Bay, offshore Nueces County, Tex.	(3)	(3)
G-17378..... D 11-29-76	Texaco, Inc., P.O. Box 3109, Midland, Tex. 79701.	Transwestern Pipeline Co., Various Fields, Sherman, Ochiltree, Lipscomb, and Roberts Counties, Tex.	(3)	(3)
G-17896..... D 9-24-76	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Florida Gas Transmission Co., Half Moon Reef Field, Aransas County, Tex.	(3)	(3)
CI68-55..... C 9-27-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., West Wilburton Field No. 1 Marcangell Well, Pittsburg County, Okla.	[4] [7] 153.07¢	14.65
CI74-528..... C 11-26-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., San I Hills Field, Crane County, Tex.	[4] [8] $1.6308	14.65
CI76-374..... C 11-26-76	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Texas Gas Transmission Corp., Red Rock Field, North Shongaloo Area, Webster Parish, La.	[10] 60.8626¢	14.73
CI76-630..... (CI63-555) B 6-11-76	Coastal States Gas Producing Co., Five Greenway Plaza East, Houston, Tex. 77046.	Texas Eastern Transmission Corp., Dallas-Hunky Field, Goliad County, Tex.	(11)	(11)
CI76-645[12]..... 6-28-76	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	[4] [13] 25.405¢	14.65
CI76-666..... (G-11481) (CI66-1037) E 6-30-76	Edwin L. Cox (successor to Champlin Petroleum Co. and Mobil Oil Corp.), 3300 First National Bank Bldg., Dallas, Tex. 75202.	Texas Eastern Transmission Corp., Chapman Ranch Field, Nueces County, Tex.	[4] [14] 56.200¢	14.65
CI76-719..... B 8-2-76	C. & Y. Casing Pulling Co., P.O. Box 37, Duncan, Okla. 73533.	Lone Star Gas Co., sec. 20, 2N, 8W, Stephens County, Okla.	(15)	(15)
CI77-34..... A 10-7-76	Dover Exploration Co., P.O. Box 615, N. duPont Highway, Dover, Del. 19901.	Eastern Shore Natural Gas Co., North Jefferson Island, Iberia Parish, La.	[7] [16] $1.42	14.73
CI77-40..... A 10-18-76	Mobil Oil Corp.....	Texas Eastern Transmission Corp., east ½ Eugene Island block 330, Eugene Island area, south addition, offshore Louisiana.	[4] [18] 143.41¢	15.025
CI77-51..... A 10-20-76	Napeco, Inc.,[17] 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, East McCaskill Field, Goliad County, Tex.	[10] [12] $1.7433	14.65
CI77-62..... A 10-22-76	Amoco Production Co.....	El Paso Natural Gas Co., Sand Dunes Field, Eddy County, N. Mex.	[7] [19] [15] $1.5308	14.73
CI77-63..... A 10-22-76	....do.....	El Paso Natural Gas Co., Drinkard Field, Lea County, N. Mex.	[7] [19] [15] $1.5308	14.73
CI77-70[17]..... 10-22-76	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	Michigan Wisconsin Pipeline Co., H. M. Wright Gas Unit, lease No. 5511, Kiowa County, Kans.	[13] 51.80753¢	14.65
CI77-72..... B 10-6-76	Juniper Petroleum Corp., Valdeterro No. 1, Suite 1500, Lincoln Center, 1660 Lincoln, Denver, Colo. 80203.	Transcontinental Gas Pipeline Corp., Andrus Cove Field, Jefferson Davis Parish, La.	(20)	(20)
CI77-73..... B 10-6-76	Juniper Petroleum Corp., Alston et al. No. 1.	Continental Oil Co., Andrus Cove Field, Jefferson Davis Parish, La.	(20)	(20)
CI77-75..... F 10-22-76	Sun Oil Co.[21] P.O. Box 20, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., De Lute Chareo Field, Brooks County, Tex.	[22] 10.3337¢	14.65
CI77-76..... B 10-26-76	McMoRan Exploration Co., Miller No. 1, 4570 First National Bank Bldg., Dallas, Tex. 75202.	United Gas, South Grand Chenier, Cameron Parish, La., sec. 11, T16S, R5W.	(11)	(11)
CI77-77..... B 10-26-76	McMoRan Exploration Co., Miller No. 2A.	....do.....	(11)	(11)
CI77-78..... (CS71-033) B 10-26-76	McMoRan Exploration Co., Brown No. 1-X.	Trunkline Gas Co., E. Donner, Terrebonne Parish, La., sec. 52, T16S, R15E.	(11)	(11)
CI77-88..... F 11-2-76	Gill-Mac, Inc. (successor to Cities Service Oil Co.), Box 229, Route 2, Nowata, Okla. 74048.	Cities Service Gas Co., Eureka Field, Grant County, Okla.	15.0¢	14.65
CI77-117..... (G-3031) E 11-17-76	Pennzoil Producing Co. (successor to Cities Service Oil Co.), P.O. Box 2967, Houston, Tex. 77001.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	[23] 15.037¢	14.65
CI77-118..... F 11-18-76	Kenbill Oil Co. (successor to Petroleum, Inc.), Box 27, Ellinwood, Kans. 67526.	Kansas-Nebraska Natural Gas Co., Rush County, Kans.; Schneider K Unit.	[23] 12.94¢	14.65
CI77-119..... B 11-19-76	Cities Service Oil Co.....	Phillips Petroleum Co., Cities Service Empire Abo Unit, sec. 35-17S-27E and sec. 2-18S-27E, Eddy County, N. Mex. (central point in the field).	(20)	(20)
CI77-120..... A 11-22-76	Texaco Inc.....	Southern Natural Gas Co., South Timballer Blocks 36 and 37, offshore, Louisiana.	[4] [24] 174.56¢	15.025
CI77-121..... A 11-22-76	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., South Rock Tank Well No. 1, South Rock Tank Unit, Eddy County, N. Mex.	[4] [18] [24] 160.9638¢	14.73

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-122..... A 11-19-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Eugene Island Block 332, offshore Louisiana.	[1] [2] $1.90	15.025
CI77-123..... A 11-22-76	Gulf Oil Corp.....	El Paso Natural Gas Co., State FI No. 1 Well, State FV Com. No. 1 Well, SW/4 of sec. 26 and NE/4 of sec. 25, township 20 south, range 27 east, Eddy County, N. Mex.	[1] [3] [5] 161.5877¢	14.73
CI77-124..... B 11-22-76	Aminoil USA, Inc., 2800 North Loop West, Houston, Tex. 77092.	Chesapeake Bay Gas Co.,[20] Strawn Field, Crockett County, Tex.	[21]	[21]

[1] Depleted.
[2] Lease expired or assigned to other parties.
[3] Applicant conveyed to Jake L. Hanom, Don O. Chapell, and McMoran Exploration Co. by assignment of oil and gas lease dated Oct. 8, 1975.
[4] Leases expired.
[5] Marathon assigned its interest by assignment of oil and gas lease No. 42618 dated Apr. 20, 1966, to Coastal States Gas Producing Co.
[6] Subject to upward and downward Btu adjustment from 1,000 Btu per cubic foot.
[7] Applicant proposes to collect the national rate in accordance with opinion No. 770 as amended.
[8] Includes 13.84¢ Btu adjustment and 1.49¢ gathering.
[9] Applicant is willing to accept a certificate in accordance with opinion No. 770 as amended.
[10] Subject to upward and downward Btu adjustment.
[11] Wells plugged and abandoned.
[12] Applicant filing to cover its own interest. Filings previously made by operator (Cities Service Oil Co.) under Cities' FPC gas rate schedule No. 244 and its certificate in docket No. G-8994.
[13] Includes 100-pct tax reimbursement.
[14] Includes 0.398¢/1,000 ft³ gathering.
[15] Well plugged.
[16] Plus $0.01 escalation per quarter.
[17] Applicant and purchaser are affiliated.
[18] Includes $1.43 base, $0.1259 tax and Btu adjustment.
[19] Applicant is filing to cover its own interest under Gulf Oil Co. FPC gas rate schedule No. 44.
[20] Watered out.
[21] Nonproductive.
[22] Sun acquired the 12½ pct working interest in the Felix de Barrera lease from Bentex Oil Co., and is currently selling its gas under Atlantic Richfield Co.'s rate schedule No. 554.
[23] Base rate 17.9022¢ plus 1.4515¢ tax reimbursement.
[24] Or area rate, if higher.
[25] Subject to downward Btu adjustment.
[26] Contract expired.
[27] Buyer to reimburse seller for 100 pct of future taxes and any excess royalty payments.
[28] Includes 11.7775¢ tax reimbursement and 6.1911¢ Btu adjustment.
[29] Includes 11.7775¢ tax reimbursement and 6.8102¢ Btu adjustment.
[30] Applicant purchases on a percentage contract and sells to Northern Natural Gas Co.

[FR Doc.76-36982 Filed 12-15-76;8:45 am]

[Docket Nos. RP76-96 and RP77-14]

NATIONAL FUEL GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Proposed Increases in Rates, Consolidating Procedures, and Establishing Procedures

DECEMBER 9, 1976.

On November 17, 1976, National Fuel Gas Supply Corporation (NFGS) tendered for filing a proposed revised tariff sheet to its FPC Gas Tariff, Original Volume No. 1.[1] The proposed change will increase revenues from jurisdictional sales and service by approximately $2,779,744 annually, based on the twelve month period ended December 31, 1975, as adjusted. NFGS requests that this filing be consolidated with Docket No. RP76-96 for final determination and requests a shortened suspension period to allow the proposed rates to become effective on February 1, 1977.

NFGS states that the requested rate increase is required to recover increased operating costs over and above those claimed in Docket No. RP76-96 as a result of Tennessee Gas Pipeline Company's (TGP) filing for an increase in its T-1 and T-28 rate schedules in Docket No. RP76-137 on July 30, 1976, which increases are to become effective on February 1, 1977. Tennessee provides transportation services to NFGS under the T-1 and T-28 rate schedules. NFGS requests a shortened suspension period so as to allow the proposed rates to become effective concurrently with TGP's rate increase.

Public notice of the instant filing was issued on November 19, 1976, with any comments, protests, or petitions to intervene due on or before December 3, 1976. On December 3, 1976, the Pennsylvania Public Utility Commission filed a notice of intervention in this proceeding.

Upon review of NFGS's filing herein, the Commission finds that NFGS's proposed increase in rates should be accepted for filing, suspended as r equested by NFGS, and permitted to become effective thereafter on February 1, 1977, subject to refund. The Commission further finds that the proceeding in Docket No. RP77-14 should be consolidated with the proceeding in Docket No. RP76-96 for the purposes of hearing and decision thereon.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly section 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed by NFGS on November 17, 1976, in Docket No. RP77-14.

(B) NFGS's proposed increased rates are accepted for filing and suspended until February 1, 1977, when they shall be permitted to become effective in the manner prescribed by the Natural Gas Act, subject to refund.

(C) The proceedings in Docket Nos. RP76-96 and RP77-14 are consolidated for purposes of hearing and decision.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36970 Filed 12-15-76;8:45 am]

[1] Tenth Revised Sheet No. 4.

[Docket No. RP72-115; (PGA77-1)]

OKLAHOMA NATURAL GAS GATHERING CORP.

Filing of PGA Rate Adjustment

DECEMBER 9, 1976.

Take notice that on December 1, 1976, Oklahoma Natural Gas Gathering Corporation (Oklahoma) filed in the above-designated docket a proposed PGA rate adjustment to become effective on January 1, 1977. The proposed rate adjustment combines Oklahoma's semi-annual PGA rate adjustment and the rate adjustment resulting from Commission opinion No. 770-A. In its letter of transmittal, the company states as follows:

Pursuant to the provisions of Section 4 of the Natural Gas Act and the Applicable provisions of the Commission's regulations thereunder, more particularly section 154.38(d)(4) as revised in Order 452 and 452-A, and pursuant to Opinion Nos. 770-A and 742-A, as revised, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) submits herewith 10 copies of tariff sheets to track increases in producer rates authorized by 18 CFR 2.56(a). Said tariff sheet provides for changes in Gathering Corporation's FPC Gas Tariff to include Second Amended Eleventh Revised Sheet PGA-1.

This tariff sheet will become effective on January 1, 1977, and revise Gathering Corporation's Base Tariff Rate to flow through the increase in the system cost of purchased gas and recover the balanced accumulated in the unrecovered purchased gas cost account. A special surcharge is included to recover the increases accumulated from July 27, 1976, through December 31, 1976, which are attributable to Opinion Nos. 770-A and 742-A. This special surcharge is recoverable over a 12-month period beginning January 1, 1977, and includes a nine percent carrying charge.

Copies of this Tariff Filing are being posted in accordance with section 154.16 of the Commission's regulations and are being mailed to all jurisdictional customers and interested state regulatory agencies.

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 December 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36974 Filed 12-15-76;8:45 am]

[Docket Nos. RP72-74 and RP74-6 (Phase I)]

SOUTHERN NATURAL GAS CO.

Certification of Proposed Settlement

DECEMBER 9, 1976.

Take notice that on November 30, 1976, Presiding Judge Thomas L. Howe certified to the Commission a proposed settlement of all issues of Phase I in the above-docketed proceeding.

By order issued November 16, 1976, the Commission set for hearing an October 1 tariff filing by Southern Natural Gas Company (Southern). By order issued October 29, 1976, the tariff sheets were suspended for five months. The tariff sheets provide that the penalty provisions applicable to gas taken in excess of curtailment orders shall not be applicable to a Purchaser under certain circumstances. The November 16 order instructed the Presiding Judge and the Parties to endeavor to find a solution to the problem of growth on the pipeline system for the 1976-77 winter heating season. The overall question of growth was docketed as Phase II.

At a hearing held on November 29, Southern placed into the record a proposed stipulation and agreement and an illustrative exhibit. This stipulation and agreement would settle all issues in Phase I. The stipulation would permit Southern to waive the penalty provisions of its tariff for the period November 1, 1976 through March 31, 1977 for takes of gas in excess of curtailment orders by Resale Purchasers with Contract Demands or Maximum Delivery Obligations of 16,000 Mcf per day or less when the Resale Purchasers apply for the exemption and certify that the following conditions exist:

1. No additional requirements were added during the November 1, 1976-March 31, 1977 period.

2. The excess gas was needed for firm priority 1, 2 or 3 consumers (or interruptible priority 1, 2 or 3 consumers without alternate fuel capability).

3. The Resale Purchaser sold no gas on any day during a month for which relief was requested to consumers in lower curtailment priorities than Southern allocated gas to on such day.

4. All gas supplies available from other sources, including maximum withdrawals from storage and peak shaving, were fully utilized on any day for which relief is sought.

No party at the hearing opposed the proposed stipulation and agreement. Staff stated that it did not object to the certification and that it did not object to the approval of the stipulation and agreement by the Commission.

All parties wishing to submit comments on the proposed stipulation and agreement shall file such comments with the Commission within 10 days of the issuance of this notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36978 Filed 12-15-76;8:45 am]

[Docket No. RP77-19]

TRANSWESTERN PIPELINE CO.

Proposed Changes in FPC Gas Tariff

DECEMBER 9, 1976.

Take notice that pursuant to the provisions of section 4 of the Natural Gas Act, Transwestern Pipeline Company, on December 1, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed changes would increase revenue from jurisdictional sales by $38,977,337 based on the 12 months ended August 31, 1976, as adjusted. Approximately $10 million of the proposed increase can be attributed to purchased gas cost increases reflected in the proposed rate levels but not accounted for in the present rate level and which Transwestern is permitted to track under the purchased gas cost adjustment provision of its FPC Gas Tariff. The remainder of the increase is related to other than purchased gas cost increases.

Transwestern states that the principal reasons for the proposed rate increase are: (1) increased cost of labor, supplies, expenses, plant facilities, and working capital requirements; (2) the need for an increased rate of return of 11 percent; (3) the need for an overall rate of depreciation of 7.2 percent; (4) increased taxes, including income taxes associated with the increased return; and (5) lower sale quantities than those on which its current rates are based.

The proposed effective date of the tariff changes is January 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.E., Washington, D.C. 20426, in accordance with §§ 1.8, 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 December 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36972 Filed 12-15-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix D, announcement is made of the following National Advisory body scheduled to assemble during the month of January 1977:

NATIONAL ADVISORY COUNCIL OF DRUG ABUSE

Date and time: January 17, 9:30 a.m.; January 18, 9:00 a.m.

Place: Conference Room 873, Rockwall Building, Rockville, Maryland.

Type of meeting: Open—January 17, 1:00-5:00 p.m., January 18, 9:00 a.m.-5:00 p.m.; Closed—January 17, 9:30 a.m.-12:00 noon.

Contact person: Ms. Pamela Thurber, Rockwall Building, Room 840, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-6618.

Purpose of panel: The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, training, demonstration, prevention and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes recommendations on grant applications.

Agenda: From 9:30 a.m. to 12:00 noon, January 17, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

The remainder of the meeting from 1:00 p.m. on January 17 until 5:00 p.m. on January 18 will be open for a discussion of issues in the field of drug abuse, orientation to the programs of the Institute, development of priorities for action by the Council, and administrative announcements.

Agenda items are subject to change as priorities dictate.

Substantive program information, summaries of the meeting and rosters of the Council members can be obtained from the contact person listed above.

Dated: December 10, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-36940 Filed 12-15-76;8:45 am]

Office of the Secretary

ADVISORY COUNCIL ON EDUCATION STATISTICS

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that a meeting of the Advisory Council on Education Statistics will be held on January 10, 1977, from 9 a.m. to 4:30 p.m., in Room 3000, FOB #6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. The meeting will be continued on January 11, from 9 a.m. to 3:30 p.m., at the same location.

The Advisory Council on Education Statistics is mandated by Section 406(c) of the General Education Provisions Act as added by Section 501(a) of the Education Amendments of 1974, Pub. L. 93-380 (20 USC 1221e-1(c)), to advise the Secretary of the Department of Health, Education, and Welfare and the Assistant Secretary for Education, and the National Center for Education Statistics (NCES); and "shall review general policies for the operation of the Center and shall" be responsible for establishing standards to ensure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence."

The meeting agenda will include the swearing in of one new Council member; a summary of NCES responses to previous Council discussions; work on the Council's Annual Report; a discussion of a draft policy on the collection by NCES of program and compliance data; and a review of NCES preliminary responses to mandates contained in the Education Amendments of 1976 (P.L. 94-482).

The meeting is open to the public; however, because of limited accommodations, those members of the public wishing to attend should make reservations by writing, no later than December 31, 1976; to:

Executive Director, Advisory Council on Education Statistics, Room 3033-D, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Records shall be kept of all Council proceedings and shall be available for public inspection in the Office of the Administrator, National Center for Education Statistics, located at 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on December 8, 1976.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

[FR Doc.76-37055 Filed 12-15-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing, Federal Housing Commissioner

[Docket No. N-76-658]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Demonstration Rehabilitation Program

Pursuant to the Notice under the same heading published in the FEDERAL REGISTER on November 9, 1976, at 41 FR 49537, the cities of Atlanta and New York were selected on December 10, 1976. Each City met the requirement in 24 CFR, Part 881, Subpart D, "Demonstration Rehabilitation Program," (§ 881.402(a)), that there be a substantial reduction in the cost of rehabilitation, by submitting specific evidence to support meeting this requirement. (This supporting evidence showed a reduction in the wage scale in each trade for rehabilitation of both high and low-rise structures for low and moderate income housing in excess of 25 percent and a commitment to abide by the Statement of Principles and Objectives cited in § 881.402.) Each City met all the other requirements of the November 9, 1976, Notice and the Regulations.

Notice is hereby given that the Department will accept new applications and modifications of applications submitted pursuant to the November 9, 1976, Notice until 5 p.m. on January 3, 1977. The selection of applications received or modified will be completed by January 14, 1977.

HUD Field Offices with jurisdiction oevr localities selected pursuant to this Notice will advertise by January 21, 1977, for developers wishing to be pre-qualified for participation in the program, and developers will be pre-qualified in accordance with § 881.406.

The special labor-management agreement applicable to a locality to be selected pursuant to this Notice must be executed by January 31, 1977, or approval of the application may be withdrawn.

All applicants should make certain that they have fully complied with all other requirements in the November 9, 1976, Notice and the Regulations, particularly with respect to stating the specific savings to be achieved as a result of the negotiated labor-management agreement based on (1) the amount of reduction in the wage scale in each trade for rehabilitation of both high- and low-rise structures for low- and moderate-income housing, (2) the commitment to abide by the Statement of Principles and Objectives cited in § 881.402(a) of the Regulations, and particularly with respect to furnishing specific information on the acceptability of the target neighborhoods in terms of the site and neighborhood standards, 24 CFR 881.112, and the supporting services to be provided in the target neighborhoods.

Issued at Washington, D.C., December 10, 1976.

JOHN T. HOWLEY,
Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc.76-37086 Filed 12-15-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 29286]

NEW MEXICO

Application

DECEMBER 9, 1976.

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), Transwestern Pipeline Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 25 E.,
Sec. 34, NW¼NE¼ and E½NW¼.

This pipeline will convey natural gas across 0.524 mile of national resource land in Eddy 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.76-37012 Filed 12-15-76;8:45 am]

[NM 29291 and NM 29294]

NEW MEXICO

Applications

DECEMBER 9, 1976.

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), El Paso Natural Gas Company has applied for one 10¾-inch and one 6⅝-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 27 E.,
Sec. 6, lot 6;
Sec. 20, SE¼SE¼;
Sec. 21, SW¼SW¼.

These pipelines will convey natural gas across .283 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications 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.76-37013 Filed 12-15-76;8:45 am]

[NM 28357]

NEW MEXICO

Proposed Withdrawal and Reservation of Lands

DECEMBER 10, 1976.

The United States Energy Research and Development Administration filed an application, NM 28357 on December 3, 1976, for the withdrawal of approximately 17,200 acres of national resource lands from all forms of appropriation under the public land laws, including location under the mining laws and leasing under the mineral leasing laws, and including leasing under the Geothermal Steam Act of 1970. Grazing will eventually be allowed outside an area, to be specified in the future, around the principal facilities. Casual mineral exploration may also be possible at a later date if the applicant agency should so determine. The Energy Research and Develop-

ment Administration desires the lands for a waste isolation pilot plant.

On or before January 17, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, by January 24, 1977. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized office will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

On or before December 18, 1978, the lands will be segregated from entry as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, it will be for an indefinite period, and the lands will remain segregated.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 30 E.,
Sec. 12, SE¼SE¼;
Sec. 13, E½, SE¼NW¼ and E½SW¼;
Sec. 24, E½, E½NW¼ and SW¼;
Sec. 25.

T. 23 S., R. 30 E.,
Sec. 1, lot 1.

T. 22 S., R. 31 E.,
Sec. 7, lots 3, 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Secs. 8 and 9;
Sec. 10, SW¼NE¼, W½NW¼, SE¼NW¼ and S½;
Sec. 11, SW¼SW¼;
Sec. 14, SW¼NE¼, W½, NW¼SE¼ and S½SE¼;
Secs. 15 and 17 to 23, inclusive;
Secs. 26 to 31, inclusive;
Secs. 33 and 34;
Sec. 35, N½NE¼, SW¼NE¼, W½ and NW¼SE¼.

T. 23 S., R. 31 E.,
Sec. 3, lots 1, 2, 3, 4, S½N½, N½SW¼, SW¼SW¼ and NW¼SE¼;
Secs. 4 and 5;
Sec. 6, lots 1, 2, 3, 4, SE¼NE¼ and NE¼SE¼.

The areas described aggregate approximately 17,200 acres in Eddy County, New Mexico.

All communications in connection with this withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Division of Technical Services, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, New Mexico 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-37011 Filed 12-15-76;8:45 am]

SALMON DISTRICT MULTIPLE USE ADVISORY BOARD

Cancellation of Meeting

Notice is hereby given that the proposed meeting of the Salmon District Multiple Use Advisory Board, published on page 52910 of Vol. 41 No. 233 of the FEDERAL REGISTER on Thursday, December 2, 1976 is cancelled.

DECEMBER 10, 1976.

HARRY R. FINLAYSON,
District Manager.

[FR Doc.76-37020 Filed 12-15-76;8:45 am]

Office of the Secretary

INDUSTRIAL ADVISORY COMMITTEE TO THE DEFENSE ELECTRIC POWER ADMINISTRATION

Renewal

This notice is published in accordance with provisions of section 7(a) of the Office of Management and Budget Circular A-63 (Revised). Pursuant to the authority contained in Section 14(a) of the Federal Advisory Committee Act Pub. L. 92-463), I have determined that renewal of the Industry Advisory Committee to the Defense Electric Power Administration is necessary and in the public interest.

The Office of Management and Budget has concurred in the renewal of this committee.

Further information regarding this renewal may be obtained from the Department Committee Management Officer, Office of the Secretary, Department of the Interior, Washington, D.C. 20240, telephone 202-343-8401.

Dated: December 9, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.76-36942 Filed 12-15-76;8:45 am]

WAYNE C. ASTLEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1976.

Dated: November 18, 1976.

WAYNE C. ASTLEY.

[FR Doc.76-36943 Filed 12-15-76;8:45 am]

WILLIAM CANDELARIO

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1976.

Dated: November 22, 1976.

WILLIAM CANDELARIO.

[FR Doc.76-36944 Filed 12-15-76;8:45 am]

EARL D. DRYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 16, 1976.

Dated: November 30, 1976.

EARL D. DRYER.

[FR Doc.76-36945 Filed 12-15-76;8:45 am]

FRED B. DYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1976.

Dated: November 19, 1976.

FRED B. DYER.

[FR Doc.76-36946 Filed 12-15-76;8:45 am]

DAVID HAYWARD

Statement of Changes In Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 9, 1976.

Dated: November 19, 1976.

DAVID HAYWARD.

[FR Doc.76-36947 Filed 12-15-76;8:45 am]

GLENN L. KOESTER

Statement of Changes In Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1976.

Dated: November 23, 1976.

GLENN L. KOESTER.

[FR Doc.76-36948 Filed 12-15-76;8:45 am]

JOHN M. MADARA, JR.

Statement of Changes In Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.

(2) Add: American Electronics Laboratories, Inc., American Telephone and Telegraph, Inc.

(3) No change.
(4) No change.

This statement is made as of December 30, 1976.

Dated: November 18, 1976.

JOHN M. MADARA, Jr.

[FR Doc.76-36949 Filed 12-15-76;8:45 am]

FRANK J. MEYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Delete Ryder Systems, Inc.
(3) No change.
(4) No change.

This statement is made as of December 30, 1976.

Dated: November 19, 1976.

FRANK J. MEYER.

[FR Doc.76-36950 Filed 12-15-76;8:45 am]

ROSS MULLINS

Statement of Changes In Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1976.

Dated: November 19, 1976.

ROSS MULLINS.

[FR Doc.76-36951 Filed 12-15-76;8:45 am]

FREDERICK L. PETERSEN

Statement of Changes In Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 16, 1976.

Dated: November 23, 1976.

FREDERICK L. PETERSEN.

[FR Doc.76-36952 Filed 12-15-76;8:45 am]

JOHN R. VOGEL, JR.

Statement of Changes In Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 16, 1976.

Dated: November 19, 1976.

JOHN R. VOGEL, Jr.

[FR Doc.76-36953 Filed 12-15-76;8:45 am]

PAUL G. WALLOF, JR.

Statement of Changes In Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1976.

Dated: November 18, 1976.

PAUL G. WALLOF, Jr.

[FR Doc.76-36954 Filed 12-15-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 14, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by December 24, 1976.

JERRY L. ROGERS,
Acting Chief, Office of Archeology and Historic Preservation.

ALABAMA

Dallas County

Selma, *Old Town Historic District*, roughly bounded by Jefferson Ave., Pettus, Broad, Franklin Sts., and the Alabama River.

CALIFORNIA

Alameda County

Oakland, *First Unitarian Church of Oakland*, 685 14th st.

San Bernardino County

Redlands and vicinity, *Mill Creek Zanja*, from Sylvan Blvd to Mill Creek Rd.

San Joaquin County

Stockton, *El Dorado Elementary School*, Harding Way and Pacific Ave.

IDAHO

Boundary County

Bonners Ferry vicinity, *Harvey Mountain Quarry*, N of Bonners Ferry

IOWA

Mitchell County

Stacyville vicinity, *Union Presbyterian Church*, NW of Stacyville

MARYLAND

Somerset County

Westover vicinity, *Liberty Hall*, S of Westover off MD 361

MISSISSIPPI

Hinds County

Clinton, *Cedar Grove*, 405 E. College St.

Jefferson County

Church Hill, *Christ Church*, MS 553

MISSOURI

Jackson County

Kansas City, *Kansas City Public Library*, 500 E. 9th St.

NEBRASKA

Hall County

Grank Island, *Hall County Courthouse*, 1st and Locust Sts.

NEW JERSEY

Essex County

Fairfield vicinity, *Van Ness House*, 236 Little Falls Rd. HABS

Hunterdon County

Glen Gardner, *Glen Gardner Pony Pratt Truss Bridge*, Mill St. over Spruce Run

Hampton vicinity, *New Hampton Pony Pratt Truss Bridge*, N of Hampton over Musconetcong River (also in Warren County)

Pittstown vicinity, *St. Thomas Episcopal Church*, SW of Pittstown on Sky Manor Rd.

Stockton, *Prallsville District*, NJ 29, Delaware River and Wickecheoke Creek

Mercer County

Trenton, *Trenton Battle Monument*, Warren and Broad Sts.

Morris County

Boonton, *Delaware, Lackawanna and Western Railroad Station*, Myrtle Ave., Main and Division Sts.

Chester, *First Congregational Church*, Hillside Rd.

Mountain Lakes, *Grimes Homestead*, 45 Bloomfield Ave.

NEW MEXICO

Bernalillo County

Albuquerque, *KiMo Theater*, 421 Central Ave.

San Miguel County

Las Vegas, *Bridge Street Historic District*, Bridge St.

NEW YORK

New York County

New York, Fraunces Tavern Block, bounded by Pearl, Water, Broad Sts., and Coenties Slip

NORTH CAROLINA

Bladen County

Tar Heel vicinity, *Purdie House and Purdie Methodist Church*, 3.8 mi. E of Tar Heel on NC 87

Forsyth County

Winston-Salem, *Arista Cotton Mill Complex*, 200 Brookstone Ave.

Wayne County

Goldsboro, *Goldsboro Union Station*, 101 North Carolina St.

PENNSYLVANIA

Venango County

Oil City, *U.S. Post Office*, 270 Seneca St.

RHODE ISLAND

Providence County

Providence, *St. Michael's Roman Catholic Church, Convent, Rectory, and School*, 251 Oxford St.

TENNESSEE

Marshall County

Chapel Hill vicinity, *Forest, Nathan Bedford, Boyhood Home*, W of Chapel Hill

Tipton County

Covington, *St. Matthew's Episcopal Church*, Munford St.

TEXAS

Bexar County

San Antonio, *Alamo Plaza Historic District*, roughly bounded by Commerce, S. Broadway, Travis, and Bonham Sts.

Bosque County

Meridian, *Bosque County Courthouse*, Public Square

Hill County

Itasca vicinity, *Turner, Joe E., House*, 3 mi. E of Itasca on SR 934

UTAH

Salt Lake County

Salt Lake City, *Hills, Lewis S., House*, 126 S. 200 West

WYOMING

Albany County

Woods Landing vicinity, *Boswell, N. K., Ranch*, S of Woods Landing off WY 230

Weston County

Newcastle vicinity, *Whoop-up Canyon Petroglyphs*, S of Newcastle

[FR Doc.76-37090 Filed 12-15-76;8:45 am]

ROCKY MOUNTAIN REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Rocky Mountain Regional Advisory Committee will be held on January 11–12, 1977, at the Marriott Inn, 6363 East Hampden Avenue, Denver, Colorado. The business sessions will convene at 9:00 a.m. each day.

The purpose of the Rocky Mountain Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Rocky Mountain Region of the National Park Service.

The members of the Advisory Committee are as follows:

Dr. John D. Hunt, Logan, Utah (Chairman)
Mr. Samuel J. Taylor, Moab, Utah
Mr. Ralph M. Clark, Denver, Colorado
Mr. William W. Robinson, Denver, Colorado
Mr. Hoadley Dean, Rapid City, South Dakota
Mrs. Harold (Alice) Fryalle, Bozeman, Montana
Mr. D. C. "Del" Shipman, Watford City, North Dakota
Mr. David Carmichael, Cheyenne, Wyoming
Mr. Vince R. Lee, Wilson, Wyoming

The matters to be discussed at this meeting include:

1. Concessions
2. Proposal to redesignate Theodore Roosevelt National Memorial Park
3. Election of officers—1977
4. Effect of legislation enacted in the 94th Congress
5. Improving effectiveness of Advisory Committee

The meeting will be open to the public. Any member of the public may file with the Committee a written statement concerning the matters to be formally discussed by the Committee on January 11–12, 1977.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Committee Manager Forrest M. Benson, Rocky Mountain Regional Office, National Park Service, Denver, Colorado 80225. Telephone: (303) 234–4943.

Minutes of the meeting will be available for public inspection approximately four weeks after the meeting at the Rocky Mountain Regional Office, 655 Parfet Street, Denver, Colorado.

Dated: December 7, 1976.

VERNON D. DAME,
Acting Regional Director,
Rocky Mountain Region.

[FR Doc.76-37097 Filed 12-15-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[USITC SE-76-1 A]

GOVERNMENT IN THE SUNSHINE, MEETING CHANGE

Additional Agenda Item

At its meeting of December 13, 1976, the United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with proposed 19 CFR 201.38, voted to add the fol-

lowing item to its agenda for the meeting of December 13, 1976:

9. Investigations 337-TA-23, 603-TA-1, and TA-201-19—vote on motions 23-37 to extend the date for completion of the hearing, and 23-57 to suspend the investigation.

Chairman Leonard, Vice Chairman Minchew, and Commissioners Moore, Bedell, Parker, and Ablondi voted by unanimous consent that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible. The Commission directed the issuance of this notice at the earliest practicable time.

By order of the Commission.

Issued: December 13, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-37009 Filed 12-15-76;8:45 am]

[Investigation No. 337-TA-26]

SOLDER REMOVAL WICKS

Prehearing Conference and Hearing

Notice is hereby given that a Prehearing Conference will be held in connection with Investigation No. 337-TA-26, Certain Solder-Removal Wicks, at 10:00 a.m. on December 15, 1976, in the hearing room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street, N.W., Washington, D.C. On or before December 13, 1976, the parties will have filed and served Prehearing Conference Statements in conformity with the Order for Prehearing Statements issued December 3, 1976. The purpose of this Prehearing Conference is to review such statements, and resolve any other necessary matters in preparation for the hearing.

Notice is also given that the hearing in this proceeding will commence at 10:00 a.m. on January 11, 1977, in the hearing room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street, N.W., Washington, D.C., and will continue daily until completed.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this Notice in the FEDERAL REGISTER.

Issued December 13, 1976.

JUDGE MYRON R. RENICK,
Presiding Officer.

[FR Doc.76-37008 Filed 12-15-76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. UNITED ARTISTS THEATRE CIRCUIT, INC. AND UNITED ARTISTS EASTERN THEATRES, INC.

Proposed Judgment; Written Comments

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court for the Eastern District of New York in 71 Civ. 609, United States of America v. United Artists Theatre Circuit, Inc. and United Artists Eastern Theatres, Inc., were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: December 8, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK

United States of America, Plaintiff v. *United Artists Theatre Circuit, Inc., and United Artists Eastern Theatres, Inc.*, Defendants.

71 Civ. 609.

OBJECTIONS OF CALDERONE OPERATING CORPORATION PURSUANT TO 15 U.S.C. 16(d)

Calderone Operating Corporation, a New York corporation, by its attorneys, GOLDSTEIN & SCHRANK, respectfully submit the following objections relating to the proposal for the consent judgment pursuant to the provisions of 15 U.S.C. 16(d).

DESCRIPTION OF CALDERONE OPERATING CORPORATION

Calderone Operating Corporation (Calderone), is a New York corporation, the shares of which are privately held, with principal offices at 120 Mineola Boulevard, Mineola, Nassau County, New York 11501.

It presently operates three motion picture theatres, the Valley Stream Theatre, a 1,025 seat motion picture theatre, located at 81 Rockaway Avenue, Valley Stream, New York; the Mineola Theatre, a 1,207 seat theatre, located at 120 Mineola Boulevard, Mineola, New York; and the Hempstead Theatre, a 1,440 seat theatre, located at 314 Fulton Avenue, Hempstead, New York. It previously operated, in addition, the Westbury Theatre, and the Calderone Theatre and the Rivoli Theatre, the latter two of which are located in Hempstead, New York, but which were forced to close because of insufficient business and are no longer operated as motion picture theatres.

Calderone is the plaintiff in an anti-trust action now pending in the United States District Court for the Southern District of New York (Index No. 75 Civ. 2192), instituted against United Artists Theatre Circuit, Inc., one of the defendants in this proceeding, another publicly owned circuit of motion picture theatres, Century Circuit, Inc., and several distributors of motion pictures, in which action Calderone has alleged violations of the Clayton and Sherman Acts to the damage of Calderone.

THE PURPOSE OF THIS ACTION

The Government instituted this action to remedy the lessening of competition and tending to create a monopoly which resulted from the illegal acquisition by defendant UATC of The Prudential Circuit of theatres.

In its Competitive Impact Statement, the Government has stated: "The Government's principal theory of illegality is that the acquisition of Prudential's theatres in the New York Metropolitan Area has significantly increased UATC's bargaining power with distributors to the detriment of smaller theatre circuits and independent exhibitors in the area. That is, UATC may now offer distributors substantially greater and more extensive theatre coverage in the New York Metropolitan Area thereby enhancing its bargaining power, especially for licenses to the more desirable films".

It must be assumed, therefore, that UATC now uses its bargaining power with distributors to the detriment of smaller theatre circuits and independent exhibitors in the area.

Calderone, as an independent exhibitor and operator of a minutely small circuit, is a victim of such bargaining power.

THE PROPOSED CONSENT JUDGMENT WILL NOT EFFECT THE RELIEF IN NASSAU COUNTY SOUGHT BY THE GOVERNMENT

This Court has the power to grant in this action such relief as will prevent the lessening of competition resulting from the defendants' conduct.

Since the institution of this action, the defendants have expanded their circuit by the acquisition, through construction or otherwise, of screens in Nassau County. In recent years it has become a practice in the motion picture exhibition industry on the part of large circuits to extend their bargaining power, not by constructing or acquiring individual theatres, whether of small or large seat capacities, but by constructing new theatres with several auditoriums (popularly referred to in the trade as "screens") or converting existing large screen theatres to multi-screened operations, the conversions being conventionally from one theatre to two to four screens. Such expansion permits the circuit to blanket the market for valuable motion pictures by preempting at one physical location, two, three or four of the better motion pictures available on early runs.

A specific example involving these defendants relates to Massapequa, one of the three Nassau County areas where divestiture of a Prudential theatre is directed by the order. The defendants have, since the Prudential acquisition, erected a five-screen theatre. In this instance, accordingly, the divestiture of the old Prudential theatre is meaningless. Defendants have five screens with which further to lessen competition and increase their power in the area.

In the southeastern tier of the County an imminent problem exists. It is rumored that the defendants plan to triplex, i.e., convert from one screen to three screens, their Lynbrook Theatre. The Lynbrook Theatre is located immediately to the east of Calderone's Valley Stream Theatre and is in direct competition with it. Calderone has found it difficult to compete against the one screen of the Lynbrook Theatre, being able to acquire appropriate product only on rare occasions, usually only when the defendants do not wish to, or cannot exhibit a picture. When and if the defendants are permitted to maintain three screens competing against the Valley Stream Theatre, the adverse effect will be exacerbated and may well force the Valley Stream Theatre to close, as the Calderone and Rivoli Theatres have already been forced to do.

THE COURT HAS THE POWER TO ORDER SUCH RELIEF AS SHALL CURE THE ILL EFFECTS OF THE ILLEGAL CONDUCT AND ASSURE THE PUBLIC FREEDOM FROM ITS CONTINUANCE

In *Ford Motor Co.* v. *United States, et al.*, 405 U.S. 562, the Supreme Court dealt with a divestiture action under § 7 relating to the acquisition by Ford of a spark plug manufacturer, Autolite. The District Court not only decreed divestiture but granted additional relief, among other things, in the form of prohibiting Ford for ten years from manufacturing its own spark plugs. Objection was made to the ancillary relief granted.

The Supreme Court pointed out: "The relief in an antitrust case must be "effective to

redress the violations" and "to restore competition." United States v. Du Pont & Co., 366 U.S. 316, 326. The District Court is clothed with "large discretion" to fit the decree to the special needs of the individual case. International Salt Co. v. United States, 332 U.S. 392, 401; United States v. Du Pont & Co., 353 U.S. at 608; United States v. Crescent Amusement Co., 323 U.S. 173, 185."

It went on to discuss the ancillary relief stating: "The ancillary measures ordered by the District Court are designed to allow Autolite to re-establish itself in the OE and replacement markets and to maintain it as a viable competitor until such time as forces already at work within the marketplace weaken the OE tie. Thus Ford is prohibited for 10 years from manufacturing its own spark plugs."

And finally, the Court said: "Antitrust relief should unfetter a market from anti-competitive conduct and "pry open to competition a market that has been closed by defendant's illegal restraints." International Salt Co. v. United States, 332 U.S., at 401. The temporary elimination of Ford as a manufacturer of spark plugs lowers a major barrier to entry to this industry. See C. Kaysen & D. Turner, Anti-trust Policy—An Economic and Legal Analysis 116 (1959). Forces now at work in the marketplace may bring about a deconcentrated market structure and may weaken the onerous OE tie. The District Court concluded that the forces of competition must be nurtured to correct for Ford's illegal acquisition. We view its decree as a means to that end."

Thus, it may readily be seen that this Court has the power and authority to tailor the decree to the needs of the market place and is not restricted in a section 7 action, to divestiture.

RELIEF REQUESTED

Under 15 U.S.C. 16(e) the Court, before entering the consent judgment, may consider the impact of the entry of the judgment "upon the public generally and individuals alleging specific injury from the violations set forth in the complaint". In making its determination under sub-section (e), the Court may take testimony and review comments, including objections filed under subsection (d).

Based on the foregoing objections, the Court should not enter the proposed judgment unless provision is made requiring the divestiture of all theatres and/or screens aquired since the acquisition of the Prudential circuit, and/or prohibiting the acquisition, by purchase, or construction, or renovation of an existing theatre, of any additional screens without the consent of the Court after notice of all competitive theatres; or, in the alternative, taking testimony of such experts or other persons as the Court may deem appropriate with respect to the matters raised by these objections.

Dated: New York, New York, October 6, 1976.

GOLDSTEIN & SCHRANK, ATTORNEYS FOR CALDERONE OPERATING CORPORATION

HERBERT SCHRANK,
A Member of the Firm.

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK

United States of America, Plaintiff v. *United Artists Theatre Circuit, Inc., and United Artists Eastern Theatres, Inc.*, Defendants.

71 Civ. 609.

Filed: November 24, 1976.

GOVERNMENT'S RESPONSE TO WRITTEN COMMENTS CONCERNING THE PROPOSED CONSENT JUDGMENT BETWEEN THE UNITED STATES AND UATC

In accordance with the provisions of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), this response is made to written comments received by the Government on October 6, 1976, from Calderone Operating Corporation (Calderone) concerning the proposed consent judgment between the United States and UATC.[1]

The proposed judgment and a Competitive Impact Statement were filed with this Court on July 26, 1976, and published in the FEDERAL REGISTER on August 3, 1976. The written comments from Calderone are attached hereto as Exhibit 1 and will also be published in the FEDERAL REGISTER together with this response.

I

Calderone's comments relate in large part to the trend in the motion picture exhibition industry in recent years towards the conversion of large single screen theatres into multi-screen operations of 2 to 5 screens. Poor quality films together with the diminishing number of people who will go to a theatre, irrespective of the quality of the film shown, have made it increasingly difficult to regularly attract capacity or near capacity audiences to theatres with more than 800 seats. As operating costs have continued to rise, many of these large theatres have become unprofitable or only marginally profitable. Consequently, exhibitors have added screens at some of these theatres in an effort to achieve a lower overhead cost per patron and greater and more profitable use of the available space. Multi-screen theatres may show a different film on each screen, with a separate admission for each, and likely attract a larger overall audience because of the wider choice available to patrons. Operating expenses, however, do not increase in proportion to the number of added screens. Fuel, maintenance, and similar costs remain essentially the same. No substantial addition of suport personnel is required (porters, ushers, projectionists, etc.) and oftentimes only one lobby and box office are needed. In addition, a particularly successful film may be exhibited on each screen with the advantage of staggered starting times.

For related reasons, theatres constructed in recent years have had 2 or more screens with comparatively smaller seating capacities for each screen.

Calderone fears that multi-screen conversions at any of UATC's theatres in Nassau county will be disadvantageous to the 3 theatres which it presently operates in that county. Calderone, therefore, urges that the proposed decree prohibit UATC, for 10 years, from adding screens at any of its existing theatres in Nassau county without approval of this Court. For similar reasons, Calderone also asks that UATC be prohibited during this period from constructing any new theatres in Nassau county without approval and that it be ordered to divest any screens which it has added in Nassau county, through conversion or new construction, since its acquisition of Prudential Theatres Co., Inc. (Prudential) in 1968.[2]

After carefully considering Calderone's written comments and conferring with its chief operating officer and counsel regarding such comments, the Government has concluded that there is no public interest justification to include such provisions in the proposed consent judgment.

As noted in the Competitive Impact Statement, the Government's principal theory of illegality in this case is that the acquisition of Prudential's theatres in the New York Metropolitan Area significantly increased UATC's bargaining power with distributors to the detriment of smaller theatre circuits and independent exhibitors in the area. That is, UATC has been able to offer distributors substantially greater and more extensive theatre coverage in the New York Metropolitan Area thereby enhancing its bargaining power, especially for licenses to the more desirable films. This increased bargaining power has been derived primarily from Prudential's block of 40 theatres in Suffolk county which, at the time of the acquisition, accounted for approximately 60 percent of all the theatres located there. Smaller theatre circuits and independent exhibitors, unable to offer such broad and extensive coverage to distributors, were placed at a competitive disadvantage in negotiating for film licenses.

The theatre divestitures required by the proposed judgment will substantially reduce UATC's additional bargaining power, thereby dissipating the primary anticompetitive consequences of the acquisition and accomplishing the purposes of this suit. It is unlikely that UATC will be able to offset the effects of such divestitures through multi-screen conversions or new constructions. For, while UATC will be free to convert to multi-screen operations or construct new theatres, so too will all other exhibitors in the New York Metropolitan Area including Calderone and the purchasers of the divested Prudential theatres. Since July 1968, UATC has added 27 screens in the New York Metropolitan Area by conversions or new constructions but other exhibitors have added approximately 138 screens. In Suffolk county, UATC has added 7 screens while other exhibitors have added approximately 25 screens. In Nassau county, UATC has added 8 screens (including the Lynbrook) while other exhibitors have added approximately 13. UATC has not acquired any operating theatres in Nassau, Suffolk, or Queens counties since its acquisition of Prudential in July 1968.[3]

It would, therefore, be inappropriate to prohibit UATC from accommodating itself to changing industry conditions through multi-screen conversions: especially since such conversions may in-

[1] UATC refers collectively to both defendants: United Artists Theatre Circuit, Inc. and its wholly-owned subsidiary, United Artists Eastern Theatres, Inc.

[2] Calderone would extend these provisions to all of the theatres operated by UATC in Nassau county, not just those acquired from Prudential. As of 1975, excluding the 3 former Prudential theatres to be divested under the proposed judgment, UATC operated approximately 16 screens in Nassau out of a total of about 89 or approximately 18 percent.

[3] UATC has also closed or disposed of 36 theatres in the New York Metropolitan Area since 1968, of which 14 are believed to be presently operated by other exhibitors.

sure the continued viability of the theatres in question and other exhibitors are free to do so. Similarly, the Government believes that the proposed decree should not interfere with new constructions by UATC. Rather, the free interplay of market forces should continue to determine whether UATC or any other exhibitor will construct theatres in the New York Metropolitan Area, including Nassau county.[4]

The proposed decree does enjoin UATC for 10 years from acquiring any existing theatres in Nassau, Suffolk and Queens counties without approval of the Government or the Court. However, such acquisitions are inherently anticompetitive, eliminating competition between the acquired and acquiring exhibitors. The addition of screens through conversion or new construction is not inherently anticompetitive and may at times be pro-competitive. Such conversions and new constructions provide distributors and the public with additional theatre facilities.

Calderone makes specific reference in its comments to the prospective conversion of UATC's Lynbrook theatre to 3 screens. However, the Lynbrook is an older theatre with over 1500 seats which has been operated by UATC since the 1930's. Its conversion may be helpful to its continued economic viability. In addition, there are approximately 10 other theatres in that area (including Calderone's Valley Stream theatre) and 3 of them have two screens.

III

For the reasons discussed above, the Government believes that entry of the proposed consent judgment is in the public interest and that there is no need or justification for the taking of testimony with respect to the matters raised by Calderone's comments.

Dated: November 24, 1976.

RALPH T. GIORDANO,
ERWIN L. ATKINS,
Attorneys, Department of Justice, Antitrust Division.

[FR Doc.76-36955 Filed 12-15-76;8:45 am]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meeting

DECEMBER 6, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that meetings of the Fellowships Panel will be held at 806 15th Street, NW., room 314, Washington, D.C. on January 3, 4, 5, 7, 8, 14, 17, 20, and 21, 1977.

The purpose of the meetings is to review Fellowships in Residence for College Teachers applications submited to the National Endowment for the Humanities for 1977-78 fellowship grants.

Because the proposed meetings will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C., 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-37005 Filed 12-15-76;8:45 am]

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meeting

DECEMBER 6, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that meetings of the Fellowships Panel will be held at 806-15th Street, N.W., room 314, Washington, D.C. on January 7, 10, 12, and 14, 1977.

The purpose of the meetings is to review Summer Stipend applications submitted to the National Endowment for the Humanities for 1977 summer grants.

Because the proposed meetings will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C., 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-37006 Filed 12-15-76;8:45 am]

ADVISORY COMMITTEE PLANNING OFFICE PANEL

Meeting

DECEMBER 7, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Planning Office Panel will meet at Washington, D.C., on January 13 and 14, 1977 from 9:00 AM to 5:30 PM.

The purpose of the meeting is to review Youthgrants in the Humanities applications submitted to the National Endowment for the Humanities for project grant awards.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Panel.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code (202) 382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-37007 Filed 12-15-76;8:45 am]

FELLOWSHIPS PANEL

Renewal

DECEMBER 9, 1976.

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4)); and paragraph 9 of OMB Circular A-63, notice is hereby given that renewal of the Fellowships Panel has ben approved by the Chairman of the National Endowment for the Humanities for a period of two years until December 8, 1978.

The Fellowships Panel advises the National Council on the Humanities concerning the recommendations Council members should make on applications for financial support presented to the Fellowships Division of the Endowment and to advise the Chairman of the National Endowment for the Humanities concerning the action he should take on applications for financial support presented to the Fellowships Division. The Committee will report to the Chairman of the National Endowment for the Humanities and to the National Council on the Humanities.

[4] It is noteworthy that the Paramount decrees were modified in May 1974 to permit 4 national exhibitors to construct new theatres or convert to multi-screen operations anywhere in the nation without prior Court approval. Three of these exhibitors—Loews' Theatres, Inc., RKO-Stanley Warner Theatres, Inc. and Mann Theatres—operate theatres in the New York Metropolitan Area in competition with UATC. (See United States v. Paramount Pictures Inc., et al., SDNY—Equity No. 87-273)

The charter for the Fellowships Panel will be filed with standing committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-37002 Filed 12-15-76;8:45 am]

PLANNING OFFICE PANEL

Renewal

DECEMBER 9, 1976.

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4)); and paragraph 9 of OMB Circular A-63, notice is hereby given that renewal of the Planning Office Panel has been approved by the Chairman of the National Endowment for the Humanities for a period of two years until December 8, 1978.

The Planning Office Panel advises the National Council on the Humanities concerning the recommendations Council members should make on applications for financial support presented to the Planning Office of the Endowment and to advise the Chairman of the National Endowment for the Humanities concerning the action he should take on applications for financial support presented to the Planning Office. The Committee will report to the Chairman of the National Endowment for the Humanities and to the National Council on the Humanities.

The charter for the Planning Office Panel will be filed with standing committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-37003 Filed 12-15-76;8:45 am]

PUBLIC PROGRAMS PANEL

Renewal

DECEMBER 9, 1976.

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463); Section 10 (a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959 (a)(4)); and paragraph 9 of OMB Circular A-63, notice is hereby given that renewal of the Public Programs Panel has been approved by the Chairman of the National Endowment for the Humanities for a period of two years until December 8, 1978.

The Public Programs Panel advises the National Council on the Humanities concerning the recommendations Council members should make on applications for financial support presented to the Public Programs Division of the Endowment and to advise the Chairman of the National Endowment for the Humanities concerning the action he should take on applications for financial support presented to the Public Programs Division. The Committee will report to the Chairman of the National Endowment for the Humanities and to the National Council on the Humanities.

The charter for the Public Programs Panel will be filed with standing committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and with the Library of Congress.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-37004 Filed 12-15-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-51]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Railroad Accident Report.—The National Transportation Safety Board has made public the report of its investigation of the Auto-Train derailment which occurred last May 5 near Jarratt, Virginia. The report, No. NTSB-RAR-76-11, was released December 8. The Safety Board determined that the probable cause of this accident, which involved 25 automobile carriers northbound on the Seaboard Coast Line Railroad, was an undetected, fractured, loose, and out-of-gauge wheel which struck the track structure. Dragging and incompletely released brakes caused the wheel to overheat at its tread; the overheating caused design stress patterns on the wheel to change and the wheel to fracture. The brakes did not fully release because of the train's length and because of the type of brake equipment used. No one was injured.

Two days after the derailment, the Safety Board urged Auto-Train Corporation to inspect its auto-carrying cars immediately for wheel cracking, and to determine and act upon any exact cause of wheel overheating. (See recommendations R-76-18 and R-76-19; 41 FR 19791, May 13, 1976.) As a result of the Safety Board's findings and subsequent recommendations of the Federal Railroad Association, Auto-Train Corporation by letter of May 26 advised that it intended to convert to an ABD-type brake system on its entire auto-carrying fleet. (See 41 FR 22427, June 3, 1976.) In the meantime, Auto-Train now operates two separate sections—a passenger section and an auto-carrying section.

Also as a result of the investigation of the derailment, the Safety Board on November 19 recommended that (1) the Federal Railroad Administration act to improve the inspection of car wheels and the detection and reporting of overheated wheels, and to tighten standards for wheel removal; and (2) the Association of American Railroads establish systems which would insure removal of overheated wheels before they fail and the reporting of such wheels by railroad employees. (See recommendations R-76-52 through R-76-55 to FRA and R-76-56 and R-76-57 to AAR; 41 FR 52116, November 26, 1976.)

Aviation Safety Recommendations.—The Safety Board has issued three safety recommendations to the Federal Aviation Administration following investigation of the American Airlines B-727-95 which crashed last April 27 during an attempted takeoff from an aborted landing at Harry S Truman Airport, St. Thomas, Virgin Islands. The aircraft was destroyed by impact and fire; 37 persons died in the accident.

Investigation of the crash revealed that the airport operations manual had several outdated sections, that firefighters failed to bring necessary equipment to the accident site, that airport management did not adequately oversee airport operations during the emergency, and that the airport does not have a direct emergency telephone line.

The Safety Board's recommendations, issued by letter dated December 9, are that the Federal Aviation Administration:

Insure that procedures in the operations manuals of airports certificated under 14 CFR 139 are current and applicable to the airport. (A-76-138)

Institute, through the regional offices of the Office of Airport Programs, a program to emphasize to airport management the importance of a continual, critical review and update of airport operations manuals. (A-76-139)

Require that the Virgin Islands Port Authority revise its operating procedures at Harry S Truman Airport to insure that (a) all necessary CFR equipment, especially air packs and proximity suits, is brought to an accident site on the responding CFR vehicles; (b) the direct emergency line is reinstalled to provide immediate communications between the airport and the Insular Fire Department; (c) the Insular Fire Department be included on the Virgin Islands Port Authority radio frequency for accident notification and control purposes; and (d) procedures for proper continuity of airport command during emergencies be included in the Harry S Truman Airport operations manual. (A-76-140)

Recommendations A-76-138 and A-76-140 are designated Class II, for priority followup; A-76-139 is a Class III, longer term followup recommendation.

Letters in Response to Aviation Safety Recommendations.—Federal Aviation Administration letter of November 30 concerns recommendations A-76-122 through A-76-128, issued following Board study of accidents occurring in low visibility environments during the completion of an instrument landing approach. (See 41 FR 43255, September 30, 1976.)

With reference to A-76-122, FAA states that it is expediting two advanced landing system programs conducted by its Systems Research and Development Service—the Microwave Landing System and evaluation of a Heads-Up Display; FAA and the National Aeronautics and Space Administration are work-

ing together to develop the latter program plan this month. Also, FAA states that wide-bodied aircraft and some B-727's have sophisticated Automatic Landing Systems which will further enhance the operator's capabilities in Categories II and IIIa all-weather operations.

In responding to A-76-123, which asked FAA to institute procedures which require air traffic controllers to release an aircraft from all airspeed restrictions at least 3 to 4 miles outside of the outer marker on all ILS approaches when the reported weather is below basic VFR minima, FAA cites five procedures presently followed by both air traffic controllers and pilots. FAA comments that a preliminary review of the impact of adopting this recommendation disclosed that "it could result in a reduction of airport acceptance rate by approximately eight aircraft per runway, per hour."

A-76-124 recommended that FAA implement flightcrew coordination procedures which will insure continuous monitoring of the aircraft's instruments from the outer marker to landing; A-76-125 recommended that FAA develop flightcrew coordination procedures which will limit sighting callouts to those visual cues which are associated with the runway environment; and A-76-126 recommended that FAA develop a standard flightcrew coordination procedure within each carrier for altitude callouts to be used on all approaches under all conditions. In its response, FAA refers to the callout procedures contained in its Handbook 8430.6A and indicates that "noncompliance with established procedures is the problem rather than a lack of adequate procedures." In its comments with reference to each of these three recommendations, FAA states that it will again emphasize to all operators the need for strict adherence to established callout procedures.

With reference to A-76-127, which asked FAA to encourage flightcrews to keep the autopilot-coupler engaged until its minimum certified altitude has been reached, FAA stated that it will request all operators through the Principal Operations Inspectors to include this information in their manuals and training programs; it will be included in the operations bulletin mentioned above.

A-76-128 asked FAA to include in air carrier training programs flightcrew discussions of formal reports involving approach and landing accidents or incidents. FAA answered by stating that a similar proposal, submitted last year for consideration during the First Biennial Operations Review, will be included in a notice of proposed rulemaking scheduled for issuance by the end of 1977. However, FAA believes that air carriers should have the latitude of selecting how this information will be disseminated to crewmembers.

Federal Aviation Administration letter of November 26 responds to recommendations A-76-129 through A-76-131 which called for corrective action on McCauley propeller hubs after Board investigation showed that certain hubs had failed as a result of fatigue cracks originating in the blade-retention thread area. (See 41 FR 43255, September 30, 1976.)

In response to A-76-129, FAA states that a preliminary appraisal of the McCauley propeller service history indicates that a service life limit on hubs with truncated threads may not be practical. The manufacturer, according to FAA, is providing data to substantiate the superior load-life endurance limits of the truncated and shot-peened thread design over the previous thread design used in McCauley propeller hubs. FAA evaluation of these data was to have been completed by the end of November; further action will be based on the results of the evaluation.

A-76-130 recommended that FAA, until an appropriate life limit is established on these propellers, issue an Airworthiness Directive to require periodic inspection of the threaded area. FAA's response indicates that Airworthiness Directives covering the McCauley 2D34C53-AMN, D2AF34C61-XM, 2AF34C55-N, and D2AF34C81-XM propeller models will be processed as a notice of proposed rulemaking. According to FAA, these proposed ADs will require repetitive external dye penetrant inspection of the hub at 100-hour intervals until the incorporation of a McCauley oil filled hub modification which will provide a self-contained, dyed-oil crack detector system; issuance of the proposed rules is expected by January 1, 1977.

Recommendation A-76-131 asked FAA to issue an AD to require that the relevant provisions of AD-75-24-12 are applied to all model propellers which have been involved in ground strikes or sudden stops. In answer, FAA states that a review of service history records revealed that, except for those installations now affected by AD-75-24-12, hub failures have not been attributed to prior ground strikes. FAA further states that the manufacturer is studying the effect of blade impact bends of varying degrees of severity with respect to consequent hub damage. The need for mandatory corrective measures will be determined by an evaluation of the study; FAA expects the evaluation to be completed by June 30, 1977.

Letters Concerning Highway Safety Recommendations.—The Safety Board on November 15 wrote to the Federal Highway Administration for further comment regarding the mandatory aspect of recommendation H-76-19, issued following investigation of the Surtigas, S.A., tractor-tank-semitrailer accident near Eagle Pass, Texas, on April 29, 1975. (See 41 FR 52116, November 26, 1976.) FHWA's reply of December 3 references an earlier response of October 12 (41 FR 47291, October 28, 1976), which FHWA states did address the mandatory feature of the recommendation. FHWA in its December 3 letter states that the report, "Highway Design and Operational Practices Related to Highway Safety, Report on the Special AASHTO Traffic Safety Committee, AASHTO 1974," is applicable to Federal-aid projects and contains criteria for the safe design of drainage structures, and that modified and new construction on Federal-aid work is to be accomplished in accordance with the criteria in the report.

FHWA, according to the December 3 letter, does not establish standards for roads and streets off of the Federal-aid systems. Under Highway Safety program Standard 12, States are required to adopt their own standards for highway design, construction, and maintenance. The safety related criteria in FHPM 6-2-1-1, "Interim Design Standards for Highways," are established as goals for developing State and local safety programs for all public highways as required by Standard 12, according to FHWA.

The State Highway and Public Transportation Commission of San Antonio, Texas, by letter of November 29 responds to recommendations H-76-17 and H-76-18 which were also issued as a result of investigation of the Eagle Pass accident. The Commission indicates that, as of last June, a maintenance project was approved to improve drainage, modify the intersection, and beautify the section between Loop 431 and U.S. Route 57. This work is still under construction. However, the Comimssion states, the District made additional speed checks to see if the present speed zone of 55 mph was still valid; these checks indicate that this speed limit is consistent with the 85 percentile speed. Since construction is being done along this section of roadway, shoulder parking is not a factor at this time, according to the Commisison. The leter indicates that when construction is completed, additional speed checks will be made to determine the appropriate speed limits and additional studies will be made to determine what restrictions will be required to control parking along the highway.

The National Highway Traffic Safety Administration's letter of November 26 concerns recommendation H-76-28 and related accident report NTSB-HAR-76-7 which resulted from investigation of the Union Oil Company of California tank truck and full trailer overturn and fire at Seattle, Washington, December 4, 1975. (See 41 FR 43255, September 30, 1976.) In NHTSA's opinion, the analysis presented in the Board's report "does not indicate that the different types of braking systems on the truck and trailer contributed to, or increased the severity of, the accident."

Recommendation H-76-28 asked NHTSA to test and resolve the apparent problem of operating any vehicle combination over the full-speed range and road and whether conditions encountered in normal operations if one of the units is equipped with a Federal Motor Vehicle Safety Standard No. 121 antilock brake system and the other unit is not. NHTSA states that its previous tests "have not indicated that intermixing of 'pre-121' and '121' vehicles presents a safety problem, although those tests

were limited in scope and did not include the type of combination vehicle involved in this accident (straight truck and full trailer)." Additional compatibility testing is included in NHTSA's FY '77 research program. Tests will be conducted at Aberdeen Proving Ground, Maryland, by the NHTSA Safety Research Laboratory, and test vehicles will include "pre-121" and "121" configurations, including four vehicle types—truck tractor, semi-trailer, straight truck, and full trailer. Testing is scheduled to begin next spring and should be completed by fall, 1977; a test report will be written after completion of the testing.

In connection with this same recommendation, H–76–28, the Safety Board on December 3 acknowledged receipt of the October 25 letter from Consolidated Freightways of Menlo Park, California, expressing concern of the motor carrier industry in the implementation of this recommendation. Also on December 3, the Safety Board forwarded copies of the Consolidated Freightways letter to the National Highway Transportation Safety Administration and to the Materials Transportation Bureau for their consideration. The two areas of concern to Consolidated Freightways are (1) assurance that the testing recommended in H–76–28 includes twin trailer combinations where the tractor and dolly are equipped with 121 brake systems and the trailers are not so equipped, and (2) the economic impact on carriers resulting from the mandatory retrofitting of all equipment with new diamond shaped placards by July 1, 1977, as required by newly published regulations on handling hazardous materials (CFR 49 Dockets HM 103/112).

The railroad accident report and the safety recommendation letter are available to the general public; single copies may be obtained without charge. Copies of the letters concerning recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

DECEMBER 13, 1976.

[FR Doc.76–37051 Filed 12–15–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–571]

BABCOCK & WILCOX

Application for Consideration of Issuance of Facility Export License

Please take notice that Babcock & Wilcox, Lynchburg, Virginia, has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 3,600 megawatts to the Federal Republic of Germany and that the issuance of such license is under consideration by the Nuclear Regulatory Commission.

No license authoring the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in 10 CFR, Chapter 1, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Nuclear Regulatory Commission does not evaluate the health and safety characteristics of the facilitiy to be exported. Consequently, there are no safety analysis or Advisory Committee on Reactor Safeguards reports.

Unless on or before January 17, 1977, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of International Programs may, upon the determinations and findings noted above, cause to be issued to Babcock & Wilcox a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland this 6th day of December, 1976.

For the Nuclear Regulatory Commission.

M. A. GUHIN,
Assistant Director, Export/Import and International Safeguards, Office of International Programs.

[FR Doc.76–36576 Filed 12–15–76;8:45 am]

[Docket No. 50–251]

FLORIDA POWER & LIGHT CO.

Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR–41, issued to Florida Power and Light Company, which revised Technical Specifications for Operation of the Turkey Point Nuclear Generating Unit No. 4, located in Dade County, Florida. The amendment is effective as of the date of issuance.

The amendment requires that the plant be brought to a cold shutdown condition within 60 equivalent days of operation unless the Nuclear Regulatory Commission grants prior approval for continued operation.

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 licensee's submittal dated November 24, 1976, as supplemented by letter dated November 30, 1976, (2) Amendment No. 20 to License No. 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, N.W., 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 3 day of December 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operation Reactors.

[FR Doc.76–36577 Filed 12–15–76;8:45 am]

[Docket No. 50–335]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR–67, issued to Florida Power & Light Company (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment deletes the limit on azimuthal power tilt while in the startup mode (at which time the power is less than 5% of rated thermal power).

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 an 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 May 11, 1976, (2) Amendment No. 9 to License No. DPR–67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. A single 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 3rd day of December, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-36573 Filed 12-15-76;8:45 am]

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR–67, issued to Florida Power & Light Company (the licensee), which revised the license for operation of the St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment (1) authorized operation with repaired fuel assemblies and (2) required additional monitoring during power operation if the core power distribution is being determined by use of the excore detector monitoring system when the core burnup is less than 10,000 megawatt days per metric ton of uranium.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's filings dated October 25, 1976 and November 18, 1976, (2) Amendment No. 10 to License No. DPR–67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

A single 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 3rd day of December, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-36579 Filed 12-15-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

As a part of this program, Safety Guide, SG–S5, "Man Induced Events Related to Nuclear Power Plant Siting," has been developed and the NRC is soliciting U.S. public comment on it.

An IAEA Working Group, consisting of Mr. R. LeQuinio of France; Mr. D. Jungclaus of the Federal Republic of Germany and Mr. Held of the U.S. Nuclear Regulatory Commission, developed this draft from an IAEA collation during a meeting on November 8–19, 1976. An opportunity for public comment exists prior to review of this draft at the next meeting of the IAEA Technical Review Committee on Design. Opportunities for public comments on later drafts will also be presented as this draft is later sent to the IAEA Senior Advisory Group, then to the member states.

Comments on this draft Safety Guide are requested by January 7, 1977. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland this 3rd day of December 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-36574 Filed 12-15-76;8:45 am]

[Docket No. 50-549]

POWER AUTHORITY OF THE STATE OF NEW YORK

Greene County Nuclear Power Plant Hearing

An Atomic Safety and Licensing Board of the U.S. Nuclear Regulatory Commission (Commission) and a Presiding Examiner and Associate Examiner of the Board on Electric Generation Siting and the Environment of the State of New York (Siting Board) will conduct a joint hearing for the purpose of receiving limited appearances from persons who desire to make statements regarding the applications filed by the Power Authority of the State of New York with the Commission and the Siting Board involving the proposed siting and construction of a nuclear power plant in Greene County, New York.

The hearing will be held at Columbia-Greene Community College, Hudson, New York, beginning at 1 p.m. on Tuesday, January 4, 1977, and will remain in session during that afternoon until all who wish to speak have been heard. The hearing will reconvene at 7 p.m. on the same day and at the same location so that persons who were not present during the afternoon may speak.

Dated at Bethesda, Maryland, this 8th day of December, 1976.

FREDERIC J. COUFAL,
Chairman,
Atomic Safety and Licensing Board.

[FR Doc.76-36578 Filed 12-15-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.40, "Design Basis Floods for Fuel Reprocessing Plants and for Plutonium Processing and Fuel Fabrication Plants," describes methods acceptable to the NRC staff of determining the design basis floods that fuel reprocessing plants and plutonium processing and fuel fabrication plants should be designed to withstand without loss of safety-related functions if the applicant should decide to locate the plant where such floods can occur.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 3.40 will, however, be particularly useful in evaluating the need for an early revision if received by February 11, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 3 Regulatory Guides currently being developed include the following:

—Quality Assurance for the Design, Construction, and Operation of Fuel Reprocessing Plants.
—Guide for Design of Irradiated Fuel Receiving and Storage Facilities.
—Assumptions Used for Evaluating the Consequences of a Criticality Accident in LWR Fuel Fabrication Plants.
—Assumptions used for Evaluating the Consequences of a Criticality Accident in Fuel Reprocessing Plants.
—Assumptions Used for Evaluating the Consequences of a Criticality Accident in Plutonium Processing and Fuel Fabrication Plants.
—Protection Systems for Fuel Reprocessing Plants and for Plutonium Processing and Fuel Fabrication Plants.
—Administrative Controls for Nuclear Fuel Reprocessing Plants.
—Emergency Planning for Plutonium Processing and Fuel Fabrication Plants.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 7th day of December 1976.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
Acting Director,
Office of Standards Development.

[FR Doc.76-36572 Filed 12-15-76;8:45 am]

TOPICAL REPORT

Issuance and Availability

The Nuclear Regulatory Commission has issued a topical report, NR-DES-0001, "Measurement of Radiation Exposure Received by Flight Attendants from Shipments of Radioactive Material."

NR-DES-0001 reports a study conducted in late 1974 to measure physically the radiation dose received by selected flight attendants from shipments of radioactive material transported on board commercial airline flights in the United States. The study was sponsored jointly by two flight attendants' unions and by the Nuclear Regulatory Commission.

This document is available for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161. (Paper copy: $4.00, Microfiche: $3.00.)

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 6th day of December 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-36580 Filed 12-15-76;8:45 am]

[Docket No. 50-570]

WESTINGHOUSE ELECTRIC CORP.

Application for and Nuclear Regulatory Commission Consideration of Issuance of Facility Export License

Please take notice that Westinghouse Electric Corporation, Pittsburgh, Pennsylvania, has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 3,000 megawatts to Spain and that the issuance of such license is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to Section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in 10 CFR, Chapter 1, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Nuclear Regulatory Commission does not evaluate the health and safety characteristics of the facility to be exported. Consequently, there are no safety analysis or Advisory Committee on Reactor Safeguards reports.

Unless on or before January 17, 1976, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of International Programs may, upon the determinations and findings noted above, cause to be issued to Westinghouse Electric Corporation a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland this 6th day of December, 1976.

For the Nuclear Regulatory Commission.

MICHAEL A. GUHIN,
Assistant Director, Export/Import and International Safeguards, Office of International Programs.

[FR Doc.76-36375 Filed 12-15-76;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS & ELECTRIC CO. AND KANSAS CITY POWER & LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT 1)

Order Cancelling Evidentiary Hearing

The Atomic Safety and Licensing Board by Order dated December 8, 1976 scheduled an evidentiary hearing to con-

vene on December 20, 1976 in Courtroom Division 2 of the Jackson County Courthouse, 415 East 12th Street, Kansas City, Missouri 64106. Notice hereof was published in the FEDERAL REGISTER on December 13, 1976 (41 FR 54263).

The Board has been in consultation with the attorneys for the parties in two conference telephone calls and, after a consideration of the several matters which were the subjects of the discussion, has determined that an evidentiary session of hearings would not be advantageous nor expeditious to a final resolution of issues in the proceeding. The parties will present further documentary submittals to the Board and exchange with all parties. After a consideration of such presentation, the Board will determine whether an evidentiary session will be convened and, if so, will specify the further issues to be considered.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that the previously scheduled evidentiary hearing designated to commence at 9:00 a.m. on Monday, December 20, 1976, in Courtroom Division 2 (Fifth Floor) of the Jackson County Courthouse, 415 East 12th Street, Kansas City, Missouri 64106 is cancelled and will not convene.

Issued: December 14, 1976. Bethesda, Maryland.

Atomic Safety and Licensing Board.

SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-37121 Filed 12-15-76;10:05 am]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Proposed Change To System of Personal Records

The Office of Management and Budget is proposing to revise Systems Notice OMB/PERSL/01, Recruiting and Applicant Records (41 FR 44294), to reflect a proposed change in the way the records pertaining to active employment applicants are indexed and retrieved. The Office plans to convert from a manual alphabetical indexing system to a system utilizing an automated applicant information summary index. The change will enable the OMB Personnel Office to advise applicants of their candidate status and refer qualified applicants to OMB managers on a more timely basis. The change will also provide the Office with an improved capability for maintaining a comprehensive and accurate inventory of applicants and for preparing statistical summaries and analyses for internal personnel management planning and evaluation (including affirmative action reporting) purposes.

The attached copy of the revised systems notice identifies the authority for maintaining the system, the uses and nature of information disclosed on individuals included in the system and the safeguards established to minimize the risk of unauthorized access.

There are no rules changes or exemptions proposed in connection with this notice.

This systems notice has been filed with the Office of Management and Budget, the Speaker of the House, the President of the Senate, and the Privacy Protection Study Commission. This systems notice will become effective within 60 days (February 14, 1977). Written comments are invited within the 60 days, addressed to the Assistant to the Director for Administration, Office of Management and Budget, 17th and Pennsylvania Avenue, N.W., Washington, D.C. 20503.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

OMB/PERSL/01

System name:

Recruiting and Applicant Records.

Security classifications:

None.

System location:

Personnel Office, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Categories of individuals covered by the system:

Persons who have applied or who have been referred for employment consideration or who otherwise seek an association with the Office of Management and Budget. The automated index to the system consists of persons who have been included by the OMB Personnel staff in the Office's computer file of active OMB employment candidates.

Categories of records in the system:

These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions for offenses against the law; results of written tests; appraisal of potential; honors, awards, or fellowships; military service, veterans preference, birthplace; birth date; social security number; names of relatives who are employed in the Federal service; legal residence; and home address of persons who have applied for employment with the Office of Management and Budget or have been referred for employment consideration by the Office of Management and Budget. The automated index consists of information concerning the availability, Civil Service status, Federal employer (if applicable), race, sex, handicap (if declared), veterans preference, legal or voting residence, birth date, education and OMB job eligibility of candidates.

Authority for maintenance of the system:

Title 5, U.S.C. Section 3109, 3301, 3302, 3304, 3309, 3318, 3319 and Executive Orders 10577 and 11103.

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

a. U.S. Civil Service Commission to the extent the information is relevant to the Commission's decision on an OMB request.

b. A congressional office in response to an inquiry from the congressional office made at the applicant's request.

c. A requesting Federal agency, Commission or other public office if the applicant has indicated to OMB that he or she is available for referral to other agencies for consideration.

d. To anyone requesting statistical information (without personal identification of individual applicants) under the Freedom of Information Act.

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

Storage:

Records are maintained in two forms: files of documents retained in the Personnel Office and an index maintained on a computer tape file.

Retrievability:

Individual records are indexed by name, OMB control number (if applicable) and date of most recent contact. Records to be referred for employment consideration are retrieved by applicant status, availability, education, and OMB job eligibility codes. Statistical summaries and other analyses of the applicant inventory data-base will be conducted utilizing all pertinent categories of data contained in the automated index. (See Categories of Records in the System.)

Safeguards:

Access to and use of the system and its records is limited to employees of the OMB Personnel staff whose official duties require having access. Files are kept in the OMB Personnel Office and in the OMB computer center. Both facilities are locked and alarmed. All output reports from the computer system will be placed in locked boxes in the computer center until retrieved by authorized personnel.

Retention and disposal:

Records are retained and disposed of according to the recency of the date of last contact with the individual on whom the record is maintained under the GSA general records schedule 1.

System manager and address:

Personnel Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Notification procedures:

Individuals should contact the system manager. The request should be made in writing, giving full name, date of birth, the approximate date of most recent application or when and where contact with an OMB representative was most recently made, if applicable.

Record access procedures:

(See Notification Procedures.)

Contesting record procedures:

(See Notification Procedures.)

Record source:

Information in this system of records either comes from the individual to whom it applies or is derived from information

he or she supplied, except reports from medical personnel or physical qualifications; results of examination which are made known to applicants and vouchers supplied by references.

Systems exempted from certain provisions of the act:

None.

[FR Doc.76-36988 Filed 12-15-76;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

RESEARCH AND STATISTICS

Hearings and Draft Recommendations

The Privacy Protection Study Commission will hold public hearings on research and statistical records collected or maintained under Federal authority or supported by Federal funds between 9:30 a.m. and 5:30 p.m. on January 5 and 6, 1977 in Room 2358, Rayburn House Office Building, Washington, DC. These hearings are part of the Commission's consideration of the desirability and feasibility of extending the principles and requirements of the Privacy Act of 1974 (Pub. L. 93-579) to organizations and activities to which they do not now apply.

As part of its inquiry, the Commission has prepared for circulation and comment a set of draft recommendations regarding the use of individually identifiable data in research and statistical activities. The goal of these draft recommendations is to provide adequate protection for the individual data subject while assuring necessary access to data about individuals for research and statistical purposes.

The recommendation are of two kinds: (1) "Policy recommendations, which the Commission views as potentially applicable to all research and statistical activities; and (2) "Program" recommendations, which are directed at Federally-conducted or assisted research and statistical activities.

This dual approach should not be interpreted as a judgment by the Commission that the protection of individually identifiable research and statistical data should only be of concern where there is some Federal involvement. Rather, it simply recognizes the extent to which organized research and statistical activities depend on Federal funding and further, that where Federal funding is involved, some means already exist for achieving the goals of the Commission recommendations.

The Commission hopes that this specific focus on the Federal research and statistical-activities will also elicit opinion and informed judgments regarding the applicability of its approach to such activities in other areas.

To assist in the development of its inquiry, the Commission wishes to solicit a broad range of views regarding both the approach and the specific recommendations presented in this notice. Written submissions should be made to the Executive Director, Privacy Protection Study Commission, Suite 424, 2120 L Street, NW, Washington, DC 20506, and should be received in the Commission's office no later than January 1, 1977.

DRAFT RECOMMENDATIONS

I. *Background.* Research and statistical activities have become widespread throughout our society. While many of these activities focus primarily on increasing understanding of the physical, biological, and social environments in which we live, others focus on applying that understanding to policy and operational decision making. Research and statistical activities have become a major tool of public policy making. Their importance has been recognized in terms of the increasing level of total investment made in them and in the expanding role of government in their sponsorship and financing.

Because so much of the information generated by research and statistical activities relates to human behavior, they inevitably involve the collection, maintenance, use and dissemination of records about individuals. The quality of work performed under the rubric of research and statistics is largely dependent upon the ability of researchers and statisticians:

1. To collect information from individuals directly; and
2. To collect information in individually identifiable form from records that have been developed for other purposes.

Recognizing this necessity, and concerned about the consequences for the individual that could flow from the misuse of such information, the Privacy Protection Study Commission has examined a number of research and statistical activities to identify and assess the protections for the individual currently in force. Its preliminary conclusions are:

While researchers and statisticians have long depended on the individual data subject's expectation that the information they gather about him will be used only in research and statistical activities, the "dramatic" expansion in the number and range of such activities has raised doubts about the validity of that expectation.

The growing dependence of research and statistical activities on information in records created for other uses raises serious questions about the individual's ability to control the uses to which information and records about him are put.

Various new research and statistical techniques have combined to attenuate the relationship between the individual data subject and the researchers and statisticians who utilize data about him.

A potential for serious abuse of records that an individual expects to be used only for research or statistical activities centers on the possibility of the use of such records for administrative, legislative, judicial, or law enforcement purposes.

Standards and procedures currently in force for the protection of research and statistical records about individuals vary substantially.

II. *Definitions.* In the discussion of the Commission's recommendations, the following definitions apply:

1. *Research and statistical information* means any information about an individual, regardless of source, which is collected, maintained, or used for a research or statistical purpose.

2. *Research and statistical records* means any item, collection, or grouping of information which is maintained in any form of record solely for a research or statistical purpose.

3. *Research and statistical purpose* means the development and reporting of aggregate or anonymous information not intended to be used; in whole or in part, for making any determination about an individual.

III. *The Basic Policy Principle.* In this inquiry, the Commission's objective is to strike a proper balance between protecting the interests of data subjects in the collection, maintenance, use, and dissemination of identifiable information about themselves, and satisfying society's need for effective research and statistical functions.

As the first and fundamental step toward achieving such a balance, the Commission believes that a clear boundary must be established between information (regardless of source) which is collected, maintained, used or disseminated for a research or statistical purpose and information which is collected, maintained, used, or disseminated for other purposes. While research and statistical activities cover a broad range of subjects, disciplines and methods, they have a common element: their purpose is not to examine individuals as such, but rather, to discover and analyze characteristics of groups. The basic result of research and statistics is aggregation; i.e., the sorting of individual elements into group characteristics which are subsequently reported on a group basis.

It should be clear that the Commission is addressing the issue of research and statistical "uses" of information, rather than particular "methods" of information gathering and analysis. Particular methods of data collection and analysis developed and used by researchers and statisticians can be, and are being, used for purposes wholly unrelated to research and statistical purposes. When research techniques or methodologies are used for such purposes, the information they generate and maintain should not be regarded as research or statistical information or records, nor be subject to the requirements proposed in the Commission's recommendations.

As a practical matter, research and statistical activities are generally performed in organizational units which are functionally separated from action and decision-making units. Nevertheless, information and records about individuals used for a research or statistical purpose are often commingled with information and records used for other purposes, sometimes by happenstance and occasionally by design, as when a program assessment project is intended to serve both as a source of statistical summaries and as a mechanism to assist administrators in making decisions about the eligibility of particular individuals to participate in the program.

Moreover, the flow of individually identifiable information among researchers within, or working for, operational units of an organization which makes decisions about the individual subjects of such information is often unclearly restricted, if restricted at all. The current legal situation does not discourage such commingling of functions, nor does it clearly restrict the exchange of information among them or necessarily preclude the availability of individually identifiable research or statistical information to investigative, legislative, or judicial bodies.

The Commission believes that there is a need to protect the individual from inadvertently placing himself in jeopardy of an enforcement action or from being exposed to substantial harm or embarrassment as a consequence of information about him being used for research or statistical purposes. In the Commission's view, accurate, reliable research and statistical results are too important to risk eroding public confidence in the integrity of the activities that produce them and thus the key to maintaining that public confidence, the Commission believes, is to establish a clear functional separation between research and statistical uses of individually identifiable information and all other possible uses.

Such separation cannot always be absolute; however, accepting it in principle means that information collected for purposes other than research and statistics should flow into research and statistical uses only on the basis of demonstrated need, and that the reverse flow—from a research or statistical user back to decision makers and other types of users—should be permitted only in anonymous or aggregate form.

In sum, the Commission accepts as a basic policy principle that there be a clear functional separation between research and statistical uses and other uses of individually identifiable information and records, and, therefore recommends that:

POLICY RECOMMENDATION I:

As a general rule, any information or record collected or maintained in individually identifiable form for a research or statistical purpose should not be used to make any determination about an individual without the specific authorization of the individual to whom the information or record pertains.

POLICY RECOMMENDATION II:

Based on the foregoing principle, a special set of information practice requirements should be established for information and records collected or maintained in individually identifiable form for a research or statistical purpose.

IV. *Implementing the basic principle:* To accomplish the stated goal of the principle of separation, it is necessary to establish:

Proper limits for the disclosure of any individually identifiable information or record collected or maintained for a research or statistical purpose;

Safeguards for protecting individually identifiable information or records collected or maintained for a research and statistical purpose from unauthorized use or disclosure;

Conditions under which records collected or maintained for other purposes may be disclosed and used for a research or statistical purpose;

The protections, if any, which need to be invoked by the individual or on his behalf.

The remainder of this notice deals with these four major steps. The Commission views them as the essential elements of a strategy for implementing its proposed principle of separation. That is, unless all four are taken, functional separation will not be achieved. Accordingly, to understand the implications of each recommendation presented below, the reader should consider it in the context of the preceding ones.

A. *Establishing Appropriate Uses and Disclosures.* In implementing the principle of separation, important decisions must be made concerning the permissible uses and disclosures of individually identifiable research and statistical information and records for administrative, legislative and judicial purposes, as well as for further research or statistical purposes.

1. *Disclosure for Purposes Other than Research or Statistics.*

If applied in its pristine form, the basic principle of separation would totally eliminate the use of research and statistical information and records for all other purposes. The Commission, however, recognizes that there are other important interests to be protected as well. These include the need to hold public agencies accountable for their expenditure of public funds and for meeting their obligations to assure compliance with laws and regulations applicable to the conduct of government programs; the responsibilities of law enforcement agencies to investigate criminal activity and enforce criminal laws; and the obligations of courts to insure the fairness of both criminal and civil proceedings.

Having reviewed the Federal experience in addressing these conflicts, the Commission believes that any exceptions to the basic principle of separation should be made as a matter of uniform public policy determined by the political process. It is particularly important that the circumstances and limits of use and disclosure for a purpose other than research or statistics—whether for judicial, legislative, or administrative purposes—be known, and adequately communicated to the users and subjects of research and statistical information and records. Therefore, the Commission recommends:

PROGRAM RECOMMENDATION A-1:

That the Congress provide by statute that no individually identifiable information or record collected or maintained for a research or statistical purpose under Federal authority or with Federal funds may be disclosed or used in individually identifiable form for any other purpose without the authorization of the individual to whom such information or record pertains, except as specifically authorized by Federal statute or as required by the order of a court of competent jurisdiction.

One such area of administrative and management use which needs to be considered as a statutory exception to the general principle of separation is disclosure for the purpose of auditing or evaluating Federal and Federally-funded research and statistical activities. While the legitimacy of the auditor's requirements for information is recognized, the conditions of disclosure for auditing and evaluation need to be established so that the individual is protected from potential harm arising from such use. Accordingly, the Commission recommends:

PROGRAM RECOMMENDATION A-2

That when disclosure in individually identifiable form of any information or record collected or maintained for a research or statistical purpose is authorized by Federal statute for the purpose of auditing or evaluating a Federal or Federally-funded program, such statute should prohibit the use or disclosure of such information to make any determination about the individual to whom it pertains, except as authorized by that individual or as required by order of a court of competent jurisdiction.

A second issue which must be considered in dealing with the uses of individually identifiable research and statistical information is whether there are circumstances in which immunity from compulsory processes is necessary, and if so, what mechanisms should be established to provide such protection. There are currently no uniform minimum protections from compulsory processes for individually identifiable research and statistical information and records. While the Commission is not convinced that such a minimum level of protection is warranted, it also feels that the current situation is both too ambiguous and too limited in terms of the protections afforded the individual.

In seeking a mechanism to protect individually identifiable research and statistical information and records from compulsory process, there are two major approaches: Constitutional protection and statutory protection.

The constitutional approach has limitations. The cases in which newsmen's privilege has been asserted as a First Amendment right do not provide a basis for optimism that an analogous researchers' privilege would find judicial support. In civil litigation, where countervailing Fifth Amendment or other powerful rights are not asserted, courts may be willing to recognize a privileged status for the researcher. This is less likely to be true in criminal prosecutions, if Sixth Amendment rights of cross examination are impeded by the assertion of researcher privilege. In either case, judicial recognition of Constitutional privilege based on nothing stronger than a generalized concern for harm to the research process is not a likely possibility.

Statutory protection from compulsory process can be provided by means of: (1) General legislation, with or without specific criteria, or (2) statutory authority, delegated to one or more administrative entities, to grant immunity, subject to specified statutory criteria. Each has its strengths and weaknesses. The first approach may be simpler but less predictable in terms of results because the courts would be required to adjudicate on a case by case basis. The second approach can provide greater uniformity, but in turn has the disadvantage of being more cumbersome.

The Commission is not ready, at this time, to make a preliminary recommendation regarding the type of mechanism or scope of coverage for statutory immunity. It does reject blanket immunity and prefers the conferral of immunity of specific projects. It also feels that statutory immunity should be limited to Federally-funded research and statistical activities.

On preliminary examination, authorizing administrative agencies to confer immunity seems, on balance, to have considerable advantages over reliance solely on judicial authorities. The principal difference between these approaches is that an administrative statute could designate an agency, an official, or an institutional review board to authorize the granting of privilege. This would provide a regular mechanism and process of review, and would provide a greater element of consistency in application.

Although administrative decisions would also be ultimately subject to judicial determinations, the judicial review would ordinarily focus on the process rather than the privilege, and would leave the balancing of confidentiality interests to the administrative board, which would be expected to develop expertise in applying the statutory criteria.

The Commission wishes to gather more information before coming to terms with this issue and hopes that the discussion here will encourage the submission of focused and documented approaches to the immunity question.

2. *Reuse for a Research or Statistical Purpose.*

Insulation from the decision-making process is key to protecting the individual subject of research and statistical information and records. Given the principle of separation from administrative uses and compulsory process discussed above, the next question concerns the safe limits of data flow among research and statistical users.

The Commission is mindful that the increased availability of individually identifiable research and statistical information and records within the research community inevitably enlarges the risk of unauthorized use or disclosure. The objective of these recommendations is not to augment the flow of identifiable information, but to avoid unduly impeding those flows which are recognized as necessary for socially beneficial research or statistical purposes. The Commission, therefore, recommends that:

POLICY RECOMMENDATION III

Disclosure in individually identifiable form of any information or record collected or maintained for a research or statistical purpose should be allowed for another research or statistical purpose without the authorization of the individual to whom such information or record pertains only when:

Prohibition of use or redisclosure for all other purposes is made a condition of the disclosure;

Disclosure in individually identifiable form is necessary to accomplish the research or statistical purpose for which disclosure is to be made; and

The importance of the research or statistical activity for which the disclosure is to be made is such as to warrant the additional risk to the individual.

Two main areas need to be examined with regard to Federal sponsorship of research. First is the extent to which Federal contractors, grantees, and other researchers should be given access to Federal agency research and statistical records; and, secondly, the extent to which individual data collected under Federal contracts and grants should be made available to other contractors, grantees, or researchers, including agencies other than the sponsoring agency.

Use of Federal Agency Research and Statistical Records: Researchers and statisticians seeking access to research and statistical records generated with Federal funds can be expected to fall into three groups: (1) Federal research and statistical components wanting to use records produced by Federal agencies, contractors or grantees; (2) Federal contractors and grantees wanting access to records in the hands of other federal contractors and grantees; and (3) researchers and statisticians wanting access to Federal agency contractor or grantee records for research or statistical activities in which they engage without Federal sponsorship. The reasons for wanting access may range from obtaining the names and addresses of individuals in a particular sample, to obtaining the full content of a research or statistical record on one or more identifiable individuals.

Given adequate separation of research and statistical uses of individually identifiable information and records from all other uses, some existing statutory impediments to releasing such information or records to researchers and statisticians might be relaxed somewhat if there were effective limitations on further use and disclosure.

Under proper safeguards for separation of research and statistical uses, federal agencies could allow use by and disclosure of research and statistical information and records in individually identifiable form to other Federal agencies, Federal contractors and grantees, or other researchers or statisticians under written disclosure agreements which specify that such information and records may only be used for research or statistical purposes, and the conditions, if any, of further disclosure. In all cases, user accountability should be to the agency which collects or sponsors the collection of the data. Accordingly, the Commission recommends:

PROGRAM RECOMMENDATION A-3:

That except as specifically prohibited by Federal statute, disclosure in individually identifiable form of any information or record collected or maintained by a Federal agency for a research or statistical purpose without the authorization of the individual to whom such information or record pertains, be permitted provided that disclosure would not violate any limitations under which the information or records was acquired, and further, provided that the disclosure is made pursuant to a written agreement with the proposed recipient which (1) justifies the necessity and importance of disclosing the information or record in individually identifiable form, and (2) prohibits any redisclosure of such information or record in individually identifiable form.

When the disclosure is to a Federal contractor or grantee, the agreement should be between the disclosing agency and the funding agency, with the latter responsible for assuring that the terms of the agreement are met.

Use of Research and Statistical Records Generated or Maintained through Federal Funding: When Federal funding is used to collect or maintain a record about an individual for research or statistical purposes, the Federal government should be accountable to the individual for the use and disclosure that are made of such records. That accountability includes attention to such matters as the user's intention to recontact the individual, disclosure of personal or sensitive data outside the research environment, and use of individually identifiable research or statistical information to make any determinations about the individual to whom such information pertains.

Access by researchers to research and statistical data collected by others presupposes a chain of accountability to safeguard the individual data subject from improper uses or disclosures. Program Recommendation A-1 would provide a Federal obligation to protect such data. However, if researchers not related to the project are to be permitted to use research and statistical information or records generated or maintained under a Federal contract or grant, additional protection must be provided the individual data subject. Therefore, the Commission recommends:

PROGRAM RECOMMENDATION A-4:

That any person who, under Federal contract or grant, collects or maintains any information or record in individually identifiable form for a research or statistical purpose be prohibited from disclosing such information or record in individually identifiable form for another research or statistical purpose, except pursuant to a written agreement that meets the specifications of A-3, above and further, has been approved by the Federal funding agency.

B. *Establishing Safeguards Against Unauthorized Use or Disclosure.* The basic arguments underlying the principle of separation support the requirement that active steps be taken to as-

sure the confidentiality of research and statistical records. Most research and statistical efforts involve substantial numbers of people in the handling of data and the possibilities of unauthorized or inadvertent disclosure may be high unless active measures are taken to prevent such disclosure. Therefore, the Commission recommends that:

POLICY RECOMMENDATION IV:

Any person who collects or maintains any information or record in individually identifiable form for a research or statistical purpose should be required to establish and maintain appropriate physical, technical and administrative safeguards to protect such information or record from unauthorized disclosure.

In light of the Commission's preceding program recommendations regarding Federal contractors and grantees, the Commission believes that Federal agencies should be required to establish appropriate physical, technical and administrative safeguards as provisions of Federal contracts and grants. In this respect, the Commission has found no pervasive rationale for treating grantees differently than contractors, or for distinguishing among different classes of contractors. The Commission believes that Federal agencies should be responsible for assuring the protection of confidentiality in research and statistical activities conducted under their auspices and that their responsibility should be made explicit. Therefore, the Commission recommends:

PROGRAM RECOMMENDATION B–1:

That whenever a Federal agency provides, by contract or grant, for the performance of any activity which results in the collection or maintenance of any information or record in individually identifiable form for a research or statistical purpose, the terms of such contract or grant should:

Require the contractor or grantee to establish and maintain appropriate physical, technical and administrative safeguards to protect such information or record from unauthorized disclosure;

Include rules for the disposition of such information or record upon termination of the contract or grant which provide appropriate protection against future unauthorized disclosure; and

Make the contractor or grantee subject to the requirements of the most stringent, applicable Federal and State statutes.

Research and statistical activities create the need for special technical and administrative safeguards. The function of such activities is to disseminate and publish aggregate data on a routine basis while maintaining the confidentiality of individual information. Agencies which collect and analyze research and statistical information may disseminate it in the form of tabulations or microdata (i.e., files containing detailed information about the characteristics of individuals). Both forms of publication require care to avoid releasing information in a way in which the individual data subject can be recognized by unique characteristics. A number of techniques are available for protecting an individual's identity, and agencies should exercise great care to develop and apply these methods. Professional associations, such as the American Statistical Association, are giving considerable attention to this problem and an Office of Management and Budget task force is currently studying and developing methodologies for the protection of statistical data. The Commission recommends:

PROGRAM RECOMMENDATION B–2

That the National Academy of Sciences be asked to develop and propagate, in conjunction with the relevant scientific and professional organizations, a set of statistical and procedural techniques to protect the anonymity of an individual who is the subject of any information or record collected or maintained for a research or statistical purpose.

C. *Establishing Conditions for the Use of Administrative Records for a Research and Statistical Purpose.* Records collected or maintained by organizations for administrative purposes, particularly those maintained by public agencies in operating their social programs, produce a basic source of data for research and statistical activities. Such records for defined populations may produce sampling frames from which samples can be drawn with the names and addresses of individuals to be surveyed or interviewed.

Administrative records may also be used for analysis and as a result, program information can often be enriched with information from other programs. A sample of records drawn from one program population may be matched with other program records for the same sample of individuals, thereby, in effect, creating a "new set" of information about those individuals.

Even though the Commission's recommendations in Sections A and B above would provide substantial protection of individually identifiable information or records used for research and statistical purposes, fair information practices place obligations upon all record holders regarding the proper disclosure of information and the protection of the individual's interests.

Although there is a growing dependence of research and statistical activities upon access to information and records collected for administrative purposes, the Commission believes that there is a minimum set of conditions which should be applied to disclosure and use of individually identifiable administrative records for research and statistical purposes.

The primary condition, of course, would be that the person who wants the information would accept and implement the limitations on use and disclosure and the obligation to provide adequate safeguards recommended in Sections A and B above. In addition, the Commission recommends that:

POLICY RECOMMENDATION V:

Except where specifically prohibited by law, any information or record collected or maintained in individually identifiable form for any other purpose may be used or disclosed for a research or statistical purpose provided that:

Such use or disclosure does not violate any limitations on use or disclosure under which the information or record was collected;

Disclosure in individually identifiable form is necessary to accomplish the research or statistical purpose for which disclosure is to be made;

Adequate safeguards for the protection of such information or record from unauthorized disclosure are established; and

Redisclosure by the researcher or statistician without the authorization of the individual to whom such information or record pertains is prohibited except for an expressly authorized research or statistical purpose, or as required by a court of competent jurisdiction.

The disclosure of Federal agency administrative records is currently governed by a patchwork of rules derived from a variety of statutory sources. Access to agency administrative records for research and statistical purposes is governed by individual agency statutes on the confidentiality of specific records or records of specific agencies, as well as general statutes such as the Privacy Act and the Freedom of Information Act.

Under current legislation, Federal agencies have considerable discretion to make individually identifiable data available for research and statistical purposes. Except for disclosures specifically prohibited by statute, individually identifiable information may be disclosed to researchers and statisticians within an agency under the subsection 3(b)(1) exemption of the Privacy Act and to researchers and statisticians outside an agency on a "routine use" basis under subsection 3(b)(3).

A major problem today is that these protections for the individual vary considerably. Accordingly, in keeping with the recommendations in Section A above, the Commission recommends:

PROGRAM RECOMMENDATION C–1:

That for a research or statistical purpose no Federal agency be permitted to disclose, in individually identifiable form, any information or record it collects or maintains for some other purpose unless the disclosure is made pursuant to a written agreement which specifies:

The reasons why disclosure in individually identifiable form, and any proposed recontact of any individual subject of such information or record, is necessary to accomplish the research or statistical purpose for which the disclosure is to be made;

That adequate safeguards for the protection of such information or record from unauthorized disclosure be established;

That once such record or information has been disclosed for the specified research or statistical purpose, it shall be held to be maintained by the researcher or statistician as if it were originally collected in individually identifiable form for a research or statistical purpose; and

Except for any research or statistical purpose expressly authorized in the agreement or as required by a court of competent jurisdiction, redisclosure by the researcher or statistician without the authorization of the individual to whom such information or record pertains is prohibited.

When the disclosure is to a contractor or grantee of another Federal agency, the written agreement should be between the disclosing agency and the Federal funding agency, with the latter responsible for assuring that the terms of the agreement are met. Note also that this recommendation, if adopted, would not require,

and indeed, is not intended to result in, any change in existing statutory-prohibitions on disclosure.

D. *Establishing Protections to be Invoked by the Individual or on His Behalf.* The final set of information practices for research and statistical information and records which must be addressed, relate to the role of the individual. Once it is established that individually identifiable research and statistical information should be insulated from all other uses, with adequate safeguards and mechanisms of accountability, the issue to be considered is whether there is a need for protections that can be invoked by the individual or on his behalf.

Consent and Notice

Identifiable data about individuals flows into research and statistical record systems from several types of sources. First, information may be obtained directly from individuals through questionnaires and other data collection instruments designed expressly for research and statistical purposes, with the individual's full knowledge of what is being collected. However, data may also be collected about individuals unobtrusively, without their full awareness of the collection process, or from persons not fully competent to understand the collection process. Finally, information may be extracted from administrative or program records, some of which may have been supplied by third parties, with or without full knowledge of the individual to whom the information pertains.

Information collected for research and statistical purposes is collected under different circumstances and different assumptions about use and confidentiality than information collected for making a decision about an individual. Therefore, information collected directly from the individual for research and statistical purposes and the use for research and statistical purposes of individually identifiable information collected for administrative purposes must be looked at differently in considering the control of the individual over the collection, use, and dissemination of information about him for research and statistical purposes.

Information Collected for Research and Statistical Purposes: When individually identifiable research and statistical information and records are adequately insulated from becoming the basis for a decision about the individual to whom they pertain, then that individual has less need than otherwise to be concerned about their use and disclosure. Given this protection, the Commission recommends that:

POLICY RECOMMENDATIONS VI:

Absent an explicit statutory requirement to the contrary, no individual should be coerced into divulging information about himself for a research or statistical purpose. To assure that there is no coercion, the individual must be informed:

That his participation is voluntary;

Of the conditions under which he may refuse to continue to participate;

Of the purposes and nature of the data collection;

Of the possibility and conditions of any disclosure in individually identifiable form of any information or record to be collected or maintained about him;

That he will be notified in advance of any disclosure made for other than a research or statistical purpose; and

That if he so chooses, he can prevent his participation from resulting in subsequent recontact for a research or statistical purpose.

POLICY RECOMMENDATION VII:

When information about an individual is required for a research or statistical purpose, institutional review processes or responsible representatives should be used to protect him:

Who is not capable of consenting to provide information about himself (e.g., a minor or mentally incompetent individual);

Whose consent may be seriously compromised by fear of some loss of benefit or imposition of sanction (e.g., "captive populations" such as students, welfare recipients, employees, prison inmates, or hospital patients); or

When the ability to conduct statistical or research activity is predicated on the individual being unaware of its existence, purpose, or specific nature.

Information Collected from Administrative Files: The major issue is whether the individual should be compelled to participate in research as a condition of receiving a benefit. The trade-off is between an individual's right to control the collection and use of information and the needs of society for sufficient information to plan and manage its endeavors. On the one hand, the Commission's previous recommendations have provided substantial protections for the individual in research and statistical uses of information about himself; and, in addition, the imposition of any consent mechanisms for the use of administrative records for research and statistical purposes does create increased burdens and costs for important research and statistical tasks. On the other hand, some individuals may not support particular lines of research; indeed, some may actively resist having any information about them used for research purposes which even in aggregation provides information to policy makers on issues repugnant to them. In addition, many individuals feel that the probabilities of any vital research or statistical activities being substantially biased or made impossible by refusals to allow one's administrative records to be used for research and statistical purposes are reasonably low. On balance, the Commission believes that providing the individual some control is warranted. Therefore, the Commission recommends that:

POLICY RECOMMENDATION VIII:

When individually identifiable information is collected for a purpose other than research or statistics, the individual should be informed;

That such information may be used or disclosed in individually identifiable form for a research or statistical purpose and that he may be recontacted as a result;

That he can refuse to authorize such disclosure but his refusal to do so may be overridden by an institutional review process authorized to determine whether the needs and importance of a particular research or statistical activity justify the disclosure of information about him in individually identifiable form.

Subject Access to Research and Statistical Records

The fair information practice mechanism permitting an individual access to his own records is based on his need to have a role in the decision-making process, and to protect himself from decisions about him being made on the basis of incorrect or secret information. On the other side, it needs to be recognized that providing such access is not without cost, and may be quite burdensome.

Under the Privacy Act, those records required by statute to be used exclusively for statistical research or reporting purposes—that is, those which by definition cannot be used in making individual decisions about the data subject—may be exempted from the individual access requirement. The rationale for the exemption is the general irrelevance of access to records which are separated from the decision-making process.

Where research and statistical records and information cannot be totally protected from use and disclosure for other purposes, the right of access retains its relevance. Further, the degree of relevance is dependent upon the extent to which this separation of uses is not total.

Given the recommendations set forth in Sections A and B above, the Commission therefore proposes these additional recommendations:

POLICY RECOMMENDATION IX:

No individual should be denied access to any information or record collected or maintained about him in individually identifiable form for a research or statistical purpose, if such information or record is used or disclosed for any purpose other than research or statistics.

POLICY RECOMMENDATION X:

Any person who collects or maintains any information or record in individually identifiable form for a research or statistical purpose should be required to keep an accurate accounting of all disclosures of such information or record for purposes other than research or statistics, and further, to make the accounting available to the individual who is the subject of such information or record when the individual so requests.

POLICY RECOMMENDATION XI:

When any information or record collected or maintained for a research or statistical purpose is disclosed in individually identifiable form without a guarantee that such information or record will not be used to make any determination about the individual to whom it pertains, the individual should be notified of the disclosure.

DECEMBER 10, 1976.

DAVID F. LINOWES,
Chairman.
CAROLE W. PARSONS,
Executive Director.

[FR Doc.76-36935 Filed 12-15-76;8:45 am]

RAILROAD RETIREMENT BOARD

PRIVACY ACT OF 1974

Addition System of Records

The U.S. Railroad Retirement Board proposes to establish a new system of records entitled the Regional Rail Reorganization Act Reimbursement System.

It is necessary for the Board to establish this new system of records in order for it to carry out its functions as designated by the Regional Rail Reorganization Act of 1973. The Railroad Retirement Board feels that the establishment of this record system will not adversely affect the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals

A justification for establishing this new system of records has been sent to the Director of the Office of Management and Budget, the President of the Senate, the Speaker of the House of Representatives, and the Privacy Protection Study Commission on November 8, 1976, pursuant to subsection (o) of the Privacy Act of 1974 and OMB Circular A-108, Transmittal Memorandum No. 1.

The public is invited to comment on the establishment of this proposed system of records. Data, views or arguments regarding the commentor's position should be sent to the Secretary of the Board, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, not later than January 17, 1977.

By authority of the Board.

R. F. BUTLER,
Secretary.

System name:

Regional Rail Reorganization Act Reimbursement System-RRB.

System location:

Headquarters: U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

Categories of individuals covered by the system:

Any railroad employee who may be eligible for displacement, separation, termination or moving expense payments under Title V of the Regional Rail Reorganization Act of 1973 (45 U.S.C. § 771-779).

Categories of records in the system:

Information as to the amount of displacement, separation, termination or moving expenses paid by the employer to the employee, the basis for the payment, the kind of payment made, and if applicable, the period for which payment was made, RUIA benefits paid and recovered, railroad retirement taxes paid on payments covered under Regional Rail Reorganization Act Reimbursement System, RUIA contributions paid, hours worked in railroad service, effective date of separation, health/welfare premiums, FICA contributions, moving and related expenses. Identifying information includes the name of the employee, his social security account number, his employee identification number, job and employer code.

Authority for maintenance of the system:

Title V, Section 509 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. § 779).

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

a. Information received from sources other than the employer which conflicts with information furnished by the employer in support of its reimbursement claims may be released to the employer to the extent needed to resolve the conflict.

b. A list of RUIA benefit claimants, amounts paid and periods covered, plus identifying information, may be disclosed to any employer requesting reimbursement for displacement, separation, termination or moving expenses for which a reimbursement set-off must be made.

c. If a request for information pertaining to an employee is made by an official of a labor organization of which the employee is a member and the request is made on behalf of the employee, information may be released to the extent needed to respond to the inquiry.

d. Disclosure may be made to a congressional office from the employee's record in response to an inquiry from the congressional office made at the request of the employee.

e. Information in this system of records regarding a reimbursement claim pertaining to an employee may be released to the attorney representing such employee, with respect to such claim, upon receipt of a written letter or declaration stating the fact of representation, subject to the same procedures and regulatory prohibitions as the subject employee.

f. Information may be released to private contractors to the extent needed to fulfill contract requirements.

g. Information may be released to the General Accounting Office for auditing purposes and for collection of debts arising from overpayments under the Regional Rail Reorganization Act of 1973 or the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

h. Information may be released to the Department of Justice and to courts of competent jurisdiction in response to properly issued subpoenas.

i. In the event that this system of records maintained by the Railroad Retirement Board to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in this system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, or local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

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

Storage:

Paper, magnetic tape and microforms.

Retrievability:

Social security number and name.

Safeguards:

Records are maintained in areas not accessible to the public and are not permitted to be removed from headquarters without authorization.

Retention and disposal:

Retained until authorized to destroy by the General Accounting Office.

System manager(s) and address:

Director of Unemployment and Sickness Insurance, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

Notification procedure:

Requests for information regarding an individual's record should be in writing addressed to the System Manager identified above, including the full name and social security number. Before information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

Record access procedures:

See Notification section above.

Contesting record procedures:

See Notification section above.

Record source categories:

Employee or his representative, employers, unemployment claims agents, labor organizations, and all Railroad Retirement Board files.

Dated: December 9, 1976.

[FR Doc.76-36987 Filed 12-15-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13056; File No. S7-601]

MEANS OF IMPROVING DISCLOSURE BY CERTAIN FOREIGN PRIVATE ISSUERS

The Securities and Exchange Commission today announced that it is soliciting the views of the public concerning means of improving the disclosure presently required by Forms 20 (17 CFR 249.220) and 20-K (17 CFR 249.320) under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). Forms 20 and 20-K are the registration and annual reporting forms, respectively, authorized for use by certain foreign private issuers under the

Exchange Act. The Commission is considering the possibility of publishing for further comment proposals to make filings on Forms 20 and 20-K substantially similar in content to filings on Forms 10 (17 CFR 249.210) and 10-K (17 CFR 249.310) authorized for use by domestic and certain other North American issuers.

The theory has been advanced that amendments of this nature might not only make more meaningful the information available to investors concerning foreign issuers, but also improve the domestic market for foreign securities and thereby facilitate the free flow of capital among nations. It has also been suggested that amendments of this type might reduce, to an extent, any competitive disadvantages reporting domestic issuers possibly suffer in relation to reporting foreign issuers. In addition, certain subsidiary benefits could result under the Commission's integration concept. For example, rights offerings by foreign issuers to their United States shareholders might be facilitated by the use of a short form registration statement under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) such as Form S-16 (17 CFR 239.27) which could include, by reference, the information disclosed in Form 20-K filings if that reporting form were to be amended to require more meaningful disclosure.[1]

Forms 20 and 20-K, which were last amended in 1967, presently require substantially less information than is required of domestic issuers filing Forms 10 and 10-K. Form 20 presently requires disclosure of information concerning country of incorporation; ownership and control; the general character of business and any substantial changes therein which have occurred during the preceding five years; the character and location of the principal plants and other important units; the capital shares, funded debt and other securities to be registered; exchange controls; directors' and officers' compensation; and the financial statements, schedules and accountants' certificates which would be required if the report were filed on Form 10-K. The required financial disclosures include a comparative balance sheet for the latest and the preceding fiscal year, a statement of income for the last three years, a statement of source and application of funds, and usually a statement of stockholders' equity and supplementary profit and loss statement. Such financial statements are not required to be reconciled with the Commission's Regulation S-X (17 CFR Part 210), but any material variation in accounting principles or practices from the requirements of that Regulation must be disclosed and, to the extent practicable, the effect of such variation must be given.

Form 20-K is the annual reporting form required to be filed by each foreign issuer which has registered equity securities under the Exchange Act on Form 20 or which has a reporting obligation resulting from a prior effective registration statement under the Securities Act. Form 20-K requires foreign issuers to report annually only the changes and modifications in any of the above information previously reported, and to file current certified financial statements of the character described above.

The Commission's continual efforts to improve disclosures to investors have resulted in material amendments to Forms 10 and 10-K in the past several years. Registrants must provide in both forms a description of the business in which the issuer presently engages or intends to engage. This includes, for each of the preceding five fiscal years, the revenues and income attributable to separate material lines of business or classes of similar products. If material, the description of business includes: (a) competitive conditions in the industry and the registrant's position; (b) dependency on a single customer or a few customers; (c) backlog; (d) source and availability of raw materials; (e) importance of patents, trademarks, licenses, franchises and concessions; (f) expenditures on, and employees engaged in, research and development, and description of new products; (g) effects and cost of compliance with environmental laws; (h) number of employees; and (i) seasonal aspects of the business. The registrant must also disclose its foreign operations (outside of its country of incorporation) and must give a description of all material properties and oil and gas reserves.

The registrant must also include in Forms 10 and 10-K a description of parents and subsidiaries; principal security holders and the security holdings of directors and officers as a group; name and family relationships between directors and executive officers and petitions in bankruptcy by, and criminal indictments or certain injunctions against, directors and executive officers; remuneration of, retirement benefits set aside for, and options granted to, officers and directors, naming them individually where the direct remuneration payments exceed $40,000 per annum; interest of management and affiliates thereof in transactions involving the registrant; and pending material litigation. Further, registrants must provide in Forms 10 and 10-K not only the financial statements indicated above but also a five year summary of operations which is accompanied by management's analysis of material changes disclosed therein.

The Commission is interested in being apprised of the views or comments of interested persons with respect to possible expansion of the disclosure requirements of the foreign registration and reporting forms. Of particular interest are any views concerning the desirability, feasibility, and potential impact of such measures on the United States domestic markets for foreign securities, including the reaction of foreign issuers, organizations, and governments to any possibly increased disclosure burdens. The Commission is particularly concerned about the ability of foreign issuers presently to comply with substantially the same annual reporting requirements imposed on domestic issuers and whether such requirements would result in foreign issuers not using our markets. The public's views will be helpful to the Commission in considering the appropriate approach to be used with respect to disclosure by foreign issuers which have used the United States markets or which contemplate using those markets in the future. The Commission specifically invites comment from individual investors, publicly owned domestic and foreign companies, interested professionals, members of the investment community, members of the academic community, the financial media, and related associations, as well as from members of the general public.

The Commission requests that all interested persons submit their written views, in triplicate, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 28, 1977. Such communications should refer to File S7-661 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549. Any definitive proposals to amend the disclosure requirements applicable to foreign issuers will, of course, be published for comment.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 10, 1976.

[FR Doc.76-36392 Filed 12-15-76;8:45 am]

[Release No. 34-13040;
File No. SR-NYSE-76-57]

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Change by Self-Regulatory Organizations; Percentage Orders

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 26, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NYSE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed changes to Exchange Rules 13 and 123A would redefine the

[1] Form S-16 may be used for the registration of securities offered in specified transactions if the issuer meets also the requirements for the use of Form S-7 (17 CFR 239.26). In general, Form S-7 is available for use by issuers which, in addition to certain other requirements, file reports with the Commission pursuant to the Exchange Act. These reports are specifically incorporated into the prospectus on Form S-16, even where such reports are filed after the effective date of the registration statement, so as to maintain current disclosure of the issuer's status during the term of the offering.

term "Percentage Orders" and include within the Exchange Rules the procedures to be followed in handling such orders.

The purpose and effect of the proposed rule changes are discussed in greater detail below. The texts of the proposed rule changes are attached as Exhibit I.

NYSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

Institutional investors who deal in large quantities of stock often do not desire to initiate activity in a stock but rather wish to "go along"; that is, to participate in transactions without unduly influencing the market. Their intention is to have their orders executed in a manner that will not have a significant effect on the market in the stock. Since it usually takes a period of time to execute an order of this type, and commission brokers ordinarily cannot remain in an inactive market waiting for orders to come into the market on the other side of their orders, such orders are often entrusted to specialists as percentage orders. (A percentage order, as presently defined, is a market or a limited price order to buy or sell a stated amount of a specified stock after a fixed number of shares are traded.) Under the present procedures for handling percentage orders, it is often difficult for members to execute or have such orders executed in accordance with the intent of their customers.

The proposed rule changes will redefine the term "percentage orders" to facilitate handling such orders, and include new procedures within the rules of the Exchange.

Specifically, Rule 13 will include a definition of the types of percentage orders that can be handled in terms of how they will be executed. Market percentage orders will no longer be accepted, rather each percentage order will be a limited price order.

This will eliminate situations where a percentage order is executed at a price or prices not anticipated by the investor. On the other hand, the establishment of a Last Sale Order—a new kind of limit percentage order—will add further flexibility to the execution of large orders. Percentage orders other than 50% will no longer be accepted to preclude the need for complex mathematical calculations on the Floor.

In addition, the current rules governing percentage orders often serve to defeat the purpose of such orders when large block transactions are effected in a stock. Since a percentage order is not elected until a sale takes place, specialists are not able to participate in block transactions on behalf of a percentage order. Furthermore, once such a block transaction takes place, it elects all or part of the percentage order for execution in the "after market." These situations frustrate the intent of the customer who places the percentage order with the specialist to go along with the market and avoid disrupting the market. The proposed rule change provides that, upon instruction by the entering broker, the specialist may convert a percentage order into a regular limit order to alleviate this situation.

Proposed Rule 123A.30 contains explanatory material for handling percentage orders, such as the procedure to follow when a specialist has accepted more than one percentage order. It also sets forth the requirement that all percentage orders given to a specialist must be time-stamped by the specialist at his Post location. This provision will enable the specialist to determine the time priority of the percentage orders he is holding.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed changes to Rules 13 and 123A of the Exchange relate to Section 6(b)(5) of the Act in that they would remove impediments to and perfect the mechanism of a free and open market, and in general, protect investors and the public interest by setting forth procedures for improving the handling and execution of percentage orders in accordance with the investor's instructions.

The proposed rule changes further relate to Section 6(b)(5) and Section 6(b)(8) of the Act insofar as these Sections, respectively, do not permit the rules of an exchange to unfairly discriminate between brokers or dealers, or to impose any burden on competition not necessary or appropriate to further the Act. Under the existing procedures, certain Exchange members are hampered in their ability to effectively handle and execute certain orders pursuant to the instructions and intent of the investor.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Exchange has not solicited comments regarding the proposed changes to Rules 13 and 123A and has received none.

BURDEN ON COMPETITION

The NYSE states that the proposed rule changes will not impose any burden on competition.

On or before January 24, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be filed on or before January 5, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 3, 1976.

EXHIBIT I; PROPOSED TEXT OF RULE 13

DEFINITION OF ORDERS

Percentage Orders. A limited price order to buy (or sell) 50 percent of the volume of a specified stock after its entry. There are three types of percentage orders:

(a) Straight Limit Percentage Orders—Such an order is to be executed when a transaction has occurred at that price or a better price. However, unless otherwise specified, only volume at or below the limit subsequent to the receipt of the order will be applied in determining the elected portion of buy orders. Conversely, only volume at or above the limit will be calculated in determining the elected portion of sell orders.

(b) Last Sale Percentage Orders—Orders designated "last sale" may be executed at the last sale or better, provided that such last sale is at or better than the limit specified in the order.

(c) "Buy Minus"—"Sell Plus" Percentage Orders—The elected portion of an order to "buy minus" can be executed on a "minus" or "zero minus" tick only. Orders of this type must also be qualified further by designating a limit price.

The elected portion of an order to "sell plus" can be executed on a "plus" or "zero plus" tick only. Orders so designated are handled in the same manner as an order to sell short. Orders of this type must also be further qualified by designating a limit price.

If so instructed by the entering broker(s), percentage orders to buy will be converted into regular limit orders for transactions effected no "minus' or "zero minus" ticks. Conversely, if so instructed by the entering broker(s), percentage orders to sell will be converted into regular limit orders for transactions effected on "plus" or "zero plus" ticks.

* * * * *

PROPOSED TEXT OF RULE 123A

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A specialist may accept one or more percentage orders. When accepting more than one order, the specialist must make every effort to inform the entering brokers that they will be participating

with another order or orders. Information of this type would alert brokers to the fact that each order will do less than 50% of the volume. When the specialist is handling more than one percentage order, each such order will be on parity with the other. When an odd amount of shares is involved, for example, 300 shares, and a specialist holds two percentage orders, he must give the extra 100 shares to the broker having priority on a time basis. Therefore, all percentage orders given to a specialist must be time-stamped by the specialist at his Post location.

If a specialist feels he cannot properly handle a number of percentage orders at one time, he should call in a Floor Official to discuss the situation.

If so instructed by the entering broker(s), percentage orders to buy will be converted into regular limit orders for transactions effected on "minus" or "zero minus" ticks. Conversely, if so instructed by the entering broker(s), percentage orders to sell will be converted into regular limit orders for transactions effected on "plus" or "zero plus" ticks.

The entering broker may permit the specialist to be on parity with his order. However, when the specialist is handling more than one percentage order, he may not be on parity with any such order unless permission has been obtained from all brokers for whom he is holding percentage orders in the particular stock. If a specialist is on parity with one or more percentage orders, at no time may the specialist participate for his own account in an amount in excess of what each percentage order would receive. Specialists must make every effort to execute percentage orders in amounts which correspond as nearly as possible to the percentage specified therein.

[FR Doc.76-36991 Filed 12-15-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/10-0150]

CAPITAL MARKETING CORP.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Capital Marketing Corporation (CMC), 9001 Ambassador Row, Dallas, Texas 75247, a Federal Licensee under the Small Business Investment Act of 1958, as amended (The Act), has filed an application pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1976)), for approval of a conflict of interest transaction.

It is proposed that CMC provide $180,000 in financing to Food Fare Keller, Inc. The loan proceeds will be used to finance the purchase of equipment for their newly constructed facilities located at Highway 377 and Keller Hicks Road, Keller, Texas. Dallas Food Fare, Inc. (DFF), a holding company owning Food Fare Keller, Inc., will guarantee the loan.

DFF is considered to be an Associate of CMC, pursuant to the provisions of § 107.3 of the Small Business Administration (SBA) rules and regulations, in that Mr. Nat Paul Gibbs, Jr., the principal shareholder of DFF, is the son of CMC's president. As such, the transaction falls within the purview of § 107.1004(b) (1) of the regulations.

As of November 12, 1976, DFF was indebted to CMC in the approximate amount of $704,966. When this amount is added to the proposed new financing of $180,000, CMC's lending limit of $571,085 will be exceeded by approximately $313,881. The $844,966 in aggregate financing represents approximately 31 percent of CMC's $2,855,425 paid-in capital and surplus.

Notice is further given that any person may, not later than January 3, 1977, submit to SBA, in writing, comments on this transaction. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by CMC in a newspaper of general circulation in Keller, Texas and Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 7, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-36958 Filed 12-15-76;8:45 am]

CINEMA FUND, INC.

[Proposed License No. 02/02-0322]

Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a Small Business Investment Company under the Small Business Investment Act of 1958, as amended, (Act) (15 U.S.C. 661 et. seq.) has been filed by The Cinema Fund, Inc. (the applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102.

The applicant, with its principal place of business at 375 Park Avenue—Suite 2706, New York, New York 10022 will begin operations with $11,006,000 of Paid-in Capital and Surplus.

The officers and directors of the applicant will be as follows:

Barry Levinson, Chairman of the Board and Secretary, 105 Mount Street, London, England.

Seymour H. Malamed, President, Treasurer, and Director, 33 Pond Park Road, Great Neck, New York 11023.

John C. Lewis, Director, Horizon Tower South, 5 Horizon Road, Ft. Lee, New Jersey 07024.

The stock of the applicant consists of Class A and Blass B Common Stock. All six shares of issued and outstanding Class A Common Stock, the only voting stock, are owned by Messrs. Levinson and Malamed. It is proposed to sell 11,000 shares of Class B Common Stock at $1,000 per share to a group of no more than twenty-eight investors. The minimum Class B subscription is fifty shares.

Messrs. Levinson and Malamed are also the sole partners in Cinema Fund Consultants, Inc., the applicant's Investment Advisor.

The applicant will conduct its operations in New York City and California. It proposes to invest in, make loans and provide management services to and furnish advice concerning motion picture and television production and related communications-oriented enterprises.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA rules and regulations.

Any person may, on or before January 17, 1977, submit to SBA written comments on the proposed License. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York City and Los Angeles, California, as well as a trade newspaper, "Variety".

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 8, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-36959 Filed 12-15-76;8:45 am]

[License Application No. 04/04-5124]

PHOENIX MESBIC OF ALABAMA, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Phoenix MESBIC of Alabama, Inc. (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1976).

The officers, directors, and stockholders of the applicant are as follows:

Lois D. Bethune, Chairman of the Board, 174 Powder Horn Avenue, Apt. 114, Homewood, Alabama 35209.

Harold E. Gill, President, Director, 3905 Hood Road S.W., Birmingham, Alabama.

Paul L. Bethune, Vice President, Director, 1904 Portage Avenue, North, Birmingham, Alabama 35234.

Robert A. Wanninger, Secretary, Director, 20 percent Stockholder, 750 Euclid Avenue, Birmingham, Alabama 35213.

Henry N. McCarl, Treasurer, Director, 13 percent Stockholder, 4316 Ninth Court, South, Birmingham, Alabama 35222.

Trust Land Company, Inc., 62 percent Stockholder, 1823 Avenue E, Birmingham, Alabama 35218.

The applicant, an Alabama corporation, with its principal place of business located at 1823 Avenue E, Birmingham, Alabama 35218, will begin operations with $500,000 of paid-in capital and paid-in surplus, derived from the sale of 50 shares of common stock to 4 investors. The applicant will initially conduct its operations within the state of Alabama. It is intended that as applicant's business and operations grow, the operation will be conducted on a national basis.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Any person may, not later than January 3, 1977, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Birmingham, Alabama.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 7, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-36960 Filed 12-15-76;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-7/3]

OCEAN AFFAIRS ADVISORY COMMITTEE

Meeting

Notice is hereby given pursuant to the provisions of Pub. L. 92-463 that a meeting of the Ocean Affairs Advisory Committee will be convened on January 11 and 12, 1977, at the Sheraton Airport Inn, San Diego, California, at 9:00 a.m.

The morning meeting on January 11 will be open to the public. That session will consist of an unclassified report on the November 30-December 9 Special Meeting of the International Convention for the Northwest Atlantic Fisheries (ICNAF) and a report on bilateral fisheries agreements concluded pursuant to Pub. L. 94-265 and the status of ongoing negotiations. An unclassified U.S. Delegation report on the August-September session of the UN Conference on the Law of the Sea will be available for discussion and the session will close with a question and answer period.

The afternoon session on January 11 and the January 12 meeting will not be open to the public as the discussion will involve matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and the public interest requires that such discussions will include classified briefings on the Law of the Sea session mentioned above and the status of bilateral fishery negotiations and they will include examination and discussion of classified documents.

Dated: December 8, 1976.

ROZANNE L. RIDGWAY,
Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc.76-36961 Filed 12-15-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 132—AIRBORNE AUDIO SYSTEMS & EQUIPMENT

Meeting

Pursunat to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the RTCA Special Committee 132—Airborne Audio Systems & Equipment to be held January 11-12, 1977, RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C. 20006 commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Chairman's opening comments; (2) Secretary's comments and briefing on RTCA Committee procedures; (3) Review terms of reference and definition of aircraft audio systems and equipment; (4) Presentation of member inputs and discussion of new technology precipitating update of minimum performance standards; (5) Assessment of scope of revisions to DO-78A, DO-90 and DO-91; and (6) Assignment of tasks.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained

from, RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on December 7, 1976.

KARL F. BIERACH,
Designated Officer.

[FR Doc.76-36967 Filed 12-15-76;8:45 am]

Materials Transportation Bureau

EXEMPTION APPLICATIONS

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

COMMENTS BY: January 25, 1977 with respect to applications for a new exemption.

ADDRESSED TO: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying-aircraft.

New exemptions

Application No.	Applicant	Regulation(s) affected	Nature of application
7569-N	Rich International Airways, Inc., Miami, Fla.	49 CFR 172.101, 175.30 (a)(1).	To authorize shipment of dynamite in cargo aircraft. (Mode 4.)
7575-N	Petrolite Corp., St. Louis, Mo.	49 CFR 172.101, 175.30.	To authorize shipment of certain flammable liquids in 55 gal drums by cargo-only aircraft. (Mode 4.)
7576-N	Hugonnet S.A., Paris, France.	49 CFR 173.630; 46 CFR 98.35.	To authorize shipment of certain combustible and ORM-A liquids in non-DOT tank containers. (Modes 1, 2, 3.)
7577-N	Monitor Labs, Inc., San Diego, Calif.	49 CFR 172.101, 175.3.	To authorize shipment of sulfur dioxide and nitrogen dioxide by cargo aircraft. (Mode 4.)
7578-N	U.S. Dept. of Defense, Washington, D.C.	49 CFR 173.93(a)(10).	To authorize shipment of Class B propellant explosives in DOT 21C fiber drums. (Mode 2.)
7579-N	Staple Cotton Services Association, Greenwood, Miss.	49 CFR 173.338, 173.339.	To authorize shipment of certain Class B poison liquids in DOT MC-331 cargo tanks. (Mode 1.)
7580-N	FMC Corp., Philadelphia, Pa.	49 CFR 172.400, 172.402(a)(2), 172.400(c), 172.407.	To authorize shipment of Class B poisons which have EPA poison labels on the shipping containers to be shipped without the DOT poison label; to use a smaller label; or deviate from the label placement requirements. (Modes 1, 2.)
7581-N	Mobay Chemical Co., Pittsburgh, Pa.	49 CFR 173.245(a)(14), 173.346(a)(2), 173.363 (a)(2).	To authorize shipment of certain corrosive and poisonous liquids and poisonous solids in a non-DOT steel drum. (Modes 1, 2, 3.)
7582-N	General Electric Co., Pleasanton, Calif.	49 CFR 172.101, 173.244, 175.3.	To authorize shipment of radioactive materials containing up to 2 grams of nitric acid in packages not bearing the corrosive label and marked solely as radioactive materials by passenger aircraft. (Modes 5.)
7583-N	Diagnostics Isotopes Inc., Upper Saddle River, N.J.	49 CFR 173.389(c)(4).	To authorize shipment of certain transport Group I radionuclides as Group IV. (Modes 4, 5.)
7584-N	Orval Tank Containers, Paris, France.	49 CFR 173.244(a), 173.260.	To authorize shipment of hydrogen peroxides in non-DOT portable tanks. (Modes 1, 3.)
7585-N	Fabricated Metals Inc., Modena, Pa.	49 CFR 173.345, 173.348.	To authorize shipment of arsenic acid solutions in DOT 57 portable tanks. (Modes 1, 2.)
7586-N	Rockwell International, Downey, Calif.	49 CFR 173.88(c)(2)(ii), 173.92.	To authorize shipment of a rocket motor and igniter, Class B explosives, in a propulsive state in non-DOT packaging. (Mode 1.)
7587-N	Bernzomatic Corp., Medina, N.Y.	49 CFR 173.304(c), 178.33, 178.33a.	To authorize shipment of dichlorodifluoromethane in modified DOT 2P and 2 Q containers. (Modes 1, 2.)
7588-N	Hoyt Corp., Rogers, Ariz.	49 CFR 172.400(a), 173.302(a)(1).	To authorize shipment of compressed air in non-DOT low-pressure water tanks without labeling. (Mode 1.)
7589-N	Recordati Industria Chimica E Farmaceistica, Milano, Italy.	49 CFR 173.245.	To authorize shipment of certain corrosive liquids in glass carboys overpacked by a metal drum overpacked by a wooden box. (Modes 1, 3.)
7590-N	National Motor Freight Traffic Association Inc., Washington, D.C.	49 CFR 177.841(c).	To authorize shipment of poisonous liquids and solids in the same motor vehicle trailer with foodstuffs when the poisons are in DOT containers overpacked in a special overpack. (Mode 1.)
7591-N	Albright & Wilson Ltd., Norwood, N.J.	49 CFR 173.270.	To authorize shipment of phosphorus tribromide in non-DOT lead-lined metal drums. (Modes 1, 3.)
7592-N	Shell Oil Co., Houston, Tex.	49 CFR 173.314(c). Note 23, 179.100-23.	To authorize the use of Shelf E or F couplers in lieu of head shields on all uninsulated pressure tank cars. (Mode 2.)

Application No.	Applicant	Regulation(s) affected	Nature of application
7593-N	McDonnell-Douglas Corp., Tulsa, Okla.	49 CFR 173.304(a)(1)	To authorize shipment of anhydrous ammonia in a heat pipe system. (Modes 1, 2.)
7594-N	Solchem Inc., New York, N.Y.	49 CFR 173.353	To authorize shipment of methyl bromide in a non-DOT portable tank manufactured in accordance with the ISO requirements. (Modes 1, 3.)
7595-N	American Cyanamid Co., Wayne, N.J.	49 CFR 173.358	To authorize shipments of organic phosphate compounds, n.o.s. in DOT MC-312 cargo tanks. (Mode 1.)
7596-N	Puerto Rico Marine Management Inc., Elizabeth, N.J.	49 CFR Part 173 Subpart C; 46 CFR 98.35	To authorize shipment of certain flammable and combustible liquids in a non-DOT portable tank. (Modes 1, 2, 3.)
7597-N	Riverside Chemical Co., Memphis, Tenn.	49 CFR 173.358, 173.359.	To authorize shipment of certain Class B poisons in 55 gal DOT 17E drums by private carrier. (Mode 1.)
7598-N	Pratt & Whitney Aircraft, East Hartford, Conn.	49 CFR Part 173, 178.255.	To authorize shipment of certain hazardous materials in rectangular and cylindrical shaped, modified DOT 60 portable tanks. (Mode 1.)
7599-N	Martin Marietta Corp., Charlotte, N.C.	49 CFR 173.365	To authorize shipment of 2,4-dinitrophenol in reconditioned drums built to 17E specification except for a removeable head. Single trip by private motor vehicle only. (Mode 1.)
7600-N	Lubbock Manufacturing Co., Lubbock, Tex.	49 CFR 173.315	To authorize shipment of liquefied ethylene in non-DOT cargo tanks. (Mode 1.)
7601-N	Atlantic Research Corp., Gainesville, Va.	49 CFR 173.53(c)	To authorize shipment of desensitized liquid nitroglycerin using a desensitizer significantly more volatile than nitroglycerin. (Mode 1.)
7602-N	Gaspro Inc., Honolulu, Hawaii.	49 CFR 173.850	To authorize shipments of calcium oxide in non-DOT 40,000 lb capacity bulk containers. (Mode 3.)
7603-N	Air Products and Chemicals Inc., Allentown, Pa.	49 CFR Part 173, Subpart F.	To authorize shipment of non-pressurized liquid argon, nitrogen, and oxygen in non-DOT cargo tanks. (Mode 3.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on December 7, 1976.

C. H. THOMPSON,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.76-36465 Filed 12-15-76;8:45 am]

EXEMPTION APPLICATIONS

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described, as in past publications. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions because they represent the large majority of applications awaiting disposition.

COMMENTS BY: January 10, 1977 with respect to applications for renewal and applications to become a party.

ADDRESSED TO: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Application No.	Applicant	Renewal of special permit or exemption
3109-X	Raytheon Co., Lowell, Mass.	3109
3307-X	Apache Powder Co., Benson, Ariz.	3307
3415-X	Department of the Army, Washington, D.C.	3415
4177-X	Hydrodyne Industries, Inc., Hauppauge, N.Y.	4177
4275-X	Kaiser Aluminum & Chemical Corp., Oakland, Calif.	4275
4575-X	do	4572
4763-X	Allied Chemical, Morristown, N.J.	4763
4990-X	Schenley Distillers, Inc., Cincinnati, Ohio.	4990
5243-X	Apache Powder Co., Benson, Ariz.	5243
5243-X	Atlas Powder Co., Dallas, Tex.	5243
5643-X	Union Carbide Corp., Tarrytown, N.Y.	5643
6178-X	Olympic Manufacturing Co., Atlanta, Ga.	6178
6247-X	J. T. Baker Chemical Co., Phillipsburg, N.J.	6247
6253-X	Mobay Chemical Corp., Pittsburgh, Pa.	6253
6343-X	Olin Corp., Stamford, Conn.	6343
6416-X	Allied Chemical Corp., Morristown, N.J.	6416
6453-X	Allied Chemical Corp., Mount Clemens, Mich.	6453
6569-X	Westerwalder Eisenwerk, Weitefeld, West Germany.	6569
6616-X	Fenwal Inc., Ashland, Mass.	6616
6632-X	Airwick Industries, Inc., Teterboro, N.J.	6632
6760-X	Helena Chemical Co., Memphis, Tenn.	6760
6826-X	McDonnell Douglas Astronautics Co., Huntington Beach, Calif.	6826
6864-X	Westerwalder Eisenwerk, Weitefeld, West Germany.	6864
6984-X	Atlas Power Co., Dallas, Tex.	6984

Application No.	Applicant	Renewal of special permit or exemption
7033-X	Farm Chemicals, Inc., Aberdeen, N.C.	7033
7044-X	Thiokol Corp., Huntsville, Ala.	7044
7052-X	Eagle-Picher Industries, Inc., Joplin, Mo.	7052
7082-X	Container Division Igloo Corp., Houston, Tex.	7082
7087-X	Unitek Corp., Monrovia, Calif.	7087
7220-X	Prestex Products Co., St. Paul, Minn.	7220
7413-X	Chilton Metal Products Division, Chilton, Wis.	7413
7466-X	Firmenich Inc., Princeton, N.J.	7466
7477-X	Systron Donner Corp., Berkeley, Calif.	7477
7601-X	American Cyanamid Co., Wayne, N.J.	1 23-73
3966-P	North Central Chemicals, Inc., Madison, Wis.	3966
3966-P	Western Eaton Solvents & Chemical Co., Romulus, Mich.	3966
3966-P	Specialty Chemical Co., Inc., Chattanooga, Tenn.	3966
3966-P	Chemtech Industries, Inc., St. Louis, Mo.	3966
3966-P	Jayar-Hoag Chemical Co., Inc., Morton Grove, Ill.	3966
3966-P	Hawkins Chemical, Inc., Minneapolis, Minn.	3966
4011-P	Hercules Inc., Wilmington, Del.	4011
4763-P	A. J. Lynch & Co., Oakland, Calif.	4763
4763-P	North Central Chemicals, Inc., Madison, Wis.	4763
4763-P	Eagle Chemical Co., Reading, Pa.	4763
4763-P	Chemtech Industries, Inc., St. Louis, Mo.	4763
4763-P	Western Solvent & Chemicals Co., Romulus, Mich.	4763
4763-P	Specialty Chemical Co., Inc., Chattanooga, Tenn.	4763
5103-P	Oimo Oil Industries, Manufacturing & Engineering, Odessa, Tex.	5103
5792-P	Northern Petrochemicals Co., Des Plaines, Ill.	5792
5944-P	Dow Chemical Co., Midland, Mich.	5944
6267-P	Tesco, Marietta, Ga.	6267
6299-P	Wolverine Gas Products, Inc., Saginaw, Mich.	6299
6602-P	Great Lakes Chemical Corp., El Dorado, Ariz.	6602
6902-P	Michigan Chemical Corp., Chicago, Ill.	6902
6903-P	Flow Control Division, Raleigh, N.C.	6903
7052-P	Tadiran Industries, Tel Aviv, Israel.	7052
7423-P	Hart Metals, Inc., Pamaqua, Pa.	7423
7470-P	Hooker Chemicals & Plastics Corps, Niagara Falls, N.Y.	7170

1 USCG.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on December 7, 1976.

C. H. THOMPSON,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.76-36466 Filed 12-15-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP76-10; Notice No. 2]

FLXIBLE CO.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

This notice grants the petition of the Flxible Company of Delaware, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.205, Motor Vehicle Safety Standard No. 205, *Glazing Materials*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on September 23, 1976 (41 FR 41736), and an opportunity afforded for comment.

Flxible determined that certain plastic glazing material components used in passenger compartment side and rear windows, standee windows, and rear doors in approximately 500 buses were not marked AS4 or AS5 as Standard No. 205 requires, or were marked erroneously. Flxible provided NHTSA with a certificate by the glazing supplier attesting that the glazing materials otherwise comply with Standard No. 205. Even though the company sought to be excused from the formal notification and remedy requirements of the Act, it nevertheless will mark the glazing by having its field service representatives locate the buses and affix appropriate decals to it.

One comment was received on the petition, from the California Highway Patrol which supported it (though disapproving of the manufacturer's method of marking the glass).

The NHTSA accepts the certification by the glazing supplier that the materials meet all the performance requirements of Standard No. 205. Since marking is for identification purposes only and does not in itself contribute to occupant protection, it has been determined that the noncompliance is inconsequential as it relates to motor vehicle safety and the petition by Flxible Company is hereby granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on December 8, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-36933 Filed 12-15-76;8:45 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public 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 National Highway Safety Advisory Committee to be held January 12 and 13, 1977 at the DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C.

The agenda for the meeting is as follows:

On January 12 at 8:30 a.m. in room 2230 there will be a general session to discuss pending resolutions of the Adjudication and Alcohol Subcommittee and to hear an update on a propose March Conference on Role of Sanctions & Role of Highway Safety Standards.

At 10:00 a.m. on January 12 in room 2230 the Adjudication and Alcohol Subcommittee will meet to hear a report on the American Judges Association's Las Vegas Program; a report on rural court site visits; a briefing on NHTSA DUI (driving under the influence) Rehabilitation Programs and Accomplishments and old and new business.

Also at 10:00 a.m. on January 12 in room 4234 the Highway Environment Subcommittee will meet to hear reports on visits to FHWA Division Safety Coordinators; review rail-highway grade crossing problems; review revisions of subcommittee resolutions and old and new business.

At 2:00 p.m. on January 12 in room 2230 the Driver Subcommittee will meet to hear briefings on in-depth curriculum review of Georgia demonstration projects on driver education; National Driver Register; review of April subcommittee resolutions and old and new business.

On January 13 at 8:30 a.m. in room 6200 the Vehicle Subcommittee will meet to hear briefings on motorized bicycle standard (Moped) and truck size and weight axle study. They will also discuss the national truck length and weight questions and the proposed subcommittee resolution and the safety implications of 1980 goals on commercial motor vehicles and old and new business.

At 11:30 a.m. the full Committee will meet in room 2230 to hear reports by subcommittees and any old or new business pending.

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 meetings. Any member of the public may present a written statement to he Committee at any time.

This meeting is subject to the approval of the Secretary of Transportation.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on: December 10, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76-37029 Filed 12-15-76;8:45 am]

TRUCK AND BUS SAFETY SUBCOMMITTEES

Public 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 Truck and Bus Safety Subcommittees of the National Highway Safety Advisory Committee and the National Motor Vehicle Safety Advisory Council. The subcommittees will meet on January 11 from 10:30 a.m. to 5:00 p.m. in room 2230 of the DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C.

The agenda will consist of briefings on all DOT in-house programs and proposals concerning standards, regulations and research, both current and future, which impact safety and are applicable to heavy trucks and buses.

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 meetings. Any member of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on December 10, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76-37028 Filed 12-15-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series—No. 33-76]

TREASURY NOTES SERIES U-1978

Offering of Securities

DECEMBER 13, 1976.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders for $3,000,000,000, or thereabouts, of securities of the United States, designated Treasury Notes of December 31, 1978, Series U-1978 (CUSIP No. 912827 GG 1). The securities will be sold at auction with bidding on the basis of yield, and with the interest rate and the price equivalent of each accepted bid to be determined as set forth below. Additional amounts of these securities may be issued to Government accounts and to Federal Reserve Banks for their own account in exchange for maturing Treasury securities being held by them, and to Federal Reserve Banks, as agents of foreign and international monetary authorities, for new cash only.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated December 31, 1976, and will bear interest from that date, payable on a semiannual basis on June 30 and December 31, 1977,

and thereafter on June 30 and December 31 in each year until the principal amount becomes payable. They will mature December 31, 1978, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The securities will be subject to the general regulations of the Department of the Treasury governing United States securities, now or hereafter prescribed.

3. Sale Procedures

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Monday, December 20, 1976. Noncompetitive tenders, as defined below, will be considered timely if postmarked no later than Friday, December 17, 1976.

3. 2. Each tender must state the face amount of securities bid for, which must be $5,000 or a multiple thereof. Competitive tenders must show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3. 3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers, provided the names of the customers and the amount for each customer are furnished. Others will not be permitted to submit tenders except for their own account.

3. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States and political subdivisions or instrumentalities thereof; public pension and retirement and other public funds; international organizations in which the United States holds membership, foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3. 5. Immediately after the closing hour, tenders will be opened, following which public announcement will be made of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be determined at a ⅛ of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of yield. Additional tenders received from Government accounts and Federal Reserve Banks will be accepted at the average price of accepted competitive tenders.

3. 6. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. Those submitting noncompetitive tenders will not be notified except when the tender is not accepted in full or when the price is over par.

4. Reservations

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when he deems it to be in the public interest, and his action in any such respect shall be final.

5. Payment and Delivery

5. 1. Except as otherwise stipulated, settlement for securities allotted hereunder must be made or completed on or before Friday, December 31, 1976, at the Federal Reserve Bank or Branch, or the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Tuesday, December 28, 1976, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Monday, December 27, 1976, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Some Federal Reserve Banks and Branches and the Bureau of the Public Debt will be closed on December 31. Settlement for accepted tenders at those offices must be completed no later than Monday, January 3, 1977, with payment including three days' accrued interest unless settlement is made with Treasury securities maturing on or before December 31, 1976. If, however, settlement is completed by Thursday, December 30, 1976, there will be no accrued interest due.

5. 2. Payment will not be deemed to have been completed where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 3. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 4. Registered securities tendered as deposits and in payment for securities allotted hereunder are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the new securities, signed by the owner or his authorized representa-

tive, must accompany the securities presented. Otherwise, the presented securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered herein) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered herein) to be delivered ot (name and address)." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 5. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shal be exchangeable for the securities offered herein, when such securities are available, at any Federal Reserve Bank or Branch, or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 6. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established and the securities have been inscribed.

6. GENERAL PROVISIONS

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.76-37089 Filed 12-14-76;12:00 pm]

VETERANS ADMINISTRATION

VETERANS EDUCATION

Policies and Procedures

Notice is hereby given of the publication of Veterans Administration policies and procedures concerning the provisions of Pub. L. 94-502 (90 Stat. 2383), including specific publications dealing with the 6-month normal completion time requirement for correspondence courses; 45 months of basic entitlement; period of operation of a course—two-year rule; prohibition of assignment of educational benefit payments; education loans; provisions of vocational rehabilitation program; so-called 85-15 rule; and termination of the program known as PREP.

In order to obtain the views of the public, interested persons are invited to submit written comments to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 before January 14, 1977. The comments will be considered in drafting regulations to implement the provisions of Pub. L. 94-502 and any future revisions of publications published below. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any field station will be informed that records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that provisions of the policies and procedures are effective as indicated in the body of the basic circular set out below. The specific appendixes will be effective on the respective dates described in that basic portion. The material below is the contents of DVB Circular 20-76-84 and appendixes A through H of that circular. The numbering system used is that of the circular.

Approved: December 9, 1976.

R. L. ROUDEBUSH,
Administrator.

[DVB Circular 20-76-84]

PUBLIC LAW 94-502, VETERANS EDUCATION AND EMPLOYMENT ASSISTANCE ACT OF 1976

OCTOBER 15, 1976.

1. *General.* S. 969 was enacted as Public Law 94-502 on October 15, 1976. This law provides for an increase in educational assistance benefits for Chs. 31, 34 and 35; an extension of basic eligibility for veterans under Ch. 34 and for eligible dependents under Ch. 35; a new Ch. 32 benefit program and other changes in existing programs. The various provisions of this law are effective on several different dates. This circular has been arranged to show a breakdown of the provisions according to the effective dates.

2. *Provisions Effective October 1, 1976.*—a. *Rates.* Chs. 31, 34 and 35 benefits have been increased approximately 8 percent. The charge against entitlement for correspondence training will be at the rate of $292 per month. (Flight training remains unchanged at $270 per month). The new rates are shown in paragraph 9.

b. Other provisions effective October 1, 1976:

(1) Increases tutorial assistance to $65 per month and the maximum to $780.

(2) Increases education loan amount to $292 multiplied by number of months of remaining entitlement, and the maximum to $1,500 per year. Changes the rate of interest charged to be comparable to that imposed on loans under part B of title IV of the Higher Education Act of 1965. These changes apply to loans made on or after October 1, 1976.

(3) Increases maximum period of entitlement from 36 to 45 months for Ch. 34 and 35 and is not limited to pursuit of a standard undergraduate college degree. (See par. 8, below.) Note, there has not been any extension to the ten year delimiting date.

(4) The new law has several provisions affecting Ch. 35 periods of eligibility and ending dates. No special review will be made to identify cases affected by the following provisions; any necessary adjustments will be made whenever the cases are reviewed in the future. Note the new law does not permit extensions of entitlement beyond 45 months except those provided in VAR 13044(C).

(a) Permits extension of ending date of Ch. 35 benefits under conditions in 38 U.S.C. 1711(b) for 12 weeks or to the end of the course, whichever is less, for schools not operated on a quarter or semester system. No change has been made in the extension provisions already in existence for schools operated on a quarter or semester basis; these may still be extended to the end of the quarter or semester.

(b) Extends period of eligibility for children eligible for Ch. 35 benefits from 5 to 8 years after date of "first finds" or date of first discharge or release from active duty if the eligible person served on active duty between his/her 18th and 26th birthdays but not beyond the 31st birthday (VAR 13041 (D)).

(c) Permits extension of ending date for Ch. 35 beneficiaries to the end of the course or 12 weeks, whichever is less, for enrollment in a course not regularly operated on a term, quarter or semester basis and if eligibility period ends after a major portion of the course is completed; or to the end of the term, quarter or semester.

(d) Eliminates extension of ending date for Ch. 35 due to processing time delays.

(5) Allows the SAA to be reimbursed for work performed by subcontractors when the work has a direct relationship to Ch. 32, 34, 35 or 36 and has prior approval of the Administrator.

(6) Increases allowances for administrative expenses paid to State approving agencies by approximately 8 percent. The allowances range from $600 to $12,960 base. The administrative allowances for Fiscal Year 1977 will be computed on the basis of the following rate chart:

Total salary cost reimbursable	*Allowable for administrative expense*
$5,000 or less	$600.
Over $5,000 but not exceeding $10,000.	$1,080.
Over $10,000 but not exceeding $35,000.	$1,080 for the first $10,000 plus $1,000 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000.	$6,535.
Over $40,000 but not exceeding $75,000.	$6,535 for the first $40,000 plus $865 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000.	$12,960.
Over $80,000	$12,960 for the first $80,000 plus $755 for each additional $5,000 or fraction thereof.

(7) Increases by $2 the reporting fee paid to educational institutions and joint apprenticeship committees. This adjustment will be made automatically by Hines DPC; however, if a station makes an out-of-system

payment to a school, the increase must be added by the station prior to payment.

3. *Provisions Effective Date of Enactment.* a. Allows continued payment of educational benefits for periods between consecutive terms when transferring from one institution to another to pursue a similar course, provided period between the consecutive terms is less than 30 days. Such periods are to be counted as absences for courses not leading to a standard college degree. Payment for the interval will be made upon enrollment in the second school at the rate of payment in effect at the first school.

b. Allows continued payment of educational benefits for periods between semesters, terms or quarters when an institution certifies on an individual semester, term or quarter basis, provided the interval period is less than one full calendar month. Such periods are also counted as absences for courses

c. Permits a work-study student to complete a work agreement even though the student ceases to attend school full time. If the student terminates training, the student may be permitted to work out only that portion for which he/she has received an advance. A new contract is not needed when the student drops below full time attendance.

d. Eliminates the Ch. 31 extended termination date cutoff (June 30, 1975 or 10 years after applicable termination date, whichever is later) for blinded and other seriously disabled veterans. Provides for training after the applicable termination date when it is determined that such training is needed to accomplish vocational rehabilitation.

e. Defines the terms "institution of higher learning" and "standard college degree". These definitions are basically the same as those presently in PG 21–1 and VA regulations. The provisions of VAR 14280 dealing with independent study have also been placed in statutory language.

f. Changes the title of Ch. 35 benefits as contained in title 38, United States Code, from "War Orphan's and Widows Educational Assistance" to "Surviors' and Dependents' Educational Assistance."

g. Provides that an otherwise eligible person for Ch. 35 benefits may submit his/her own application if legal age has been attained.

h. Requires that the records and accounts of educational institutions pertaining to *all students* be made available to duly authorized representatives of the Government to ascertain compliance with Chs. 31, 32, 34 and 35.

i. Repeals the existing 38 U.S.C. sec. 1793 "Institutions listed by Attorney General." Substitutes a new 38 U.S.C sec. 1793 which defines standards and manpower requirements for annual compliance surveys. These standards of surveys to be made are basically the same as those contained in M22–2, part VII. The law requires one survey specialist for each 40 surveys to be conducted. The Area Field Director will notify stations regarding any modification in staffing and ceilings.

j. Requires a study of vocational objective programs with special attention directed towards the 50 percent employment criteria to be completed and submitted to the Congress and the President within 180 days after date of enactment.

k. Makes minor technical and gender changes throughout Chs. 31, 34, 35 and 36.

l. Establishes within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans Employment who shall advise the Secretary of Labor with regard to policy and procedure for DOL employment assistance and training programs as they affect veterans. Assigns responsibility to the Veterans Employment Service of DOL for promoting veterans' participation in CETA (Comprehensive Employment and Training Act) programs.

4. *Provisions effective November 1, 1976.* Terminates enrollments and reenrollments in PREP under Ch. 34 effective November 1, 1976. Inservice persons enrolled in and pursuing a PREP course prior to that date will be permitted to complete the current certified enrollment period, but no enrollments or reenrollments may be approved after that date. Stations will immediately notify all schools over which they have processing jurisdiction. (The following stations process Central Office approved PREP courses; Washington Regional Office, Manila, Honolulu, San Diego, Seattle, San Francisco, San Juan, Louisville, Nashville and Waco.) The notice will be sent by certified mail, return receipt requested, and must be received by the school prior to the effective date of this provision.

5. *Provisions effective December 1, 1976.* a. Prohibits payment of educational assistance or subsistence allowance for any program of training as follows:

(1) For auditing a course.

(2) When grade assigned is not used in computing graduation requirement (includes withdrawals except for mitigating circumstances).

(3) For a correspondence or combination correspondence-residence program if the correspondence portion is normally completed in less than 6 months.

b. Even though a beneficiary may designate the address of an attorney-in-fact as the payee's address for the purpose of receiving his or her benefit check, the power of attorney of the beneficiary may not operate to permit the attorney-in-fact to negotiate the check as this is considered an assignment and is prohibited. This prohibition also applies to benefit checks sent to a Post Office box or bank for deposit if the attorney-in-fact has access to the funds deposited.

c. Extends the requirement that no more than 85 percent of the students in a course may have all or part of their tuition or other charges paid to or for them by the school, VA, and/or by Federal grants to all courses except educationally disadvantaged, farm cooperative, and certain courses on or adjacent to military bases. The Administrator may waive these requirements if it is in the best interest of the eligible veteran and the Federal Government.

d. Reduces the number of clock hours required to be considered full-time training for institutional trade or technical courses not leading to a standard college degree approved under 38 U.S.C. 1775, from 30 to 27 per week, excluding supervised study (shop practice predominates) and from 25 to 22 per week, excluding supervised study (theoretical or classroom instruction predominates).

e. Requires as additional conditions for approval of a course under 38 U.S.C. 1775: copies of the school catalog certified as to content and policy by an authorized school official; such catalogs must specifically set out schools' standards of progress and conduct; and school must maintain adequate records to show satisfactory standards are enforced.

f. Applies the 2-year rule of operation to each course offered by branches or extensions of public or other tax supported institutions located outside the taxing jurisdiction of the parent school. It also applies the 2-year rule to each course offered by branches or extensions of proprietary institutions located beyond the normal commuting distance of the main campus. Approved courses offered by schools under contract with the DOD (Department of Defense) given on or adjacent to a military base which are available to inservice persons and dependents only do not come under the 2-year rule, but such courses must be approved by the SAA in the State where the base is located.

g. Require institutions offering approved courses to maintain a complete record of all advertising, sales and enrollment materials used during the preceding 12-month period.

h. Provides that progress will be considered unsatisfactory for programs of education or training under Ch. 34 or 35, except for mitigating circumstances, whenever a veteran or eligible person is not progressing at such a rate so as to graduate within the approved length of the course based on the training time as certified to the VA. Also specifies that the date of interruption or termination will be the last date of pursuit or, for correspondence training, the last date a lesson was serviced by the school.

i. Permits Ch. 31 participants to be trained in facilities of a Federal agency on an uncompensated basis and considers them as Federal employees only in regard to injuries on the job.

6. *Provisions effective January 1, 1977.* a. Eliminates Ch. 34 training for persons entering service after December 31, 1976 with limited exception for delayed entry program.

b. Provides a final cutoff date of December 31, 1989 for otherwise eligible persons to use Ch. 34 benefits.

c. *Chapter 32.* Establishes a new Ch. 32—"Post-Vietnam Veterans' Educational Assistance Act," which is voluntary contributory matching-program for persons entering service after December 31, 1976.

(1) The basic delimiting date is 10 years after the date of last release or discharge from active duty after January 1, 1977. Benefits will be accumulated by including contributions from the participating serviceperson and a matching fund from the VA at the rate of $2 for each $1 contributed by the participant. DOD may contribute an additional unspecified amount. The participant's contributions are limited to the range of $50 to $75 monthly and a total maximum of $2,700. Entitlement is limited to a maximum of 36 months or the number of months of participation, whichever is less. Participants may pursue PREP in the last 6 months of their first enlistment.

(2) The law also provides and/or defines for Ch. 32: Eligibility, contribution formula and refund provisions, administrative responsibilities and required reports. Aligns Ch. 32 with Ch. 34 concerning various sections of title 38 U.S.C. Detailed explanations and instructions will follow.

7. *Provisions effective June 1, 1977.* a. modifies advance pay provisions previously changed by Department of Housing and Urban Development—Independent Agencies Appropriation Act, FY 1977 (Pub. L. 94-378). Eliminates need determination for advance payment, but requires request from individual beneficiary and requires that the VA find the school agrees to and can comply with requirements of the law. Eliminates prepayment provisions.

b. Stations will be notified when modifications have been installed concerning these provisions.

8. *45 months' entitlement*—a. *Chapter 35.* The original net entitlement of all eligible persons under Ch. 35 is increased under this law from 36 to 45 months.

b. *Chapter 34.* Eligible persons under Ch. 34 are now entitled to 45 months of educational assistance allowance if they have served a period of 18 continuous months or more on active duty after January 31, 1955. Those who have not served on active duty

for a period of at least 18 continuous months are entitled to educational assistance on the basis of one and one-half months of benefits for each month of creditable service, up to a maximum of 45 months. (Any previous extension beyond 36 months will be deducted prior to the extension to 45 months.)

NOTE.—The maximum aggregate entitlement to educational benefits under all laws administered by the VA remains 48 months. Therefore, the entitlement determined in accordance with the above, for either Ch. 34 or Ch. 35, is subject to reduction based on prior VA training under a different law.

c. *Effective date.* The 45 month entitlement provision of this law is effective October 1, 1976. Therefore, any additional entitlement afforded by this provision, beyond that previously established, can be used only for education or training pursued on or after October 1, 1976.

d. *Notification.* Individual notice will not be sent to those affected by the 45-month entitlement provision. The VA Information Service, however, will be preparing appropriate news releases to the media (including college campuses and veterans organizations) covering this provision. Stations should participate by forwarding this information, as soon as it becomes available, to schools and Vet Reps for prominent posting and/or other means of publication to those affected.

9. *Payment tables:*

a. NEW MONTHLY RATES - GI BILL

	NO DEPS.	1 DEP.	2 DEPS.	EACH ADD. DEP.
INSTITUTIONAL:				
FULL TIME	$ 292	$ 347	$ 396	$24
THREE-QUARTER TIME	219	260	297	18
HALF TIME	146	174	198	12
COOPERATIVE	235	276	313	18
APPRENTICESHIP/OJT:				
1ST 6 MONTHS	212	238	260	11
2ND 6 MONTHS	159	185	207	11
3RD 6 MONTHS	106	132	154	11
4TH AND ANY SUCCEEDING 6 MOS.	53	79	101	11
FARM COOPERATIVE:				
FULL TIME	235	276	313	18
THREE-QUARTER TIME	176	207	235	14
HALF TIME	118	138	157	9
ACTIVE DUTY, OR LESS THAN HALF TIME	TUITION COST, NOT TO EXCEED RATE OF $292 FOR FULL TIME. $219 FOR 3/4 TIME. $146 FOR 1/2 TIME OR LESS BUT MORE-THAN 1/4 TIME, $73 FOR 1/4 TIME OR LESS.			
CORRESPONDENCE	ENTITLEMENT CHARGED AT RATE OF 1 MONTH FOR EACH $292 PAID.			
FLIGHT	ENTITLEMENT CHARGED AT RATE OF 1 MONTH FOR EACH $270 PAID.			

b. NEW MONTHLY RATES - DEPENDENTS EDUCATIONAL ASSISTANCE PROGRAM

	FULL TIME	THREE-QUARTER	HALF-TIME
INSTITUTIONAL	$292	$219	$146
LESS THAN HALF TIME	TUITION COST, NOT TO EXCEED RATE OF $146 FOR FOR 1/2 TIME AND $73 FOR 1/4 TIME		
COOPERATIVE	$235	(FULL TIME ONLY)	
FARM COOPERATIVE	235	$176	$118
CORRESPONDENCE AND APP/OJT RATES - SAME AS SHOWN ON CHART 9a			

c. NEW MONTHLY RATES - VOCATIONAL REHABILITATION - CHAPTER 31

TYPE OF TRAINING		NO DEPS.	1 DEP.	2 DEPS.	EACH ADD. DEP.
INSTITUTIONAL	FULL TIME	$226	$280	$329	$24
	THREE-QUARTER TIME	170	210	247	18
	HALF TIME	113	140	165	12
SHELTERED WORKSHOP, TRAINING IN THE HOME, INDEPENDENT INSTRUCTOR (FULL TIME ONLY)		226	280	329	24
On-Farm, APPRENTICESHIP OR OTHER ON-THE-JOB TRAINING (FULL TIME ONLY)		197	238	275	18
COMBINATION (INST. AND OJT) (FULL TIME ONLY)					
INST. 1/2 TIME OR MORE		226	280	329	24
INST. LESS THAN 1/2 TIME		197	238	275	18
COOPERATIVE (FULL TIME ONLY)					
INST. FULL TIME		226	280	329	24
BUSINESS/INDUSTRY FULL TIME		197	238	275	18

10. Detailed instructions, where necessary, will follow in separate appendixes and circulars.

RUFUS H. WILSON,
Chief Benefits Director.

[DVB Circular 20-76-84]

APPENDIX A, REVISED—SIX-MONTH NORMAL COMPLETION TIME REQUIREMENT FOR CORRESPONDENCE COURSES—PUB. L. 94-502

NOVEMBER 12, 1976.

1. *Purpose.* This appendix provides instructions for implementing the 6-month normal completion time requirement of 38 U.S.C. 1780(a).

2. *General.* Pub. L. 94-502 amends 38 U.S.C. 1780(a), effective December 1, 1976, to provide that educational benefits may not be paid for pursuit of any correspondence course or correspondence portion of a combination course leading to a vocational objective if the normal period of time required to complete the correspondence course or correspondence portion is less than 6 months.

3. *Implementation.* Before benefits may be authorized for an enrollment period beginning on or after December 1, 1976, correspondence schools must certify to the Veterans Administration the normal completion time of each correspondence course or portion which is approved.

a. "Normal" completion time of 6 months means that 80 percent or more of the students completing the course over the past 2-year period required 6 months or longer to complete it. Completion time for a course is the span between the date a student was sent the first lesson and the date on which the last lesson was received by the school. Note that dates on which the school services lessons are not used to compute completion time, nor is the date the school issues its diploma or certificate. Delays due to payment or shipping problems must be excluded.

b. Education liaison representatives will immediately notify their respective SAA (State approving agency) and all correspondence schools within the jurisdiction of the regional office of the provisions of the law and all requirements of this appendix. The required certification of normal completion time for each course must be received by the SAA, reviewed and sent to the VA before December 1, 1976. Unless it is established that the normal completion time is 6 months or more, benefits will not be authorized for enrollments beginning on or after December 1, 1976.

(1) Before providing the certification, schools will be required to determine if each approved course meets the completion time criterion by computing the completion time for all students who completed the course during the 24 months preceding the date of certification. A school's certification must be based on actual records, and not on estimates. All completers, both veteran and nonveteran, must be considered. If a school has a course or courses for which the audit of actual records cannot be completed before December 1, 1976, and it can with certainty certify that 80 percent of its graduates over the past 2 years required 6 months or longer, it may send such a certification. If a school elects to make such a certification, it must follow it up within 60 days with a certificate of the actual percentage of its graduates over the past 2 years who required 6 months or longer to complete. If the actual percentage report which is subsequently received shows the percentage is less than 80 percent, all awards with commencing dates on or after December 1, 1976 will be terminated retroactively to the date of enrollment. School liability for the resulting overpayments will be considered under existing procedures on the basis of false certifications. If it is found that the school willfully submitted a false or misleading report; e.g., the school fails to submit an actual percentage report or a report is submitted which is substantially below 80 percent, a complete report will be made and referred to the district counsel for possible referral to the Attorney General of

the United States in accordance with VAR 14006.

(2) Applications for approval of new correspondence courses received on or after December 1, 1976, must include a certification of normal completion time. Until VA Form 22–8670, State Approving Agency Review Check Sheet (Correspondence Courses), is revised to include this item, inclusion of the required certification will be indicated under "Remarks."

(3) Applications for approval of correspondence courses as similar in character to a previously offered course (VAR 14251(C)) must also include the normal completion certification, even though it cannot be based on a 24-month history of students completing the course in these cases. The SAA and liaison representative must therefore examine the normal completion certification critically, comparing the normal completion length of the new course to that of the old course of alleged similar character. As a general rule, a course that is being considered as similar in character to another course previously offered should not be considered to require a longer period to complete than the course which was previously approved. As an alternative guideline for determining the validity of such a certification of normal completion time, the judgment should be made whether the course material reasonably requires an average of not less than 6 hours of preparation per week for at least 26 weeks, resulting in a 6-month requirement for course completion.

(4) No extensions of time for submission of the required certification shall be granted.

c. It must be emphasized to schools that this is a statutory requirement and normal completion times as certified for each approved course will be reviewed during SAA supervisory visits and VA compliance surveys.

(1) If it is later found that a certification of normal completion time which was accepted, is incorrect, and in fact normal completion time for a particular course is less than 6 months, the approval for that course will be withdrawn and all awards with a beginning date on or after December 1, 1976 terminated retroactively to the date of enrollment. School liability for the resulting overpayments should be considered under existing procedures on the basis of false certifications.

(2) If an SAA forwards a certification for normal completion time, but the regional office of jurisdiction has evidence from certifications of lessons completed, compliance survey reports, etc., that the certification is not accurate, it should not be accepted until a 100 percent audit of students completing the course within the applicable 24-month period is conducted for verification of the certification.

4. *Reports.* Beginning November 8, 1976, and each Monday through November 29, 1976, liaison representatives will notify Central Office (223B) by teletype of the names of those courses for which affirmative certifications or negative determinations were received during the previous week. On December 1, 1976, liaison representatives must teletype to Central Office (223B) a final report listing the names of all courses for which schools have failed to furnish required 6-month normal completion certifications. The final report should also include and identity all affirmative certifications and negative determinations which were not previously reported. The complete title of each course, the name of the school, and the school facility code must be included with each report. If a certification is received subsequent to transmission of the final report, the liaison representative should notify Central Office (223B) by teletype. RCS 22-20-S is assigned to the weekly reports and the final report of December 1, 1976. Do not enter the RCS report number on reports transmitted subsequent to the final report.

a. As notices are received, Central Office will inform all stations by teletype of the names of the courses which fail to meet the 6-month completion requirement. Stations will also be notified by teletype of the names of all courses for which enrollments will not be accepted because the certification was not received from the school. Once the final reports of December 1, 1976, are received, Central Office will send an all-station teletype which will summarize the previous teletypes and will list those courses not previously reported. No award will be prepared to authorize benefits for any enrollment beginning December 1, 1976, or later, for any course which has failed to meet the 6-month normal completition requirement or for any course for which the school has failed to furnish the required certification.

b. The liaison representative will maintain a control for each case where the school certified without actually checking records to assure that the actual percentage computation is properly certified. If the report from the school is not received by February 1, 1977, or if it fails to support the certificate that the course requires 6 months, Central Office (223B) will be notified. Central Office will then notify all stations by teletype to terminate benefits for any enrollment beginning on or after December 1, 1976 effective from the date of enrollment. Central Office will request VA Forms 20–8270a, Education Master Record—Audit Writeout, for all such courses. These forms will be sent to the office of jurisdiction for appropriate action to terminate payments.

c. Please note that enrollments effective before December 1, 1976 are not affected by the 6-month normal completion provision. Awards for all such enrollments will be continued until completion or interruption.

RUFUS H. WILSON,
Chief Benefits Director.

[DVB Circular 20–76–84]

APPENDIX B.—INCREASED EDUCATIONAL ALLOWANCE AND 45 MONTHS ENTITLEMENT

OCTOBER 22, 1976.

1. *Purpose.* This appendix provides procedural instructions for implementing Pub. L. 94–502 provisions increasing rates of educational assistance and subsistence allowance, and increasing maximum entitlement under 38 U.S.C., chapters 34 and 35 from 36 to 45 months.

2. *Adjustment of subsistence allowance (Chapter 31)*—a. *General.* (1) The increase in chapter 31 subsistence allowance provided by Pub. L. 94–502 will be effected automatically through the computer and adjustment checks issued for only those accounts in running award status. Terminated accounts and accounts with withholdings or apportionments, suspended accounts, on-farm, apprenticeship and other on-job training accounts, and accounts with intervening dependency changes cannot be adjusted automatically.

(2) Nonadjustment accounts will be identified for review by a listing and matching deck of punch cards for each field station (except the Manila Regional Office). The listing, furnished in triplicate and in claim number sequence, will contain the payee number, stub name, dependency code, and the reason for nonadjustment (e.g., Terminated; Suspended; Has Futures; Withholding or Apportioned; No Match in Table; No Address; Other).

b. *Regional Office Review and adjustment of awards.* (1) The deck of cards furnished field stations will be associated with the appropriate R&E folder, and routed to the Adjudication Division for further review and award action if in order. If an R&E folder has been transferred out, the corresponding card will be immediately forwarded to the Adjudication Officer at the office having the R&E folder for appropriate review and action.

(2) After reviewing the R&E folder with the listing, a VA Form 22–1907a, Authorization of Subsistence Allowance under Chapter 31, Title 38, U.S.C., will be prepared if a rate adjustment is in order, in accordance with existing procedure and the following:

(a) *Withholding or apportionment.* The increased subsistence allowance will be awarded to the veteran unless the application of VAR 10137 warrants otherwise.

(b) *Suspended.* The rate adjustment will be made, if in order, when award action is taken to lift the suspense.

(c) *No match in Table (Apprenticeship and Other On-Job Training).* If the rate of subsistence allowance being paid is the difference between the trainee wage and the journeyman wage, no adjustment will be required.

c. *Notice to Veterans.* A computer-generated award letter will not be issued with the adjustment check. However, veterans will be notified of the new subsistence rates by means of an insert to be included with each adjustment check issued. This notice will contain rate tables for the various types of training.

3. *Adjustment of Educational Allowances (Chapters 34 and 35)*—a. *General.* The increase in chapters 34 and 35 educational allowance provided by Pub. L. 94–502 will be effected automatically through the computer, where possible, and adjustment checks issued. This will be done for established awards by computer-generation of a 14G transaction for each account which can be adjusted, using reason code 37 for the first applicable award line (existing or computer-generated) on which the new rates are effective. Recycled awards for a period which spans the legislative effective date will be adjusted by generating an October 1, 1976 award line for the new rates.

b. *Adjustment Message.* Generally, neither a message nor a letter will be generated for those accounts automatically adjusted. However, when an award for an inservice student or student training less than half time is adjusted (i.e., old rate was the maximum payable under Pub. L. 93–602 and total charges support an increased rate under the new law), VA Form 20–8270a, Education Master Record—Audit Writeout, bearing message code 956, "ADJUSTED BASED ON TOTAL CHARGES," will issue for drop filing. This message will provide ready reference to the adjusted monthly rate for the award period (or portion thereof) to facilitate response to inquiries, etc.

c. *"Not Adjusted"* Messages. A VA Form 20–8270a will issue for each account in which automatic adjustment was not possible. The message codes and conditions for these audit writeouts are described below.

Message code	*Legend and explantion*
540---	"Recycled Award Purged—Review for Adj": Recycled awards for students, other than inservice students, training half time or more (institutional courses) will be adjusted automatically if possible. If an award cannot be adjusted in its entirety, it will be purged. Recycled awards for inservice and less than half-time students cannot be automatically adjusted and will be purged.

729— "Not Adjusted—in Suspense": Any account in a suspended status for a reason other than code 63, "Interrupted—Delinquent certification" will not be adjusted.

NOTE: Many of these messages will reflect no-rate dates prior to October 1, 1976, and some will be issued for correspondence courses. While these will require no legislative rate adjustment, nevertheless, they must be carefully reviewed with the claims or DEA folders, and affirmative action must be taken in each case to clear the suspense.

939— "Not Adjusted—Review Apportionee": Accounts in which the "Dependency This" field does not equal the "Dependency Total" field cannot be automatically adjusted.

951— "Not Adjusted—First APP Line Does Not Compute": Although the dependency code for a chapter 34 veteran is not retained for prior award lines, increased rates can nevertheless be generated by matching the old rate (by type training and training time) to a corresponding new rate. If, however, the old rate does not equal a Pub. L. 93-508 or Pub. L. 93-602 rate, as appropriate, it will not be possible to match it to a new rate nor to adjust the retroactive period automatically.

952— "Prior/Future Rate Not Adjusted": Since entitlement charge, rather than training time, is carried in prior award lines for deficiency courses ("D" type hours), automatic adjustment of such "priors" is not appropriate. Likewise, since the total charges field is not carried in prior award lines, it is not possible to automatically adjust a prior lump-sum award. This message will issue in either case. (Current and/or future award lines in these cases, nevertheless, will be adjusted when possible.) This message will also issue when any future rate cannot be matched to a PL 93-508 or PL 93-602 rate.

953— "Not ADJ—MUL Rates Based on Total Charges": Accounts for in-service students and students training less than half time cannot be automatically adjusted if more than one rate or enrollment period is involved.

954— "Not Adjusted—Inconsistent Payment Data": Automatic adjustment is inappropriate and cannot be made for those accounts containing: Inconsistencies between type of training, training time and cost (entitlement) codes; type of training I (Special Restorative) or X (invalid); or a "current" lump-sum award terminated by 09V transaction (monthly rate cannot be computed based upon total charges not prorated for the shortened enrollment period).

955— "Not Adjusted—New Rates Less Than Current": New rate computed based on total charges is less than old rate.

960— "Not Adjusted—Death Case": A terminated record will not be automatically adjusted if the payee is deceased (either death indicator is set or reason for termination is code 22).

d. *Regional Office Review and Adjustment of Awards.* All VA Forms 20-8270a issued for accounts which could not be adjusted automatically will be referred with the appropriate claims or DEA folders to the Adjudication Division for review and any necessary action. If a rate adjustment is in order, an award will be prepared using VA Form 22-1997S.

e. *Correspondence Training.* Since correspondence course payment is based solely on the cost of lessons completed and serviced by the school, no adjustment of award rate is necessary in such cases. Rather, the adjustment required is to the entitlement charged based on VA payment for lessons serviced on or after October 1, 1976.

(1) Program modifications have been installed to charge entitlement at the old rate of 1 month for each $270 paid if the commencing date of the certification period on which payment is based is prior to October 1, 1976. If the certification period begins on or after October 1, 1976, entitlement will be charged at the rate of 1 month for each $292 paid.

(2) Fortunately, October 1, 1976 marks the beginning of a new certification quarter for correspondence courses. Therefore, proper entitlement charge will be effected as a result of routine processing of the computer-generated VA Form 22-6553B, Certification of Lessons Completed. Care must be taken, however, when processing a 35C transaction via other than a computer-generated VA Form 22-6553 B to ensure that the certification period does not overlap legislative rates. If certification must be processed for lessons service both before and after October 1, 1976, submit two 35C transactions: The first, for those lessons completed prior to October 1; the second, for lessons serviced on or after October 1. Transmittal of these transactions must be controlled to ensure proper sequence processing.

f. *Legislative Rate Coding.* M22-2, part IV, chapter 4, paragraphs 4.16c and 4.19b(13) should be consulted regarding the necessity for intervening legislative rate change coding. Such instructions must be strictly followed when preparing awards for processing after the rate adjustment in order to avoid rejects and/or error message issuance.

NOTE.—Awards prepared on VA Form 22-1997S need not contain coding for an intervening legislative rate change, provided the award is for a veteran or chapter 35 eligible person training at half time or greater. In such case, the scan program will generate the award line, if appropriate.

g. *Withholding or Apportionment.* The increased educational assistance allowance will be awarded to the veteran unless the application of VAR 14140 warrants otherwise.

h. *Notice to Veterans and Eligible Persons.* A computer-generated award letter will not be issued as a result of adjustment processing. However, veterans and other eligible persons will be notified of the new educational assistance allowance rates for the various types of training via a check insert to be included with all payments issued cycle 0 November.

4. *45 Months Entitlement.* a. Pub. L. 94-502 increases the maximum original net entitlement under 38 U.S.C., chapters 34 and 35, from 36 to 45 months. Existing master records affected by this increase will be automatically adjusted through the computer during cycle 0 November. At the same time, modifications will be installed to effect proper on-going systems original net entitlement computation based on the new 45 month's maximum.

b. *Master record adjustment.* (1) All chapter 35 master records will be automatically adjusted to reflect 45 months original net entitlement, subject, of course, to any appropriate reduction for prior VA training under the same or other laws.

(2) Chapter 34 master records on both the Active and Inactive Files will be automatically adjusted (subject to prior VA training reduction) as follows:

(a) When service consists of one period of 18 or more months; or multiple periods, one of which is 18 or more months (Additional Service Code 4), original net entitlements will be established as 45 months.

(b) In those cases not covered above, if service consists of multiple periods aggregating 25 or more months, original net entitlement will be extended beyond the previous 36 months, based on 1½ months of benefits for each month of service.

c. *OJT/Apprenticeship adjustment message.* Generally, due to the vast potential number of claimants affected, neither a computer-generated letter nor adjustment message will be issued as a result of the one-time entitlement conversion. However, in the case of certain adjusted OJT/Apprenticeship accounts, a VA Form 20-8270a bearing message code 982, "45 MO ADJ-REVIEW FOR AWD EXT (OJT/APP)," will be generated and sent to the regional office of record (routing to Adjudication) for review.

(1) 982 messages will be generated for each adjusted account in which current type training is G or K; original net entitlement (prior to adjustment) is exhausted; and the last no-rate date of record is on or after October 1, 1976.

(2) It is most probable that benefits were or will be terminated in many of the cases selected for the 982 message based solely on exhaustion of entitlement; that sufficient, current evidence is already of record upon which payment may be authorized beyond the existing termination date. Therefore, rather than requiring the claimant to initiate request for receipt of the additional training allowance permitted by his or her new original net entitlement, it is both feasible and appropriate that the VA take independent action to extend benefits in these cases. Accordingly, the Adjudication Division must review each 982 message issued and, if appropriate, authorize an amended award extending training allowance from the existing no-rate date to either the certified ending date of the course, the date on which new original net entitlement will be exhausted, or the delimiting date, whichever is earliest.

d. *On-Going Systems Computation.* (1) Effective cycle 1 November permanent modifications to the original net entitlement computation program will be installed, making such computation consistent with the new law entitlement provisions. The changed program will establish 45 months entitlement (subject to prior VA training) for all chapter 35 eligible persons; all eligible persons under chapter 34 who served on active duty for a period of at least 18 continuous months. Original net entitlement for other chapter 34 eligible persons will be computed on the basis of one and one half months entitlement for each month of service, up to the maximum 45 months.

(2) Maximum (45 months) entitlement now requires either 18 continuous months or more creditable active duty service, or multiple service periods aggregating at least 30 months creditable service (30 x 1.5=45). Therefore, to ensure appropriate systems computation when multiple service periods aggregate less than 30 months, but one period consists of at least 18 continuous months, Additional Service Code 4 must be input. If this is not done, entitlement will be erroneously computed at 1.5 times the months of creditable service and result in less than maximum entitlement being established.

(NOTE.—The "18–24 MOS" indicator on VA Form 22–1997S will continue to be used for input of Additional Service Code 4. Upon next form replenishment, the legend for this indicator field will be changed to "18–29 MOS."

RUFUS H. WILSON,
Chief Benefits Director.

[DVB Circular 20–76–84]

APPENDIX C.—PERIOD OF OPERATION OF A COURSE—TWO-YEAR RULE

1. *Purpose.* This Appendix provides detailed instructions and procedures for implementing those provisions of Pub. L. 94–502 pertaining to the two-year rule.

General. Pub. L. 94–502 amends 38 U.S.C. 1789 by excepting certain courses from the two-year rule and by applying the rule to courses offered by certain branches and extensions previously excluded. These provisions are effective December 1, 1976.

3. *New Exception.* In addition to the five exceptions to the two-year rule listed under 38 U.S.C. 1789(b) and VAR 14251(A), a course offered by an institution under contract with DOD (Department of Defense) is also excepted: *Provided,* The following three conditions are met: *First,* the course is given on, or immediately adjacent to, a military base; *second,* the course is available only to active duty military personnel and/or their dependents; and *third,* the course is approved by the SAA (State approving agency) in the state where the base is located or, for degree courses offered overseas, by the SAA of jurisdiction over the parent institution. If the first or second condition is not met, the course must be offered continuously for two years before enrollments may be accepted. If the third condition is not met, the course cannot be approved by any other SAA, since all branches and extensions fall under the jurisdiction of the SAA in the state where they are located.

a. The term "immediately adjacent" to a military base refers to facilities that are clearly neighboring or in close proximity to the base so that it is easily accessible to active duty personnel. The location must be such that effective supervision by the military authorities is possible. Presumably, such facilities have been established off base because of a lack of onbase facilities.

b. For a course offered by a branch or extension to be approved by the SAA, the branch or extension must meet the following administrative criteria:

(1) Maintain sufficient records and files for VA purposes pertaining to students enrolled therein;

(2) Designate a named certifying official;

(3) Have the administrative capability to furnish all reports and certifications to the VA without resort to the parent school; and,

(4) Maintain a local mailing address.

NOTE.—In this regard, it is important to distinguish between additional facilities and branches and extensions. See M22–2, part VI, chapter 4, paragraph 4.02c, and PG 21–1 section M–26, for clarification of this distinction.

4. *New Courses Affected.* a. A course in operation for less than two years shall not be approved when offered by a branch or extension of the following institutions:

(1) Public or tax-supported institutions where the branch or extension is located outside of the area of the taxing jurisdiction which provides support to the parent institution; or

(2) Proprietary institutions (profit or nonprofit) where the branch or extension is located beyond the normal commuting distance of the main campus.

NOTE.—"Normal commuting distance" is interpreted to mean within the same general locality from which the main campus draws students. Normal commuting distance may vary with each institution depending on various factors, such as the geography of the area and the proximity of similar institutions. No firm guideline specifying exact mileage can be established, although a location more than 30 miles (48 kilometers) away from the main campus would ordinarily be considered beyond the normal commuting distance.

b. The two-year rule applies to the courses listed above, with *only* the following two exceptions:

(1) A PREP or SAED (Special Assistance for the Educationally Disadvantaged) course offered by a branch or extension of a proprietary nonprofit institution in operation for more than two years, or a public or other tax-supported institution, even though the branch or extension is located beyond the normal commuting distance of the main campus or area of taxing jurisdiction.

(2) A course offered by a branch or extension of an institution under contract with DOD as specified in paragraph 3 above.

5. *Identification of New Courses Affected.* a. The liaison representative will request from all the schools within the jurisdiction of the regional office a list of each school's branches and extensions. The list should include the names and addresses of all branches and extensions (in state and out of state) and the courses or curricula offered at each. The school will also be asked to certify to the period of operation of each course or curriculum at each location. The following certification should be used:

"It is hereby certified that the course (or curriculum), _____,
(Name of course)
has been in continuous operation at _____ from _____
(Name of branch) (Date)
to the present inclusive of reasonable vacation and holiday periods."

b. Courses offered by a branch or extension located on a military installation must now be approved by the SAA in the state where the branch or extension is located rather than in the state where the parent institution is located. Enrollments in courses offered at such branches may continue if, in addition to the certification required above, the school certifies that application for approval was made to the local SAA on or before December 1, 1976. If such a branch or extension does not meet the two-year requirement, certification to the following will be acceptable pending approval by the local SAA:

(1) The course is given on, or immediately adjacent to, a military base, and

(2) The course is available only to active duty military personnel and/or their dependents.

c. The schools should submit their lists and certifications before December 1, 1976; otherwise, no new enrollments will be processed for payment of benefits.

d. The schools will also be advised that, effective immediately, the name and address of the branch or extension must be shown on all enrollment certifications. If the enrollment is at the main campus, that fact must appear on the enrollment certification.

6. *Referral to the SAA.* a. The liaison representative will screen the lists of branches and extensions as they are received from the schools. In-state branches and extensions which may offer courses that must now meet the two-year requirement (as outlined in par. 4 above) will be referred to the SAA for verification of the schools' certifications. For out-of-state branches (including those on military installations), the information will be forwarded to the regional office where the branch or extension is located for referral to the SAA with jurisdiction over the branch location for approval or disapproval action.

b. Where out-of-state branches or extensions are encountered that were not previously identified, the following actions will also be taken (as outlined previously in DVB Circular 20–75–93, rescinded July 1, 1976):

(1) All information on the out-of-state branch or extension (including those on military installations) will be forwarded to the responsible liaison activity with jurisdiction over the area where the branch is located in order to request a new approval from the SAA.

(2) The SAA will initiate approval action and notify the liaison representative at the new office of jurisdiction of all subsequent approvals and denials. The SAA should provide the names and file numbers of all VA education beneficiaries currently enrolled, if obtainable from the branch or extension.

(3) If a course is approved, the liaison representative will process the approval material and establish a new facility code for the branch or extension. The list of names and file numbers will be forwarded to the original regional office of jurisdiction for transfer of folders. Upon transfer, an 02V correction to establish the new facility code must be input in each master record by the Adjudication activity in the receiving station.

(4) If a course approval is denied for reason(s) other than the two-year rule, running awards will be terminated in accordance with VAR 14135(J) at the original office of jurisdiction. (See par. 8b.) Cases that are terminated will *not* be transferred.

7. *SAA Action.* a. The appropriate SAA will be advised as to the date schools certified as the beginning date of each course for the purpose of meeting the two-year requirement at each branch or extension. The SAA will be requested to verify if the two-year period of operation is met or if one of the two exceptions in paragraph 4b applies. The approval should then be amended to show the basis for continued approval or, if appropriate, denial action should be taken.

b. The SAA will notify the liaison representative of the continued approval or denial action for each course.

8. *Regional Office Control.* a. The liaison representative will maintain a control on all courses referred to the SAA to ensure that notification of continued approval or denial is received.

b. If a course approval is denied because the two-year requirement is not met, the approval for that course will be withdrawn and all awards for new enrollments on or after December 1, 1976 will be terminated retroactively to that date. School liability for the resulting overpayments should be considered under existing procedures on the basis of false certification, if the school certified erroneously to the period of operation.

9. *Enrollments.* No new enrollments in a course at a branch or extension location with an effective date on or after December 1, 1976, may be approved if the school's certifications are not received or if the two-year requirement is not met. Students enrolled in and pursuing the course before that date will be permitted to complete their program provided they remain continuously enrolled. A break in enrollment due to extenuating circumstances, such as serious illness, will not be considered an interruption in the student's program. Students attending a school operated on a term basis will not be required to attend the summer term to be considered continuously enrolled. If approval of a course is denied or withdrawn for a reason other than the two-year rule, all awards must be terminated in accordance with VAR 14135(J).

10. *Followup Reviews.* On routine SAA supervisory visits and station compliance sur-

veys, school records will be reviewed to verify the certifications made in accordance with this appendix. If the certifications are found to have been false or erroneous, termination action will be taken and school liability considered in accordance with paragraph 8b.

RUFUS H. WILSON,
Chief Benefits Director.

[DVB Circular 20-76-84]

APPENDIX D—PROHIBITION OF ASSIGNMENT OF EDUCATIONAL BENEFIT PAYMENTS (PUB. L. 94-502)

1. *Purpose.* This appendix provides instructions for implementing the provision of Pub. L. 94-502 which prohibits the assignment of educational benefit payments.

2. *General.* Pub. L. 94-502 amends 38 U.S.C. 3101(a) effective December 1, 1976, to prohibit the assignment of educational assistance checks through the practice of a payee designating the address of an attorney-in-fact (a school or school representative in this context) as the payee's mailing address, and also executing a power of attorney authorizing the attorney-in-fact to negotiate Veterans Administration educational benefit checks. No school may have authority to negotiate VA educational benefit checks or direct or indirect access to the proceeds of such checks through devices such as post office box addresses or sales offices of the school which serve as students' mailing addresses, or bank accounts jointly held with payees to which benefit checks are mailed. All educational benefit checks must be negotiated by the veteran or eligible person.

a. All correspondence schools must be informed that no enrollments or reenrollments will be processed on or after December 1, 1976, which show the school's address, or a post office box or sales office address of the school as the student's mailing address, since it is obvious that the student cannot be present at the school to receive checks. Such enrollment certifications will be returned to the student at the school address and no further action taken until a home address is provided for the student. All correspondence schools will also be notified that if a school address is shown as the student's mailing address on any currently running awards, the school must submit a certification that effective December 1, 1976, they will not accept a power of attorney to cash VA educational benefit checks, and they will not exercise check-negotiating authority under any power of attorney previously accepted.

b. All schools, other than correspondence schools, will be informed that no enrollments or reenrollments using the school's address or a post office box or sales office address of the school as the student's address will be processed on or after December 1, 1976, unless the school certifies that it holds no power of attorney to negotiate VA benefit checks and it does not have direct or indirect access to the proceeds of such checks other than by direct payment by the payee thereof.

(1) Each certification must be worded as follows and signed by the appropriate school certifying official: "This is to certify that, in accordance with Title 38 U.S.C. 3101(a), (*Name of School*) holds no power of attorney agreements authorizing the school to negotiate VA educational assistance checks, and neither (*Name of School*) nor any of its representatives has direct or indirect access to the proceeds of any such checks other than direct payment by the payee thereof."

(2) As these certifications are received they will be made part of the respective schools' approval folders and the liaison representative will notify the Finance and Adjudication Divisions that the power of attorney requirements of the law have been met, and enrollments, reenrollments, and certifications of attendance or lessons completed may be processed showing a school address.

(3) In cases (other than correspondence awards) processed after November 30, 1976, in which the school's address is shown as the payee's mailing address, and the school has not submitted the required certification regarding power of attorney arrangements, development will be necessary before processing any enrollments, reenrollments, or adjustments to running awards.

NOTE: No special review will be made to identify running awards with a school address. However, when these cases are encountered during normal claims processing and the school has not submitted the required certification, the award will be suspended and development undertaken.

(a) The claimant will be informed of the provisions of the law and requested to furnish either a current home mailing address or a signed statement that he or she has not executed a power of attorney authorizing the school to negotiate VA educational assistance checks and no arrangements have been made to provide the school or its representative direct or indirect access to the proceeds of such checks other than by direct payment by the payee thereof. The claimant will also be informed that no further action can be taken until the requested information is furnished.

(b) Similar development must be undertaken if the claimant indicates a post office box or bank address as his or her mailing address and the school has not submitted the required certification. The VA will not require an actual home address in these cases, but the signed certification provided award action can be processed.

3. It must be made clear to schools that compliance with this provision of the law will be checked during future compliance surveys. Spot checks may also be made to verify the signatures on negotiated checks. If it is found that a school held a power of attorney and negotiated VA checks or otherwise had access to the proceeds of such checks other than by direct payment by the payee thereof after having certified that it did not, payments (for those beneficiaries involved) for attendance at the school and further enrollments in the school will be suspended under VAR 14134 and the matter will be referred to the Station Committee on Educational Allowances to consider withdrawal of the school's approval. In addition, overpayments may be established and school liability assessed on the basis of false certifications.

RUFUS H. WILSON,
Chief Benefits Director.

[DVB Circular 20-76-84]

APPENDIX E—EDUCATION LOANS

NOVEMBER 16, 1976.

1. *Purpose.* This appendix provides instructions for implementing the provision of Pub. L. 94-502 which increased the education loan amount effective October 1, 1976.

2. *General.* Pub. L. 94-502 increased the amount a veteran or eligible person may borrow not to exceed $292 multiplied by the months of remaining entitlement at the beginning of the academic year or other period to which the loan is to apply. The loan amount may not exceed $1,500 in any one regular academic year.

3. *Implementation.* The following instructions apply:

a. The loan amount will be rounded to the nearest $10 amount; e.g., if the approved loan amount is $495, this amount will be rounded to $500. Additionally, loan amounts are subject to the following limitations:

(1) Courses organized on a term basis.

Period:	*Maximum*
Academic year[1]	$1,500
Semester	750
Quarter or summer session[2]	500
Academic year plus summer session	2,000
Semester plus summer session	1,250
Quarter plus summer session	1,000

[1] "Academic year" means the 9-month period, usually from August or September to May or June, which includes generally two semesters or three quarters.

[2] "Summer session" means a designated summer term of at least 10 weeks' duration.

(2) Courses not organized on a term basis.

Length of course (mos)	*Maximum loan*
6 through 8	$1,000
9 through 11	1,500
12	2,000

b. The interest rate is changed to 7 percent. For all loans paid since October 1, 1976, the borrower will be notified in writing that the interest rate of 8 percent shown on the promissory note (VA Form 22-8726) is changed to 7 percent. Copies of this letter will be filed with the original promissory note in the Finance activity and with the copy in the claims or DEA folder.

c. If a loan request is being considered and the promissory note has not yet been released, the maximum loan amount (item 7, VA Form 22-8727, Education Loan Worksheet) will be adjusted, if appropriate, based on the new increased maximum allowable. In addition, the amount entered in the approved loan amount (item 8, VA Form 22-8727) may be more than that requested by the applicant. The promissory note will be completed reflecting loan amount as approved.

d. If the promissory note has been released but has not yet been returned, the following procedures will control. Upon the return of the promissory note, the Finance activity will process the promissory note for payment. In addition, if the original loan amount was the old maximum for the period involved (see M22-2, pt. IV, ch. 14, par. 14.04), the Finance activity will refer the case to the Adjudication Division for a reconsideration of the loan amount. If it is determined, based on evidence of record, that an additional amount is payable, a promissory note will be sent to the claimant showing only the additional amount and an explanation of the reconsideration under Pub. L. 94-502.

e. The following considerations will be given to loans paid since October 1, 1976, but prior to receiving these instructions. If the veteran or eligible person specifically requests in writing that consideration for a higher loan amount be given now, such requests will be reconsidered based on evidence of record only if the original loan amount was the maximum for the period involved. If the reconsideration results in a favorable decision, a new promissory note for only the additional amount will be sent to the claimant for completion before the additional amount can be paid. No general review of cases in these circumstances will be made, nor will solicitation be made when cases are discovered in routine processing.

f. For education loans paid before October 1, 1976, in which the period of time the loan was based ends before October 1, 1976, no reconsideration for an increased loan amount may be made. For those loans paid before October 1, 1976, in which the period of time the loan was based ends October 1, 1976 or later, reconsideration of the loan

amount may be made only when requested in writing by the veteran or eligible person. Such requests will be reconsidered based on evidence of record only if the original loan amount was the maximum for the period involved. When the reconsideration results in a favorable decision, a new promissory note for only the additional amount to be paid will be sent to the claimant for completion. This may result in two notes, each with different interest rates and possibly different amounts for the same period; however, this is appropriate.

4. Until modifications can be made to VA Forms 22-8725, Application for Education Loan, and 22-8727, these forms will be modified by hand before they are sent to a claimant (22-8725) or when used in loan processing (22-8727). For VA Form 22-8725, items 1C and 4 of the instruction sheet must be modified. For VA Form 22-8727, items 7C and 7D must be modified.

RUFUS H. WILSON,
Chief Benefits Director.

[DVB Circular 20-76-84]

APPENDIX F—PUB. L. 94-502 PROVISIONS AFFECTING CHAPTER 31 PROGRAM

NOVEMBER 16, 1976.

1. *Purpose.* This appendix provides instructions for implementing these provisions of PL 94-502 pertaining to the extension of eligibility for seriously disabled veterans and chapter 31 training in Federal agencies.

2. *Extension of eligibility for seriously disabled veterans.* Title 38, U.S.C., section 1503 (c), was amended by Pub. L. 94-502, effective October 15, 1976, by striking out "but not beyond ten years after such termination date, or June 30, 1975, whichever date is the later" and inserting in lieu thereof "when such action is determined by the Administrator to be necessary for such veteran based upon such veteran's disability and need for vocational rehabilitation". This means that veterans who are seriously disabled as a result of disability incurred in service on or after September 16, 1940, and who are found to be in need of training to overcome the handicap of such disability may be provided the training necessary to accomplish vocational rehabilitation in a suitable occupation (M22-1, pt. I, ch. 5, pars. 5.01 and 5.02, and VAR 10701) after the termination date that would be applicable if the veteran were not seriously disabled, regardless of how much time has elapsed since that termination date.

a. *Identifying veterans affected by the extension.* Each station will make every effort practicable to identify those seriously disabled veterans who have been precluded or discontinued from chapter 31 training because of the previously applicable limit to extension because of serious disability. Groups to be identified include:

(1) Those seriously disabled veterans currently in training whose extended termination date will arrive before training is completed.

(2) Those seriously disabled veterans discontinued from chapter 31 training as of June 30, 1975 or subsequent to that date because their extended termination date had been reached.

(3) Those veterans rated 30 percent or more who applied for chapter 31 training after March 31, 1975, who were disallowed because the extended termination date under VAR 10041(F) was past or there was insufficient time remaining before such date to provide at least 3 months' training benefits.

b. *Notifying Veterans.* Veterans so identified will be contacted and informed of the change in the law and those who desire consideration for further Veterans Administration training will be scheduled for counseling and provided benefits as warranted. If the veteran is in training under the State-Federal rehabilitation program, plans for VA training should be coordinated with the State vocational rehabilitation counselor.

c. *Basic considerations.* It is relevant to call attention to the fact that the veterans to whom the change in the law applied include some veterans who are at a stage of life where there may be limited prospect of restoring employability through training. In each case, it is essential to consider whether there is basis for reasonable expectation that the provision of vocational rehabilitation training will, in fact, restore employability since it is only for such purpose that vocational rehabilitation training may be authorized. (Title 38, U.S.C., sec. 1501, and VAR 10701(C))

d. *Referral to C&R by adjudication.* Vocational rehabilitation applications received from veterans with 30 percent or higher disability compensation rating will now be referred by Adjudication to C&R, if otherwise eligible, regardless of termination date.

3. *Chapter 31 Training in Federal Agencies.* Procedures for providing unpaid training or work experience in Federal agencies as a part or all of a veteran's program of vocational rehabilitation are in process of development with the Civil Service Commission and will be provided stations as soon as possible.

RUFUS H. WILSON,
Chief Benefits Director.

[DVB Circular 20-76-84]

APPENDIX G—TERMINATION OF CHAPTER 34 PREP (PL 94-502)

NOVEMBER 17, 1976.

1. *Purpose.* This appendix provides instructions for implementing the Pub. L. 94-502 provision terminating chapter 34 eligibility for course pursuit under PREP (Predischarge Education Program).

2. *General.* a. Pub. L. 94-502 amends 38 U.S.C. 1696, providing that no serviceperson shall be permitted to enroll or reenroll in any PREP course after October 31, 1976; therefore, no educational assistance allowance shall be authorized for such enrollments. The effect of this provision is to terminate PREP eligibility under chapter 34, though existing PREP awards for *individual* subjects commenced prior to November 1, 1976, shall be allowed to run to completion.

NOTE.—Any enrollment certifications for such PREP course enrollments as commence prior to November 1, 1976, regardless of when received, shall continue to be processed in accordance with existing instructions.

b. Effective with enrollments after October 31, 1976, chapter 34 inservice students may receive educational assistance allowance for pursuit of approved non-PREP courses at the secondary level leading to a high school diploma or noncredit deficiency courses under VAR 14272(F), but only with an accompanying charge against entitlement. As to the latter type courses (whether they be termed deficiency, remedial, or refresher), no benefits shall be authorized to an inservice student for their pursuit without evidence that completion of such courses is specifically required by the school for that particular individual, to meet certain post-secondary program scholastic or entrance requirements. No foreign training may be approved unless it leads to a standard college degree and is offered by an approved educational institution of higher learning.

3. *Authorization Procedure.* a. Systems programs already provide for charging an inservice student entitlement for pursuit of high school type training (type "F") when the special eligibility indicator in the master record is other than code 5 (PREP). Therefore, no delay is necessary in processing award authorizations for non-PREP-approved high school enrollments commencing on or after November 1, 1976. The adjudicator or education claims clerk need only ensure that any current or pending special eligibility indicator code 5 in the master record is eliminated prior to award processing.

(1) In most cases, new C/E (Certificate of Eligibility) data to update the facility and/or program of education will have to be input with the award. When VA Form 22-1997S, Education Award Code Sheet, is used, checking the appropriate C/E data block and leaving the PREP indicator blank will remove the special eligibility code 5. When flexotype (SYCOR) is used, it must be ensured that special eligibility code 0 (or other appropriate code, not 5) is input as part of the 03C Transaction to accomplish the desired result.

(2) In other cases, such as when the inservice student transfers from a PREP-approved high school program to a non-PREP-approved high school program at the same school, complete new C/E data input, though otherwise not required, nevertheless should be processed as provided above to ensure that the special eligibility indicator is properly updated. As an alternative procedure, an 02V correction transaction to the pending special eligibility field may be processed prior to the award action (input code 0 to Field Identification No. 436). Such correction, however, can only be input via flexotype (SYCOR), since PREP indicator coding on VA Form 22-1997S (without C/E data action coding) will result in 02V Transaction processing to the "current" special eligibility indicator (Field Identification No. 385). This would cause an erroneous recomputation of entitlement for the last rate period of record.

b. As is the case with high school pursuit, no systems modification is required to properly implement charging an inservice student entitlement for noncredit deficiency course pursuit commencing after October 31, 1976. The adjudicator or education claims clerk need simply prepare the award in the usual manner, showing "D" type hours, but enter an entitlement charge in all such cases comparable to training time, based on the total number of hours, credit and noncredit, for which the student is enrolled.

4. *Prospective Processing Modification.* Stations will be further advised concerning the installation of systems edits planned to prevent erroneous PREP award authorization for enrollments after October 31, 1976. Notice will also be provided, if necessary, regarding any changes to be made to the facility file. Separate instructions for PREP processing based on chapter 32 eligibility will be issued at an appropriate future date.

RUFUS H. WILSON,
Chief Benefits Director.

[DVB Circular 20-76-84]

APPENDIX H—EXTENDED 85-15 PERCENT RATIO REQUIREMENTS

NOVEMBER 22, 1976.

1. *Purpose.* This appendix provides instructions for implementing the provision of Pub. L. 94-502 which extends the 85-15 percent ratio requirements to additional types of courses and specifies additional types of financial support which must be computed into the 85 percent portion of the ratio. This appendix also explains the conditions under which the Administrator may waive the requirements because it is determined to be in the best interest of the veteran and the Federal Government.

2. *General.* Pub. L. 94-502 amends title 38 U.S.C. 1673(d) to provide that, effective December 1, 1976, the enrollment of an eligible

veteran (not already enrolled) may not be approved in any course for a period during which more than 85 percent of the students enrolled are having all or part of their tuition, fees, or other charges paid to or for them by the school, the Veterans Administration, and/or by grants from any Federal agency. Specifically excepted from computing 85–15 percent ratios are special assistance payments for the educationally disadvantaged (under subchapter V of chapter 34), farm cooperative courses, and courses offered under contract with the Department of Defense on or immediately adjacent to a military base and which are available only to active-duty military personnel and their dependents if approved by the SAA (State approving agency) in the State where the base is located. In the case of a military installation located outside of the United States, approval will be by the SAA in the State where the parent school is located. As noted in paragraph 1, certain requirements can and will be waived by the Administrator. The new law extends the 85–15 percent ratio requirement to degree-granting institutions, and the requirement now applies to both proprietary profit, proprietary nonprofit institutions and public and other tax-supported schools. In addition, students receiving grants from all Federal agencies other than the VA, with certain exceptions as explained below, must now be counted in the 85 percent portion of the ratio.

3. *Identification of Affected Courses.* An 85–15 percent ratio must be computed for each course of study or curriculum leading to a separate approved educational or vocational objective. Computations will not be made for unit subjects, unless only one unit subject is approved by the SAA to be offered at a separate branch or extension of a school. Courses or curricula which are offered at separately approved branches or extensions must have an 85–15 percent ratio computed separately from the same course offered at the parent institution; the student figures from the branch may not be added to those of the parent institution even for the same courses or curricula. Courses or curricula offered at an additional facility, as opposed to a branch or extension, must be added for 85–15 percent computation purposes to the same course at the parent institution. Pursuit of a course or curriculum that varies in any way, although it may have the same designation as another curriculum, will require a separate 85–15 percent computation. A course or curriculum will be considered to vary from another if there are different attendance requirements (e.g., night vs. day schedules), required unit subjects are different, required completion length is different, etc.

a. Separate courses for computation purposes in IHL's (Institution of Higher Learning) will be determined by general or specific curriculum:

(1) In 2-year IHL's, general curricula such as AA (Associate of Arts) or AS (Associate of Science) degrees with no major specified will require separate computations. Specific curricula for associate degrees will require separate computation for each curriculum. Terminal 2-year courses (i.e., AAS (Associate of Applied Science) Dental Technology, Auto Mechanics Certificate) must be computed separately for each objective.

(2) Students attending 4-year IHL's and graduate schools may be counted in general curricula such as BA (Bachelor of Arts) and BS (Bachelor of Science) only until the normal point at which the student must declare a major subject at the particular school. Then the 85–15 percent computation must be made for each specific curriculum; i.e., BS (Bachelor of Science) in Electrical Engineering, MA (Master of Arts) in English, etc. The rules mentioned above regarding branches and extensions must be applied strictly to yield accurate computations and correct approvals.

b. NCD (noncollege degree) courses must be computed separately by approved vocational objective. If several curricula lead to the same coded vocational objective, each must meet the 85–15 percent requirement separately, unless it can be shown that two or more courses are identical in all respects (scheduling, hours devoted to each unit subject, etc.). Once again, branch or extension courses will be computed as separate courses or curricula. Courses offered on full- and part-time basis which are identical in length and content will be combined for computing the ratio.

4. *Waivers.* The following waivers for 85–15 percent computation have been determined by the Administrator to be in the best interest of veterans and the Federal Government, and authority to apply them is hereby delegated to all station Directors:

a. Graduate Students; waive counting all Federal assistance (other than VA benefits) and all support from the institution. No specific application for this waiver is required from the school.

b. Undergraduate and NCD Students;

(1) Waive counting all assistance provided by an institution, if the institutional policy for determining the recipients of such aid is equal with respect to veterans and nonveterans alike. An application to the appropriate station Director will be required for this type of waiver. It must state the basis for requesting a waiver and include the estimated separate percentages of students that will be receiving VA support, other Federal assistance, and school assistance.

(2) Waive computation of the 85–15 percent ratio for any course offered by an IHL or NCD if 35 percent or fewer of the students *in the course* receive VA educational benefits, and the percentage of VA-supported students in the course plus the percentage of the school's total enrollment receiving BEOG (Basic Educational Opportunity Grants) or SEOG (Supplementary Educational Opportunity Grants) totals 85 percent or less. For example, if a school finds that 29 percent of the enrollees in a business AA degree curriculum receive VA payments and 52 percent of the school's total enrollment receives BEOG or SEOG support, the total of the percentages (81 percent) qualifies that business AA degree for a waiver of any further 85–15 percent ratio computation. Satisfactory compliance with the 85–15 percent requirement is assumed when the above conditions are fulfilled. If the total of the two percentages exceeds 85 percent, the ratio must be computed for that course with BEOG and SEOG recipients included in the 85 percent portion of the ratio.

(a) When more than 35 percent of the enrollment in a course receives VA assistance, the ratio must be computed for that course with BEOG and SEOG recipients included in the 85 percent portion of the ratio.

(b) This count of VA-supported students and BEOG or SEOG recipients must be completed within 30 days of the beginning of each regular academic term (summer sessions excluded) for application to the next term for the purpose of waiving computation of an 85–15 percent ratio for each affected course. For schools not operating on a term basis, counts must be completed within 30 days of the end of each calendar quarter (March, June, September, December). If this count is not submitted for a course which previously had its ratio computation waived, a complete computation will be required before any new enrollments of eligible veterans may be processed for that course.

(3) Waive counting all forms of Federal assistance other than BEOG and SEOG. Specific examples of this type of waiver are benefits administered by the Social Security Administration, Federal grants supporting specific programs such as law enforcement (LEEP, Safe Cities Act grants), nursing, etc., Government Employee Training Act support, and tuition paid by an Armed Service to active-duty personnel. No specific application is required for this waiver.

(4) Waiver for all so-called military aero clubs which were previously exempt from 85–15 percent requirements under VAH 14202(C)(3). No specific application is required for this waiver.

(5) Waiver for courses open only to military personnel, their dependents, and civilian employees of a military installation when the course is offered on or adjacent to the base under contract with the Department of Defense and the branch or extension is approved by the SAA in the State where the military installation is located. In the case of foreign military installations, approval will be by the SAA in the State where the parent school is located. This waiver is an expansion of the statutory exclusion explained in paragraph 2 above. If the course is offered to other students, the 85–15 percent ratio requirement must be met. An application will be required for this waiver showing the percentages of military personnel, dependents, and civilian employees enrolled in each course.

c. All applications for partial waiver of 85–15 percent requirements under the above criteria will be made by schools to Directors of the respective stations of jurisdiction. If a school disagrees with a Director's determination concerning a partial waiver, it may request that the application along with the Director's recommendation be forwarded to Central Office (224C) for administrative review.

d. Schools which offer courses not meeting the 85–15 percent requirement for any reason may apply to the appropriate station Director for a total waiver to the requirements.

NOTE.—No waiver may be granted under any circumstances for a course in which the percentage of veterans enrolled exceeds 85 percent.

The school must state the specific basis of the total waiver request, show the computation of the ratio for the affected course, and submit sufficient information to allow the Director to judge the merits of the request against the criteria shown below. The Director should use all VA sources as well as school-submitted data and statements when considering a total waiver request in relation to these criteria.

(1) Availability of comparable alternative educational facilities effectively open to veterans in the vicinity of the school requesting a waiver.

(2) Status of the school requesting a waiver as a developing institution primarily serving a disadvantaged population. The school should enclose a copy of the notification of developing status from the Office of Education, if applicable. Otherwise, the school should submit data sufficient to allow the Director to judge whether the school is similar to officially classified developing institutions, according to the criteria and data categories published in Part 169, Subpart B, Title 45, Code of Federal Regulations. The requirement that a school be a "Public or Nonprofit" institution need not be met.

(3) Previous compliance history of the school, including such factors as false or deceptive advertising complaints, enrollment certification timeliness and accuracy, and amount of school liability indebtedness to the VA.

(4) General effectiveness of the school's program in providing educational and employment opportunities to the particular veteran population it serves. Factors to be considered should include percentage of veteran students completing the first year of the course of study and completing the entire course, results of the 50 percent employment survey for vocational objective courses, ratio of educational and general expenditures to full-time equivalency enrollment, etc.

(5) If a school does not agree with a Director's determination concerning a total 85–15 percent waiver, it may request that the application along with the Director's findings and recommendation be forwarded to Central Office (224C) for administrative review.

e. All waivers of 85–15 percent requirements, whether partial or total and whether granted by a station Director under delegated authority or by Central Office decision, will be made part of the school approval folder and will be subject to annual review for continuation.

5. *Countable Assistance for 85–15 percent Computations.* In conjunction with the delegated waivers provided for in the preceding paragraph, the following types of assistance must be counted for determining compliance with 85–15 percent requirements:

a. Accredited graduate and advanced professional courses; count all VA assistance (chapters 31, 32, 34 and 35), except for courses offered on or adjacent to a military installation as explained in paragraph 2.

b. All other courses:

(1) Count all VA assistance except farm cooperative, assistance under subchapter V of chapter 34, and courses offered on or adjacent to a military base open to only active-duty personnel and their dependents (and civilian employees of the base, if waived by the Station Director).

(2) Count BEOG and SEOG as federal assistance, unless computation for a course is waived by the station Director (see par. 4b (2)) under delegated authority or waived by Central Office.

(3) Count all support offered by the institution, unless waived by the Station Director or Central Office.

6. *Computation of 85–15 percent Ratio.* To determine if this requirement has been met, the number of students in a course who are not veterans, are not receiving a form of federal or institutional aid (exclusive of waivers and statutory exemptions), or are receiving a form of aid which has been waived, will be compared to the total number of students enrolled in the course. If the non-VA, nonsupported students (unless waived) do not comprise at least 15 percent of the total enrollment, the 85–15 percent requirement has not been met for that course.

a. If all students in a course are full-time trainees, the ratio is computed simply by dividing non-VA, nonsupported students by total students; e.g., 20 non-VA, nonsupported students divided by 100 total students equals .20; the 15 percent requirement would be met in this case.

b. Ratios which include less than full-time students may be computed by comparing full-time equivalent non-VA, nonsupported students to the total number of full-time equivalent students. For example, assume that there are 100 students enrolled in a particular course of study; 75 are full-time students and 25 are half time. The total full-time equivalency enrollment would be 75 plus 12.5 or 87.5. Similarly, if 20 non-VA, nonsupported students are full-time trainees and five are half-time students, the non-VA, nonsupported full-time equivalency would be 20 plus 2.5 or 22.5. The ratio is computed by dividing non-VA, nonsupported equivalencies by total full-time equivalencies: 22.5 divided by 87.5 equals .26. In this example the 15 percent non-VA requirement would be fulfilled.

7. *Certifications of 85–15 Percent Compliance.* The requirements of the new law make it necessary to institute new procedures for school certification of compliance with the 85–15 percent requirements. Results of the ratio computation for each affected course must be submitted to the appropriate regional office no later than 30 days after the beginning of each regular school term (excluding summer sessions), or no later than 30 days after the end of each calendar quarter for schools not operating on a term basis.

a. New enrollments of eligible veterans in each term will be processed based on submission of a satisfactory 85–15 percent certification during the preceding term. If the computation for the current term (required above) then shows that the 85 percent limitation has been exceeded, processing of new enrollments of veterans will be discontinued immediately. Such new enrollments may be processed once again only after the school submits a certification showing that the proper ratio has been reestablished. When a school shows a reestablished 85–15 percent ratio, each new veteran enrollment submitted after reestablishment must be individually computed into the ratio to ensure that the 85 percent limitation is not again immediately exceeded.

b. Certifications of compliance with 85–15 percent requirements must be based on actual computations accomplished for each course beginning on or after December 1, 1976. Schools which are unable to complete computations for certain courses by that date due to difficulty in obtaining data concerning sources of student financial support may, nevertheless, continue to submit new veteran enrollments provided officials are certain that the courses will meet the requirement when computations are complete.

(1) Schools operating under this interim procedure must notify the appropriate liaison representative of each separate course which is being certified without actual computation of the ratio. The liaison representative will allow the school an additional 60 days beyond December 1, 1976, to provide notification that each course has met 85–15 percent requirements based on actual computations. At this time, the liaison representative will emphasize to the school that if the computation and certification of the 85–15 percent ratio is not received within 60 days after December 1, 1976, no further extension will be granted, and no further new enrollments of veterans will be processed for the course until the school computes and certifies the 85–15 percent ratio.

(2) Schools will maintain the records and computations showing 85–15 percent compliance for each course for a period of 3 years after the date the computation is accomplished.

c. Once a student is properly enrolled in a course either before December 1, 1976, or enrolls after November 30, 1976 in a course which meets the 85–15 percent requirement, such a student may not have benefits for that course terminated because the 85–15 percent requirement is subsequently not met, as long as the student's enrollment remains continuous. A student enrolled in an institution organized on a term basis need not attend summer sessions in order to maintain continuous enrollment. An enrollment may also be considered continuous if a "break" in enrollment is wholly due to circumstances beyond the student's control such as serious illness.

d. Compliance surveys performed after December 1, 1976 will include verification of 85–15 percent compliance under the criteria in this appendix for new enrollments effective on or after December 1, 1976. Item 10 on VA Forms 22–1936 and 22–1936A, Compliance Survey Worksheet for Students Pursuing Training Under Chapter 34 or 35, must be altered to delete the words "proprietary non-college degree." Revision of these forms will be accomplished soon in accordance with the new provisions of PL 94–502.

8. *85–15 Percent Statement on Enrollment Certifications.* The new law renders the 85–15 percent ratio certifications on VA Forms 22–1999 and 22–1999–1 obsolete. Nevertheless, all enrollments in courses affected by 85–15 percent requirements effective on or after December 1, 1976 must be accompanied by a proper certification.

a. The VA will issue revised enrollment certification forms for use with all new enrollments showing a beginning date on or after December 1, 1976.

b. Until the revised enrollment documents become available, institutional certifying officials must use interim measures to show compliance with the law. The 85–15 percent certification statement currently shown on enrollment documents must be deleted and a signed certification worded as follows attached to each document certifying a new enrollment covering a period beginning on or after December 1, 1976: "It is hereby certified that for enrollments under chapter 34, on the date training began or the first lesson was sent to the student, not more than 85 percent of the students enrolled in the course, including this student, are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution, the Veterans Administration under title 38 U.S.C., and/or by grants from any federal agency, unless such payments have been waived by the VA for purposes of this requirement. (Note: This provision does not apply to persons pursuing courses under 38 U.S.C. 1691, farm cooperative courses, or courses offered on military bases solely for military personnel and their dependents if approved by the SAA in the State where the base is located." Each statement should show the name and VA claim number of the student whose enrollment is being certified. The statement itself may be duplicated, but each statement must bear an original or acceptable facsimile signature of the appropriate school certifying official. New enrollment documents without the proper 85–15 percent certification will be returned to the school for completion of the certification.

c. No student will be counted more than one time in any computation of an 85–15 percent ratio. If a student receives both VA or other countable benefits and a noncountable or waived type of benefit, that student must be included in the countable (85 percent) portion of the ratio.

RUFUS H. WILSON,
Chief Benefits Director.

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INTERSTATE COMMERCE COMMISSION

[Vol. No. 61]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

DECEMBER 10, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before January 17, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No MC 52709 (Sub-No. 320) (Notice of filing of petition to modify restriction), filed November 22, 1976. Petitioner: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, Colo. 80207. Petitioner's representative: Robert P. Tyler (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 52709 (Sub-No. 320), issued May 3, 1974, authorizing transportation over regular routes, of *general commodities* (except commodities in bulk in tank vehicles), between Casper, Wyo., and Sheridan, Wyo., serving no intermediate points: (1) From Casper over U.S. Highway 87 to Sheridan, and return over the same route; and (2) from Casper over Interstate Highway 25 to junction Interstate Highway 90, thence over Interstate Highway 90 to Sheridan, and return over the same route, restricted as follows: (I) Service at Sheridan, Wyo., is restricted to the transportation of traffic received from or delivered to connecting carriers; and (II) said operations are restricted further against the transportation of traffic (a) originating at and destined to points in Wyoming; (b) originating at points in Colorado, on the one hand, and, on the other, destined to points in Wyoming; and (c) originating at points in Wyoming, on the one hand, and, on the other, destined to points in Colorado.

By the instant petition, petitioner seeks to modify the restriction in (I) above by deleting the present language and substituting in lieu thereof the following: "Service at Sheridan is for purpose of joinder only."

No. MC 68100 (Sub-No. 9) (Notice of filing of petition to modify commodity description) filed November 23, 1976. Petitioner: D. P. BONHAM TRANSFER, INC., 318 S. Adeline, P.O. Drawer "G", Bartlesville, Okla. 74003. Petitioner's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Petitioner holds a motor *common carrier* Certificate in No. MC 68100 (Sub-No. 9), issued March 23, 1960, authorizing transportation over irregular routes, of *well-pumping units* (except those 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 *equipment, materials, and supplies* used in the installation, operation, and maintenance of such units, between Bartlesville, Okla., on the one hand, and, on the other, points in Alaska, Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Lousiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, the upper peninsula of Michigan, and the District of Columbia, restricted against tacking or joinder with any other operating rights now held by carrier for the purpose of rendering a through service.

By the instant petition, petitioner seeks to broaden the commodity description above by deleting the parenthetical exception.

No. MC 89021 (Notice of filing of petition to modify commodity and territorial description) filed November 24, 1976. Petitioner: JOHN WEIGERT, doing business as LEVINE'S EXPRESS & TRUCKING COMPANY, P.O. Box Drawer C, Cliffwood, N.J., 07721. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor *common carrier* Certificate in No. MC 89021, issued April 25, 1967, authorizing transportation over irregular routes, of *Advertising display materials*, uncrated, during the season extending from the 1st day of September to the 1st day of June, inclusive, between New York, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Indiana, Illinois, and Michigan.

By the instant petition, petitioner seeks (I) to broaden the commodity description above by deleting the following: "uncrated, during the season extending from the 1st day of September to the 1st day of June, inclusive"; and (II) to broaden the territorial description above by adding California as an additional radial state.

No. MC 110420 (Sub-No. 709), (Notice of filing of petition to modify commodity description) filed November 18, 1976. Petitioner: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Petitioner's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, D.C. 20004. Petitioner holds a motor *common carrier* Certificate in No. MC 110420 (Sub-No. 709), issued October 9, 1975, authorizing transportation over irregular routes, of *corn products* and *soybean products* and *blends thereof*, in bulk, in tank vehicles, from the plant sites and storage facilities of Archer Daniels Midland Company, located at or near Decatur, Ill., to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the plant sites and storage facilities of Archer Daniels Midland Company, located at or near Decatur, Ill.

By the instant petition, petitioner seeks a finding by the Commission that its authority above permits the transportation of corn alcohol, or, in the alternative, seeks to modify the commodity description above to include corn alcohol.

No. MC 119459 (Notice of filing of petition to modify commodity description) filed November 24, 1976. Petitioner: MATTY'S GULF & TOWING SERVICE, INC., 343 South St., Newark, N.J. 07105. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* Certificate in No. MC 119459, issued September 15, 1972, authorizing transportation over irregular routes, of *disabled trucks, disabled tractors, and disabled buses*, in driveaway service, or in truckaway service using wrecker vehicles, between points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against service from or to points in Cuyahoga, Summit, Medina, and Portage Counties, Ohio.

By the instant petition, petitioner seeks to modify the commodity description above by deleting *disabled trucks, disabled tractors, and disabled buses*, and substituting in lieu thereof, *disabled vehicles*.

No. MC 123778 (Sub-No. 23), (Notice of filing of petition to add a contracting shipper) filed August 23, 1976. Petitioner: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Dock Road, P.O. Box 398, Woodbridge, N.J. 07095. Petitioner's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* Permit in No. MC 123778 (Sub-No. 23), issued January 23, 1976, authorizing transportation, as pertinent, over irregular routes, of *magazines and advertising matter* shipped with magazines, from Old Saybrook, Conn., to points in New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on, east, and south of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 11 to Syracuse, thence along New York Highway 5 to Schenectady, and thence along New York Highway 7 to the New York-Vermont State line, and to Wilmington, Del., Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts, with U.S. News & World Report, of Chicago, Ill.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

By the instant petition, petitioner seeks to add Curtis Circulation Company as an additional contracting shipper to the authority above.

No. MC 128217, (notice of filing of petition to add to the territorial description) filed November 18, 1976. Petitioner: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Petitioner's representative: Jene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Petitioner holds a motor *contract carrier* Permit in No. MC 128217, issued August 15, 1975, authorizing it to operate in interstate or foreign commerce by motor vehicle, over irregular routes, in the transportation of *Iron and steel articles* as described in Group III of Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from, as pertinent, Joliet, Ill., to points in montana, under a continuing contracts, or contracts, with Pacific Hide and Fur Depot, of Great Falls, Mont.

By the instant petition, petitioner seeks to add Wilton, Iowa, as pertinent, as an additional origin point.

No. MC 140986 (Sub-No 1), (notice of filing of petition to add contracting shipper) filed October 21, 1976. Petitioner: GREAT NORTHERN TRUCK LINES, INC., Bank Street, Netcong, N.J. 07857. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Petitioner holds a motor *contract carrier* permit in No. MC 140986 (Sub-No. 1), issued February 11, 1976, authorizing transportation over irregular routes, of (1) *Clay* (except in bulk), from Flanders, N.J., to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and the District of Columbia; and (2) *talc* and *materials and supplies* used in the manufacturing of ceramics (except in bulk), from points in Kentucky, Maryland, New York, Ohio, Pennsylvania and Tennessee to Flanders, N.J., under a continuing contract, or contracts with Byrnes Ceramic Supply Co., Inc., of Flanders, N.J.

By the instant petition, petitioner seeks to add Hammill & Gillespie, Inc., of Livingston, N.J., as an additional contracting shipper.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if 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. 118), filed November 24, 1976, Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Bldg., 918 Sixteenth St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Ellenville and Oswego, N.Y. and Botsford, Conn., to Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 30204 (Sub-No. 36), filed November 11, 1976. Applicant: HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, Mass. 02740. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23229. 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, gasoline, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) Serving the plantsite of S. S. Kresge Company, Shenandoah Industrial Park, located at or near Newnan, Ga., as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Greenville, S.C.

No. MC 30237 (Sub-No. 34), filed November 11, 1976. Applicant: YEATTS TRANSFER COMPANY a corporation, Box 666, Altavista, Va. 24517. Applicant's representative: J. J. Eller, Jr., 513 Main Street, Box 551, Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Point Pleasant, W. Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and (2) *returned shipments* of new furniture, on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Roanoke, Va.

No. MC 30319 (Sub-No. 149), filed October 19, 1976. Applicant SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, 7600 South Central Expressway, P.O. Box 6187, Dallas, Tex. 75222. Applicant's representative: Lloyd M. Roach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, tranpsorting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Bremond, Tex., and the plant site of Texas Utilities Company known as Twin Oak Power Plant located at Twin Oak, Tex., via highways 46, 2293 and unnumbered roads for a distance of approximately 12 miles, and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas or Houston, Tex.

No. MC 33322 (Sub-No. 18), filed November 17, 1976. Applicant: JOHN N. APGAR, SR. (IRVING L. APGAR, JOHN N. APGAR, JR. AND THE FIRST NATIONAL BANK OF CENTRAL JERSEY, EXECUTORS AND TRUSTEES), STERLING E. APGAR (MORRIS RUTER TRUSTEE) AND DOROTHY E. ANDERSON, doing business as APGAR BROS. a Partnership, 222 West Union Avenue, Bound Brook, N.J. 08805. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, located at or near Freehold, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania and Rhode Island, under a continuing contract, or contracts, with Union Carbide Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 35807 (Sub-No. 63), filed November 12, 1976. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and accounting media*, between DeFuniak Springs, Fla., on the one hand, and, on the other, Dothan, Ala., restricted to prior and subsequent intrastate movements by air, under a continuing contract with First National Bank of Birmingham, Birmingham, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Birmingham, Ala.

No. MC 42011 (Sub-No. 27), filed November 16, 1976. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft cable and wire rope* from Houston, Tex., to points in Alabama, Arizona, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 42011 (Sub-No. 28), filed November 18, 1976. Applicant: D. Q. WISE & CO., INC., 13309 East Apache St., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: J. Michael Alexander, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos shorts or waste*, from King City, Calif., to points in Alabama, Arkansas, Colorado, Florida, Illinois, Kansas, Louisiana, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 44639 (Sub-No. 89), filed November 12, 1976. Applicant: L. & M. EXPRESS COMPANY, INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Robert B. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), (1) between Charlottesville, Va., on the one hand, and, on the other, New York, N.Y.; and (2) between Greensboro, N.C., on the one hand, and, on the other, New York, N.Y., and Charlottesville, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 78118 (Sub-No. 29), filed November 17, 1976. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pretzels*, from the plantsites and warehouses of J. Reisman & Sons, Inc., located at Pennsauken, N.J., to points in Delaware, Maryland, North Carolina, Ohio, Pennsylvania, Virginia 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 either Harrisburg, Pa. or Washington, D.C.

No. MC 82841 (Sub-No. 201), filed November 15, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated building panels and foam board panels*, from Dallas, Tex., to points in the United States east of the Mississippi River, and points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 95540 (Sub-No. 965), filed November 18, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. 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: *Foodstuffs* (except commodities in bulk, in tank vehicles), from the plantsite of Mid Continent Underground Storage, at or near Kansas City, Kans., to North Little Rock, Ark., and points in Georgia, Kentucky, Tennessee, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio; Tampa, Fla.; or Washington, D.C.

No. MC 99234 (Sub-No. 8), filed November 15, 1976. Applicant: WESTWAY MOTOR FREIGHT, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Jefferson County, Colo., to points in Nebraska; and (2) *empty containers and materials for recycling*, from points in Nebraska, to Jefferson County, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 102616 (Sub-No. 925), filed November 8, 1976. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Mobile Oil Corporation, located at Trenton (Duck Island), N.J., to points in that part of Pennsylvania in a territory bounded on the south and east by the Delaware River, and by a line beginning at the intersection of Pennsylvania Highway 212 and the Delaware River, near Riegelsville, Pa., thence along Pennsylvania Highway 212 to its intersection with Pennsylvania Highway 663, thence along Pennsylvania Highway 663 to its intersection with Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its intersection with Pennsylvania Highway 252, thence along Pennsylvania Highway 252 to its intersection with the Delaware River, near Chester, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 103051 (Sub-No. 381), filed November 18, 1976. 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: *Dry starch*, from Roebuck, S.C., to points in Alabama and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Nashville, Tenn.

No. MC 103490 (Sub-No. 71), filed November 15, 1976. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and fittings, and materials, supplies, and equipment*, used in the manufacture and sale thereof, between Haverstraw, N.Y., on the one hand, and, on the other, New York, N.Y.; points in Connecticut, Delaware, Maine, Massachusetts, New Hamp-

shire, New Jersey, Pennsylvania, Rhode Island and Vermont, and points in Nassau and Suffolk Counties, New York.

NOTE.—Applicant holds contract carrier authority in MC 125709, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 105461 (Sub-No. 95), filed November 15, 1976. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, Pa. 17566. Applicant's representative: Robert R. Herr, P.O. Box 8, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juvenile furniture, child care products, and materials, equipment and supplies* used in the manufacture and distribution of juvenile furniture and child care products (except commodities in bulk), between the facilities of Graco Children's Products, Inc., located in or near Elverson, Pa., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, restricted to traffic originating at or destined to the above named facilities of Graco Children's Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Reading, Pa. or Washington, D.C.

No. MC 106497 (Sub-No. 136), filed November 17, 1976. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Casting, pipe, couplings, connections, valves, and hydrants*, and *accessories, materials, and supplies* used in the installation thereof, from the plantsite and warehouse facilities of Clow Corporation, located at or near Coshocton, Ohio, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at 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 either Chicago, Ill. or Washington, D.C.

No. MC 106644 (Sub-No. 226), filed November 3, 1976. Applicant: SUPERIOR TRUCKING COMPANY, a Corporation, 2770 Peyton Road, N.W., Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe, cast iron and brass valves and components, cast iron fittings, and cast iron fire hydrants* (except pipe and pipe fittings as described in Mercer Oil Field Extension 74 MCC-459), from points in Jefferson County, Ala., to points in Kansas, Minnesota and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Washington, D.C.

No. MC 106674 (Sub-No. 219), filed November 24, 1976. 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: *Batting, wadding, or padding*, from Corbin, Ky., to Hammon and Lowell, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 107515 (Sub.-No. 1040), filed November 10, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, S.E., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from plants at Menomonie, Vesper, and Cameron, Wis., and storage facilities at Eau Claire and Wisconsin Rapids, Wis., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Ohio, South Carolina, Tennessee and Virginia.

NOTE.—Applicant controls Refrigerated Transport, Inc., which has contract carrier authority in MC 136436 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 107839 (Sub-No. 171), filed November 17, 1976. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80246. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats, meat poducts, meat by-products, dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza, and pizza pie ingredients), from the facilities of Merchants Refrigerating Company, at or near Denver, Colo., to points in Texas (except points in the Dallas Commercial Zone as defined by the Commission), and points in Oklahoma, restricted to the transportation of traffic originating at the above-named origin and destined to points in the named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Dallas, Tex.

No. MC 108119 (Sub-No. 52), filed November 18, 1976. Applicant: E. L. MURPHY TRUCKING CO., a Corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock crusher equipment*, from the plantsite of Hewitt-Robins, Inc., located in Richland County, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Washington, D.C.

No. MC 108119 (Sub-No. 53), filed November 18, 1976. Applicant: E. L. MURPHY TRUCKING CO., a Corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nuclear reactor components*, from the facilities of Aeroject Manufacturing Company, at or near Fullerton, Calif., to Memphis, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 108119 (Sub-No. 54), filed November 18, 1976. Applicant: E. L. MURPHY TRUCKING COMPANY, a Corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cryogenic steel storage tanks and parts, materials and supplies* used in the installation thereof, from the plantsite and storage facilities of Union Carbide Corporation, Linde Division, located at or near Theodore, Ala., to points in the United States (except Alaska and Hawaii); and (2) *parts, materials, supplies and equipment* used in the manufacture of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of Union Carbide Corporation, Linde Division located at or near Theodore, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108341 (Sub-No. 54), filed November 18, 1976. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cryogenic tanks and parts, materials, equipment, and supplies* used in the installation and distribution thereof, from the facilities of Union Carbide Corporation located at or near Theodore, Ala., to points in the United States (except Alaska and Hawaii); and (2) *parts, materials, equipment and supplies* used in the manufacture of commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to facilities of Union Carbide Corporation located at or near Theodore, Ala., restricted against the transportation of commodities in bulk.

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. 347), filed November 18, 1976. Applicant: TRI-

STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jocobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articles* weighing less than 15,000 pounds, transported on trailers; (2) *parts, attachments and accessories* of items in (1) above, between Cobb County, Ga., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii); and (3) *materials, equipment and supplies* (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Cobb County, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 110012 (Sub-No. 33), filed November 12, 1976. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, Tenn. 37814. Applicant's representative: John R. Sims, Jr., 425 13th Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Newcomerstown, Ohio and New Albany, Ind., to points in the United States in and east of Arkansas, Iowa, Minnesota, Missouri, and Texas; and (2) *materials and supplies* used in the manufacture of new furniture, on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 1172), filed November 15, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry aluminum chloride*, (1) from the Aluminum Co. of America plantsite located near Palestine, Tex., to Mobile, Ala.; Baton Rouge, Carville, and St. James, La.; Baltimore, Md.; Hamilton, Picayune and Gulfport, Miss.; Sugar Creek, Mo.; Bound Brook and East Hanover, N.J.; Ashtabula, Ohio; West Elizabeth, Pa.; Memphis, Tenn.; and Institute, W. Va.; and (2) from the Aluminum Co. of America plantsite located near Palestine, Tex., to ports of entry on the International Boundary line between the United States and Canada located at Port Huron, Mich., restricted to traffic destined to Sarnia, Ontario.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 110981 (Sub-No. 8), filed November 17, 1976. Applicant: ALFRED BERGMAN AND LOIS BERGMAN, doing business as A & A BERGMAN, 7375 Nitz Street, Pigeon, Mich. 48755. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soy bean meal*, from Frankfort and Logansport, Ind., to points in Michigan, under a continuing contract or contracts with Farm Bureau Services, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich, and/or Chicago, Ill.

No. MC 111302 (Sub-No. 98), filed November 19, 1976. 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, located at or near Birmingham, Ala., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 111302 (Sub-No. 99), filed November 24, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37949. 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: *Petroleum products*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 111397 (Sub-No. 119), filed November 15, 1976. Applicant: DAVIS TRANSPORT, INC., 1345 South 4th Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by water, between the site of the Paducah-McCracken County Riverport Authority, located in Paducah, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, Ohio, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Louisville, Ky.

No. MC 113267 (Sub-No. 345), filed November 12, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., 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: *Margarine*, in containers and packages, from Osceola, Ark., to points in Colorado, Pennsylvania, and Wisconsin, restricted to traffic originating at the above named origin and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Little Rock, Ark.

No. MC 113624 (Sub-No. 76), filed November 19, 1976. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* (except petroleum-based), in bulk, in tank vehicles, from Wiley, Colo., to points in Kansas on and west of U.S. Highway 283, points in Nebraska on and west of U.S. Highway 83, points in New Mexico, points in Oklahoma on and west of Interstate Highway 35 and on and north of Interstate Highway 40, and points in Texas on and north of Interstate Highway 40.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 644), filed November 15, 1976. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), 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: (1) *Carpets, carpeting, carpet remnants* or *rugs*, soft surface (pile) fabric, power machine tuffed or power loom woven; and (2) *carpets, carpeting, and carpet remnants*, in wrapped bales or in boxes, (a) from Carlisle, Pa., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, Pennsylvania, and South Dakota; and (b) from Mobile, Ala. and Memphis, Tenn., to points in California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 113908 (Sub-No. 389), filed November 15, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring and flavoring syrup*, in bulk, from Linden, N.J., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo.; Chicago, Ill.; or Washington, D.C.

No. MC 114211 (Sub-No. 291), filed November 11, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel grain bins*, and *such commodities* as are dealt in, or used by, agricultural equipment and industrial equipment dealers (except commodities in bulk), from Davenport, Iowa, 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 Chicago, Ill. or Des Moines, Iowa.

No. MC 114273 (Sub-No. 270), filed November 15, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Ave. N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Drugs, medicines, pharmaceutical supplies, and materials and supplies* used in connection therewith, from Kalamazoo and Allen Park, Mich., to Kansas City, Mo., Minneapolis, Minn. and Denver, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 273), filed November 18, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Avenue, N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite of Kraft, Inc., at New Ulm, Minn., 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 destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 276), filed November 18, 1976. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, container components, and materials and supplies* used in the manufacture or distribution of containers, (1) from Columbus, Cincinnati and Worthington, Ohio; Oil City and West Mifflin, Pa.; Racine, Wis.; Itasca, Ill., and Lenexa, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin; (2) from Mankato, Minn.; LaCrosse, Wis.; Danville, Ill.; Elwood, Ind.; Shoreham, Mich.; and St. Joseph, Mo., to points in Arkansas, Kentucky, Ohio, Pennsylvania, and Tennessee; (3) from Danville and Peoria Heights, Ill., to Indianapolis, Ind.; and (4) from St. Joseph, Mo. to Kansas City and Lenexa, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis-St. Paul or Chicago, Ill.

No. MC 114569 (Sub-No. 156), filed November 19, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kensingtown, 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, meat by-products and articles distributed by meat packinghouses* (except hides, animal foods and animal food ingredients and commodities in bulk), from the plantsite and storage facilities of Spencer Foods, Inc., located at or near Schuyler, Nebr., and the storage facilities used by Spencer Foods, Inc., located at or near Fremont, 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.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 115730 (Sub-No. 21) filed November 17, 1976. Applicant: THE MICKOW CORP., 531 S.W. Sixth Street, Des Moines, Iowa 50309. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in the Chicago, Ill. Commercial Zone, and points in Porter County, Ind., to the plantsite and facilities of Sperry New Holland, at or near Grand Island and Lexington, Nebr., restricted to traffic destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115793 (Sub-No. 21) filed November 19, 1976. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, P.O. Box 620, Lenoir, N.C. 28645. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue, N.W., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and materials and supplies* used in the manufacturing of furniture, from Barbourville, Ky., to points in North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 116004 (Sub-No. 41) filed November 11, 1976. Applicant TEXAS OKLAHOMA EXPRESS, INC., 2222 E. Grauwyler, Irving, Tex. 75062. Applicant's representative: Doris Hughes, P.O. Box 47112, Dallas, Tex. 75247. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commisison, commodities in bulk, commodities requiring special equipment), Between Kansas City, Mo., on the one hand, and, on the other, St. Louis, Mo.: From Kansas City, Mo. over Interstate Highway 70 to St. Louis, Mo., and return over the same route, serving no intermediate points, as alternate route, for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Tulsa, Okla.

No. MC 116763 (Sub-No. 359) filed November 19, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's reprsentative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operats as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, from points in Houston County, Ga., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 116763 (Sub-No. 360) filed November 19, 1976. Applicant: CARL SUBLER TRUCKING, INC., Northwest 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: *Malt beverages*, in containers, and *related advertising materials*, from Baltimore, Md., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118159 (Sub-No. 189) filed November 19, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., Dawson Station, P.O. Box 51366, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from the plantsite and storage facilities of the L. D. Schreiber Cheese

Company located at Logan, Utah to points in Idaho, Oregon, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant reuests it be hled at Chicago, Ill.

No. MC 118202 (Sub-No. 65) filed November 15, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. 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: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of, or utilized by, Hygrade Food Products Corporation located at or near Storm Lake and Cherokee, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and Virginia.

NOTE.—Applicant holds contract carrier authority in No. MC 134631 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Detroit, Mich.

No. MC 118457 (Sub-No. 16) filed November 18, 1976. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., 2436 Algoma Blvd., Oshkosh, Wis. 54901. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and butter*, from the plantsites of Schurman's Butter & Cheese, Inc., located at Lancaster and Bloomington, Wis., to points in Illinois, Indiana, Michigan and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee or Madison, Wis.

No. MC 118535 (Sub-No. 92) filed November 18, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, from Dallas, Tex., to points in Alabama, Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 118831 (Sub-No. 145) filed November 12, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C. 27264. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kyanite*, dry, in bulk, from points in Appomattox, Buckingham, Charlotte Cumberland and Prince Edward Counties, Va., to points in North Charlotte, Cumbreland and Prince and Richmond and Norfolk, Va.

NOTE.—Applicant seeks to tack the requested authority with its Sub-No. 32 authority for Kyanite, dry, in bulk, in tank or hopper type vehicles, from points in Appomattox, Buckingham, Charlotte, Cumberland and Prince Edward Counties, Va., to points in Georgia. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 118959 (Sub-No. 140) filed November 15, 1976. Applicant: JERRY LIPPS, INC., 130 S. Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111 Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, wrapping paper, paper bags, paper and paper products*, from St. Marys, Ga., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville or Miami, Fla.

No. MC 119634 (Sub-No. 21) filed November 18, 1976. Applicant: DICK IRVIN, INC., 218 12th Avenue North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, from Barretts, Mont., to the ports of entry on the International Boundary line between the United States and Canada, located at Roosville and Sweetgrass, Mont., restricted to the transportation of traffic destined to the Provinces of Alberta and British Columbia, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Great Falls, or Billings, Mont.

No. MC 119765 (Sub-No. 39) filed November 18, 1976. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, Nebr. 68107. 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: *Foodstuffs*, from the plantsite and storage facilities utilized by Kraft Foods, Division of Kraft, Inc., located at or near Milan, Ill., to Des Moines, Boone and Chariton, Iowa, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Chicago, Ill.

No. MC 120761 (Sub-No. 18) filed November 15, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, a Corporation, 6559 Midway Road, P.O. Box 13302, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composting machines and related parts, materials, and supplies* (except commodities in bulk, in tank vehicles), between the plantsite of Scarab Manufacturing Co., located at or near White Deer, Tex., 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 or Lubbock, Tex.

No. MC 121450 (Sub-No. 10) filed November 1, 1976. Applicant: MCCOMAS TRUCK LINES, INC., P.O. Box 869, Chickasha, Okla. 73018. Applicant's representative: Robert A. Miller, 2505 City National Bank Tower, Oklahoma City, Okla. 73102. 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), (A) Between Wichita Falls, Tex., and Geronimo, Okla., serving the intermediate points of Randlett, Okla., and the off-route point of Walters, Okla.: From Wichita Falls over U.S. Highway 281 to junction unnumbered county road west of Geronimo, thence over unnumbered county road to Geronimo, and return over the same route; (B) Between junction U.S. Highway 281 and Oklahoma Highway 53 and Walters, Okla., over Oklahoma Highway 53, serving all intermediate points, and return over the same route; (C) Between junction U.S. Highway 281 and the H. E. Bailey Turnpike near Randlett, Okla. and Geronimo, Okla.: From junction U.S. Highway 281 and the H. E. Bailey Turnpike near Randlett, over the H. E. Bailey Turnpike to junction Oklahoma Highway 36, thence over Oklahoma Highway 36 to junction U.S. Highway 281, thence over U.S. Highway 281 to junction unnumbered county road, thence over unnumbered county road to Geronimo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (D) Between Geronimo, Okla. and junction Oklahoma Highway 7, and U.S. Highway 81: From Geronimo over unnumbered county road to junction U.S. Highway 281, thence over U.S. Highway 281 to junction Oklahoma Highway 7, thence over Oklahoma Highway 7 to junction U.S. Highway 81, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lawton, Okla. or Wichita Falls, Tex.

No. MC 123389 (Sub-No. 32) filed November 19, 1976. Applicant: CROUSE

CARTAGE COMPANY, P.O. Box 151, Carroll, Iowa 51401. 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: *Meats, meat products, meat by-products,* and *articles* processed, manufactured or *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 Denison and LeMars, Iowa to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 123407 (Sub-No. 340) filed November 19, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, vinyl sheet goods and adhesives*, from Salem, N.J., to points in Arizona, California, New Mexico and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 123407 (Sub-No. 341) filed November 22, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board, insulation, insulating gypsum, foam board panels, insulated panels and insulated building systems*, from points in Dallas County, Tex., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 123885 (Sub-No. 24) filed November 3, 1976. Applicant: C & R TRANSFER CO., a Corporation, P.O. Box 1010, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 821 Columbus, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile home truss rafters*, from Sioux Falls, S. Dak. to Hutchison, Kan., Blue Earth, Minn., and Tekamah, Nebr.

NOTE.—Applicant holds contract carrier authority in MC 112306 and Subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Rapid City, S. Dak. or Denver, Colo.

No. MC 124170 (Sub-No. 64), filed November 8, 1976. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frostings, or icing mixes*, from Chelsea, Mich., to points in Maryland, North Carolina, South Carolina, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 124230 (Sub-No. 30), filed November 12, 1976. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: David E. Driggers, 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: (1) *Ore and ore concentrates*, (a) between points in Mineral County, Colo.; (b) between points in Mineral County, Colo., on the one hand, and, on the other, points in Pueblo and Fremont Counties, Colo.; (c) from points in Grant County, N. Mex., to Creede, Colo.; and (d) from points in Lincoln County, Nev., to points in Inyo County, Calif.; (2) *mining and milling equipment and supplies*, from points in Inyo County, Calif., to points in Lincoln County, Nev.; and (3) *gold and silver ore*, in bulk, from points in Sierra County, N. Mex., to El Paso, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 124679 (Sub-No. 71) filed November 17, 1976. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 716 Newhouse Building, Salt Lake City, Utah 84111. 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*, from points in Colorado, to point in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 128813 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Salt Lake City, Utah.

No. MC 124774 (Sub-No. 98) filed October 28, 1976. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. 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 Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, Oklahoma, South Dakota, Wisconsin and Wyoming, restricted to traffic originating at Omaha, Nebr., and points in the Commercial Zone thereof.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 125522 (Sub-No. 9) filed November 12, 1976. Applicant: SUNBURY TRANSPORT LIMITED, Hoyt, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasterboard, gypsum board, plasterboard, plywood and asphalt products* (except in bulk) *and waste paper*, from points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont to ports of entry on the International boundary line between the United States and Canada located at or near Houlton, Vanceboro, Calais, Madawaska, Fort Kent and Jackman, Maine, restricted to the transportation of traffic destined to the Provinces of Buctouche, St. John, Sussex and St. George, New Brunswick and Debert, Nova Scotia.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at either Portland, Maine or Boston, Mass.

No. MC 126118 (Sub-No. 26) filed November 10, 1976. 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle, parts, accessories and related items*, (1) between North Kansas City, Mo., on the one hand, and, on the other, points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, (2) between Atlanta, Ga., on the one hand, and, on the other, points in Arkansas, New Mexico, Oklahoma and Texas; and (3) between Dallas, Tex., on the one hand, and, on the other, North Kansas City, Mo. and Atlanta, Ga., under a continuing contract or contracts in (1), (2) and (3) above with Maremont Corporation.

NOTE.—Applicant holds common carrier authority in MC 126118 and subs thereunder, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Lincoln, Nebr.

No. MC 127042 (Sub-No. 180), filed November 12, 1976. Applicant: HAGEN, INC., 3232 Highway 75 north, P.O. Box

93-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and storage facility of Mid-Continent Underground Storage, located at or near Kansas City, Kans., to points in Illinois and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 127042 (Sub-No. 181), filed November 12, 1976. Applicant: HAGEN, INC., 3232 Highway 75 north, P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Scottsbluff, Nebr., to points in North Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128095 (Sub-No. 14), filed November 18, 1976. Applicant: PARKER TRUCK LINE, INC., Senter Drive, P.O. Box 1402, Tupelo, Miss. 38801. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Mississippi to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson or Tupelo, Miss., and/or Memphis, Tenn.

No. MC 128273 (Sub-No. 236), filed November 15, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (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 department stores, garden and lawn supply houses, dealers in recreational vehicles, and equipment, and promotional materials used in the sale and distribution of the foregoing commodities (except commodities in bulk, and such commodities that require the use of special equipment), from points in the United States (except Alaska and Hawaii), to points in Arkansas, Louisiana and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 128273 (Sub-No. 239), filed November 19, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: James W. Muldoon, 50 West Broad, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives* when moving in mixed shipments with paper and paper products, from Chillicothe and Schooleys, Ohio, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Applicant states that it presently has authority to transport paper and paper products from the above described origin to the requested destination territory. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 128273 (Sub-No. 240), filed November 24, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers, converters and printers of paper and paper products (except commodities in bulk), from points in Wisconsin and the Upper Peninsula of Michigan, 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 Milwaukee, Wis. or Washington, D.C.

No. MC 129032 (Sub-No. 30), filed November 15, 1976. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, P.O. Box 9667, Tulsa, Okla. 74107. Applicant's representative: John Paul Fischer, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged petroleum, lubricating oil, and grease*, from Maryland Heights, Mo., to points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla., or San Francisco, Calif.

No. MC 129802 (Sub-No. 11), filed November 5, 1976. Applicant: GAIL R. KALDENBERG, doing business as ABC CARTAGE, 129 S.E. 18th Street, Des Moines, Iowa 50317. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over 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), between Des Moines, Moulton, Pleasantville, Milo, Lacona, Russell, Melrose, Lovilia, Hamilton, Attica, Bussey, Tracy, Seymour, Alerton, Lineville, Clio, Harvard, Kiniffin, Numa, Drakesville, Unionville, Udell, Paris, Bunch, Liberty Center, Lucas, Woodburn, Melcher, and Dallas, Iowa as off-route points in conjunction with applicant's presently authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 129808 (Sub-No. 22), filed November 19, 1976. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, West Highway No. 30, Grand Island, Nebr. 68801. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home decorating trimmings and accessories*, from Traverse City and Greenville, Mich., to Grand Island, Nebr., under a continuing contract, or contracts, with Burwood Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Grand Island, Nebr.

No. MC 133119 (Sub-No. 104), filed November 12, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, Lincoln, Nebr. 68501. 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 the facilities of Mellman Food Industries Inc., located at or near Sioux Falls, S. Dak., to points in the United States (except Montana, Wyoming, North Dakota, Indiana, Ohio, Kentucky, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, Alaska, Hawaii, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Sioux Fall, S. Dak.

No. MC 133119 (Sub-No. 105), filed November 12, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, Lincoln, Nebr. 68501. 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 the facilities of Whitehall Packing Co., located at or near White-

hall and Eau Claire, Wis., to points in the United States (except Montana, Wyoming, North Dakota, Wisconsin, Michigan, Indiana, Ohio, Kentucky, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, the District of Columbia, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Sioux Falls, S. Dak.

No. MC 133566 (Sub-No. 68), filed November 4, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth Street N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and materials, supplies, equipment and ingredients* used in the manufacturing, packaging, and distribution of frozen foods (except in bulk), from the plantsite and storage facilities of The Quaker Oats Company located at or near Jackson, Tenn., to points in Maine, New Hampshire, Vermont, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 133689 (Sub-No. 90), filed November 5, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First Street, SW., 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: *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), (1) from the plantsite and storage facilities of Armour & Co. located at or near Huron, S. Dak., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee; and (2) from the plantsite and storage facilities of Armour & Co. located at or near Worthington, Minn., to points in Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted in (1) and (2) above to traffic originating at the above named origins and destined to the above named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133928 (Sub-No. 10), filed November 15, 1976. Applicant: OSTERKAMP TRUCKING, INC., 10499 North Glassell Street, Orange, Calif. 92667. 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: *Gypsum, gypsum products and building materials, and materials and supplies* used in the manufacturing, distribution and installation of gypsum, gypsum products and building materials, (1) between the plantsite of United States Gypsum Company located at or near Plaster City, Calif., and points in Los Angeles County, Calif., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming; and (2) between the plantsite of United States Gypsum Company located at or near Heath, Mont. on the one hand, and, on the other, points in California, Idaho, Montana, North Dakota, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming, restricted in (1) and (2) above to a transportation service to be performed under a continuing contract or contracts with United States Gypsum Company of Chicago, Ill.

NOTE.—Applicant holds common carrier authority in MC 138732 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134477 (Sub-No. 128), filed November 17, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and samples thereof*, from Marietta, Pa., and Ringgold, Ga., to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135082 (Sub-No. 39), filed November 17, 1976. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road N.E., 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: *Roofing and roofing products* (except commodities in bulk, moving in tank vehicles), from Bernalillo County, N. Mex., to points in California, Idaho, Montana, Nebraska, Nevada, and Wyoming.

NOTE.—Applicant holds contract carrier authority in No. MC 115524 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Albuquerque, N. Mex. or Phoenix, Ariz.

No. MC 135410 (Sub-No. 7), filed November 15, 1976. Applicant: COURTNEY J. MUNSON, doing business as: MUNSON TRUCKING, 700 South Main, Monmouth, Ill. 61462. Applicant's representative: Courtney J. Munson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, tallow, shortening, vegetable oil shortening, margarine, and cooking oils*, in packages, from the facilities of Swift Edible Oil Company located at or near Bradley, Ill., to points in Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia; and Manassas, Williamsburg, Richmond, and Newport News, Va.; Dover, Rehoboth Beach, and Wilmington, Del.; Levitt City, New Haven, New London, Hartford, Meriden, Colchester, and Stamford, Conn.; Burlington, Brattleboro, Ruthland and White River Jct., Vt.; Dover, Concord, and Manchester, N.H.; Fairfield, Lewiston, Portland and Augusta, Maine; and Providence and Cranston, R.I., and the Commercial Zones of the respectively named cities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135658 (Sub-No. 3), filed November 12, 1976. Applicant: ROCK RIVER CARTAGE, INC., R.R. No. 2, P.O. Box 430, Rock Falls, Ill. 61071. 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: *Refractory materials and products* (except in bulk), from points in Lake County, Ind., to Sterling, Ill., for the account of, and under a continuing contract, or contracts, with Northwestern Steel and Wire Company, located at Sterling, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135698 (Sub-No. 9), filed November 15, 1976. Applicant: GERALD E. AMUNDSON, doing business as JERRY AMUNDSON TRUCKING, Route 3, New Richmond, Wis. 54017. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients*, from New Richmond, Wis., to points in Brown, Watonwan, and Martin Counties, Minn., and points in Faribault and Blue Earth Counties, Minn., on and west of U.S. Highway 169.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135797 (Sub-No. 61), filed November 8, 1976. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Don Garrison, 204 Highway 71 North Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods and recreational equipment*, from the plantsite and warehouse facilities of Gym-Dandy, Inc., at Bossier City, La., to points

in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Little Rock, Ark.

No. MC 136144 (Sub-No. 2), filed November 12, 1976. Applicant: ACME TRANSFER AND STORAGE CO., INC., 701 North First Street, Minneapolis, Minn. 55401. Applicant's representative: Harry P. Strong, Jr., 222 North Concord Street, South St. Paul, Minn. 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned and preserved (except frozen), from the facilities of Hunt-Wesson Foods, Inc., located at or near Shakopee, Minn., to Albert Lea, and Northfield, Minn., restricted to the transportation of traffic having an immediately prior movement by rail or motor carrier.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136385 (Sub-No. 5), filed November 15, 1976. Applicant: HALL WAY, INC., P.O. Box 22, Ankeny, Iowa 50021. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., at Cedar Rapids, Iowa, to Chicago, Ill., and points located within the Chicago, Ill. Commercial Zone as defined by the Commission, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 136818 (Sub-No. 15) filed November 11, 1976. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McCowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granular cheese*, from Tempe, Ariz., to Carthage, Neosho and Springfield, Mo.

NOTE.—Applicant holds contract carrier authority in MC 136897 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 138157 (Sub-No. 32) filed November 15, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, Tenn. 37140. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpeting, carpet paddings and yarn*, from Anadarko and Watonga, Okla., to points in the United States (except Alaska and Hawaii); and (2) *supplies, materials and equipment*, used in the manufacture, production and shipment of the above-named commodities (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Anadarko and Watonga, Okla., restricted to traffic originating at or destined to the facilities of Sequoyah Industries, Inc., at or near Anadarko and Watonga, Okla.

NOTE.—Applicant holds contract carrier authority in MC 134150 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 Chicago, Ill.

No. MC 138258 (Sub-No. 3), filed November 18, 1976. Applicant: JAMES D. WILCOX, 201 Depot Street, P.O. Box 128, Boone, N.C. 28607. Applicant's representative: Douglas W. Greene, P.O. Box 629, Boone, N.C. 28607. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hand-saw blades*, finished and unfinished, and *electrical parts and components*, between Lansing and Boone, N.C., and Johnson City, Kingsport and Bristol, Tenn., and points in their respective commercial zones.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, Hickory or Boone, N.C.

No. MC 139193 (Sub-No. 50), filed November 15, 1976. Applicant: ROBERTS & OAKE, INC., P.O. Box 1356, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billing, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is used or dealt in by wholesale, retail, and chain grocery and food business houses, between the plant sites, warehouses and storage facilities of Lever Brothers Company, located at St. Louis, Mo., on the one hand, and, on the other, points in Arkansas, California, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Rhode Island and Texas, under a continuing contract, or contracts, with Lever Brothers Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 139310 (Sub-No. 3) filed November 19, 1976. Applicant: G. E. BELMORE, doing business as MOTOR TRANSIT COMPANY, 5822 N. Interstate, Portland, Oreg. 97217. Applicant's representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed gasses*, in cylinders; *cylinders, cylinder trucks; welders' machinery, equipment, kits, accessories, parts and supplies; metal, cable, calcium carbide electrodes and hose*, (1) between Portland, Oreg. and Longview, Wash.; and (2) between Longview, Wash., on the one hand, and, on the other, points in Columbia and Clatsop Counties, Oreg., and Cowlitz, Wahkiakum, and Pacific Counties, Wash., under a continuing contract, or contracts, with Liquid Air, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 139495 (Sub-No. 178) filed October 28, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, shutters, blinds, and accessories* used in the installation thereof, from Greenville and Terrell, Tex., to points in Arizona, California, Colorado, Florida, Illinois, Iowa, Kansas, Massachusetts, Maryland, Missouri, Minnesota, Nebraska, New Jersey, New Mexico, North Carolina, Oregon, Utah and Washington.

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 either Dallas, Tex. or Kansas City, Mo.

No. MC 140553 (Sub-No. 2) filed November 15, 1976. Applicant: ROGERS TRUCK LINE, INC., Box 125, Webster City, Iowa 50595. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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. 204 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Hygrade Food Products Corporation, located at or near Storm Lake and Cherokee, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Chicago, Ill.

No. MC 140553 (Sub-No. 2) filed November 15, 1976. Applicant: ROGERS TRUCK LINE, INC., Box 125, Webster City, Iowa 50595. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as de-

scribed in Sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 204 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Hygrade Food Products Corporation, located at or near Storm Lake and Cherokee, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Chicago, Ill.

No. MC 140829 (Sub-No. 28) filed November 15, 1976. 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. 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and/or storage facilities of Northern Star located at or near Minneapolis, Minn., to points in Connecticut, Kansas, Maryland, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia, 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 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. 29) filed November 19, 1976. 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: *Cheese, butter, dairy products and dairy by-products*, from the plantsite and storage facilities of Schurman's Butter & Cheese, Inc., at or near Lancaster and Bloomington, Wis., to points in Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Kansas, Louisiana, Massachusetts, Mississippi, Missouri, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, South Carolina, Tennessee and Texas, restricted to the transportation of traffic originating at the named origins and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC 136408 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 140829 (Sub-No. 32) filed November 18, 1976. 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: *Cheese, butter, dairy products, and dairy by-products*, from Harvey and Bismarck, N.D.; Wessington Springs, S. Dak.; Arthur, Ill.; and points in Iowa, Minnesota and Wisconsin, to points in Arizona, California, Colorado, Connecticut, Idaho, Kansas, Massachusetts, Michigan, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Washington and Wyoming, restricted to the transportation of traffic originating at the above named origins and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in No. MC 136408 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. 33) filed November 18, 1976. 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: *Meat, 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 of Wilson Foods Corp. located at Alberta Lea, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in No. MC 136408 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 141693 (Sub-No. 1) filed November 15, 1976. Applicant: GREGORY LEE JENCEN, doing business as AGRARIAN WAY OF WISCONSIN, 323 South Elm Street, Oconomowoc, Wis. 53066. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and granulated fertilizer compounds, agricultural chemicals, fertilizer and pesticide sprayers, tanks, and containers, and supplies* used in the production, manufacture, sale and distribution thereof, between points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, under a continuing contract, or contracts, with Farm Better Service, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 141693 (Sub-No. 2) filed November 15, 1976. Applicant: GREGORY LEE JENCEN, doing business as AGRARIAN WAY OF WISCONSIN, 323 South Elm Street, Oconomowoc, Wis. 53066. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings, grain bins, and drying equipment, and grain and feed handling equipment*, from points in Illinois, Iowa and Nebraska to points in Wisconsin, under a continuing contract or contracts with Materials Handling Equipment, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 141804 (Sub-No. 32) filed November 15, 1976. Applicant: WESTERN EXPRESS, 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: *Disposable respiratory care articles*, fabricated of plastic or metal or combinations of plastic and metal (except compressed gases in containers and articles utilizing compressed gasses as a propellant) and *parts and accessories* thereof, and *intravenous equipment and supplies* (except liquids) in cartons in straight or mixed loads, from the plant site and storage facilities of Inspiron, located at or near Upland, Calif., to Salt Lake City, Utah and to points located on or east of U.S. Highway 85, restricted to traffic originating at the above location.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Lincoln, Nebr.

No. MC 141804 (Sub-No. 33) filed November 17, 1976. 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) *New and used electric storage batteries and parts thereof, battery fluid, battery boxes, battery covers, and battery vents*, between the plantsites and storage and/or distribution facilities of Gould, Inc., located at or near Dunmore, Pa.; Lynchburg, Va.; Zanesville, Ohio; Atlanta, Ga.; Orlando, Fla.; Memphis, Tenn.; Shreveport, La.; Farmers Branch, Tex.; Leavenworth, Kans.; St. Paul, Minn.; Denver, Colo.; Phoenix, Ariz.; Hayward and City of Industry, Calif.; Salem, Oreg.; Omaha, Nebr.; Frisco, Tex.; and Philadelphia, Pa.; (2) *electric storage batteries and parts thereof, battery fluid, battery boxes, battery covers and battery vents*, from the plantsites and storage and/or distribution facilities of Gould, Inc. located at or near Kankakee, Ill.; Trenton, N.J.; and Fort Smith, Ark.,

to points in the United States (except Alaska and Hawaii); and (3) *equipment, materials and supplies* used in the manufacture, production, and distribution of the commodities named in parts (1) and (2) above, from points in the United States (except Alaska and Hawaii), to the plantsites and storage and/or distribution facilities of Gould, Inc. as stated in parts (1) and (2) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Lincoln, Nebr.

No. MC 142059 (Sub-No. 2), filed November 17, 1976. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, Ill. 60434. Applicant's representative: Jack Riley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials and equipment* used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsites of Alumax, Inc. located at or near Decatur, Ala.; Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Perris Valley and Woodland, Calif.; Loveland, Colo.; Hialeah, Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Boise and Twin Falls, Idaho; Chicago, Morris and St. Charles, Ill.; Lebanon, Bristol and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Niles, Mich.; Montevideo, Minn.; St. Louis, Mo.; Hernando, Miss.; Reidsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Umatilla and Stayton, Oreg.; Bloomsburg, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Ferndale, Wash.; and Marshfield, Wis.; on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing at Washington, D.C.

No. MC 142241 (Sub-No. 1), filed November 15, 1976. Applicant: KENNETH HOLBROOK & J. R. HOLBROOK, a Partnership, doing business as K & R TRUCKING COMPANY, Route 40, Davis Branch Road, Paintsville, Ky. 41240. Applicant's representative: Kenneth Holbrook (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials and supplies*, between Paintsville, Ky., and points in Boyd, Breathitt, Carter, Elliott, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Martin, Morgan, Magoffin, Perry and Pike Counties, Ky., under a continuing contract, or contracts, with Western Electric Company, Incorporated.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 142271 (Sub-No. 1), filed November 15, 1976. Applicant: WAYNE E. WATKINS, doing business as WATKINS REFRIGERATED DISTRIBUTING SERVICE, 20436 Schoolcraft Street, Winnetka, Calif. 91306. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastic*, in vehicles equipped with mechanical refrigeration, from the plantsite of Furane Plastics, Inc., located at Los Angeles, Calif., to Ft. Bragg, Samoa, and Arcata, Calif.; Brookings, Eugene, Goldbeach, Medford, Roseburg, Klamath Falls, Springfield and Corvallis, Oreg.; Shelton, Tacoma and Olympia, Wash.; Missoula, Bonner, Columbia Falls and Kalispell, Mont.; New Waverly, Tex.; Alexandria, Urania, Holden and Hammond, La.; Crossett, Ark.; Cedar Springs and Atlanta, Ga.; Greensboro, N.C.; Silver Street, S.C.; Chapman, Ala.; and to the Port of Entry on the International Boundary Line between the United States and Canada located at or near Blaine, Wash., under a continuing contract or contracts with Willamette Valley Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142485, filed September 29, 1976. Applicant: KENDRICK MOVING AND STORAGE, INC., P.O. Box 209, Lebanon, Ohio 45036. Applicant's representative: A. Charles Tell, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between Blanchester, Ohio, on the one hand, and, on the other, points in Ohio, restricted against serving those commercial zone points outside Ohio.

NOTE.—The purpose of this filing is to transfer and convert a Certificate of Registration in MC 97323 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. Applicant presently holds contract carrier authority in MC 136334 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 142508 (Sub-No. 2), filed November 15, 1976. Applicant: NATIONAL TRANSPORTATION, INC., 14031 L Street, P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 North LaSalle, Suite 2108, Chicago, Ill. 60602. 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 the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fort Morgan, Colo., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to traffic originating at the facilities of Morgan Colorado Beef Company, located at Fort Morgan, Colo., and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 134734 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 142639, filed November 1, 1976. Applicant: KELLY MCKNIGHT, doing business as KELLY MCKNIGHT WRECKER SERVICE, 1108 Harrison Street, P.O. Box 1052, Arlington, Tex. 76010. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, and replacement vehicles and trailers* (except mobile homes) by wrecker equipment, between points in Texas and Oklahoma, 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 Ft. Worth or Dallas, Tex.

No. MC 142657 filed November 17, 1976. Applicant: PORTEADORES DEL NOROESTE, S.A., P.O. Box 364, Calexico, Calif. 92231. Applicant's representative: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, Calif. 92231. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including kerosene, jet fuel, solvent, aviation gasoline, turbine fuel, lubricants, fuel oils, diesel and gasoline*, between points in Los Angeles County, Calif., on the one hand, and, on the other, ports of entry on the International Boundary Line between the United States and the Republic of Mexico located at or near Calexico and San Ysidro, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142659 filed November 15, 1976. Applicant: ANTHONY B. CUCINOTTA, doing business as A B C CARTAGE, 4501 N. Pontiac Ave., Norridge, Ill. 60656. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes and fibreboard scrap*, between the plant site and warehouse facilities of Container Corporation of America located at or near Carol Stream, Ill., on the one hand, and, on the other, Ft. Wayne, Indianapolis, Lepel, LaPorte, and Terre Haute, Ind.; Burlington, Cedar Rapids, Clinton, Davenport, Des Moines, Dubuque, and Mt. Pleasant, Iowa.; Charlotte, Cheboygan, and Detroit, Mich.; Anoka and St. Paul, Minn.; St. Louis, Mo.; Cincinnati, Cleveland, Columbus, St. Bernard, and Toledo, Ohio; Beaver Dam Burlington, Delavan, Ft. Atkinson Green Bay, Jefferson, Neenah, and Oshkosh, Wis., under a continuing contract or contracts with Container Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 142660 filed November 15, 1976. Applicant: LONNIE L. FERRIL, doing business as T. MILLER WRECKER, INC., 411 North Polk Street, Amarillo, Tex. 79107. 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: *Wrecked and disabled motor vehicles*, by use of wrecker equipment only, and replacement vehicles for wrecked or disabled vehicles, between points in Texas within a 150 mile radius of Amarillo, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Louisana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Amarillo or Dallas, Tex., and/or Oklahoma City, Okla.

No. MC 142661 filed November 15, 1976. Applicant: RICHARD E. BOWYER, 130 South Rambaugh Road, Route 5, Lima, Ohio 45801. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive brake parts*, from Warren, Mich., to points in New Jersey and in Long Island, N.Y., under a continuing contract or contracts with E & D Manufacturing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 142663, filed November 12, 1976. Applicant: SPRINGBROOK TRANSPORT, INC., P.O. Box 422, Springfield, Pa. 19064. Applicant's representative: Robert Kubiak (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate candy*, in vehicles equipped with mechanical refrigeration, from West Reading, Pa., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Texas, Utah and Washington, under a continuing contract with R. M. Palmer Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 142665, filed November 15, 1976. Applicant: MERCURY FREIGHT, INC., 15 South Kaiser Avenue, Taylor, Pa. 18517. 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: (1) *Steel tubing and springs, welding materials and supplies, and anchor reels*; and (2) *materials, supplies and equipment, personal effects and household goods* (except commodities in bulk, in tank vehicles), used in the manufacture, distribution or installation of commodities in (1) above, between South Abington Township, and Mountain Top, Pa., and Benton Harbor, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Sankvik Steel Co.

NOTE.—Applicant holds common carrier authority in MC 99739 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

PASSENGER APPLICATIONS

No. MC 544 (Sub-No. 1) (Amendment), filed April 19, 1976, published in the FEDERAL REGISTER issues of May 20, 1976 and July 1, 1976, and republished as amended this issue. Applicant: VANCOUVER-PORTLAND BUS CO., 111 East Fifth Street, Vancouver, Wash. 98660. Applicant's representative: David C. White, 2400 S.W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in one-way or round trip charter operations, beginning or ending at points in Clackamas, Multnomah and Washington Counties, Oreg., and Clark County, Wash., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—The purpose of this republication is to: (1) include the phrase "in one-way or round trip" to applicant's request for authority; and (2) to include the words "or ending" to the territorial description. Common control may involved. Hearing: February 14, 1977 (1 week), at 9:30 a.m., Local Time, Portland, Oreg. Location of hearing room will be by subsequent notice.

No. MC 29839 (Sub-No. 6) (Amendment), filed August 11, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, and republished as amended this issue. Applicant: EVERGREEN STAGE LINES, INC., 9038 N. Denver, Portland, Oreg. 97217. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in one-way round trip charter operations, beginning or ending at points in Clackamas, Multnomah and Washington Counties, Oreg., and Clark County, Wash., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—The purpose of this republication is to include the phrase "in one-way or round trip" to applicant's request for authority. Common control may be involved. Hearing: February 14, 1977 (1 week), at 9:30 a.m., Local Time, Portland, Oreg. Location of hearing room will be by subsequent notice.

No. MC 95622 (Sub-No. 3), filed November 18, 1976. Applicant: AVERY TRANSPORTATION INC., Box 444, Beachlake, Pa. 18405. 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: *Passengers and their baggage*, in charter and special operations, beginning and ending at points in Wayne County, Pa., and extending to points in the United States in and east of Illinois, Kentucky, Louisiana, Minnesota, Mississippi, Tennessee and Wisconsin.

NOTE.—Applicant states that it holds certain charter authority in MC 95622 and sub numbers thereto, from the origin county above to points in 17 states and the District of Columbia; no duplicating authority is being sought. If a hearing is deemed necessary, the applicant requests it be held at Scranton, Pa.

No. MC 103222 (Sub-No. 1), filed November 15, 1976. Applicant: EAGLE BUS LINES LIMITED, 339 Archibald Street, Winnipeg, Manitoba, Canada. Applicant's representative: R. Brock McArthur, 200 Childs Building, 211 Portage Avenue, Winnipeg, Manitoba, Canada R3B 2A2. 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, beginning and ending at ports of entry on the International Boundary Line between the United States and Canada located in Minnesota and North Dakota, and extending to points in the United States (except Alaska and Hawaii), restricted to the conduct of charter operations originating and terminating within the Province of Manitoba, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak. or Minneapolis, Minn.

No. MC 118848 (Sub-No. 24), filed November 12, 1976. Applicant: DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Bayonne, N.J. 07002. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. 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 New York, N.Y., and points in Nassau County, N.Y., and extending to Atlantic City, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bayonne, N.J.

No. MC 142643 (Sub-No. 1), filed November 15, 1976. Applicant: RELIABLE RAILROAD SERVICE, INC., 1014 Enquirer Building, Cincinnati, Ohio 45202. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, who are employees of Consolidated Rail Corporation, and their baggage*, between Indianapolis, Ind., on the one hand, and, on the other, points in Illinois, Kentucky and Ohio, under a continuing contract, or contracts, with Consolidated Rail Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill, or Indianapolis, Ind.

WATER CARRIER

No. W-1278 (Sub-No. 4), filed November 15, 1976. Applicant: BULK FOOD CARRIERS, INC., 425 California Street, San Francisco, Calif. 94104. Applicant's representative: J. Raymond Clark, 600 New Hampshire Ave., N.W., Suite 1150, Washington, D.C. 20037. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *commodities generally*, by self-propelled vessel and/or tug and barge service; (1) between ports and points on the Atlantic Coast and its tributary waterways, on the one hand, and, on the other, ports and points on the Gulf and Pacific Coasts and their tributary waterways; and (2) between ports and points on the Pacific Coast and its tributary waterways on the one hand, and, on the other, ports and points on the Gulf Coast and its tributary waterways. Note: Applicant holds contract carrier authority in W-1189 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Washington, D.C.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before January 17, 1977. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.-240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13008. (Correction), (Island Transportation Corp.—Purchase—The Guyott Company), published in the November 11, 1976 FEDERAL REGISTER on page 49954. Notice should include as follows: liquid phenol, in bulk, in tank trucks, from Philadelphia, Pa., to Watertown, Conn., with no transportation for compensation on return except as otherwise authorized. Liquid petroleum products, from Wethersfield and New Haven, Conn., to points in Hampden, Hampshire, and Franklin Counties, Mass., with no transportation for compensation on return except as otherwise authorized. Bunker-C fuel oil, from New Haven, Conn., to Adams, North Adams, Lee, and Pittsfield, Mass., with no transportation for compensation on return except as otherwise authorized.

No. MC-F-13030. Authority sought for purchase by AERO DISTRIBUTING CO., INC. (non-carrier) 7259 Delta Circle, Mableton, GA., 30336, of the operating rights of SWIFT-O CARRIER, INC., 2053 St. Deville N.E., Atlanta, GA., 30345, and for acquisition by VERNON PETTENGILL, Jr., 6714 Cascade Road, S.E., Apt. C-12, Grand Rapids, MI., 49506, of control of such rights through the purchase. Applicants' attorney: K. Edward Wolcott, 1600 First Federal Building, Atlanta, GA., 30303. Operating rights sought to be transferred: Such merchandise as is dealt in by home products distributors, as a *contract carrier* over irregular routes from the plant site and storage facilities of Amway Corporation, in Fulton County, GA., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized, with restrictions. AERO DISTRIBUTING CO., INC., holds no authority from this Commission. However it is controlled by VERNON PETTENGILL, JR., who is also in control of AERO LIQUID TRANSIT, INC. AERO LIQUID is authorized to operate as a *common carrier* in Michigan, Indiana, and Ohio, and as a *contract carrier* in Illinois, Indiana, New Jersey, and Michigan.

No. MC-F-13031. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, KS., 66207, of a portion of the operating rights of LA SALLE TRUCKING COMPANY, P.O. Box 3447, 690 Anita Street, Chula Vista, CA., 92011, and for acquisition by GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, MO., 64113, of control of such rights through the purchase. Applicants' attorneys: Leonard Kofkin, 39 South LaSalle Street, Chicago, IL., 60603, and Donald Murchison, Suite 400, Glendale Federal Bldg., 9454 Wilshire Boulevard, Beverly Hills, CA., 90212. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over irregular routes (1) between points in Imperial County, CA., on the one hand, and, on the other, the Port Of Entry of Calexico, CA., on the United States-Mexico Boundary line, restricted to operations in foreign commerce only; (2) between points in Imperial County, CA.; (3) between points in Imperial County, CA., on the one hand, and, on the other, points in San Diego County, CA., Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13032. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA., 94025, of the operating rights of VESS TRANSFER, INC., 1127 East Virginia Street, Evansville, IN., 47711, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., International Building, 601 California Street, San Francisco, CA., 94108, of control of such rights through the purchase. Applicants' attorneys: R. C. Stetson, 175 Linfield Dr., Menlo Park, CA., 94025 and Eugene T. Liipfert, 1660 L St., N.W., Washington, D.C., 20036. Operating rights sought to be transferred: Newspapers, as a common carrier over regular routes between Evansville, Ind., and Lawrenceville and Harrisburg, Ill., and all intermediate points and Lawrenceville and Harrisburg, Ill., restricted to delivery only of traffic originating at Evansville; general commodities, with exceptions between Evansville, Ind., and New Harmony, Ind., and the intermediate point of Wadesville, Ind., between New Harmony, Ind., on the one hand, and, on the other, Cynthiana, Ind., between Poseyville, Ind., and Griffin, Ind., and the intermediate point of Stwartville, Ind., between Evansville, Ind. and Owensville, Ind., and the intermediate and off-route points of Armstrong and St. Wendells, Ind., between Evansville, Ind., and Mount Vernon, Ind., serving no intermediate points, between Evansville, Ind., and Mt. Vernon, Ind., serving no intermediate points except Uniontown Dam site located on the Ohio River approximately 11 miles southwest of Mt. Vernon, Ind., as an off route point in connection with its authorized regular route operations between said points. General commodities, as a common carrier over irregular route between points in Indiana within ten miles of Evansville, Ind., including Evansville. Vendee is authorized to operate as a common carrier in all the States in the United States (except Hawaii, Maine, and Vermont). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13033. Authority sought for purchase by LYONS TRANSPORTATION LINES INC., 138 East 26th Street, Erie, PA 16512, of a portion of the operating rights of EASTERN FREIGHT WAYS, INC., SIDNEY B. GLUCK, TRUSTEE IN BANKRUPTCY, c/o Edgar H. Booth, 405 Park Avenue, New York, N.Y. 10022, and for acquisition by JOHN M. COCHRAN, 138 E. 26th Street, Erie, PA 16512, of control of such rights through the purchase. Applicants' attorneys: John P. McMahon, 100 East Broad Street, Columbus, OH 43215 and William W. Becker, 1819 H Street, N.W., Suite 950, Washington, D.C. 20006. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Waterbury, Conn., and Albany, N.Y., serving all intermediate points; the off-route points of Chatham and Cohoes, N.Y., Bridgeport, Bristol, Falls Village, Hartford, Lakeville, Lime Rock, Meriden, Middletown, Naugatuck, New Britain, New Hartford, New Haven, Oakville, Pequabuck, Pine Meadow, Salisbury, Watertown, West Cornwall, and West Goshen, Conn., and Housatonic, Lenox Dale, South Egremont, Springfield, and West Stockbridge, Mass., and off-route points within 10 miles of Albany, N.Y., as follows: From Waterbury over Con-

necticut Highway 8 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 8 to junction U.S. Highway 20, thence over U.S. Highway 20 via Lenon, Mass., to Albany, and return over the same route. From Waterbury over Connecticut Highway 8 to Winsted, Conn., thence over U.S. Highway 44 to Canaan, Conn., thence over U.S. Highway 7 to Lenox, Mass., thence over U.S. Highway 20 to Albany, and return over the same route; Between Pittsfield, Mass., and North Adams, Mass., serving all intermediate points; and the off-route points of Dalton, and Griswoldville, Mass., as follows: From Pittsfield over Massachusetts Highway 9 to Coltsville, Mass., thence over Massachusetts Highway 8 to North Adams, and return over the same route; From Pittsfield over U.S. Highway 7 to Williamstown, Mass., thence over Massachusetts Highway 2 to North Adams, and return over the same route; *General commodities*, with exceptions between Junction U.S. Highways 9 and 20 over U.S. Highway 9 to junction New York Highway 203, thence, over New York Highway 203 to Austerlitz, N.Y., thence over New York Highway 22 to Green River, N.Y., thence over New York Highway 71 to the New York-Massachusetts State line, thence over Massachusetts Highway 71 to junction Massachusetts Highway 23, thence over Massachusetts Highway 23 to Great Barrington, and return over the same route. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13034. Authority sought for purchase by KDB EXPRESS, INC., P.O. Box 217, Archbold, OH., 43502, of the operating rights and property of GRIESER TRUCKING CO., INC., Route 1, Archbold, OH., 43502, and for acquisiton by KDB ENTERPRISES, INC., GERALD DEFOE, President, Box. 217, Archbold, OH., 43502, of control of such rights and property through the purchase. Applicants' attorney: Michael M. Briley, 300 Madison Avenue, P.O. Box 2088, Toledo, OH., 43603. Operating rights sought to be transferred: *New furniture*, as a *common carrier* over irregular routes, from Archbold, Ohio, to points in the United States (Excluding Alaska and Hawaii); and *returned shipments of new furniture, and equipment, materials, and supplies* used in the manufacture and distribution of furniture, from points in the United States (excluding Alaska and Hawaii), to Archbold, Ohio, with restrictions; *uncrated tubular steel scaffolding and accessories, uncrated boarding ramps, uncrated maintenance stands, and uncrated baggage loading stands*, between Archbold, Ohio, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii), between points in the United States (except Alabama, Alaska, Florida, Georgia, Hawaii, Indiana, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; Agricultural machinery, implements, and parts, as described in Appendix XII to the report on Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, except those requiring the use of special equipment, between the site of the Yoder & Frey, Inc., auction yard, located near Archbold, Ohio, on the one hand, and, on the other, points in Illinois, Pennsylvania, and Wisconsin, between the site of the Yoder & Frey, Inc. auction yard located approximately one and one-quarter miles northwest of Archbold, Ohio, on an unnumbered county road, on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, North Carolina, Tennessee, and West Virginia, with restrictions; *furniture parts and furniture stock*, from Archbold, Ohio, to points in the United States (excluding Alaska and Hawaii), with no transportation for compensation on return except as otherwise authorized; *Agricultural machinery implements and parts*, between the auction yard of Yoder & Frey, Inc., located near Archbold, Ohio, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, Maryland, Virginia, Delaware, Ohio, and the District of Columbia, with restrictions; *new furniture, furniture parts, and furniture stock*, from Stryker, Ohio, to points in the United States (except Alaska and Hawaii); and *returned shipments of new furniture, and equipment, materials, and supplies* used in the manufacture and distribution of furniture (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Stryker, Ohio; (1) *Corrugated sheets, pads, boxes, and related packaging*, from the facilities of the Georgia-Pacific Corporation at Archbold, Ohio, to points in Illinois, Indiana, and Michigan; and (2) *materials and supplies* used in the manufacture and distribution of corrugated sheets, pads, boxes, and related packaging (except commodities in bulk), from points in the States listed in (1) above to facilities of the Georgia-Pacific Corporation at Archbold, Ohio, with restrictions. KDB EXPRESS, INC., holds no authority from this Commission. However, it is controlled by KDB ENTERPRISES, INC., who also controls ARLINGTON TRUCK COMPANY, who under MC-60253 and subs thereunder is authorized to operate as a contract carrier in Ohio, Missouri, Illinois, New York, Indiana, Michigan, Iowa, West Virginia, Wisconsin, Kentucky, Pennsylvania, Alabama, Arkansas, Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Hamphisre, Niew Jersey, Rhode Island, Tennessee, Vermont, the District of Columbia, and North Carolina. Application has been filed for temporary authority under section 210a(b).

Motor Carrier of Passengers

No. MC-F-13035. Authority sought for purchase by VALLEY COACH LINES, INC., 12154 N. Saginaw Road, Clio, MI., 48420, of a portion of the operating rights of NORTH STAR LINES, INC., 341 Ellsworth Ave. S.W., Grand Rapids, MI., 49503, and for acquisition by STANLEY CUPP and A. JEAN CUPP, both of 12154 N. Saginaw, Clio, MI., 48420, of control of such rights through the purchase. Applicants' attorney: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI., 48080. Operating rights sought to be transferred: *Passengers and their baggage, express, and new papers in the same vehicle with passenger*, as a *common carrier* over regular routes, (Route 7) Between Ann Arbor, Michigan, and Flint, Michigan, serving all intermediate points and the off route points of Brighton, Michigan, and Fenton, Michigan, from Ann Arbor over U.S. Highway 23 Business Route to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Michigan Highway 78, thence over Michigan Highway 78 to Flint, and return over the same route. (Route 8) Between Flint, Michigan and Fenton, Michigan serving all intermediate points: from Flint over Fenton Road to Fenton, and return over the same route. Vendee is authorized to operate as a common carrier in Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13036. Authority sought for purchase by H. C. GABLER INC., R.D. #3, Chambersburg, PA., 17201, of a portion of the operating rights of SPECIALTY TRANSPORT, INC., P.O. Box 511, 20 Wilbraham Street, Palmer, MA., 01069, and for acquisition by HAROLD C. GABLER, Montgomery Avenue Extended, Chambersburg, PA., 17201, of control of such rights through the purchase. Applicants' attorneys: Christian V. Graf, 407 North Front Street, Harrisburg, PA., 17101, and David M. Marshall, 135 State Street, Suite 200, Springfield, MA., 01103. Operating rights sought to be transferred: Paper, paper products and commodities used in the manufacture, distribution, and sale of paper and paper products, except commodites in bulk, in tank or hopper type vehicles, as a contract carrier over irregular routes between the facilities of Albemarle Paper Company, at Roanoke Rapids, N.C., on the one hand, and, on the other, points in Virginia, Maryland (except Baltimore and points in its commercial zone, as defined by the Commission, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, and Pennsylvania (except Philadelphia and points in its commercial zone, as defined by the Commission, and Lancaster, York, Harrisburg, and Pittsburgh); from Washington, D.C., to the facilities of Albermarle Paper Company at Roanoke Rapids, N.C., with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a common carrier in all the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 27817 (Sub-No. 125), is a directly related matter.

No. MC-F-13037. Authority sought for purchase by R. H. REDIKER TRANSPORT LTD., Beebe, Quebec, CANADA, of the operating rights of RODOLPHE GROULX, Guenette, County of Labelle, P.Q., CANADA, and for acquisition by R. H. REDIKER, L. R. GOODSELL, and DELLA GOODSELL, of control of such rights through the purchase. Applicants' attorney: Adrien R. Paquette, 200 St. James Street, Montreal, Quebec, Canada H2Y 1M1. Operating rights sought to be purchased: *Sawed slabs of granite* and *rough granite blocks*, as a *common carrier* over regular routes from the port of entry in Vermont, on the United States-Canada Boundary line near Highgate Springs, Vt., to Barre, Vt., serving no intermediate points; From a point on the United States-Canada Boundary line at U.S. Highway 7 to junction Vermont Highway 2A, near Colchester, Vt., thence over Vermont Highway 2A to junction U.S. Highway 2, near Williston, Vt., thence over U.S. Highway 2 to junction U.S. Highway 302; from junction U.S. Highway 2 and Interstate Highway 89, over Interstate Highway 89 to junction U.S. Highway 2, thence over U.S. Highway 2 to junction U.S. Highway 302, and thence over U.S. Highway 302 to Barre, and return over the same route with no transportation for compensation except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13038. Authority sought for purchase by A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109, of the operating rights of KEHE MOTOR SERVICE, INC., 29 Hickory Street, Arlington Heights, IL 60004, and for acquisition by ELVIN F. BLUME and FREDRICK L. BLUME, both of 2800 Falund Street, Rockford, IL 61109, of control of such rights through the purchase. Applicants' attorney: Robert M. Kaske, 2800 Falund Street, Rockford, IL 61109. Operating rights sought to be transferred: *General commodities*, except those of unusual value, high explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, as a *common carrier* over regular routes between Chicago, Ill., and Palatine, Ill., serving the intermediate points of Des Plaines, Mt. Prospect, and Arlington Heights, Ill. Vendee is authorized to operate as a *common carrier* in Illinois and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13039. Authority sought for purchase by SCHIPPER'S EXPRESS, INC., 11425 Williamson Road, Cincinnati, OH, 45241, of a portion of the operating rights of POINT EXPRESS, INC., 440 Greenlawn Avenue, P.O. Box 418, Columbus, OH., 43216, and for acquisition by LOUIS H. GROENE, 11425 Williamson Rd., Cincinnati, OH., 45241, of control of such rights through the purchase. Applicants' attorneys: Richard L. Goodman, Paul F. Beery, Paul F. Beery Co., L.P.A. 8 East Broad Street, Columbus, OH., 43215, and John S. Fessenden, 1600 Willson Blvd., Arlington, VA., 22209. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes, between Huntington, West Virginia, and Portsmouth, Ohio, serving all intermediate points between Huntington, West Virginia, and Portsmouth, Ohio: from Huntington over U.S. Highway 60 to Ashland, Kentucky, thence across the Ohio River to junction U.S. 52, thence over U.S. Highway 52 to Portsmouth, Ohio, and return over the same route. Vendee is authorized to operate as a *common carrier* under a Certificate of Registration MC 21572 (Sub-No. 2) solely within the state of Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13040. Authority sought for purchase by MOUNTAIN MOTOR EXPRESS, INC., P.O. Box 727, Sidney, OH., 45365, of a portion of the operating rights of ZERKLE TRUCKING COMPANY, 34 Race Street, Middleport, OH., 45760, and for acquisition by PAUL B. LONG, JR., and PAUL B. LONG, SR., both of P.O. Box 727, Sidney, OH., 45365, of control of such rights through the purchase. Applicants' attorney: Paul F. Beery and Michael Spurlock, Paul F. Beery, Co., L.P.A., 8 East Broad Street, Columbus, OH., 43215. Operating rights sought to be transferred: *General commodities*, except those of unusual value, dangerous explcsives, commodities in bulk other than salt, and those requiring special equipment, as a *common carrier* over irregular routes between Pomeroy, Middleport, and Minersville, Ohio, on the one hand, and, on the other, points and places in West Virginia. MOUNTAIN MOTOR EXPRESS, INC. holds no authority from this Commission. However, it is controlled by PAUL B. LONG JR., and PAUL B. LONG SR. who are shareholders, officers and directors of GENERAL HIGHWAY EXPRESS, INC. GENERAL HIGHWAY EXPRESS, INC. is a common carrier authorized to operate in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13042. Authority sought for purchase by RUSSELL TRANSFER, INCORPORATED, 444 Glenmore Drive, Salem, VA., 24153, of the operating rights and property of INDUSTRIAL TRUCKING, INC., 4236 Kanawha Turnpike, So. Charleston, W. Va., 25303, and for acquisition by BILL B. BUMGARNER, BERKELEY H. RILEY, and VERNON S. CHURCH, 444 Glenmore Drive, Salem, VA., of control of such rights through the purchase. Applicants' attorney: Daniel B. Johnson, 1329 E Street, N.W., Washington, D.C., 20004. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 120390 (Sub-No. 1) covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of West Virginia. Vendee is authorized to operate as a *common carrier* in Virginia, West Virginia, Ohio, Kentucky, Maryland, the District of Columbia, Tennessee, South Carolina, North Carolina, Pennsylvania, New Jersey, Delaware, and New York. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 68860 (Sub-No. 21), is a directly related matter.

No. MC-F-13043. Authority sought for purchase by JOHNSON MOTOR LINES, INC., DBA JOHNSON MOTOR LINES SYSTEM, 2426 North Graham Street (P.O. Box 10877), Charlotte, N.C., 28234, of a portion of the operating rights of MODERN TRANSFER COMPANY, INC., (ALLEGED BANKRUPTCY-ALAN BLACK, REC'R.), 1300 Hanover Avenue, (P.O. Box 2008), Allentown, PA., 18001, and for acquisition by H. BEALE ROLLINS, 6th Floor, Title Building, Baltimore, MD., 21202, of control of such rights through the purchase. Applicants' attorney: Donald E. Cross, 700 World Center Bldg., 918 Sixteenth St., N.W., Washington, D.C., 20006. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Allentown, Pa., and Pittsburgh, Pa., serving the intermediate and off-route points of Jim Thorpe, PA. (formerly known as Mauch Chunk and East Mauch Chunk, Pa.); points in Pennsylvania within 30 miles of the City-County Building in Pittsburgh, Pa.; points in that part of Pennsylvania bounded by a line beginning at Lehighton, Pa., and extending along Pennsylvania Highway 443 to junction Pennsylvania Highway 895 at McKeansburg, Pa., thence along Pennsylvania Highway 895 to junction U.S. Highway 122 at Molino, Pa., and thence along U.S. Highway 122 via Hamburg, Pa., to junction Pennsylvania Highway 662, thence along Pennsylvania Highway 662 to junction Pennsylvania Highway 562.

Thence along Pennsylvania Highway 562 to junction Pennsylvania Highway 73, thence along Pennsylavnia Highway 73 to Schwenksville, Pa., thence along unnumbered highway to junction Pennsylvania Highway 113 (near Harleysville, Pa.), thence along Pennsylavnia Highway 113 to junction U.S. Highway 611, thence south aolng U.S. Highway 611 to Pipersville, Pa., thence in a northeasterly direction along unnumbered Highway to Pennsylvania Highway 32, thence along Pennsylvania Highway 32 to junction U.S. Highway 611, thence along U.S. Highway 611 to Richmond, Pa., thence along an unnumbered highway ot Windgap, Pa., thence along Pennsylvania Highway 115 to junction U.S. Highway 209, and thence along U.S. Highway 209 to point of beginning at Lehighton, including points on the above-specified

highways (except Hamburg, Pa.); between Allentown, Pa., and Pittsburgh, Pa., for operating convenience only, serving no intermediate or off-route points, except as otherwise authorized; RESTRICTION[2]: The service authorized above is subject to the following conditions: No shipment shall be transported solely between points in that part of Pennsylvania bounded by a line beginning at Lehighton, Pa., and extending along Pennsylvania Highway 443 to junction Pennsylvania Highway 895 at McKeansburg, Pa., thence along Pennsylvania Highway 895 to junction U.S. Highway 122 at Molino, Pa., and thence along U.S. Highway 122 via Hamburg, Pa., to junction Pennsylvania Highway 622, thence along Pennsylvania Highway 622 to junction Pennsylvania Highway 562, thence along Pennsylvania Highway 562 to junction Pennsylvania Highway 73, thence along Pennsylvania Highway 73 to Schwenksville, Pa., thence along unnumbered Highway to junction Pennsylvania Highway 113 (near Harleysville, Pa.), thence along Pennsylvania Highway 113 to junction U.S. Highway 611, thence south along U.S. Highway 611 to Pipersville, Pa.; thence in a northeasterly direction along unnumbered highway to Pennsylvania Highway 32, thence along Pennsylvania Highway 32 to junction U.S. Highway 611, thence along U.S. Highway 611 to Richmond, Pa., thence along an unnumbered highway to Windgap, Pa., thence along Pennsylvania Highway 115 to junction U.S. Highway 209, and thence along U.S. Highway 209 to points of beginning at Lehighton, including points on the above-specified highways (except Hamburg, Pa.); *General commodities,* with exceptions, as a *common carrier* over regular routes between Pittsburgh, Pa., and Warren, Ohio, serving all intermediate points in Ohio, and the off-route points of Niles, Ohio, and Beaver Falls, Pa.; between Rochester, Pa., and Salem, Ohio, serving the intermediate points of East Palestine, and Columbiana, Ohio, and the off-route point of Leetonia, Ohio: between East Liverpool, Ohio, and East Palestine, Ohio, serving no intermediate points. Vendee is authorized to operate as a *common carrier* in North Carolina, Pennsylvania, Delaware, the District of Columbia, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Alabama, Kentucky, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13044. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA., 94025, of a portion of the operating rights of POINT EXPRESS, INC., 440 Greenlawn Avenue, Columbus, OH., 43216, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., Raymond F. O'Brien, President, 601 California Street, San Francisco, CA. 94108, of control of such rights through the purchase. Applicants' attorneys: R. C. Stetson, 175 Linfield Dr., Menlo Park, CA., 94025, Eugene T. Liipfert, 1660 L Street, NW., Washington, D.C. 20036, and John S. Fessenden, 1660 Wilson Blvd., Arlington, VA., 22209. Operating rights sought to be transferred: General commodities, with exceptions, as a common carrier over regular routes between Charleston, W. Va., and Cincinnati, Ohio, serving the intermediate point of Huntington, W. Va., and all intermediate and off-route points in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission, without restriction; and all intermediate points between Charleston, and Huntington, W. Va., and the off-route point of Barboursville, W. Va., restricted against the transportation of livestock: between Huntington, W. Va., and Charleston, W. Va., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and New Hampshire. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13045. Authority sought for purchase by CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, North Carolina 28021, of a portion of the operating rights of BYRNES L.I. MOTOR CARGO, INC., 136 Allen Boulevard, Farmingdale, New York 11735, and for acquisition by C. Grier Beam, Route 2, Cherryville, N.C. 28021, of control of such rights through the puchase. Applicants' attorneys: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004, and Arthur Liberstein, Suite 1503, One Penn Plaza, New York, N.Y. 10001. Operating rights sought to be transferred: *General commodities,* (with exceptions noted), as a *common carrier* over irregular routes between points in Nassau and Suffolk Counties, N.Y.; and between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. Vendee is authorized to operate as a common carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

MC–F–13046. Authority sought for merger by MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO., 63103, of the operating rights and property of the TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, same address as Transferee. Applicants' attorney: Robert S. Davis, same address as applicant. Operating rights sought to be merged: *General commodities,* with certain exceptions, as a *common carrier,* over regular routes, from, to, and between specified points in the States of Texas, Louisiana and New Mexico, with certain restrictions as described below, serving various intermediate and off-route points, over numerous routes for operating convenience only, as more specifically described in Certificate No. MC–50544 and Sub numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full, the entirety thereof. MISSOURI PACIFIC TRUCK LINES, INC., is a general commodity *common carrier* over regular routes authorized to operate in the States of Texas, Louisiana, Arkansas, Missouri, Illinois, Kansas, Nebraska, Memphis, Tennessee and Natchez, Mississippi. Application has not been filed for temporary authority under section 210a(b). Transferor's authorized service is subject to the following conditions: Carrier's service is limited to that which is auxiliary to, or supplemental of, train service of the TEXAS AND PACIFIC RAILWAY COMPANY, THE WEATHERFORD, MINERAL WELLS, AND NORTHWESTERN RAILWAY COMPANY, or TEXAS-NEW MEXICO RAILWAY COMPANY; and between El Paso and Sierra Blanca, Texas, train service of Texas and New Orleans Railroad Company, hereinafter called the Railways. Shipments may be handled at motor Carrier rates on the TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY billing. Substitution of the TEXAS AND PACIFIC RAILWAY COMPANY rail service for motor service is authorized between points which cannot be served by highway because of restrictions in this Certificate. No rail traffic shall be transported by carrier in all-highway service at a rate lower than if it had moved on a motor carrier bill of lading. Carrier shall not render any service to or from any point not a station on a rail line of the Railways.

No shipments shall be transported by carrier between any of the following points, or through, or to, or from, more than one of said points: New Orleans and Shreveport, Louisiana, Texarkana, Texas-Arkansas, Fort Worth-Dallas (considered as one), and El Paso, Texas. Shreveport, Louisiana, shall apply as a key point only with respect to commodities in bulk and on traffic moving from, to, or through points on the TEXAS AND PACIFIC RAILWAY between Shreveport and New Orleans, Louisiana, including New Orleans.

[2] The restriction included in this publication is not contained in the present certificate. The restriction is that agreed upon by Transferee and Transferor.

All contractual arrangements between carrier and Railways shall be reported to the Commission, and shall be subject to revision, if and when it is found necessary, in order that such arrangement shall be fair and equitable to the parties.

Such further specific conditions as in the future the Commission may find necessary to impose in order to insure that carrier's service shall be auxiliary to, or supplemental of, train service of the railways.

NOTE.—THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY has been a wholly owned subsidiary of the TEXAS AND PACIFIC RAILWAY COMPANY, and the MISSOURI PACIFIC TRUCK LINES, INC., is a wholly owned subsidiary of the MISSOURI PACIFIC RAILROAD COMPANY. The merger application of these two parent railroads, under Docket No. FD-27773-4, became effective October 15, 1976, hence this application to merge the subsidiary truck lines. Applicants have been operating under common control and management for many years, and have been transporting shipments via their authorities in jointline service on a single division basis. There will be no change in the restrictions in the involved authority and there will be no change in the physical movement of shipments.

NOTICE

Western Maryland Railway Company, 2 North Charles Street, Baltimore, Maryland 21201, represented by Mr. Rene J. Gunning, General Attorney, 2 North Charles Street, Baltimore, Maryland 21201, hereby give notice that on the 24th day of November, 1976, 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 Western Maryland (WM) to lease and operate a portion of Washington County Railroad Company's (Washington County) line of railroad (operated by The Baltimore and Ohio Railroad Company) (B&O) located between Valuation Station 980+00 at or near Roxbury, Maryland, and Valuation Station 1250+94 at end of the line at or near Hagerstown, Maryland, including portion of the Antietam Branch located between Valuation Station 130+00 near Security, Maryland, and Valuation Station 194+21.3 at end of the line near Security, Maryland, a total distance of approximately 6.35 miles, all in Washington County, Maryland, which application was assigned Finance Docket No. 28348. B&O presently operates the line of railroad which WM proposes to lease and operate. This application is made contingent upon the issuance of an appropriate certificate of public convenience and necessity by the Commission in Docket No. AB-19 (Sub-No. 20) of The Baltimore and Ohio Railroad Company and the Washington County Railroad Company, as amended, to abandon a portion of the Hagerstown Branch between Valuation Station 0+00 at or near Weverton, Maryland, and Valuation Station 980+00 at or near Roxbury, Maryland, including portion of the Antietam Branch between Valuation Station 0+00 and Valuation Station 130+00 near Security, Maryland, a total distance of approximately 21.02 miles, all in Washington County, Maryland.

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 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), 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 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Docket Clerk, Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

Western Maryland Railway Company

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 on or before January 17, 1977. 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 1824 (Sub-No. 72) filed November 12, 1976. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, Md. 21655. Applicant's representative: Thomas M. Auchincloss, Jr., 918 16th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Philadelphia, Pa., and Boyertown, Pa., serving the intermediate and off-route points of Norristown, Collegeville, Royersford, Phoenixville, Spring City, Craterford, Schwenksville and Pottstown, Pa.: From Philadelphia, Pa. over U.S. Highway 422 to Pottstown, Pa., thence over Pennsylvania highway 100 to the junction of Pennsylvania highway 100 and Pennsylvania highway 73, thence over Pennsylvania highway 73 to Boyertown, Pa., and return over the same route.

NOTE.—The purpose of this application is to convert applicant's irregular route authority to regular route authority. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-13025, published in the FEDERAL REGISTER issue of December 2, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 129631 (Sub-No. 51) filed November 8, 1976. Applicant: PACK TRANSPORT, INC., 3975 So. 300 West, Salt Lake City, Utah 84107. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Idaho, Oregon and Washington to points in Colorado and Nebraska; (2) *lumber* (except commodities which because of size or weight require special handling or special equipment), from points in Lincoln, Lake, Flathead, Sanders, Mineral, Missoula, Granite, Ravilli and Powell Counties, Mont., to points in Colorado and Nebraska; (3) *lumber* when building materials (except commodities which because of size or weight require special handling or special equipment), from points in Box Elder, Cache, Davis (except Centerville), Morgan, Summitt, Salt Lake and Weber Counties, Utah to points in Colorado and Nebraska; and (4) *lumber* (except commodities which because of size or weight require special handling or special equipment), from points in Coconino, Navajo, Apache, Yavapai, and Mohave Counties, Ariz., to points in Colorado and Nebraska. The purpose of this filing is to eliminate the gateways at Albany and Platte Counties, Wyo.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC-F-13012, published in the FEDERAL REGISTER issue of December 2, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Salt Lake City, Utah.

No. MC 134356 (Sub-No. 5) (Supplementary notice) filed May 10, 1976, published in the FEDERAL REGISTER issue of June 10, 1976, and republished this issue for the purpose of allowing protests. Applicant: GALE DELIVERY, INC., 45 Sweeneydale Avenue, North Bayshore, Long Island, N.Y. 11706. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone as defined by the Commission, and points in Nassau and Suffolk Counties, N.Y.; and (2) between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone. The purpose of this filing with respect to both Parts (1) and (2) above is to request tacking and concurrently eliminate a gateway at that portion of Hudson County, N.J. within the New York, N.Y. Commercial Zone.

NOTE.—This is a matter directly related to MC-F-12120 which was published in the FEDERAL REGISTER issue of February 6, 1974. The purpose of this supplemental notice is to indicate that appropriate persons desiring to participate in this proceeding may file protests within 30 days of this notice as governed by the applicable Commission Rules.

No. MC 142562 filed October 19, 1976. Applicant: AAA TRUCKING CORPORATION OF CALIFORNIA, 3630 Quaker Bridge Road, Trenton, N.J. 08619. Applicant's representative: Herbert Burstein, 2373 One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: (A) *general commodities* (except used household goods, motor vehicles which require special equipment for their transportation, livestock, commodities requiring refrigeration, commodities when transported in motor vehicles equipped for mechanical mixing in transit, logs, uncrated furniture, commodities in bulk, articles of unusual value, commodities which because of size or weight require special equipment or handling, and Classes A and B explosives), (1) Between junction U.S. Highway 101 and the southern boundary of the Los Angeles Basin Area (described in (D) below) and Chula Vista, Calif., over U.S. Highway 101, and return over the same route, serving all intermediate points; (2) Between junction California Highway 78 and U.S. Highway 101 and Escondido, Calif., over California Highway 78, and return over the same route, serving all intermediate points; (3) Between Escondido, Calif. and San Diego, Calif., over U.S. Highway 395, and return over the same route, serving all intermediate points; (4) Between San Diego, Calif. and El Cajon Calif., over U.S. Highway 80, and return over the same route, serving all intermediate points; (5) Between San Bernardino, Calif. and Victorville, Calif., over U.S. Highway 66, and return over the same route, serving all intermediate points, and serving the off-route point of Hesperia, Calif.; (6) Between San Bernardino, Calif. and Victorville, Calif., over California Highway 18, and return over the same route, serving all intermediate points, and serving with respect to (1)—(6) above all off-route points within 5 miles of the specified routes; (7) Between Escondido, Calif. and Temecula, Calif., over U.S. Highway 395, and return over the same route, serving all intermediate points; and (8) Between Coachella, Calif. and junction California Highway 86 and the Imperial County Line, Calif., over California Highway 86, and return over the same route, serving all intermediate points; and serving with respect to (7) and (8) above all off-route points within 15 miles of the specified routes.

(B) *General commodities* (except commodities requiring the use of refrigeration or temperature control in specially designed and constructed refrigerated equipment), (1) Between San Fernando, Calif. and Mojave, Calif., over U.S. Highway 6, and return over the same route, serving all intermediate points; and (2) Between Keene, Calif. and Kramer Junction, Calif., over U.S. Highway 466, and return over the same route, serving all intermediate points; and serving with respect to (B) (1) and (B) (2) next above all off-route points within 10 miles of the specified routes; and (C) *general commodities*, (1) Between Hemet, Calif. and junction Monterery Avenue and Park View Drive, Calif.: From Hemet over California Highway 75 to junction Monterey Avenue, thence over Monterey Avenue to junction Park View Drive, and return over the same route, serving all intermediate points; (2) Between junction California Highways 71 and 79 (near Aguanga, Calif.) and junction California Highways 7 and 74 (near Anza, Calif.), over California Highway 71, and return over the same route, serving all intermediate points; and (3) Between junction U.S. Highway 395 and California Highway 71 and junction California Highway 71 and 79, over California Highway 71, and return over the same route, serving no intermediate points, serving with respect to (C) (1)—(C) (3) next above all off-route points within 10 miles of the specificed routes, and restricted with respect to (C) (1)—(C) (3) above against service at Palm Springs, Calif. Irregular routes: (D) *general commodities* (except commodities requiring the use of refrigeration or temperature control in specially designed and constructed refrigerated equipment), between points in The Los Angeles Basin Area described as follows: Beginning at the point the Ventura-County Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects California Highway 118, approximately two miles west of Chatsworth; easterly along California Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary.

Southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99; northwesterly along U.S. Highway 99 to the corporated boundary of the City of Redlands; westerly and northerly along said Corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; southwesterly along U.S. Highways 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to California Highway 74; westerly along California Highway 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning; (E) *general commodities* (including as exceptions those exceptions listed in (A) above), (1) between points in Imperial County, Calif.; and (2) between points in Imperial County, Calif., on the one hand, and, on the other, points in The

Los Angeles Basin Area as described in (D) above.

(F) *Cement,* lime or plaster (except when transported in vehicles equipped for mechanical mixing in transit, or in bulk), between points in Imperial County, Calif. on the one hand, and, on the other, Riverside, Crestmore and Colton, Calif.; (G) *conduits, drain tile, sewer pipe,* and *parts and accessories for the installation thereof,* clay, concrete or earthen (except those which because of size or weight require special handling or special equipment), between points in Imperial County, Calif., on the one hand, and, on the other, Corona, Calif.; (H) *cotton* (except in bulk), between points in Imperial County, Calif., on the one hand, and, on the other, points within 25 miles of Blythe, Coachella and Hinkely, Calif.; and (I) *general commodities* (except commodities requiring the use of refrigeration or temperature control in specially designed and constructed refrigerated equipment), between points in The Los Angeles Basin Area as described in (D) above, on the one hand, and, on the other, Castaic, Pearblossom, Inyokern, China Lake, Ridgecrest, Westend, Argus, Trona, Johannesburg, Randsburg and Red Mountain, Calif. Note: Applicant states that the purpose of this filing is to convert Vendor's Certificates of Registration in MC 109216 Sub-Nos. 4, 6, 8, 13 and 14 to Certificates of Public Convenience and Necessity as a matter directly related to MC-F-12891 noticed in the FEDERAL REGISTER issue of July 29, 1976. The language in this request for authority has been modified pursuant to the Commission's request, and is not intended to broaden applicant's request beyond conversion of existing authorities. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before January 17, 1977.

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 33641 (Deviation No. 120), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 30277, Salt Lake City, Utah 84125, filed December 2, 1976. Carrier proposes to operate as a *common* carrier, by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Wooster, Ohio, over Ohio Highway 3 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Interstate Highway 90, thence over Interstate Highway 90 to Albany, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Wooster, Ohio, over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 via Harrisburg, Pa., to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Ono and Jonestown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Upper Bern and Hamburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New York, N.Y., thence over U.S. Highway 9 to Albany, N.Y., and return over the same route.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36912 Filed 12-15-76;8:45 am]

[Notice No. 213]

ASSIGNMENTS OF HEARINGS

DECEMBER 13, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 61592 (Sub 386), Jenkins Truck Line, Inc. now being assigned January 11, 1977 (1 day), at Chicago, Illinois and will be held in Courtroom 1944-C, Everett McKinley Dirksen Building, 219 South Dearborn Street.

FD 27421, Southern Pacific Transportation Co.—Common Use of Terminal Facilities—Union Pacific Railroad Company and Burlington Northern, Inc. now being assigned January 24, 1977 for pre-hearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 138875 (Sub-No. 29), Shoemaker Trucking Company, now being assigned February 1, 1977 (2 days), at Boise, Idaho, in a hearing room to be later designated.

No. FF-C-62, Rail Van, Inc., Freight Handlers, Inc., Foutty Freight, Inc., Trailer Train, Inc., Trans-Rail, Inc., Lee Lydle, and Robert Marden—Investigation of Operations, now assigned February 7, 1977 at Chicago, Illinois, is canceled and reassigned February 7, 1977 (1 week) at Cleveland, Ohio; in Room 1455 Federal Office Building, 1240 East 9th Street.

MC-F-12974, Takin Bros, Freight Line, Inc.—Purchase (Portion)—Chi-Fli, Inc., now being assigned February 14, 1977 (1 week), at Chicago, Illinois; in a hearing room to be later designated.

MC 142174, Loiselle Transport Limited, now being assigned February 8, 1977 (9 days), at Helena, Montana, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-37048 Filed 12-15-76;8:45 am]

[Ex Parte No. 277 (Sub-No. 1); Service date Dec. 13, 1976]

ADEQUACY OF INTERCITY RAIL PASSENGER SERVICE

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 24th day of November, 1976.

It appearing, That by report and order dated December 7, 1973, the Commission, pursuant to section 801 of the Rail Passenger Service Act, adopted regulations governing the adequacy of intercity rail passenger service, 48 CFR 1124.1, *et seq.;*

It further appearing, That on October 19, 1976, S. 3131, the "Rail Transportation Improvement Act" became effective; that section 801 of the Rail Passenger Service Act (45 U.S.C. 641(a)) by adding the following sentence: "No regulation issued by the Commission under this section shall require the Corporation or any railroad providing intercity rail passenger service to provide food service other than during customary dining hours."

It further appearing, That the Commission's current regulation 17(a) (49 CFR 1124.17(a)) must be revised to conform to the requirements of the Rail Transportation Improvement Act; that regulation 17(b) is unnecessary as it refers to health regulations under the jurisdiction of the Food and Drug Administration (presently 21 C.F.R. Parts 1240 and 1250); that regulation 17(c) is unnecessary, as the requirement that complete meals be served contemplates either a full-service dining area or the alternative services described therein; that, therefore, regulations 17(b) and 17(c) should be deleted; and that such revision of regulation 17 falls within the exception to section 553(b) of the Administrative Procedure Act, so that notice or hearing of the proposed revision is not required; and

Wherefore, and good cause: *We find,* That notice of the revision of regulation 17 is unnecessary; and

It is ordered, That this proceeding be, and it is hereby, reopened for the purpose

of revising regulation 17 of the Commission's Adequacy of Service Regulation; and that regulation 17 (a), (b) and (c), be, and is hereby, revised and amended to read as follows:

Regulation 17—Carriers operating trains which travel for 2 hours or more shall make complete meals available during customary dining hours.

It is further ordered, That this order shall be effective on the date it is served; and

It is further ordered, That notice of this order shall be given to the general public by filing a copy with the Office of the Secretary of the Commission, and by filing a copy with the Director, Office of the Federal Register.

By the Commission, (Vice Chairman Clapp dissenting (written expression), Commissioner Murphy dissenting, Commissioner O'Neal dissenting (written expression), Commissioner Christian was absent and did not participate, Commissioner Corber did not participate).

ROBERT L. OSWALD,
Secretary.

NOTE.—This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

VICE CHAIRMAN CLAPP, DISSENTING

I disagree with the decision of the majority insofar as it has resulted in deletion of Regulation 17(c).

It is my view that Regulation 17(c), although somewhat confusing, was designed to encourage the use of dining cars on passenger trains while allowing for flexibility by permitting the provision, in the alternative, of meal service to seated passengers in other cars of the train.

The majority gives up all too quickly on Regulation 17(c). I believe that rail passenger carriers should be required to provide service to passengers while seated (either in the dining room or elsewhere) on those trains traveling for 12 hours or more. Snack bars and/or vending machines, etc., could be provided in addition for those passengers desiring such service.

Some effort should also be made by the Commission to encourage the use of dining cars on these long distance trains. Finally, I strongly believe that some provision for public participation in this decision should have been made in view of the deletion of 17(c).

COMMISSIONER O'NEAL, DISSENTING

I agree with the views expressed by Vice Chairman Clapp. The difference of opinion here highlights the fact that both the original and the revised regulation 17 are vague and confusing. Accordingly, to avoid further confusion we should now define the term "complete meal" and clearly distinguish the type of service required for a two-hour trip from that required for a twelve-hour trip. Without greater certainty it may be difficult to hold Amtrak to a level of service consistent with that contemplated by our regulations.

[FR Doc.76-37047 Filed 12-15-76;8:45 am]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

Twenty-Fourth Revised Exemption No. 12

TO ALL RAILROADS

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 401, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company.[1]
Reporting Marks: ASAB.
Atlantic and Western Railway.
Reporting Marks: ATW.
Chicago & Illinois Midland Railway Company.
Reporting Marks: CIM.
Fonda, Johnstown and Gloversville Railroad Company.
Reporting Marks: FJG.
Hartford and Slocomb Railroad Company.
Reporting Marks: HS.
Louisiana Midland Railway Company.
Reporting Marks: LOAM.
Manufacturers Railway Company.
Reporting Marks: MRS.
Maryland and Pennsylvania Railroad Company.
Reporting Marks: MPA.
Minneapolis, Northfield and Southern Railway.
Reporting Marks: MNS.
New Hope and Ivyland Railroad Company.
Reporting Marks: MHIR.
Pickens Railroad Company.
Reporting Marks: PICK.
Roscoe, Snyder and Pacific Railway Company.
Reporting Marks: RSP.
Wellsville, Addison & Galeton Railroad Corporation.
Reporting Marks: WAG.

Effective December 15, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., December 8, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-37042 Filed 12-15-76;8:45 am]

[1] Addition.

[Amdt. No. 3 to Exemption No. 116]

GRAND TRUNK WESTERN RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered In Ex Parte No. 241

Upon further consideration of Exemption No. 116 issued March 6, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 116 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire March 15, 1977.

This amendment shall become effective December 15, 1976.

Issued at Washington, D.C., December 8, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-37045 Filed 12-15-76;8:45 am]

[No. 36382]

MONTANA INTRASTATE RAIL FREIGHT RATES AND CHARGES—1976

Petition for Investigation

By joint petition authorized under section 13(3) of the Interstate Commerce Act, filed June 4, 1976, petitioners, three common carriers by railroad[1] subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of Montana, request that this Commission institute an investigation of their Montana intrastate freight rates and charges, under section 13 and 15a of the Interstate Commerce Act, wherein they will seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 310, Increased Freight Rates and Charges, 1975, Nationwide; and Ex Parte No. 313, Increased Freight Rates and Charges—Labor Costs—1975.

By tariff filed with the Montana Public Service Commission, petitioners sought to make the increases granted in Ex Parte No. 310, supra, effective on interstate traffic April 27, 1975, and in Ex Parte No. 313, supra, effective on interstate traffic June 20 and October 11, 1975, applicable on Montana intrastate traffic. Said Commission on May 13, 1976, ordered canceled the tariff then under suspension and investigation which would have implemented the aforementioned increase in Montana intrastate freight rates and charges.

Petitioners contend that present interstate freight rates from, to, and within Montana are just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Montana are not more favorable than for interstate traffic; that traffic moving under present Montana

[1] The Chicago, Milwaukee, St. Paul & Pacific R.R. Co.; Union Pacific Railroad Company; and Burlington Northern, Inc.

intrastate rail freight rates and charges fails to provide its fair share of earnings; and, that the present Montana intrastate rail freight rates and charges create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within Montana and interstate and foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate commerce in violation of section 13 and 15a of the Interstate Commerce Act, among others, to the extent that they do not include the increases authorized in Ex Parte No. 310, supra, and Ex Parte No. 313, supra.

Under section 13(4) and 13(5) of the Interstate Commerce Act, this Commission is directed to institute an investigation, into the lawfulness of intrastate rail freight rates and charges, upon filing of a petition by the railroads pursuant to section 13(3) of the Act, after the appropriate State agency has reached a final decision or has failed to act within 120 days after a carrier by railroad has filed with such appropriate state body a change in an intrastate rate, fare, or charge for the purpose of adjusting such rate, fare, or charge to the rate charged on similar traffic moving in interstate or foreign commerce. This Commission may act not withstanding the laws or constitution of any State, or the pendency of any proceeding before any State court or other State authority. We note the final decision of the Montana Public Service Commission, vesting our jurisdiction.

The Commission notes that joint pleadings have been filed on June 22, 1976, by Montana Department of Agriculture, Montana Wheat Research and Marketing Committee, and Montana Grain Growers Association. The subject matter of these pleadings raise issues which shall be considered in the investigation into the lawfulness of Montana intrastate rail freight rates and charges, and, as such, resolution of the replicants' contentions is not necessary at this time.

Wherefore, and good cause appearing therefor;

It is ordered, That the petition be, and it is hereby, granted; and that an investigation, under section 13 and 15a of the Interstate Commerce Act, be, and it is hereby, instituted to determine whether the Montana intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons and localities in intrastate commerce and those in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 310, supra, and Ex Parte No. 313, supra; and to determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

It is further ordered, That all common carriers by railroad operating in the State of Montana, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before January 3, 1977. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners and replicants herein; that the State of Montana be notified of the proceeding by sending copies of this order of the instant petition by certified mail to the Governor of the State of Montana and The Montana Public Service Commission, Helena, Montana; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 8th day of December, 1976.

By the Commission, Commissioner Hardin.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-37046 Filed 12-15-76;8:45 am]

[Notice No. 166]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 9, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 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 20861 (Sub-No. 5TA), filed December 2, 1976. Applicant: FROZEN FOOD DELIVERY SERVICE, INC., 300 West St., Berlin, Mass. 01513. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from Bridgeton, N.J., to points in Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont and Maine, under a continuing contract with Newton Acres, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Newton Acres, Inc., 500 Turnpike St., Canton, Mass. 02021. Send protests to: J. D. Perry, Jr., District Supervisor, 436 Dwight St., Springfield, Mass. 01103.

No. MC 30260 (Sub-No. 3TA), filed December 2, 1976. Applicant: DELMOT MOTOR EXPRESS, INC., 1024 Lackawanna Ave., Elmira, N.Y. 14903. Applicant's representative: Clinton Cornell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, high explosives, household goods, commodities in bulk, commodities requiring special equipment and those injurious to other lading), serving the terminal sites of B. & D. Transfer, Inc., located at Blossburg, Pa., and Liberty, Pa., as off-route points in conjunction with applicant's regular route authority, for the purpose of interchange only, for operating convenience only. Applicant intends to interline at Blossburg, Pa., and Liberty, Pa., for 180 days. Supporting shipper: Gary Dinnison, Secretary-Treasurer, B. & D. Transfer, Inc., P.O. Box 133, Liberty, Pa. 16930. Send protests to: Morris H. Gross, Dis-

trict Supervisor, Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., Room 1259, Syracuse, N.Y. 13202.

No. MC 60887 (Sub-No. 4TA), filed December 2, 1976. Applicant: HARRY H. LONG MOVING STORAGE & EXPRESS, INC., 1001 S. Douglas St., Appleton, Wis. 54911. Applicant's representative: John R. Long (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities requiring special equipment, Classes A and B explosives and household goods), in rail trailers or steamship containers having a prior or subsequent movement by rail, water or air, between Appleton, Wis., on the one hand, and, Bloomer, Durand, Mondovi, Frederic and Cumberland, Wis., on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cast North America Limited, One Westmount Square, Montreal, Quebec, Canada H3Z 2R8. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 107002 (Sub-No. 492TA), filed December 2, 1976. 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: *Ammonium nitrate fertilizer*, dry, in bulk, in pneumatic tank vehicles, from the facilities of Air Products and Chemicals, located in Pace, Fla., to points in Alabama, Georgia and Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mississippi Chemical Corporation, P.O. Box 388, Zazpo City, Miss. 39193. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 107403 (Sub-No. 990TA), filed December 3, 1976. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, in tank vehicles, from East Syracuse, N.Y., to points in New York, for 180 days. Supporting shippers: Mobil Chemical Company, Macedon, N.Y. 14502. Cosden Oil & Chemical Company, P.O. Box 2159, Dallas, Tex. 75221. Consolidated Rail Corporation, Room 450, Six Penn Center Plaza, Philadelphia, Pa. 19104. Send protests to: Monica A. Blodgett, Transportation, Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 108207 (Sub-No. 450TA), filed December 2, 1976. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., P.O. Box 5888. Applicant's representative: Mike Smith (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 commodities in bulk and hides), from Wichita, Kans., to points in Missouri, Nebraska, Iowa, Minnesota, Wisconsin, Kentucky, Tennessee, Michigan, Illinois, Indiana and Ohio, for 180 days. Supporting shipper: Sunflower Beef Inc., 800 E. 37th St., North, Wichita, Kans. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 108207 (Sub-No. 451TA), filed December 2, 1976. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic molding powder*, in packages, requiring transportation in refrigerated equipment, from Military, Kans., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, Tennessee and Wisconsin, for 180 days. Supporting shipper: Gulf Oil Corporation, P.O. Box 3706, Houston, Tex. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 112750 (Sub-No. 332TA), filed December 3, 1976. 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), used in the operation of banks and banking institutions, from Chicago, Ill., to points in Elkhart, Lake, La Porte, Marshall, Porter, St. Joseph and Starke Counties, Ind., under a continuing contract with Federal Reserve Bank of Chicago, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Federal Reserve Bank of Chicago, 230 S. La Salle St., Chicago, Ill. 60609. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114211 (Sub-No. 292TA), filed December 2, 1976. Applicant: WARREN TRANSPORT, INC., P.O. Box 240, 324 Manhard St., Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 S. LaSalle, Chicago, Ill. 60604. 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 Havanna, Ill., to points in Indiana, Iowa, Kansas, Michigan, North Carolina, New Jersey, Wisconsin, Georgia and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ag-Rain, Inc., S. Schrader Ave., Havanna, Ill. 62644. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 114273 (Sub-No. 274TA), filed December 3, 1976. Applicant: CRST, INC., P.O. Box 68, 3930 16th Ave., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Kraft, Inc., located at or near New Ulm, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and Washington, D.C., restricted to traffic originating at the above-named origin and destined to the above-named destination areas, for 180 days. Supporting shipper: Kraft, Inc., 500 Peshtigo Ct., Chicago, Ill. 60690. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 117119 (Sub-No. 607TA) filed December 3, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Campbell Soup Company, at Pocomoke City and Salisbury, Md., to points in the Lower Peninsula of Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Campbell Soup Company, Campbell Place, Camden, N.J. 08101. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 117119 (Sub-No. 608TA) filed December 3, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vitamin supplements*,

liquid and tablet form plus cough syrups (except in bulk), in vehicles equipped with mechanical refrigeration, from Tampa, Fla.; New Orleans, La.; Houston, Tex.; Los Angeles, Calif., and Greenville, S.C., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hadacol International, 1350 Pine Ave., East Point, Ga. 30344. Send protests to: William H. Land, Jr., 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 119493 (Sub-No. 147 TA) filed November 26, 1976. Applicant: MONKEM COMPANY, INC., W. 20th St., Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Katherine Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from Webb City, Mo., to points in Ohio and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Multifoods Corporation, 1200 Multifoods Bldg., Minneapolis, Minn. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119789 (Sub-No. 315TA) (Correction) filed November 16, 1976, published in the FEDERAL REGISTER issue of November 30, 1976, and republished as corrected this issue. 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: *Canned or preserved foodstuffs*, from Aspers, Pa., to points in Texas, Oklahoma, Louisiana and Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Duffy-Mott, Inc., 370 Lexington Ave., New York, N.Y. 10017. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242. The purpose of this republication is to correct the territorial description.

No. MC 127304 (Sub-No. 15TA) filed December 3, 1976. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West St., Valley Center, Kans. 67147. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts 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., at Omaha, Nebr., to Wichita, Kans., under a continuing contract with American Beef Packers, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. 68106. Send protests to: M. E. Taylor, District Supervisor, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 128685 (Sub-No. 22TA) filed November 29, 1976. Applicant: DIXON BROS., INC., P.O. Box 8, Newcastle, Wyo. 82701. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., 404 N. 31st St., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Such commodities*, including those requiring special equipment for loading and unloading, as are dealt in and used by agricultural and farm implement, machinery, equipment and supply dealers, as well as by lawn and garden care equipment machinery and supply dealers; and (b) *Portable space heaters*, from Sioux Falls, S. Dak., to points in Montana and Wyoming; and (2) *Wooden packing boxes and crates, and agricultural implements*, from points in Montana and Wyoming, to Sioux Falls, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: DaKon, Inc., 100 E. Delaware, Sioux Falls, S. Dak. 57101. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006 Federal Bldg., & Post Office, 100 E. "B" St., Casper, Wyo. 82601.

No. MC 128685 (Sub-No. 22TA), filed November 29, 1976. Applicant: DIXON BROS., INC., P.O. Box 8, Newcastle, Wyo. 82701. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., 404 N. 31st St., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Such commodities*, including those requiring special equipment for loading and unloading, as are dealt in and used by agricultural and farm implement, machinery, equipment and supply dealers, as well as by lawn and garden care equipment machinery and supply dealers; and (b) *Portable space heaters*, from Sioux Falls, S. Dak., to points in Montana and Wyoming; and (2) *Wooden packing boxes and crates, and agricultural implements*, from points in Montana and Wyoming, to Sioux Falls, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: DaKon, Inc., 100 E. Delaware, Sioux Falls S. Dak. 57101. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006 Federal Bldg., & Post Office, 100 E. "B" St., Casper, Wyo. 82601.

No. MC 128685 (Sub-No. 22TA), filed November 29, 1976. Applicant: DIXON BROS., INC., P.O. Box 8, Newcastle, Wyo. 82701. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., 404 N. 31st St., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Such commodities*, including those requiring special equipment for loading and unloading, as are dealt in and used by agricultural and farm implement, machinery, equipment and supply dealers, as well as by lawn and garden care equipment machinery and supply dealers; and (b) *Portable space heaters*, from Sioux Falls, S. Dak., to points in Montana and Wyoming; and (2) *Wooden packing boxes and crates, and agricultural implements*, from points in Montana and Wyoming, to Sioux Falls, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: DaKon, Inc., 100 E. Delaware, Sioux Falls, S. Dak. 57101. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006 Federal Bldg., & Post Office, 100 E. "B" St., Casper, Wyo. 82601.

No. MC 136635 (Sub-No. 3TA), filed December 2, 1976. Applicant: UNIVERSAL CARTAGE, INC., 4902 W. 15th St., Speedway, Ind. 46224. Applicant's representative: Donald W. Smith, 2465 One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-stressed concrete forms and materials and supplies* used in the erection of such concrete forms, when transported in the same vehicle with concrete forms, from points in St. Joseph County, Ind., to points in Illinois, Kentucky, Michigan and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: StressCore Company, Division of Hass Wholesale, Inc., State Road 23, South Bend, Ind. 24445. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 142449 (Sub-No. 1TA), filed December 2, 1976. Applicant: SPEEDWAY HAULERS, INC., P.O. Box 1463, South Bend, Ind. 46624. Applicant's representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except automobiles, commodities in bulk, trucks and farm vehicles), restricted to traffic having a prior or subsequent movement by rail, between points in Indiana on and north of U.S. 40 (except Indianapolis, Ind.), on the one hand, and, on the other, rail ramps presently situated in Elkhart and Fort Wayne, Ind., and Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Wash-

ington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 142694TA filed December 2, 1976. Applicant: JOSEPHINE V. CREAGER, doing business as JACK CREAGER TRUCKING, 3812 S. 243rd Kent, Wash. 98031. Applicant's representative: Josephine V. Creager (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous and non-ferrous meals*, between Los Angeles and Berkeley, Calif., Portland, Oreg., and Seattle, Wash., under a continuing contract with Ducommun Metals, Co., Inc., for 180 days. Supporting shipper: Ducommun Metals Co., Inc., 8212 S. 196th St., Kent, Wash. 98031. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

PASSENGER APPLICATION

No. MC 142684 (Sub-No. 1 TA), filed December 2, 1976. Applicant: B. C. LINES, INC., 10 Lodge St., Worcester, Mass. 01604. Applicant's representative: David M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round-trip operations, from Worcester and Oxford, Mass., to the site of Plainfield Greyhound Park, Plainfield, Conn., and return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 300 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: J. D. Perry, Jr., District Supervisor, 436 Dwight St., Room 338, Springfield, Mass. 01103.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-37049 Filed 12-15-76;8:45 am]

[Notice No. 89]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before January 17, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' repersentative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed suffiicent to place interested persons on notice of the proposed transfer.

No. MC-FC-76681, filed August 3, 1976. Transferee: Bickford Transportation, Inc., Route 1, Box 333, Yarmouth, Maine 04096. Transferor: Earle W. Mason, Kendall Pond Road, Derry, New Hampshire. Applicants' representative: Erving H. Bickford, Rt. 1, Box 333, Cousins Island Road, Yarmouth, Maine 04096. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 107251 (Sub-No. 2), issued December 22, 1954, as follows: Lumber, (1) between specified counties in New Hampshire, on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 5; (2) between specified counties in Vermont and New Hampshire; (3) from specified points in Vermont, and New Hampshire to specified points in Massachusetts and New Hampshire; and (4) from points in York County, Maine, to Wilton, N.H.; Rough Hampshire; and (4) from points in York County, Maine, to Wilton ,N.H.; Rough lumber, from points in Strafford and Carroll Counties, N.H., to Stoughton, Mass.; Logs, from points in Vermont within 20 miles of the Village of Ascutneyville, Vt. to Claremont, N.H.; Building materials and forest products, between points in Rockingham, Hillsboro, and Merrimack Counties, N.H., on the one hand, and, on the other points in Essex, Suffolk, and Middlesex Counties, Mass.; Fertilizer, feed, agricultural commodities, and farm machinery, between points in Merrimack, Grafton, and Hillsboro Counties, N.H., on the one hand, and, on the other points in Massachusetts on and east of U.S. Highway 3; and carnival equipment, between points in Vermont, New Hampshire, and that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along Massachusetts Highway 12 to Worcester, Mass., thence along Massachusetts Highway 122 to the Massachusetts-Rhode Island State line. Transferee presently holds authority from this Commission. Application for temporary authority has not been filed.

No. MC-FC-76691, filed November 18, 1976. Transferee: Flying L Trucking Co., 870 W. 9th Street, San Pedro, California 90731. Transferor: Caravan Refrigerated Cargo, Inc., 1612 E. Irving Blvd., P.O. Box 6188, Dallas, Texas 75222. Applicant's representative: Arthur M. Katz, Esq., 1801 Century Park East, Suite 1717, Los Angeles, California 90067. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate No. MC-119789 (Sub-No. 153) issued by the Commission January 31, 1974, as follows: Canned Tuna, pet food (except in bulk), and knocked down cartons when moving in mixed loads from the plant-site and storage facilities of Star-Kist Foods, Inc., at Terminal Island, Calif. to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76764, filed November 17, 1976. Transferee: Gerald R. Hackett, doing business as G. R. Hackett Transport, 10529 N.E. 141st Street, Kirkland, WA 98033. Transferor: Kirk A. Jefferts, Route 2, Box 37A, Bow, WA 98232. Applicants' representative: Michael D. Duppenthaler, Registered Practitioner, Room 515, Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-136309 Sub 1, issued May 31, 1974, as follows: Wooden shakes, shingles, and ridge trim, from Skagit County, Wash., to points in California. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76790, filed October 20, 1976. Transferee: R. & W. EXPRESS, INC., 6861 Main Street, Lithonia, Georgia 30058. Transferor: W. O. Moore & Sons Division of Cedar Rock Ranch, Inc., 6877 Main Street, Lithonia, Georgia 30058. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Georgia 30349. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 139009 (Sub-No. 1) issued July 14, 1976, as follows: General commodities with the usual exceptions between Conyers, Doraville, Lithonia, Stone Mountain, and Tucker, Ga., on the one hand, and, on the other, points in De Kalb, Gwinnett, Newton, Rockdale, and Walton Counties, Ga. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76824, filed November 15, 1976. Transferee: 2-G Transportation,

Inc., 10 E. Minnesota St., Savage, Minn. 55378. Transferor: Gerald Gordon Gogin, doing business as Gogin Trucking, North 16 W. 24990 Hwy. JJ, Pewaukee, Wis. 53072. Applicants' representative: Val M. Higgins, attorney at law, 1000 First National Bank Bldg., Minneapolis, Minn. 55424. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 139023 Sub-2, issued April 30, 1976, as follows: *Glass containers* and *closures* for glass containers, over irregular routes, from the facilities of Midland Glass Company at Shakopee, Minn., to points in Wisconsin and Illinois; and *Corrugated cardboard cartons, fiberboard dividers* and *carriers,* and *wooden pallets,* from points in Illinois and Wisconsin, to the facilities of Midland Glass Company at Shakopee, Minn. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-37050 Filed 12-15-76;8:45 am]

[I.C.C. Order No. 14; 1252]

REROUTING TRAFFIC

Chesapeake and Ohio Railway Co.

In the opinion of Joel E. Burns, Agent, The Chesapeake and Ohio Railway Company is unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment.

It is ordered, That: (a) *Rerouting traffic.* The Chesapeake and Ohio Railway Company, being unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Chesapeake and Ohio Railway Company, in rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Chesapeake and Ohio Railway Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date:* This order shall become effective at 11 a.m., December 4, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 6, 1976, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads, subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 6, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-37043 Filed 12-15-76;8:45 am]

[Amdt. No. 1, I.C.C. Order No. 4, 1252]

REROUTING TRAFFIC

Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of I.C.C. Order No. 4, (Chicago, Rock Island and Pacific Railroad Company and the Fort Worth and Denver Railway Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 4 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 a.m., June 15, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 15, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 8, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-37044 Filed 12-15-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on January 11, 1977, at 9:30 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building—U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Shelby State Community College, 1586 Union Avenue, Memphis, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place. This supersedes the notice previously published which scheduled the hearing on December 21, 1976.

Dated: December 10, 1976.

R. S. BIELAK,
Director, VA Regional Office, Nashville, Tennessee 37203.

[FR Doc.76-37015 Filed 12-15-76;8:45 am]

federal register

THURSDAY, DECEMBER 16, 1976

PART II:

FEDERAL ELECTION COMMISSION

■

CLEARINGHOUSE ON ELECTION ADMINISTRATION

Clearinghouse Advisory Committee; Notification of Hearing

FEDERAL ELECTION COMMISSION

[Notice No. 1976-69]

CLEARINGHOUSE ON ELECTION ADMINISTRATION; CLEARINGHOUSE ADVISORY COMMITTEE

Hearing

In accordance with the Clearinghouse Advisory Panel Charter approved by the Federal Election Commission on November 25, 1975, and in accordance with the Federal Advisory Committee Act (Pub. L. 92-463), the Commission announces the following panel meeting:

Name: Federal Election Commission Clearinghouse Advisory Panel.

Date: 10-11 January 1977.

Place: Congressional Room, Statler-Hilton Hotel, 16th and K Streets, N.W., Washington, D.C.

Time: 0900-1200, 1400-1630 on 10 January 1977; 0900-1200, 1400-1630 on 11 January 1977.

Proposed Agenda: Discussion sessions addressing research projects, including election office planning and budgeting, voter registration, voter equipment, bi-lingual registration and voting, vote recount, and certification of candidates for Federal office.

Purpose of the meeting: The Panel will review present and future Clearinghouse research efforts, discuss problems in the administration of Federal elections, and formulate recommendations to the Federal Election Commission Clearinghouse for its future research program.

The Advisory Panel meeting is open to the public depending on available space. Any member of the public may file a written statement with the Panel before, during, or after the meeting. To the extent that time permits, the Panel Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Panel should be addressed to Dr. Gary Greenhalgh, Clearinghouse on Election Administration, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

Dated: December 9, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76-36713 Filed 12-15-76;8:45 am]

federal register

THURSDAY, DECEMBER 16, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

DEFINITION OF FAMILIES AND OTHER RELATED TERMS AND OCCUPANCY BY SINGLE PERSONS

Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 812]

[Docket No. R-76-428]

DEFINITION OF FAMILIES AND OTHER RELATED TERMS AND OCCUPANCY BY SINGLE PERSONS

Proposed Rule

Notice is hereby given that the Department of Housing and Urban Development proposes to amend Chapter VIII of Title 24 by adding a new Part 812 *Definition of Family and Other Related Terms and Occupancy by Single Persons.* The Proposed Part will implement the amendment to the United States Housing Act of 1937 (the Act) contained in the Housing Authorization Act of 1976 that extends eligibility for occupancy in certain housing assisted under the Act to single persons who are not otherwise eligible by reason of their qualification as "elderly", "displaced", or the remaining member of a tenant family. The proposed part extends eligibility for occupancy to such persons if they are residing in a project at the time of its conversion to a low-income or lower-income project (including projects receiving assistance under Part 886 of this Chapter) except for units or projects assisted under Part 882 of this Chapter and for occupancy in projects that are experiencing sustained vacancies where there is no likelihood of filling vacant units with other eligible applicants.

The proposed part limits the number of units that the HUD Field Office Director may authorize to be occupied by such single persons within the jurisdiction of any public housing agency to 10 percent of the total number of units assisted under the Act. Further, the Proposed Part requires that priority for admission to the projects be given to single persons who are eligible because they qualify as "elderly" or "displaced" over such single persons.

The definition of the term "family" and other related terms for all programs under the Act are consolidated in the proposed Part 812. When the Part is issued as a final rule, Parts 880, 881, 883, and 886, applicable to the Section 8 program, and Part 860, applicable to the Low-Income Housing Program, which now contain definitions of these terms, will be amended to delete the text of the existing definitions and to cross reference the appropriate term to this Part.

Interested persons are invited to submit written comments, suggestions, objections or views with respect to this proposed Part to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. All relevant material received by *January 19, 1977,* will be considered before adoption of the Part. A copy of each written communication will be available for public inspection during regular hours at the above address.

The Secretary has determined that the proopsed Part does not have a substantial environmental impact. A Finding of Inapplicability of Section 102(2)(e) of the National Environmental Policy Act of 1969 has been made with respect to this proposed Part, in accordance with procedures in HUD Handbook 1390.1. It is available for public inspection in the Office of the Rules Docket Clerk, at the above address.

It is hereby certified that the economic and inflationary impacts of this Proposed Part have been carefuly evaluated in accordance with OMB Circular A-107. Accordingly, it is proposed to amend Title 24 of the Code of Federal Regulations by adding a new Part to read as follows:

PART 812—DEFINITION OF FAMILY AND OTHER RELATED TERMS AND OCCUPANCY BY SINGLES PERSONS

Sec.

812.1 Purpose and scope.
812.2 Definitions.
812.3 Authorization to admit single persons.
812.4 Effect of authorization on contract provisions.

Authority: Sec. 2(f) of Housing Authorization Act of 1976; 42 U.S.C. 1437a; Sec. 7 (d) Dept. of HUD Act, 42 U.S.C. 3535(d).

§ 812.1 Purpose and Scope.

The purpose of this Part is to establish a definition of the term Family and other related terms applicable to all housing assisted under the United States Housing Act of 1937 (the Act) and to prescribe criteria and procedures for occupancy in low-income and lower-income housing projects assisted under the Act by Single Persons who are not otherwise eligible by reason of qualification as an Elderly Family or as a Displaced Person or as the remaining member of a tenant family. This Part establishes definitions of the terms, Family, Elderly Family, Handicapped Person, Disabled Person, Displaced Person and Single Person, which incorporate the requirements of the Act. The Part shall be applicable to all housing assisted under the Act.

§ 812.2 Definitions.

The following definitions shall be applicable to all housing assisted under the Act:

(a) *Disabled Person.* Disabled Person means a person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423) or in section 102(a) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 (42 U.S.C. 2691).

(b) *Displaced Person.* Displaced Person means a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(c) *Elderly Family.* Elderly Family means a family whose head or spouse or whose sole member is at least sixty-two years of age, or a Disabled Person as defined in this section or a Handicapped Person as defined in this section, and may include two or more elderly, Disabled or Handicapped Persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

(d) *Family.* Family means (1) two or more persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of law, or have evidenced a stable family relationship, (2) an Elderly Family or Single Person as defined in this Part, (3) the remaining member of a tenant family, and (4) a Displaced Person.

(e) *Handicapped Person.* Handicapped Person means a person having a physical or mental impairment which (1) is expected to be of long-continued and indefinite duration, (2) substantially impedes his ability to live independently, and (3) is of such a nature that such ability could be improved by more suitable housing conditions.

(f) *Single Person.* A Single Person means a person living alone, and who does not qualify as an Elderly Family or a Displaced Person as defined in this Part, or as the remaining member of a tenant family.

§ 812.3 Authorization to admit single persons.

(a) *Requirement for HUD Authorization.* No PHA or private owner shall admit Single Persons to any housing assisted under the Act except pursuant to an authorization issued by the HUD Field Office Director in accordance with this section.

(b) Types of projects eligible for authorization. The HUD Field Office Director may authorize any PHA or private owner to permit Single Persons to occupy any project for which the PHA or private owner has the authority to select tenants or intends to acquire such authority if (1) the project is or is intended to be converted to a low-income or lower-income project assisted under the Act (except projects or units receiving assistance under the provisions of § 882 of this Chapter), or (2) the project is a low-income or lower-income project receiving assistance under the Act and one or more units have been vacant for a period of sixty days or more and no eligible applicants other than Single Persons are available.

(c) Authorization for occupancy by Single Persons. An authorization to a PHA or private owner to permit Single Persons to occupy a project may be initiated by the Field Office Director, or the Field Office Director may request the PHA or private owner to submit an application for such authorization. In addition, any PHA or private owner may initiate an application for such authorization. The application shall be submitted to the appropriate HUD Field Of-

fice in the form of a letter which shall include the following:

(1) Identification of the project or projects involved and the maximum number of units for which the authorization is requested.

(2) A copy of the tenant selection policy which shall govern occupancy by Single Persons or in the case of a project receiving assistance under Parts 880, 881, 883, or 886 of this Chapter, a statement that the selection criteria set forth in the Management Plan applicable to the project will be adhered to in the selection of Single Persons.

(3) A narrative justification for the request including, in cases where the request is based on vacancies in a project already receiving assistance, a description of the PHA's or private owner's efforts to attract eligible applicants other than Single Persons to the project or projects involved.

(d) The HUD Field Office shall notify the PHA or private owner in writing of the action taken with respect to the application which may be one of the following:

(1) Approval as requested.

(2) Approval for a lesser number of units or projects than requested and any other conditions or modifications.

(3) Disapproval, with a statement of the reasons. In the event of approval, the letter of approval shall constitute the authorization to he PHA or private owner to permit Single Persons to occupy the specified number of units under the specified conditions. Notwithstanding the authorization to permit occupancy by Single Persons, a PHA or private owner shall extend preference to Elderly Families and Displaced Persons over Single Persons.

(e) Statutory ten percent limitation pursuant to Section 3(2)(D) of the Act. The number of units authorized by HUD to be made available to Single Persons within the area under the jurisdiction of a PHA shall not exceed ten percent of the number of units within the jurisdiction assisted under the Act at the time of the authorization.

§ 812.4 Effect of authorization on contract provisions.

Notwithstading the provisions of any contract or agreement pursuant to the Act, defining terms otherwise than as defined in § 812.2, PHAs or private owners are authorized to house Single Persons in accordance with an authorization by HUD issued pursuant to this Part.

Issued at Washington, D.C., December 8, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.76-37041 Filed 12-15-76;8:45 am]

federal register

THURSDAY, DECEMBER 16, 1976

PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Appeals

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1198]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Borough of Kingston, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Kingston, Luzerne County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Building, 500 Wyoming Avenue, Kingston, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Church St. (extended)	551		800
	James St. (extended)	550		500
	North Street Bridge	549		410
	Market Street Bridge	548		900

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36799 Filed 12-15-76;8:45 am]

[Docket No. FI-1176]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Borough of Marysville, Perry County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Marysville, Perry County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review on the Bulletin Board in the lobby of the Borough Hall, Overcrest Road, Marysville, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Corporate limits (downstream)	326	(1)	220
	Rockville Bridge	327	(1)	100
	Weaver Rd. (extended)	327	(1)	340
	Perry St. (extended)	328	(1)	630
	Weaver St. (extended)	329	(1)	170
	Corporate limits (upstream)	332	(1)	90
Mill Creek	Corporate limits (upstream)	(2)	420	30
	Kings Highway	(2)	160	100
	State road (Routes 11 to 15)	328	230	370

[1] Corporate limits.
[2] Not defined.

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36801 Filed 12-15-76;8:45 am]

[Docket No. FI-2193]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Borough of Saddle River, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the Borough of Saddle River, New Jersey under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, East Allendale Road, Saddle River, New Jersey 07458.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Saddle River	Lower Cross Rd.[1]	117	45	750
	Lower Cross Rd.[2]	118	55	775
	Lower Cross Rd.[3]	119	60	540
	East Allendale Rd.[3]	144	275	175
	Upper Cross Rd.[3]	172	(4)	435

[1] Downstream side.
[2] Centerline.
[3] Upstream side.
[4] To corporate limits.

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36792 Filed 12-15-76;8:45 am]

[Docket No. FI-2222]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Borough of Swarthmore, Delaware County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Swarthmore, Delaware County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing

the detailed outlines of the flood-prone areas and the final elevations are available for review at the library located in the Borough Administration Building, 121 Park Avenue, Swarthmore.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Crum, Creek	South corporate limits	50	300	(1)
	Yale Ave	56	100	(1)
	Crum Ledge Lane (extended)	65	350	(1)
	ConRail	67	70	(1)
	North corporate limits	72	10	(1)
Little Crum Creek	Yale Ave	100	380	110
	Harvard Ave	101	70	120
	Amherst Ave	102	60	120

[1] Corporate limit.

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36798 Filed 12-15-76;8:45 am]

[Docket No. FI-2201]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Borough of Swoyersville, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.-10)), hereby gives notice of his final determinations of flood elevations for the Borough of Swoyersville, Luzerne County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Office of the Project Coordinator, Swoyersville Municipal Building, Shoemaker and Main Streets, Swoyersville, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Wade Run	Dennison St	554	255	20
	Townsend St	552	315	1,000
	Walnut St	552	75	1,180
	Park Ave	548	175	1,175
Abrahams Creek of Forty Fort.	Shoemaker St	546	360	45
	Barber St	546	370	55
	Lindberg St	546	615	205
	Lehigh Valley RR	546	[1] 25	[2] 15
	Kasack St	546	70	410
	Warsaw St	546	80	400
	Hughes St	546	50	5
	Owen St	548	60	1,160
	Talcott St	548	100	1,410
	Dennison St	548	35	40
	Location between Maltby Ave. and Cemetary Rd., Culvert and Maltby Ave., and Inglewood St. culvert.	548	30	20
	Entire length of Gracie St	546		

[1] Upstream.
[2] Downstream.

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36800 Filed 12-15-76;8:45 am]

[Docket No. FI-2464]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Belle Fourche, Butte County, South Dakota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.-10)), hereby gives notice of his final determinations of flood elevations for the City of Belle Fourche, Butte County, South Dakota under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the City Hall in the Auditor's office, Belle Fourche.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Redwater River	11th Ave	3,015	440	(1)
	Harding St. (extended)	3,014	1,210	(1)
	State St. (extended)	3,013	1,350	(1)
Belle Fourche River	Corporate limits	3,012	30	300
	7th Ave. (extended)	3,012	450	80
	8th Ave. (extended)	3,011	1,100	20
	Custer St. (extended)	3,010	140	(1)
Hay Creek	7th Ave	3,035	50	100
	National St	3,033	20	120
	6th Ave. (south)	3,027	40	150
	Lawrence St. (extended)	3,024	40	110
	Jackson St. (extended)	3,017	530	25
	Indian St. (extended)	3,015	440	100
	10th Ave	3,015	20	280
		Area flooded		
Belle Fourche River	Western corporate limit	Majority of area south of Chicago & Northwestern R.R., west of 5th Ave., and north of National St.		

[1] Corporate limit.

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36802 Filed 12-15-76;8:45 am]

[Docket No. FI-2276]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Binghamton, Broome County New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.-10)), hereby gives notice of his final determinations of flood elevations for the City of Binghamton, Broome County, New York under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the bulletin board in the hallways of the City Hall, 38 Hawley Street, Binghamton.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Upstream corporate limit	850	(1)	160
	Moeller St. (extended)	843	40	280
	Conklin Avenue Bridge	846	20	20
	Washington Street Bridge	844	20	10
	Vermont Ave. (extended)	841	80	40
	Jutland Rd. (extended)	840	40	470
	Downstream corporate limit	839	90	210
Chenango River	Upstream corporate limit	850	350	(1)
	Eldredge St. (extended)	848	40	70
	Henry St. (extended)	846	40	10
	Main St.	845	20	20
	Leroy St. (extended)	844	50	210

[1] Corporate limit.

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

Issued: November 25, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36793 Filed 12-15-76;8:45 am]

[Docket No. FI-2277]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Leon Valley, Bexar County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.-10)), hereby gives notice of his final determinations of flood elevations for the City of Leon Valley, Bexar County, Texas under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas

and the final elevations are available for review on the Bulletin Board in the Valley City Hall, 6400 El Verde Road, San Antonio, Texas.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Huebner Creek	Balky Dr	827	100	100
	Euers Rd	822	350	600
	Peachtree Dr	817	850	130
	Bandera Rd	811	220	1,000
	Samaritan Dr	800	220	1,050
	Downstream corporate limits	793	575	1,000
Drain 1	William Rancher Rd		10	25
	Grass Hill Dr		40	30
	Aids Dr		200	70
Drain 1A	Seneca Dr		20	35
	Kinman Dr		25	30
	Mary Jamison Dr		(1)	(1)
Drain 2	Evening Sun Dr		60	70
	Seneca Dr		15	30
Drain 3	Stirrup Lane		50	60
	Forest Meadow Dr		30	40
	Forest Mont Dr		80	60
	Forest Ridge Dr		60	80
Zarzamora Creek	I-410—Service road		150	600
	Bandera Rd		425	750
Drain 4	I-410		(2)	(3)
	Wurzbach Rd		20	20

[1] Flooding contained within channel.
[2] 40 ft of flooding on left side of Bandera Rd.
[3] 40 ft of flooding on right side of Bandera Rd.

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36804 Filed 12-15-76;8:45 am]

[Docket No. FI-2178]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Live Oak, Bexar County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Live Oak, Bexar County, Texas under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 8001 Shinoak Street, Live Oak, Texas.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Santrillo Creek	Woodview Dr. (extended)	833	30	760
	Village Oak Dr.	820	85	70
	Sandy Oaks (extended)	815	10	400
	Regal Oaks Dr. (extended)	810	105	55
	Mountain Shadows (extended)	801	115	115
	Oak Forest Dr. (extended)	795	275	90
	South Side of Martinez Creek Dam		20	25
Drain No. 1	Cherrywood Lane	841	60	60
	Shin Oak Dr.	837	115	90
Drain No. 2	Greycliff Dr.	840	15	60
	Welcome Dr.	830	75	115
Drain No. 3	Wilderness Trail	851	110	105
	Northledge Dr.	839	160	80
	Lone Shadow Trail	825	95	70
	Welcome Dr.	815	375	100
Drain No. 4	Village Oak Dr.	845	75	105
	Lajolla Dr. (extended)	830	25	120
	Shin Oak Dr.	811	75	
Drain No. 5	Enchanted Oaks Dr.	829	100	80
	Northledge Dr.	870	10	25
Drain No. 6	Lone Shadow Trail	818	80	70
	Welcome Dr.	800	100	120
Drain No. 7	Lone Shadow Trail	815	25	60
	Northledge Dr.	847	25	60
Drain No. 8	Lone Shadow Trail	819	15	10

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36805 Filed 12-15-76;8:45 am]

[Docket No. FI-2272]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Meadville, Crawford County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Meadville, Crawford County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the legal bulletin board in the City Hall, 934 Water Street, Meadville.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
French Creek	Park Ave.	1,075	(1)	(1)
	Mercer St.	1,077	1,720	(1)
	Mead Ave.	1,079	1,360	(1)
	Spring St.	1,081	360	(1)
	Ferry Rd.	1,081	(1)	(1)
Cussewago Creek	Center St. (extended)	1,080	1,760	(1)
	Race St.	1,081	(1)	(1)
	Dunham Rd.	1,081	(1)	(1)

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36797 Filed 12-15-76;8:45 am]

[Docket No. FI-1124]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Panama City Beach, Florida

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Panama City Beach, Florida under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 110 South Highway 79, Panama City Beach, Florida 32401.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline or bank of stream (facing downstream) to 100-yr flood boundary
Gulf of Mexico	3d St	10	Entire street seaward of the point 150 ft south of junction with U.S. 98.
	Lake View Dr	10	Entire street north 400 ft from junction with U.S. 98.
	Georgia Ave	10	Entire street seaward of the point 120 ft south of junction with U.S. 98.
Grand Lagoon	State Highway 392	8	Highway section 250 ft north of junction with 2d St.

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

Issued: November 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36791 Filed 12-15-76;8:45 am]

[Docket No. FI-2465]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Sturgis, Meade County, South Dakota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Sturgis, Meade County, South Dakota under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the council room, City Hall, 1147 Sherman Street, Sturgis.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Bear Butte Creek	Upstream corporate limits	3,460	120	480
	3d St	3,409	505	415
	Junction Ave	3,391	110	70
	Downstream corporate limits	3,348	85	310
Vanocker Creek	Upstream corporate limits	3,501	10	5
	Arlette St	3,499	90	155
	Tilford St	3,456	385	30
	Douglas St	3,410	545	225
	Lazelle St	3,376	160	350
Deadman Gulch	Upstream corporate limits	3,492	80	170
	Davenport St	3,478	220	160
	Baldwin St	3,462	(1)	190
Doland Creek	Upstream corporate limits	3,446	440	80
	Spruce St	3,415	380	415
	Main St	3,393	120	225
	Lazelle St	3,386	280	360
Cook Canyon	11th St	3,472	50	95
	Sherman St		95	80

[1] Coincides with flood plain, Vanocker Creek.

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36803 Filed 12-15-76;8:45 am]

[Docket No. FI-2275]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Township of Ontellaunee, Berks County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Ontellaunee, Berks County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Ontellaunee Township Office, Route 61, Leesport, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Schuylkill River	Upstream corporate limits	294	1,220	(1)
	Upstream corporate limits Leesport Borough;	288	820	(1)
	Downstream corporate limits Leesport Borough.	231	10	(1)
	West Huller Lane (LR 06043)	264	30	(1)
	Downstream corporate limits	260	40	(1)
Maiden Creek	LR 506 (FAS)	281	270	20
	T748 (Bowers Rd.)	277	40	300
	LR 160 (FAP)	272	100	90
	ConRail	268	20	30

[1] Corporate limit.

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

Issued: November 25, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36795 Filed 12-15-76;8:45 am]

[Docket No. FI-2466]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Town of Poquoson, York County, Virginia

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of Poquoson, York County, Virginia under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the bulletin board, City Hall, 830 Poquoson Avenue, Poquoson.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above	Width in feet from shoreline to 100-yr flood boundary—Entire area flooded except area—
Chesapeake Bay	Within corporate limits of city of Poquoson.	8.5	South of intersection Pasture Rd. and Hunts Neck Rd.
		8.5	Surrounding intersection Yorktown Rd. and Emmans Rd.
		8.5	East and south of intersection Little Florida Rd. and Wythe Creek Rd.

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36806 Filed 12-15-76;8:45 am]

[Docket No. FI-2271]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Township of Westtown, Chester County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Westtown, Chester County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pur-

suant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.-10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Township Building, Route 202 and Pleasant Grove Road, Westtown.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Upstream corporate limit	850	(1)	160
	Moeller St. (extended)	848	40	280
	Conklin Avenue Bridge	846	20	20
	Washington Street Bridge	844	20	10
	Vermont Ave. (extended)	841	80	40
	Jutland Rd. (extended)	840	40	470
	Downstream corporate limit	839	90	210
Chenango River	Upstream corporate limit	850	350	(1)
	Eldredge St. (extended)	848	40	70
	Henry St. (extended)	846	40	10
	Main St.	845	20	20
	Leroy St. (extended)	841	50	210

[1] Corporate limit.

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76–36796 Filed 12–15–76;8:45 am]

[Docket No. FI–2279]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Village of Gowanda, Erie and Cattaraugus Counties, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.-10)), hereby gives notice of his final determinations of flood elevations for the Village of Gowanda, Erie and Cattaraugus Counties, New York under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Village must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the office of the Village Clerk-Treasurer, 27 East Main Street, Gowanda.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Cattaraugus Creek	Aldrich St	750	690	110
	West Main St	759	10	10
	Con Rail	766	30	10
	Corporate limits	773	200	
Grannis Creek	Buffalo St	760	320	50
	Con Rail	768	30	35
	Cemetery Rd	792	20	45
	Corporate limits	801	20	30
Thatcher Brook	North Water St	750	40	150
	Corporate limits	750	130	120
	do	753	20	15
	West Main St	756	40	0
	Johnson St	760	40	20
	South Chapel St	765	80	30
	Dam	782	35	140
	Hill St	786	200	10
	Con Rail	790	110	35

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36794 Filed 12-15-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2482]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Borough of Clymer, Indiana County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Clymer, Indiana County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, Sherman and 6th Streets, Clymer.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Norman Richardson, 99 Morris Street, Clymer, Pennsylvania 15728. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Two Lick Creek	Downstream corporate limits.	1,209.00
	Franklin Street Bridge.	1,213.75
	Confluence with Dixon Run.	1,215.20
	6th Street Bridge	1,216.60
	Franklin Street Bridge.	1,223.20
	Upstream corporate limit.	1,228.75
Dixon Run	Mouth	1,215.20
	6th Street Bridge	1,219.10
	Wilson Street Bridge	1,221.50
	Upstream corporate limits.	1,228.20

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36820 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2486]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of New Philadelphia, Schuylkill County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of New Philadelphia, Schuylkill County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the fire house in New Philadelphia.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Jack Savitsky, Mayor of New Philadelphia, Nacond Street, New Philadelphia, Pennsylvania 17959. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	Upstream corporate limits.	693
	LR 53093	693
	Copper St. (extended).	632
	Downstream corporate limits.	672

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

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36822 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2491]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of Burnsville, Minnesota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Burnsville, Minnesota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Burnsville must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 1313 East Highway 13, Burnsville, Minnesota 55337.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Pete Achsner, City Hall, 1313 East Highway 13, Burnsville, Minnesota 55337. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Minnesota River	I-35 west	717
	Cedar Ave	715
Alimagnet Lake	County Road II	959

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36812 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2518]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of Cherry Hills Village, Colorado

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added sction 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Cherry Hills Village, Colorado.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Cherry Hills Village must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 2450 East Quincy Avenue, Englewood, Colorado 80110.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Beth H. Jenkins, City Hall, 2450 East Quincy Avenue, Englewood, Colorado 80110. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Little Dry Creek	Clarkson St	5,341
	Martin Lane	5,348
	Quincy Ave	5,363
Greenwood Gulch	Ogden St	5,345
	Corona St	5,346
	Cherry Hills Lake spillway	5,376
	University Blvd	5,383
	Quincy Ave	5,384
	Meade Lane	5,389
	do	5,397
Blackmer Gulch	Random Rd	5,404
	do	5,410
	Monroe St	5,414
	Blackmer Lake spillway	5,437
	do	5,458
	Highline Canal	5,469
	Whitehall Dr	5,517
	Holly St	5,533
Quincy Gulch	Random Rd	5,414
	Monroe St	5,420
	Quincy Ave	5,426
	South Colorado Blvd	5,443
	South Bellaire St	5,455
	do	5,467
	Highline Canal	5,487

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

Issued: November 25, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36807 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2493]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of Chippewa Falls, Wisconisn

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Chippewa Falls, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Chippewa Falls must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 30 West Central Street, Chippewa Falls, Wisconsin 54729.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Gerald H. Jeffers, City Hall, 30 West Central Street, Chippewa Falls, Wisconsin 54729. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chippewa River	Highway 53	824
	Soolinor RR	827
	Main St	823
	Bridge St	843
	CNW RR	840
Duncan Creek	Bridge St	823
	Spring St	829
	Central St	832
	Grand Ave	833
	Columbia St	833
	Jefferson Ave	856
	Starmin Dam	861
	Bridgewater Ave	862

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36827 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2478]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of Escanaba, Michigan

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Escanaba, Michigan.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Escanaba must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at 121 South 11th Street, Escanaba, Michigan 49829.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Bink, 121 South 11th Street, Escanaba, Michigan 49829. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Little Bay De Noc	22d St	584
	13th Ave	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Ad-

ministrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2737, January 24, 1974.)

Issued: November 22, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36810 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2520]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of Jacksonville, Florida

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Jacksonville, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Jacksonville must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 228 East Bay Street, Jacksonville, Florida 32202.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Hans Tanzler, City Hall, 228 East Bay Street, Jacksonville, Florida 32202. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
St. Johns River	I-295	6
	Fuller Warren Bridge	6
	Acosta Bridge	6
	Main Street Bridge	6
	Matthews Bridge	6
	Seaboard Coastline RR. bridge.	7
Intracoastal Waterway:	Beach Blvd	4
	Atlantic Blvd	5
Pablo Creek—Sawmill Slough.	Beach Blvd	40
Trout River	Kings Rd	11
	Seaboard Coastline RR.	6
	New Kings Rd	7
	Lem Turner Rd	7
Ribault River—Six Mile Creek:	Kings Rd	12
	Southern RR	9
	New Kings Rd. (U.S. 1).	8
Strawberry Creek.	Merrill Rd	40
	Expressway (90)	12
Pottsburg Creek	Belfirt Rd	15
	Bowden Rd	11
	Beach Blvd	11
Hogan Creek	Broad St	10
	Pearl St	10
	Main St	10
	Newman St	9
	Duval St	6
McCoys Creek	Seaboard Coastline RR.	10
	Stockton St	8
	Seaboard Coastline RR.	7
	I-95	6
Southwest Branch of McCoys Creek.	Post St	13
	I-95	9
McGirts Creek	Seaboard Coastline RR.	64
	Chaffee Rd	62
	Timuquana Rd	6
Cedar River	Seaboard Coastline RR.	16
	Normandy Blvd	12
	Blanding Blvd	6
Wills Branch	Normandy Blvd	20
	Middleburg Rd	14
	Lane Ave	8
Julington Creek	Florida East Coast RR.	14
	Old St. Augustine Rd.	6
	Highway 13	6

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

Issued: November 25, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36808 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2491]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of John Day, Oregon

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of John Day, Oregon.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of John Day must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 240 South Canyon Boulevard, John Day, Oregon 97845.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Moreau, City Hall, 240 South Canyon Boulevard, John Day, Oregon 97845. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Canyon Creek	Main Street Highway 26 Bridge.	3,077
	Delore St	3,079
	Canton St	3,081
	Southwest 2d Ave	3,091
	Southwest 41st Ave	3,116
	Southwest 6th Ave	3,129

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

Issued: November 22, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc 76-36817 Filed 12-15-76;8 45 am]

[24 CFR Part 1917]

[Docket No. FI-2521]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of Liberty, Missouri

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Liberty, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Liberty must adopt sound flood plain management measures that are consistent with

the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 16 South Missouri Street, Liberty, Missouri 64068.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Weagley Jr., City Hall, 16 South Missouri Street, Liberty, Missouri 64068. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cates Branch	Liberty Landing Rd.	[1] 754
	Missouri Highway 291	756
	Old Missouri 71 bypass.	758
	Ruth Ewing Rd.	[1] 764
	Sheriff Ave.	763
	Marilyn Ave.	[1] 774
	Missouri Highway 291 (2 mi from confluence with Town Branch.)	[2] 822
	Murray Rd.	[2] 833
	Shrader Rd.	843
	Mill Ave.	849
Fishing River	County Highway C	844
Holmes Creek	Missouri Highway 33	[2] 820
Little Shoal Creek.	Withers Rd.	762
	Missouri Highway 10	[1] 780
	Interstate 35	[2] 804
Little Shoal Creek Trident No. 2.	Liberty Rd.	[2] 814
	Circle Dr.	[2] 830
Little Shoal Creek Trident No. 3.	Old RR.	[1] 790
Little Shoal Creek Trident No. 4.	Campbell Rd.	763
	Abandoned railroad bridge.	783
	Kings Highway	794
Missouri River	Liberty Bend Bridge	732
Rush Creek	Railroad bridge	792
	Highway 10	[1] 795
Shoal Creek	Birmingham Rd.	742
	Chicago, Rock Island & Pacific RR.	[1] 744
	CBQ RR.	744
	U.S. Highway 69	[1] 758
Town Branch	Missouri Highway 10	[1] 737
	Ewing Rd.	754

[1] Upstream side.
[2] Downstream side.

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

Issued: November 25, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36313 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]
[Docket No. FI-2487]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of Red Bank, Hamilton County, Tennessee

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Red Bank, Hamilton County, Tennessee.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 3117 Dayton Boulevard, Red Bank.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Ralph C. Berger, 3117 Dayton Boulevard, Red Bank, Tennessee 37415. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Stringers Branch	Corporate limits	674.2
	U.S. Highway 127 and State Highway 8.	674.2
	Spur State Highway 27.	663.0
	Strawberry Lane	664.2
	Dayton Blvd. (U.S. Highway 27).	665.8
	Merriman Ave.	668.4
	Midvale St.	673.8
	Kildare St.	680.5
	Memorial Dr.	687.0
	Hawkins St.	692.7
	Dayton Blvd. (U.S. Highway 27).	699.0
	Laurel St.	703.5
	Lancaster St.	705.9
	Newberry St.	711.5
	Fair St.	713.9
	Dayton Blvd. (U.S. Highway 27).	715.5
	Euclid Ave.	721.7
	Leawood Street Bridge.	723.0

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

Issued: November 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc. 76-36324 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]
[Docket No. FI-2490]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of Ripley, West Virginia

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Ripley, West Virginia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Ripley must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Ripley, West Virginia 25271.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John W. Miller, City Hall, Ripley, West Virginia 25271. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sycamore Creek	Church St.	601
	Sycamore Rd.	601
Mill Creek	Route 33	589
	Main St.	602

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

Issued: November 22, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36826 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2522]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of Roanoke Rapids, North Carolina

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Roanoke Rapids, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Roanoke Rapids must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, P.O. Box 38, Roanoke Rapids, North Carolina 27870.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William R. Massey, Jr., City Hall, P.O. Box 38, Roanoke Rapids, North Carolina 27870. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Roanoke River	NC 48	63
	Interstate 95	59
Chockoyotte Creek	Bolling Rd (SR 1426)	164
	Branch Ave. (SR 1450).	140
	Roanoke Ave. (NC 48).	130
	U.S. 158	120
	Smith Church Rd (NC 125).	109
Tributary A Chockoyotte Creek.	SR 1633	133
	NC 125	112
	Private drive	97
Hale's Branch	SR 1434	137
	SR 1426	215
Bells Branch	NC 48	132

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

Issued: November 25, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36816 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No FI-2479]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of St. Joseph, Michigan

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of St. Joseph, Michigan.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of St. Joseph must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 616-620 Broad Street, St. Joseph, Michigan 49085.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Franklin H. Smith, City Hall, 616-620 Broad Street, St. Joseph, Michigan 49085. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The prpposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
St. Joseph River	Miller Dr. (extended)	594		120
	Wayne St. (on Radio Island)	584	(1)	(1)
	Upton Dr.	584	280	

[1] Completed flooded.

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

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36811 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2519]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for City of Vero Beach, Florida

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Vero Beach, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Vero Beach must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 686 Date Palm Drive, Vero Beach, Florida 32960.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James Smith, City Hall, 686 Date Palm Drive, Vero Beach, Florida 32960. The period for comment will be ninety days following the second publication of this notice in a newspaper

of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Indian River	Indian River Dr. (east).	5
	Sunset Dr	5
	Bethel Creek Dr	5
	Indian River Blvd	5
	Sea Gull Ave	5
	Sea Horse Lane	5
	Starfish Dr	5
	Sailfish Rd	5
	Park Ave	5
	Dolphin Dr	5
	Tulip Lane	5
	East Causeway Blvd	5
	Point Lane	5
	Indian Bay Dr	5
	West Camino Del Rio	5
	East Camino Del Rio	5

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

Issued: November 25, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36809 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2489]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Whatcom County, Washington

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for Whatcom County, Washington.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the County must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board, Whatcom County Courthouse, 311 Grand Avenue, Bellingham, Washington.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. C. J. Johnson, Chairman of the Board of Commissioners, Whatcom County Courthouse, 311 Grand Avenue, Bellingham, Washington 98225. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Nooksack River	Bakerview Rd	10
	Route 540	17
	Ulrick Rd	22
	Harknell Rd (extended).	33
	Guide Meridian Rd	47
	Hannegan Rd	56
	Johnson Rd (extended).	64
	Zwaahka Rd (extended).	101
	Mount Baker Highway.	156
South Fork Nooksack River.	Potter Rd	227
	Strand Rd	256
	Swamp Rd (extended).	263
	Route 9	283
	Saxon Rd	320
Nooksack River overflow in Sumas Valley.	Halverstick Rd	49
	Clearbrook Rd	48
	Lindsay Rd	70
	Tom Rd	75

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

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36825 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2488]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Town of Woodbury, Cannon County, Tennessee

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Woodbury, Cannon County, Tennessee.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Hall, 102 Tatum Street, Woodbury, Tennessee.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Northcutt, 102 Tatum Street, Woodbury, Tennessee 37190. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
East Fork Stones River.	West Adams St	691
	Main St	696
	College St	698
	Dolittle St	699
	Cannon St	700
	Clinch St. (extended)	701
Lehman Branch	Hollis Creek Rd	691
	South College St	705
	Tanglewood Dr. North.	719
	Tanglewood Dr. South.	719

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Federal Insurance Administrator.

[FR Doc.76-36823 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2483]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Township of Edgmont, Delaware County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Edgmont, Delaware County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the

statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the home of Mrs. Daniel Malman, Secretary of the Township of Edgmont, Gradyville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William H. Bates, Chairman of the Board of Supervisiors of Edgmont, Gradyville, Pennsylvania 19039. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Crum Creek	Upstream corporate limits.	235
	Shimer Lane	228
	Private Dr	225
	West Chester Pike	219
Ridley Creek	Upstream corporate limits.	228
	Corporate limits	227
	Delchester Rd	(1)
	Downstream corporate limits.	224
Pony Tail Run	Stackhouse Mill Rd	252
	Huntebs Rd	230
	Confluence with Ridley Creek.	228
Stackhouse Mill Run.	Valley Rd	260
	Pony Tail Dr	231
	Confluence with Ridley Creek.	228

[1] EL 220 MSL.

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting
Federal Insurance Administrator.

[FR Doc.76-36819 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2492]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Township of Lacey, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Lacey, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township of Lacey must adopt sound flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 818 West Lacey Road, Forked River, New Jersey 08731.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Edward J. Scanlon, Town Hall, 818 West Lacey Road, Forked River, New Jersey 08731. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
North Branch Forked River.	Parker Ave	8
	Central RR. of New Jersey.	10
	Deerhead Lake	21
	Garden State Parkway north bound lane.	29
Barnegat Bay	Bay Way	7
	Laurel Blvd	7
	Sunrise Blvd	7
	East Lacey Rd	7
	Parker's Point Blvd	7
	Clearwater Dr	7

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36814 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2484]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Township of Muhlenberg, Berks County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Muhlenberg, Berks County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, 5400 Leesport Avenue, Temple, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Harold I. Anderson, Jr., President of the Board of Commissioners, 5400 Leesport Avenue, P.O. Box 296, Temple, Pennsylvania 19560. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	Downstream corporate limits.	226
	Leizes Bridge Rd	234
	Eisenbrown Rd. (extended).	237
	Felix Dam	253
	LR 1035	253
	ConRail	260
Laurel Road	Leizes Bridge Rd	239
	Meadow Lane (extended).	250
	Main Ave	254
	Moll Ave. (extended)	265
	Alabama Ave	270
	Reading Crest Ave	282
	ConRail	290
	Pottsville Pike (Pennsylvania Route 61).	301
	ConRail	310
	Allentown Pike (U.S. 222).	322
	Mount Vernon Ave. (extended).	400
	Rising Sun Ave	421
	Private road	430
	Hillcrest Ave	470
	Upstream corporate limit.	523
Bernhart Creek	Richmond St	282
	Jefferson St. (extended).	298
	Madison St. (extended).	322
	ConRail	344
	Spring Valley Rd	371
	Bernhart Reservoir Dam.	402
	Little Rock Rd	407
	Crystal Rock Rd	402
	U.S. corporate limits	460

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36818 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2485]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Plymouth Township, Montgomery County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128); and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for Plymouth Township, Montgomery County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building on the bulletin board in the main lobby, 700 Belvoir Road, Plymouth, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Charles P. Gronhoski, Chairman of the Council of Plymouth, 700 Belvoir Road, Plymouth, Pennsylvania. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Plymouth Creek	Gallagher Rd.:	
	Downstream	108
	Upstream	109
	Reading RR.:	
	Downstream	110
	Upstream	112
	Kaiser refactory:	
	Downstream	112
	Upstream	114
	Kaiser refactory warehouse:	
	Downstream	114
	Upstream	116
	Box culvert:	
	Downstream	117
	Upstream	118
	Old Bridge piers:	
	Downstream	118
	Upstream	119
	Germantown Pike.	123
	Victory, Inc.:	
	Downstream	128
	Upstream	129
	Penn Central RR.:	
	Downstream	129
	Upstream	133
	Plymouth Rd.	133
	Waterfall No. 1.	135
Schuylkill River	Corporate limits	70
	Northbound I-476	70
	Reading RR.	70
	Penn Central RR.	72
	Corporate limits	72
Plymouth Creek	Downstream corporate limits.	75
	Reading RR downstream.	80
	Reading RR upstream.	82
	Reading RR downstream.	83
Plymouth Creek	Reading RR. upstream.	86
	Alanwood Steel Co.	86
	Reading RR.	86
	Brook Rd.	87
	Reading RR. downstream.	87
	Reading RR. upstream.	89
	Reading RR. downstream.	90
	Reading RR. upstream.	91
	Dam No. 1	96
	Reading RR. (1st 1 upstream from dam No. 1):	
	Downstream	98
	Upstream	99
	Reading RR.:	
	Downstream	102
	Upstream	104

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

Issued: November 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36821 Filed 12-15-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2480]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Village of Larchmont, Westchester County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Village of Larchmont, Westchester County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Village must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Board Room, Municipal Building, Larchmont, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Maurice L. Noyer, Municipal Building, Larchmont, New York. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Long Island Sound.	Pryer Lane	14
	Beach Ave.	14
	Larchmont Ave.	14
Larchmont Harbor.	Park Ave.	14
	Bay Ave.	14
	Woodbine Ave.	14
	Willow Ave.	14
Premium River (coastal).	Manor Rd.	14
	Orchard Ave.	14
	Oak Ave.	14
Pine Brook (flooding from coastal and tidal effect).	Chestnut Ave.	14
	Jochum Ave.	14
	Boston Post Rd.	14
East Creek (flooding from coastal and tidal effect).	Douglas Lane	14
	Old Colony Dr.	14
	Shore Dr. (extended)	14
	Birch Lane (extended).	14

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

Issued: November 25, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36815 Filed 12-15-76;8:45 am]

federal register

THURSDAY, DECEMBER 16, 1976

PART V:

OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET RESCISSIONS AND DEFERRALS

Cumulative Report, December, 1976

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

Cumulative Report, December 1976

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of December 1, 1976, of the 4 rescissions and 36 deferrals contained in the first four special messages transmitted to the Congress for fiscal year 1977. These messages were transmitted to the Congress on July 29, September 22, October 1, and November 5, 1976.

RESCISSIONS (TABLE A AND ATTACHMENT A)

Two rescissions totaling $54.1 million in FY 1977 budget authority are presently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of December 1, 1976. Attachment A shows the history and status of each rescission proposed for fiscal year 1977.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of December 1, 1976, $1,886.4 million in 1977 budget authority was being deferred from obligation and another $95.3 million in 1977 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President. Attachment B shows the history and status of each deferral proposed during fiscal year 1977.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI)
Thursday, September 23, 1976 (Vol. 41, No. 188, Part III)
Thursday, October 7, 1976 (Vol. 41, No. 196, Part IV)
Wednesday, November 10, 1976 (Vol. 41, No. 218, Part VII)

JAMES T. LYNN,
Director.

TABLE A

STATUS OF 1977 RESCISSION PROPOSALS

	Amount (in millions of dollars)
Rescissions proposed by the President.....	134.1
Withdrawn (R77-4A, Special Message No. 4)...	-35.0
Currently proposed in special messages....	99.1
Accepted by the Congress.....	---
Rejected by the Congress.....	-45.0
Pending before the Congress:	
(Special Message No. 2, less R77-4 withdrawn in Special Message No. 4 by R77-4A).....	54.1

* *

TABLE B

STATUS OF 1977 DEFERRALS

	Amount (in millions of dollars)
Deferrals proposed by the President.....	2,016.0
Routine Executive releases.....	-34.3
Overturned by the Congress.....	---
Currently before the Congress.....	1,981.7 1/

1/ Includes $95.3 million of outlays in two Treasury deferrals--D77-26 and D77-27.

ATTACHMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

As of December 1, 1976

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Defense-Civil							
Corps of Engineers-Civil:							
Revolving fund	R77-2	6,600	09-22-76				
Department of the Interior							
Bureau of Mines:							
Helium fund	R77-3	47,500	09-22-76				
Department of Transportation							
Federal Highway Administration:							
Highway crossing Federal projects	R77-4	[35,000]	09-22-76				
	R77-4A	0	11-05-76			35,000 1/	10-01-76
Other Independent Agencies							
Legal Services Corporation:							
Payment to the Legal Services Corporation	R77-1	[45,000] 2/	07-29-76			45,000	10-01-76
TOTAL		54,100				80,000	

1/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on November 5, 1976.
2/ These funds were not withheld during the 45-day Congressional consideration period.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
Emergency Refugee and Migration Assistance Fund	D77-1		8,640	10-01-76					
				10-20-76	-1,000				
				11-12-76	-1,200				6,440
TOTAL			8,640		-2,200				6,440

B-2

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
Foreign Agricultural Service									
Salaries and expenses (Special foreign currency program)	D77-2		1,610	10-01-76					1,610
Agricultural Stabilization and Conservation Service									
Commodity credit corporation administrative expenses	D77-3		2,919	10-0 -76					2,919
Forest Service									
Expenses, brush disposal	D77-4		22,321	10-01-76					22,321
Licensee programs	D77-5		146	10-01-76					146
TOTAL			26,996						26,996

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
National Oceanic and Atmospheric Administration									
Promote and develop fishery products and research pertaining to American fisheries	D77-6		1,771	10-01-76					1,771
Fisheries loan fund	D77-7		5,799	10-01-76					5,799
Offshore shrimp fisheries fund	D77-8		59	10-01-76					59
Fishermen's guaranty fund	D77-9		356	10-01-76					356
TOTAL			7,985						7,985

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
Shipbuilding and conversion, Navy	D77-34		929,250	11-05-76					929,250
Military contruction, all services	D77-10		76,483	10-01-76					76,483
TOTAL			1,005,733						1,005,733

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 12-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Panama Canal									
Canal Zone Government: Capital outlay	D77-11		146	10-01-76					146
Miscellaneous Accounts									
Wildlife conservation, etc., military reservations	D77-12		363	10-01-76					363
TOTAL			509						509

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
Office of the Assistant Secretary for Health									
Scientific activities overseas (Special foreign current program)	D77-13		1,113	10-01-76					1,113
Office of Education									
Higher education	D77-14	(31,702)		10-01-76				-31,702	
				11-05-76					
	D77-14A		303,862	11-05-76					303,862
Social Security Administration									
Limitation on construction	D77-15	(17,272)		10-01-76				-17,272	
				11-05-76					
	D-77-15A		18,673	11-05-76					18,673
Special Institutions									
Howard University	D77-35		500	11-05-76					500
TOTAL		48,974	324,148					-84,974	324,148

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
Bureau of Land Management									
Oregon and California grant lands	D77-16		5,426	10-01-76					5,426
Bureau of Outdoor Reclamation									
Land and water conservation fund	D77-17		30,000	10-01-76					30,000
National Park Service									
Road construction	D77-18		3,245	10-01-76 10-01-76	-3,245				0
Geological Survey									
Payment from proceeds, sale of water	D77-19		30	10-01-76					30
Bureau of Mines									
Drainage of anthracite mines	D77-20		3,525	10-01-76					3,525
TOTAL			42,226		-3,245				38,981

STATUS OF DEFERRALS

B-8

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
Federal Prison System:									
Buildings and facilities	D77-21		1,900	10-01-76					1,900
TOTAL			1,900						1,900

STATUS OF DEFERRALS

B-9

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
Administration of Foreign Affairs									
Acquisition, operation, and maintenance of buildings abroad	D77-22		14,225	10-01-76					14,225
TOTAL			14,225						14,225

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	Releases Resulting From Subsequent Actions Taken by: House	Releases Resulting From Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 12-01-76
Coast Guard									
Acquisition, construction and improvements	D77-23		22,581	10-01-76					22,581
Federal Aviation Administration									
Civil supersonic aircraft development termination	D77-24		464	10-01-76					464
Facilities and equipment (Airport and airway trust fund)	D77-25		276,101	10-01-76					276,101
TOTAL			299,146						299,146

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

B-11

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
Office of the Secretary									
State and local government fiscal assistance trust fund	D77-26		113,732	1/10-01-76					
				11-01-76	-28,433				85,299 1/
State and local government fiscal assistance trust fund	D77-27		10,000	1/10-01-76					10,000 1/
State and local government fiscal assistance trust fund	D77-28		81,500	10-01-76					
				11-01-76	-226				
				12-01-76	-186				81,088
Loans to the District of Columbia for capital outlay	D77-36		51,002	11-05-76					51,002
TOTAL			132,502BA		-412BA				132,090BA
			123,732O		-28,433O				95,299O

1/ Outlays only.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

B-12

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
Rare Silver Dollar Program	D77-29		1,709	10-01-76					1,709
TOTAL			1,709						1,709

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-76
Foreign Claims Settlement Commission									
Payment of Vietnam prisoner of war claims	D77-30		10,833	10-01-76					10,833
American Revolution Bicentennial Administration									
Salaries and expenses	D77-31		1,346	10-01-76	1/				1,346
Interstate Commerce Commission									
Payment for directed rail service	D77-32		13,700	10-01-76					13,700
National Commission on the Observance of International Women's Year									
Salaries and expenses	D77-33		680	10-01-76					680
TOTAL			26,559						26,559
TOTAL, ALL DEFERRALS		48,974	1,892,278BA 123,732O		-5,857BA -28,433O			-48,974	1,886,421BA 95,299O

1/ A supplementary report reflecting release of most of this deferral is being planned for transmittal to the Congress.

[FR Doc.76-37078 Filed 12-14-76;10:49 am]

federal register

THURSDAY, DECEMBER 16, 1976

PART VI:

FEDERAL POWER COMMISSION

■

FINANCIAL REPORT FOR MUNICIPAL ELECTRIC UTILITIES AND FEDERAL PROJECTS

New FPC Form No. 164

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-25]

FINANCIAL REPORT FOR MUNICIPAL ELECTRIC UTILITIES AND FEDERAL PROJECTS

New FPC Form No. 164

DECEMBER 9, 1976.

Notice is hereby given that the Commission proposes to amend its Notice of Proposed Rulemaking in Docket No. RM76-25 by adding three additional schedules which make up the proposed new FPC Form No. 164M.[1] The original Notice was issued July 12, 1976 (41 FR 31340, July 27, 1976). An Erratum Sheet was issued July 16, 1976.

As issued on July 12, 1976, the rulemaking proposes to require the reporting of Schedules 0190–0192, 0194–0198 and 0839 on new FPC Form No. 164 by municipal utilities having annual electric operating revenues of $1,000,000 or more and by Federal projects having annual electric operating revenues of $1,000,000 or more. The submission date for a municipal is to be annually on the last day of the third month following the close of its fiscal year. The submission date for Federal projects is to be annually on the last day of the third month following the close of the Federal government's fiscal year. For municipal utilities, these schedules correspond roughly to certain schedules of the old FPC Form No. 1M.[2] For Federal projects, these schedules correspond roughly to certain schedules of the old FPC Form No. 1.[3]

The Commission now proposes, in addition, to have municipal utilities with annual electric operating revenues of $2,500,000 or more and Federal projects having annual operating electric revenues of $2,500,000 or more submit Schedules 0165, 0166 and 0215 on Form No. 164M also. These three schedules correspond roughly to the old FPC Form No. 5.[4] They are to be submitted to the Commission monthly within 40 days after the end of the reporting month.

This amendment is necessary because the Commission proposed originally to make Schedules 0165, 0166 and 0215 part of new FPC Form No. 162M in its notice of proposed rulemaking in Docket No. RM76-34 issued August 31, 1976 (41 FR 39948, September 15, 1976). In that notice, it was not stated explicitly that municipal utilities with annual electric operating revenues of $2,500,000 or more and Federal projects with annual electric operating revenues of $2,500,000 or more will be required to file these schedules.

Specific details of the proposed reporting scheme and related procedures are included as three separate attachments to this rulemaking, labeled Attachments D, E and F respectively, as follows:

Attachment D contains amendments to the general instructions first page of Attachment A of notice dated July 12, 1976 for each schedule to be submitted by the respondent.

Attachment E contain detailed instructions for Schedules 0165 and 0166 and Schedule 0215.

Attachment F contains a sample of schedules to be submitted by the respondent.

Attachment G is a list of those publicly owned electric utilities affected by the amendment proposed herein.

It is anticipated that at least one year of parallel reporting will be required for system evaluation. Assuming successful operation of the new system within such time period, the present FPC Form 1M and the need for Federal project respondents to use FPC Form 1 would then be eliminated.

All data and information submitted pursuant to the proposed form would be required to be subscribed and verified by a duly authorized executive officer of the respondent as being factually accurate and complete to the best of his or her knowledge according to the Commission's Rules of Practice and Procedure (18 CFR Part 1). An original and four copies of each completed Form No. 164A and 164M would be required to be filed with the Commission.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to be received no later than January 25, 1977, data, views, comments or suggestions in writing concerning all or part of the proposed form. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Commission to discuss the proposed form. The Staff, in its discretion, may grant or deny written requests for conference prior or subsequent to the filing of formal submittals.

The proposed amendments to Part 141 of the Commission's Approved Forms under the Federal Power Act would be issued pursuant to the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly Sections 3(13), 4(a), 4(b), 4(c), 302(a), 304, 309, and 311 (41 Stat. 1064, 1065; 49 Stat. 839, 840, 854, 855, 856, 858, 859; 16 U.S.C. 796(13), 797(a), 797(b), 797(c), 825(a), 825a(a), 825c(b), 825c(c), 825h, 825(j).

Effective for the reporting year 1976, the Commission proposes to amend Part 141, Statements and Reports (Schedules), in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 141.70 prescribing new FPC Form No. 164M, Financial Report for Municipal Electric Utilities and Federal Projects, in the format set out in Attachment F hereto. New Section 141.70 will read as follows:

§ 141.70 Form No. 164M—Monthly Corporate and Financial Report for Certain Municipal Electric Utilities and Federal Projects.

(a) The form of the monthly statement for electric utilities, designated herein as Form No. 164M is prescribed for the month beginning January 1977, and thereafter.

(b) This monthly statement is designed to obtain monthly information concerning operating revenues, revenue deductions, and income from all publicly owned electric utilities having annual electric operating revenues of $2,500,000 or more. Such report shall be filed in an original and four conformed copies, within 40 days after the end of the reported month beginning with the reporting month of January 1977, and monthly thereafter. The report shall be signed by the Chief Accounting Officer of the responding company, but is not required to be under oath.

(c) The report consists of:

Monthly Statement of Electric Operating Revenues and Income—Part I
Monthly Statement of Electric Operating Revenues and Income—Part II
Monthly Notes to Financial Data

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[1] These are the same three schedules which comprise new FPC Form No. 162M proposed in Docket No. RM76-34 issued August 31, 1976 (41 FR 39948, September 15, 1976). Form No. 162M is to be completed monthly by Class A Electric Utilities. Form No. 164M is to be completed by publicly owned utilities having annual electric operating revenues of $2,500,000 or more.

[2] 18 CFR 141.7 (1975).

[3] 18 CFR 141.1 (1975).

[4] 18 CFR 141.25 (1975).

Docket No. RM76-25 Attachment D

FINANCIAL REPORT FOR MUNICIPAL ELECTRIC UTILITIES AND FEDERAL PROJECTS

GENERAL INSTRUCTIONS

AMENDMENT TO ATTACHMENT A OF NOTICE DATED JULY 12, 1976

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
FORM 164	FINANCIAL REPORTS FOR MUNICIPAL ELECTRIC UTILITIES AND FEDERAL PROJECTS	1 of 1

GENERAL INSTRUCTIONS

Municipal is defined to mean a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

Federal projects include those electric projects operated under supervision of the Alaska Power Administration, Bonneville Power Authority, Bureau of Indian Affairs, Colorado River Storage Project, Southwestern Power Administration, Tennessee Valley Authority, U.S. Bureau of Reclamation, and U.S. Corps of Engineers, or any other agency, authority or instrumentality of the United States.

Submission Requirements:

Respondent Category	Schedules(s)	Old FPC Form	Submission Date
Municipal having electric operating revenues of $1,000,000 or more.	190-192, 194-198, 839	1M	Annually, 3 months following close of fiscal year.
Federal Projects having operating revenues of $1,000,000 or more.	190-192, 194-198, 839	1	Annually, 3 months following close of fiscal year, usually with FY of Government.
Class A Electric Utilities and Publicly Owned Electric Utilities having Annual Electric Operating Revenue of $2,500,000 or more.	0165-0166, 0215	5	Monthly (40 days after end of reporting month).

For Municipal Electric Utilities and Federal Projects the required submission should be filled out in accordance with the individual schedule instructions which provide titles of data requirements to fit special respondent cases. Account numbers are related to each of the data titles to assist internal processing of data.

The reporting period entered by the respondent on each schedule represents the ending period (month, day, year) of the period to which the data applies, not the date the schedule was completed. An example for an annual submission would be 12/31/76.

Prior to mailing the schedules to the Commission, the respondent must complete FPC Schedule 0100, Index of Public Use Schedules Submitted, and submit it with the completed Schedule(s).

Footnotes cannot be placed directly on any public use data schedule. FPC Schedule 0000 is used for a footnote entry.

Additional statements, maps, diagrams, charts or other documentation supportive to the data schedules not otherwise specifically required should enter and submit the supplemental information utilizing FPC Schedule 1000.

All schedules should be forwarded to:

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D.C. 20426
ATTN: Office of the Secretary

FPC Form 131
(3-76)

Docket No. RM76-25 Attachment E

FINANCIAL REPORT FOR MUNICIPAL ELECTRIC UTILITIES AND FEDERAL PROJECTS

DETAILED INSTRUCTIONS FOR SCHEDULES 0165, 0166 AND 0215

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULES 0165 & 0166	MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUE AND INCOME, PARTS I & II	1 of 4

I. DESCRIPTION.

These schedules are used to collect details on selected monthly electric operating data for plant, revenues and expenses.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A Electric respondents and Publicly Owned Electric Utilities (municipals and Federal projects) having annual electric operating revenues of $2,500,000 or more.

B. Respondents shall complete all data fields on these schedules monthly.

C. Report the information on these schedules by the Uniform System of Accounts and Supplemental Account numbers shown below:

Uniform System of Accounts	Supplemental Accounts	Description
		ELECTRIC PLANT/DIVIDENDS
	120.70	Electric utility plant - total
	120.80	Accumulated provision for depreciation and amortization of electric utility plant
	107.10	Construction work in progress - electric gross additions
	238.10	Dividends declared - preferred stock
	238.20	Dividends declared - common stock
	238.90	Total (Accounts 120.7-238.90 for edit purposes only)
		ELECTRIC EXPENSES AND INCOME
401.00		Operating expense - total
	401.10	Operation expense - salaries and wages
	401.20	Operation expense - fuel
	401.30	Operation expense - other
402.00		Maintenance expense - total
	402.10	Maintenance expense - salaries and wages
	402.20	Maintenance expense - other
403.00		Depreciation expense
	407.90	Amortization expense
408.10		Taxes other than income taxes, utility operating income
409.10		Income taxes, utility operating income - total
	409.18	Income taxes, utility operating income - Federal
	409.19	Income taxes, utility operating income - other
410.10		Provision for deferred income taxes, utility operating income
411.10		Provision for deferred income taxes - credit, utility operating income
411.40		Investment tax credit adjustments, utility operations
411.60		Gains from disposition of utility plant
411.70		Losses from disposition of utility plant

FPC Form 131
(3-76)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULES 0165 & 0166	MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUE AND INCOME, PARTS I & II	2 of 4

Uniform System of Accounts	Supplemental Accounts	Description
413.00		Expenses of electric plant leased to others
	413.90	Total Electric Operating Expenses
414.00		Other utility operating income
	414.90	Net Utility Operating Income
	417.90	Nonutility Operating Income
418.10		Equity in earnings of subsidiary companies
419.00		Interest and dividend income
419.10		Allowance for funds used during construction
421.00		Miscellaneous nonoperating income
421.10		Gain on disposition of property
421.20		Loss on disposition of property
425.00		Miscellaneous amortization
	426.70	Miscellaneous income deductions
408.20		Taxes other than income taxes, other income and deductions
409.20		Income taxes, other income and deductions
410.20		Provision for deferred income taxes, other income and deductions
411.20		Provision for deferred income taxes - credit, other income and deductions
411.50		Investment tax credit adjustments, nonutility operations
420.00		Investment tax credits
	426.90	Net Other Income and Deductions
427.00		Interest on long-term debt
428.00		Amortization of debt discount and expense
428.10		Amortization of loss on reacquired debt
429.00		Amortization of premium on debt (credit)
	429.10	Amortization of gain on reaquired debt - (credit)
430.00		Interest on debt to associated companies
431.00		Other interest expense
	431.90	Total Interest Charges
	432.90	Income Before Extraordinary Items
434.00		Extraordinary income
435.00		Extraordinary deductions
409.30		Income taxes, extraordinary items
433.00		Balance transferred to net income
440.00		Residential sales
	442.10	Commercial and industrial sales - commercial
	442.20	Commercial and industrial sales - industrial
444.00		Public street and highway lighting
445.00		Other sales to public authorities
446.00		Sales to railroads and railways
447.00		Sales for resale
448.00		Interdepartmental sales
	449.90	Total Sales of Electricity
450.00		Forfeited discounts
451.00		Miscellaneous service revenues

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0165 & 0166	MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUE AND INCOME, PARTS I & II	3 of 4

Uniform System of Accounts	Supplemental Accounts	Description
453.00		Sales of water and water power
454.00		Rent from electric property
455.00		Interdepartmental rents
456.00		Other electric revenues
	457.90	Total Other Operating Revenues
400.00		Total Electric Operating Revenues
412.00		Revenues from gas plant leases to others

D. Where a company has changed its accounting policy and begins to recognize unbilled revenues, the initial amount recorded and reported should be included in Account 434.00, Extraordinary Items, with the tax effect in Account 409.30, Income Taxes, Extraordinary Items, when the amounts are significant. Thereafter, the amounts relating to unbilled revenues should be reported in the class of sales giving rise to unbilled revenues (Accounts 440.00 to 448.00). If the amounts are not significant, report the amounts in the appropriate operating revenues accounts (Accounts 440.00 to 448.00). Do not report unbilled revenues as a separate line item.

E. Report residential space heating amounts in Account 440.00.

F. Smaller commercial sales should be included in Account 442.10. Large or industrial sales should be included in Account 442.00.

G. Payments for lease obligations included in the 500.00 and 900.00 series of accounts should be included in Account 401.30.

H. Salaries and wages charged to electric operation expense (Account 401.10) and maintenance expense (Account 402.10) should include only amounts charged to electric operation and maintenance expense accounts, including O & M clearing accounts. Total company salaries and wages should not be reported. Electric operations and maintenance salaries and wages may be estimated if actual amounts are not available.

I. Include steam purchase expense relating to utility operations in Account 401.30.

J. Fuel expense reported in Account 401.20 should include only amounts actually charged to operations during the reporting period which were recorded in primary Accounts 501.00, 518.00 and 547.00 for the production of energy during the month.

K. Report in Accounts 238.10 and 238.20 only the amounts for dividends actually declared during the month, exclusive of dividends paid.

L. Account Definitions:

107.10 Construction Work in Progress, Gross Additions - The total expenditures (both direct and indirect) charged for the month to Account 107.00, Construction Work in Progress. Do not include credits for transfer of completed construction or abandoned projects.

120.70 Electric Utility Plant - Sum of Account 101.00-107.00, 114.00, 116.00 and 120.10-120.40.

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(3-76)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0165 & 0166	MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUE AND INCOME, PARTS I & II	4 of 4

120.80 Accumulated Provision for Depreciation and Amortization - Sum of Accounts 108.00, 111.00, 115.00 and 120.50.

401.20 Operation Expense - Fuel - Sum of amounts recorded in Accounts 501.00, 518.00 and 547.00.

401.00 Operation Expense - Equals the sum of Accounts 401.10, 401.20 and 401.30.

407.90 Amortization Expense - Sum of Accounts 404.00, 405.00, 406.00 and 407.00

426.70 Miscellaneous Income Deductions - Sum of Accounts 426.10 through 426.50.

457.90 Total Other Operating Revenues - Sum of Accounts 450.00 through 456.00.

M. Notes to financial data should be reported on Schedule 0215.

N. Accounts 401.00 through 411.90 pertain only to electric department operations. If a respondent has more than one utility department, include the net of revenues and expenses applicable to the other departments in Account 414.00.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Month/Year (N4): Enter the month and year, in the format MMYY. (TMMAYR)
2 (Key)	Account Number (N3.2): This is a preprinted data field, see General Information, II-C above. (ACCTML)
3	Amount (N9) DOL.
4	Sales (N9.3) MWH: Report sales of electric included in Accounts 440.00 through 448.00.
5	Customers (N7) NO: Report number of customers related to sales of electric included in Accounts 440.00 through 448.00.

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(3-76)

R|S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0215	MONTHLY NOTES TO FINANCIAL DATA	1 of 1

I. DESCRIPTION

This schedule is used to collect information deemed necessary for adequate disclosure to support the financial data presented to the Commission in the monthly filing, to include the following aspects:

A. Disclosure of accounting changes made during the month which had significant effect on the reported net income.

B. Disclosure of any important factor occurring during the month that may materially effect the comparability of the financial data.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas respondents, Class A Electric respondents and Publicly Owned Electric Utilities (municipals and Federal projects) having annual electric operating revenues of $2,500,000 or more.

B. Respondents shall complete all data fields on this schedule monthly.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Note (A60): (IDDESC)
2	Note Number (N1): Use successive numbers to designate more than one occurrence of the type of note listed in data field 1 above. If only one occurrence is needed for a particular type note, enter "1". (NRCADL)
3	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular note. If only one textual entry is needed to report the required disclosure, enter "1" in this data field. (NRCADL)
4	Text of Note (A249): (IDDESC)

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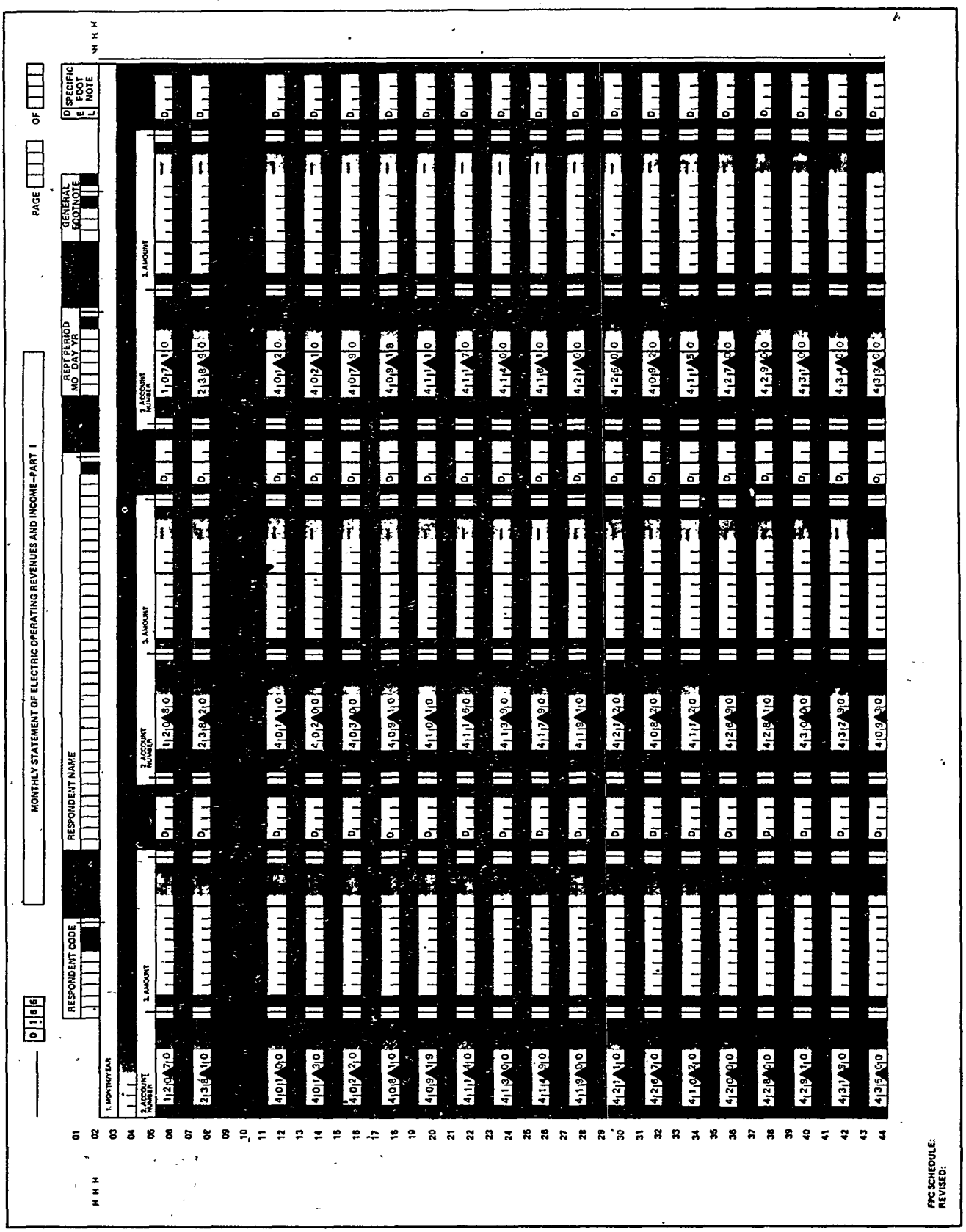
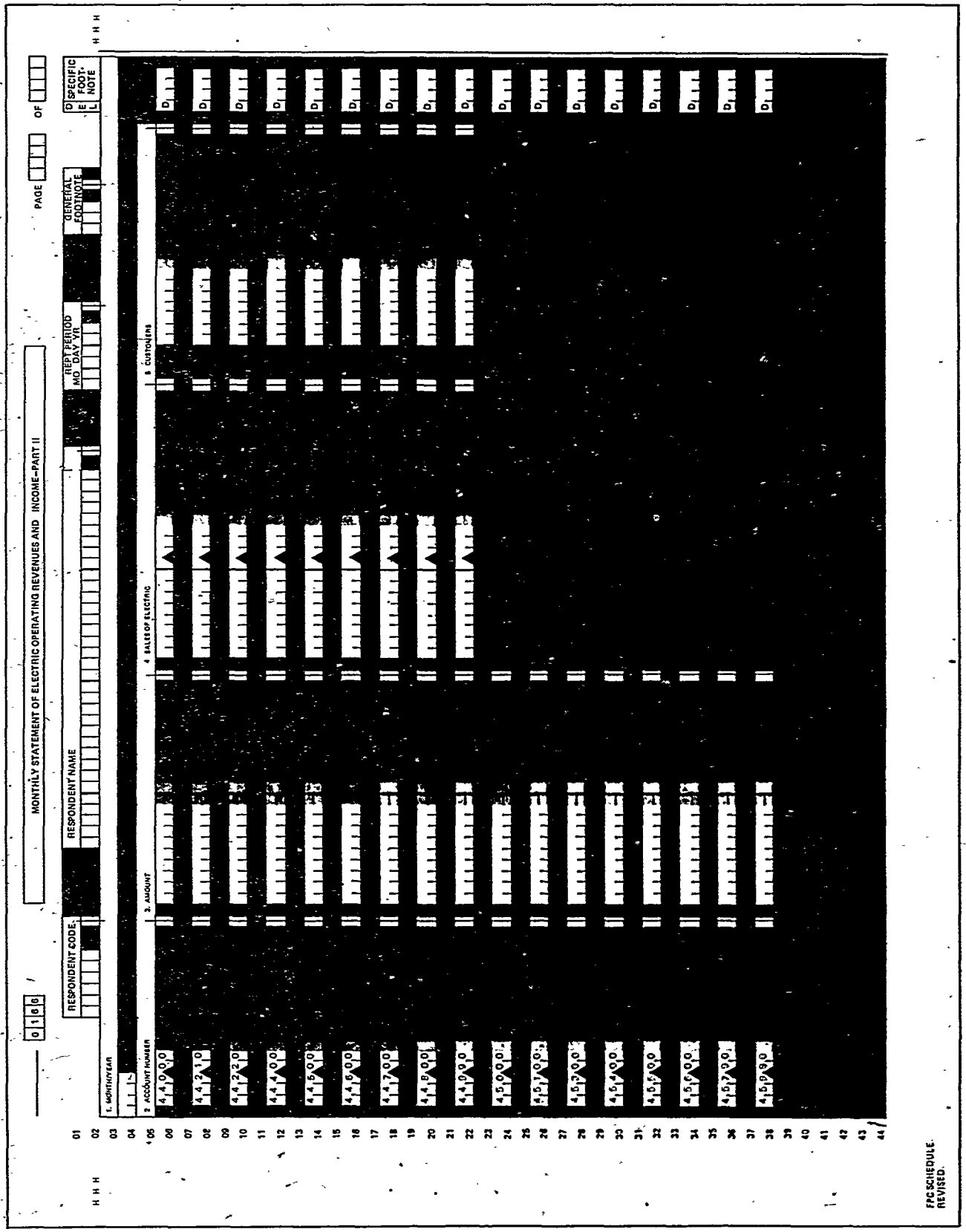
Docket No. RM76-25 Attachment F

FINANCIAL REPORT FOR MUNICIPAL ELECTRIC UTILITIES AND FEDERAL PROJECTS

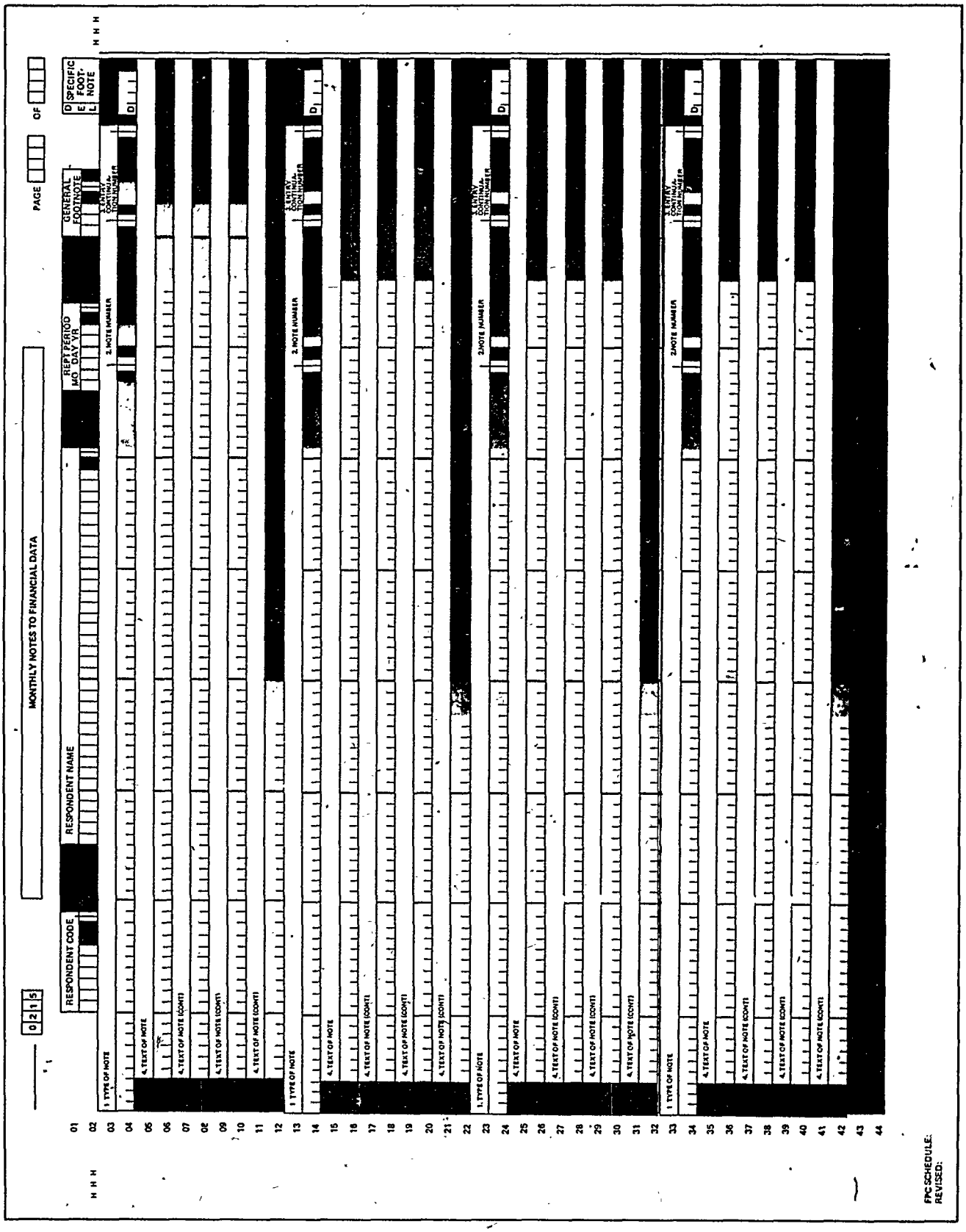
SAMPLE SCHEDULES 0165, 0166 AND 0215


MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUES AND INCOME—PART I
RESPONDENT CODE
RESPONDENT NAME
REPT PERIOD MO DAY YR
GENERAL FOOTNOTE
PAGE
OF
SPECIFIC FOOT NOTE
1. MONTH/YEAR
2. ACCOUNT NUMBER
3. AMOUNT
FPC SCHEDULE:
REVISED:

SAMPLE


MONTHLY STATEMENT OF ELECTRIC OPERATING REVENUES AND INCOME—PART II
RESPONDENT CODE
RESPONDENT NAME
REPT PERIOD MO DAY YR
PAGE
OF
GENERAL FOOTNOTE
SPECIFIC FOOT-NOTE
1. MONTH/YEAR
2. ACCOUNT NUMBER
3. AMOUNT
4. SALES OF ELECTRIC
5. CUSTOMERS
FPC SCHEDULE REVISED.

SAMPLE


MONTHLY NOTES TO FINANCIAL DATA
0215
RESPONDENT CODE
RESPONDENT NAME
REPT PERIOD MO DAY YR
GENERAL FOOTNOTE
SPECIFIC FOOTNOTE
PAGE
OF
1 TYPE OF NOTE
2 NOTE NUMBER
3 ENTRY SEQUENCE NUMBER
4 TEXT OF NOTE
4 TEXT OF NOTE (CONT)
FPC SCHEDULE:
REVISED:

SAMPLE

Docket No. RM76-25 Attachment G

PUBLICLY OWNED ELECTRIC UTILITIES
HAVING ANNUAL ELECTRIC OPERATING
REVENUES OF $2,500,000 OR MORE

Publicly Owned Electric Utilities Having Annual Electric Operating Revenues of $2,500,000 or More

Albertville Municipal Utilities Board
210 West Main St., Box 130
Albertville, Alabama 35950

Athens Electric Department
Box 268
Athens, Alabama 35611

Bessemer Electric Service
1600 First Avenue, N.
Box 846
Bessemer, Alabama 35020

Cullman Utilities Board
Drawer 927
Cullman, Alabama 35055

Decatur Electric Department
110 Johnston St., S. E.
Box 1469
Decatur, Alabama 35601

Dothan Electric Department
St. Andrews Street
Dothan, Alabama 36301

Florence Electricity Dept.
Box 877
Florence, Alabama 35630

Foley Utilities Board
413 E. Laurel Avenue
Box 550
Foley, Alabama 36535

Huntsville Utilities
Box 2048
Huntsville, Alabama 35804

Scottsboro Electric Power Board
Box 399
Scottsboro, Alabama 35768

Sheffield City Power, Water & Gas Department
300 Nashville Ave., Box 580
Sheffield, Alabama 35660

*Anchorage Municipal Light & Power Department
1200 E. First Avenue
Anchorage, Alaska 99501

Fairbanks Municipal Utilities
645 Fifth Avenue, Box 2215
Fairbanks, Alaska 99707

Arizona Power Authority
1810 W. Adams, Box 6694
Phoenix, Arizona 85005

Electrical District No. 2
Pinal County, Box 66
Coolidge, Arizona 85228

Mesa, City of
55 N. Center St., Box 1466
Mesa, Arizona 85201

Navaho Tribal Utility Authority
Box 170
Fort Defiance, Arizona 86504

*Salt River Project
Box 1980
Phoenix, Arizona 85001

Conway Corporation
1319 Prairie St., Box 99
Conway, Arkansas 72032

Jonesboro City Water & Light
400 E. Monroe, Box 1289
Jonesboro, Arkansas 72401

North Little Rock Electric Dept.
800 Main Street
North Little Rock, Arkansas 72114

* Alameda Bureau of Electricity
2000 Grand Street
Alameda, California 94501

Anaheim, City of
518 S. Anaheim Blvd., Box 3222
Anaheim, California 92805

* Burbank Public Service Department
164 W. Magnolia Blvd., Box 631
Burbank, California 91503

California Department of Water Resources
1416 Ninth Street
Sacramento, California 95814

Colton Electric Department
650 N. La Cadena Avenue
Colton, California 92324

*Glendale Public Service Department
119 N. Glendale Avenue
Glendale, California 91206

Hetch Hetchy Water Supply
& Power Project
855 Harrison Street
San Francisco, California 94107

Lodi Municipal Electric Works
City Hall, 221 W. Pine Street
Lodi, California 95240

*Los Angeles Department of Water
and Power
111 N. Hope Street, Box 111
Los Angeles, California 90054

*Modesto Irrigation District
1231 Eleventh St., Box 4060
Modesto, California 95352

Palo Alto Dept. of Light & Power
250 Hamilton Avenue
Palo Alto, California 94301

*Pasadena Municipal Light & Power
Department
100 N. Garfield Avenue
Pasadena, California 91109

Riverside Dept. of Public Utilities
City Hall, 3900 Main Street
Riverside, California 92502

Sacramento Municipal Utility District
6201 S St., Box 15820
Sacramento, California 95813

San Francisco Public Utilities
Commission
Rm. 287, City Hall
San Francisco, California 94102

Santa Clara Municipal Electric Dept.
1500 Warburton Avenue
Santa Clara, California 95050

*Turlock Irrigation District
333 E. Canal Drive, Box 949
Turlock, California 95380

*Colorado Springs Dept. of Public
Utilities
18 S. Nevada Ave., Box 1103
Colorado Springs, Colorado 80947

Fort Collins Light & Power Department
300 La Porte Avenue, Box 580
Fort Collins, Colorado 80521

Longmont Municipal Light & Power Dept.
City Hall, Fourth and Kimbark Streets
Longmont, Colorado 80501

Groton Department of Utilities
295 Meridian St., Box 820
Groton, Connecticut 06340

Norwich Dept. of Public Utilities
34 Shetucket Street
Norwich, Connecticut 06360

Wallingford Electric Division, Dept.
of Public Utilities
100 John St., Box 190
Wallingford, Connecticut 06492

Dover, City of
Box 475
Dover, Delaware 19901

Newark, City of
Main and Academy Sts., Box 390
Newark, Delaware 19711

Bartow City Electric Department
250 N. Central, Box 1669
Bartow, Florida 33820

Fort Pierce Utilities Authority
609 S. Sixth St., Box 3191
Fort Pierce, Florida 33450

Gainesville-Alachua County Regional
Electric Water & Sewer Utilities Board
P. O. Box 490
Gainesville, Florida 32601

Homestead Power Plant
940 N.W. First Ave., Drawer 429
Homestead, Florida 33030

*Jacksonville Electric Authority
233 W. Duval Street
Jacksonville, Florida 32202

Jacksonville Beach Electric Department
11 N. Third Street
Jacksonville Beach, Florida 32250

Key West Utility Board
535 Eaton St., Drawer 1060
Key West, Florida 33040

Kissimmee, City of
112 Ruby Ave., Box 340
Kissimmee, Florida 32741

Lakeland Dept. of Electric & Water Utilities
1000 E. Parker St., Box 368
Lakeland, Florida 33802

Lake Worth Utilities Authority
114 College Street
Lake Worth, Florida 33460

Leesburg Electric Department
223 S. Fifth St., Box 630
Leesburg, Florida 32748

New Smyrna Beach Utilities Commission
Box 519
New Smyrna Beach, Florida 32069

Ocala, City of
City Hall, Box 1270
Ocala, Florida 32670

*Orlando Utilities Commission
400 S. Orange Ave., Box 3193
Orlando, Florida 32802

Tallahassee Electric Department
2602 Jackson Bluff Road
Tallahassee, Florida 32304

Vero Beach Municipal Plant
City Hall, 1053 Twentieth Place
Box 1389
Vero Beach, Florida 32960

Albany Water, Gas & Light Commission
111 Oglethorpe Ave., Box 1788
Albany, Georgia 31702

Crisp County Power Commission
Box 489
Cordele, Georgia 31015

East Point Electrical Dept.
City Hall Annex, Box 348
East Point, Georgia 30344

Griffin Light, Water & Sewerage Dept.
Griffin, Georgia 30223

La Grange Electric Department
200 Ridley St., Box 430
La Grange, Georgia 30240

Marietta Board of Light & Water Works
42 Atlanta Rd., Box 609
Marietta, Georgia 30061

Thomasville Water & Light Department
411 W. Jackson St., Box 50
Thomasville, Georgia 31792

Idaho Falls Electric Division
308 C St., Box 220
Idaho Falls, Idaho 83401

Geneva Municipal Electric Light & Water Works
2 W. State Street
Geneva, Illinois 60134

Naperville Light Department
175 W. Jackson Avenue
Naperville, Illinois 60540

St. Charles, City of
2 E. Main Street
St. Charles, Illinois 60174

* Springfield City Water, Light & Power
201 Municipal Building
Springfield, Illinois 62701

Anderson Municipal Light & Power
550 Baxter Road
Anderson, Indiana 46011

Crawfordsville Electric Light & Power
City Building, Box 428
Crawfordsville, Indiana 47933

Frankfort Utilities Board
758 Washington Avenue
Frankfort, Indiana 46041

Logansport Municipal Utilities
City Building, 601 E. Broadway
Logansport, Indiana 46947

Mishawaka Municipal Utilities
126 N. Church Street
Mishawaka, Indiana 46544

*Richmond Power and Light
2000 Hwy. U.S. 27 South, Box 908
Richmond, Indiana 47374

Ames Municipal Electric System
Municipal Bldg.
Ames, Iowa 50010

Cedar Falls Municipal Utilities
612 E. Twelfth Street
Cedar Falls, Iowa 50613

Muscatine Power & Water
818 E. Eighth Street
Muscatine, Iowa 52761

Coffeyville Municipal Light & Power
Seventh and Spring Sts. Box 498
Coffeyville, Kansas 67337

Kansas City Board of Public Utilities
700 Minnesota Avenue
Kansas City, Kansas 66101

McPherson Board of Public Utilities
400 E. Kansas, Box 650
McPherson, Kansas 67460

Bowling Green Electric Plant Board
805 Center Street, Box 149
Bowling Green, Kentucky 42101

Frankfort Electric and Water Plant Board
315 W. Second Street, Box 308
Frankfort, Kentucky 40601

Glasgow Electric Plant Board
100 Mallory Drive, Box 390
Glasgow, Kentucky 42141

Hopkinsville Electric Plant Board
101 N. Main Street
Hopkinsville, Kentucky 42240

Murray Electric System
401 Olive Street, Box 391
Murray, Kentucky 42071

Owensboro Municipal Utilities
115 E. Fourth St., Box 780
Owensboro, Kentucky 42301

Paducah Electric Plant Board
1400 Broadway, Box 180
Paducah, Kentucky 42001

Alexandria Municipal Power & Light Dept.
City Hall, 1011 N. Third, Box 71
Alexandria, Louisiana 71301

Lafayette Utilities Systems
733 Jefferson St., Box 4017-C
Lafayette, Louisiana 70501

Monroe Utilities Commission
2809 Louisville Ave., Box 84
Monroe, Louisiana 71201

Morgan City Municipal Power Plant
808 Florence St., Box 1218
Morgan City, Louisiana 70380

Ruston Utilities System
McDonald Ave., Box 280
Ruston, Louisiana 71270

Easton Utilities Commission
11 S. Harrison Street
Easton, Maryland 21601

Hagerstown Municipal Electric Light Dept.
W. Memorial Blvd.
Gagerstown, Maryland 21740

Belmont Municipal Light Department
450 Concord Avenue
Belmont, Massachusetts 02178

Braintree Electric Light Department
44 Allen Street
Braintree, Massachusetts 02184

Chicoppe Electric Light Department
725 Front Street
Chicoppe, Massachusetts 01013

Concord Municipal Light Plant
133 Keyes Road
Concord, Massachusetts 01742

Danvers Electric Department
2 Burroughs Street
Danvers, Massachusetts 01923

Hingham Light Department
19 Elm Street
Hingham, Massachusetts 02043

Holyoke Gas & Electric Department
70 Suffolk Street
Holyoke, Massachusetts 01040

Hudson Light and Power Dept.
49 Forest Avenue
Hudson, Massachusetts 01749

Mansfield Municipal Electric Department
50 West Street
Mansfield, Massachusetts 02048

Middleborough Gas & Electric Department
Town Hall, Nickerson Avenue
Middleborough, Massachusetts 02346

North Attleborough Electric Dept.
7 S. Washington Street, Box 790
North Attleborough, Massachusetts 02671

Norwood Municipal Light Department
404 Central Street, Box 40
Norwood, Massachusetts 02062

Peabody Municipal Light Plant
70 Endicott Street, Box 673
Peabody, Massachusetts 01960

Reading Municipal Light Dept.
25 Haven Street
Reading, Massachusetts 01867

Shrewsbury Municipal Light Dept.
100 Maple Avenue
Shrewsbury, Massachusetts 01545

*Taunton Municipal Lighting Plant
55 Weir Street, Box 870
Taunton, Massachusetts 02780

Wakefield Municipal Light Dept.
9 Alboin Street
Wakefield, Massachusetts 01880

Wellesley Department of Public Works
Electric Division, 455 Worcester St.
Box 364
Wellesley Hills, Massachusetts 02181

Westfield Gas & Electric Light Dept.
101 Elm Street
Westfield, Massachusetts 01085

Bay City Electric Light Dept.
301 Washington
Bay City, Michigan 48706

Coldwater Board of Public Utilities
21 S. Monroe Street
Coldwater, Michigan 49036

Detroit Public Lighting Commission
7500 Joseph Campau Avenue
Detroit, Michigan 48211

Escanaba Municipal Electric Utility
120 N. Eighth Street
Escanaba, Michigan 49829

Grand Haven Board of Light & Power
City Hall
Grand Haven, Michigan 49417

Holland Board of Public Works
City Hall, 268 River Avenue
Holland, Michigan 49423

*Lansing Board of Water & Light
123 W. Ottawa Street, Box 570
Lansing, Michigan 48903

Marquette Department of Light & Power
City Hall, Drawer 40
Marquette, Michigan 49855

Traverse City Light & Power Dept.
160 E. State Street
Traverse City, Michigan 49684

Wyandotte Department of Municipal Service
140 Elm Street
Wyandotte, Michigan 48192

Austin Utilities
500 Fourth Avenue, S.E.
Box 368
Austin, Minnesota 55912

* Power Authority of the State of New York
10 Columbus Circle
New York, New York 10019

Rockville Centre Municipal Electric System
110 Maple Ave., Box 150
Rockville Centre, New York 11571

Albemarle Light Department
Box 190
Albemarle, North Carolina 28001

Concord Board of Light & Water Commission
66 S. Union St., Box 567
Concord, North Carolina 28025

Elizabeth City Public Utility Commission
300-02 E. Colonial Avenue
Box 347
Elizabeth City, North Carolina 27909

Fayetteville Public Works Commission
508 Person Street, Drawer 1089
Fayetteville, North Carolina 28302

Gastonia Utilities Department
City Hall, Box 1748
Gastonia, North Carolina 28052

Greenville Utilities Commission
205 W. Fifth St., Box 1847
Greenville, North Carolina 27834

High Point Department of Public Utilities
200 E. Commerce St., Box 230
High Point, North Carolina 27260

Kinston Public Utilities
207 E. King St., Box 339
Kinston, North Carolina 28501

Lexington Water, Light & Power Department
City Hall, Box 649
Lexington, North Carolina 27292

Lumberton Utilities Department
609 N. Water Street
Lumberton, North Carolina 28358

Monroe Water & Light Department
Box 69
Monroe, North Carolina 28110

Morganton Electric Utilities
201 W. Meeting St., Drawer 430
Morganton, North Carolina 28655

New Bern Water & Light Department
Box 1129
New Bern, North Carolina 28560

Rocky Mount Public Utilities
117 N. Main St., Box 1180
Rocky Mount, North Carolina 27801

Shelby Utilities
City Hall, Box 207
Shelby, North Carolina 28150

Statesville Light Department
227 S. Center St., Box 1111
Statesville, North Carolina 28677

Tarboro Electric Department
500 Main St., Box 220
Tarboro, North Carolina 27886

Washington Municipal Electric & Water Department
Box 850
Washington, North Carolina 27889

Wilson Utilities
112 N. Coldsboro St., Box 10
Wilson, North Carolina 27893

Bowling Green Board of Public Affairs
515 E. Wooster Street
Bowling Green, Ohio 43402

Cleveland Division of Light & Power
1201 Lakeside Avenue
Cleveland, Ohio 44114

Rochester Department of Public Utilities
215 First Avenue, N.E.
Rochester, Minnesota 55901

Willmar Municipal Utilities Commission
704 W. Litchfield Avenue, Box 937
Willmar, Minnesota 56201

Columbus Light & Water Dept.
Box 949
Columbus, Mississippi 39701

Greenwood Utilities
101 Wright Place, Box 866
Greenwood, Mississippi 38930

Tupelo Water & Light Dept.
Box 588
Tupelo, Mississippi 38801

Columbia Water & Light Dept.
Municipal Building
Seventh & Broadway, Box N.
Columbia, Missouri 65201

Independence City Power & Light
21500 E. Truman Road
Independence, Missouri 64056

Kirkwood Electric Division
212 S. Taylor Avenue
Kirkwood, Missouri 63122

*Springfield City Utilities
301 E. Central Street
Springfield, Missouri 65802

Central Nebraska Public Power & Irrigation District (The)
Fourth and Lincoln, Box 356
Holdredge, Nebraska 68949

Dawson County Public Power District
200 S. Washington St., Box 777
Lexington, Nebraska 68850

Fremont Department of Utilities
725 N. Park Avenue
Fremont, Nebraska 68025

Grand Island Utilities Dept.
102 W. Second St., Box 1968
Grand Island, Nebraska 68801

Hastings Utilities
1228 N. Denver, Box 289
Hastings, Nebraska 68901

* Lincoln Electric System
1401 O Street
Lincoln, Nebraska 68501

Loup River Public Power District
2404 Fifteenth St., Box 988
Columbus, Nebraska 68601

* Nebraska Public Power District
2504 Fourteenth St., Box 499
Columbus, Nebraska 68601

Norris Public Power District
606 Irving St., Box 399
Beatrice, Nebraska 68310

* Omaha Public Power District
Electric Building
1623 Harney Street
Omaha, Nebraska 68102

Southern Nebraska Rural Public Power District
1306 W. Third St., Box 340
Grand Island, Nebraska 68801

Vineland Electric Utility
Seventh and Wood Streets
Vineland, New Jersey 08360

Farmington Electric Utility
Box 900
Farmington, New Mexico 87401

Freeport Municipal Light Plant
46 N. Ocean Avenue
Freeport, New York 11520

* Jamestown Board of Public Utilities
200-212 E. Third St., Box 700
Jamestown, New York 14701

Columbus Division of Electricity
Room 127, City Hall
90 W. Broad Street
Columbus, Ohio 43215

Cuyahoga Falls Electric System
2550 Bailey Road
Cuyahoga Falls, Ohio 44221

Hamilton Department of Public Utilities
Municipal Building, 20 High St., Box 747
Hamilton, Ohio 45011

Orrville Municipal Utilities
1115 Perry Street, Box 126
Orrville, Ohio 44667

Painesville Electric Power Dept.
City Hall, 7 Richmond Street
Painesville, Ohio 44077

Piqua Municipal Power System
219 W. Water Street
Piqua, Ohio 45356

*Grand River Dam Authority
Drawer G
Vinita, Oklahoma 74301

Ponca City Municipal Water & Light Department
1400 N. Union, Box 1450
Ponca City, Oklahoma 74601

Stillwater Municipal Water & Light Department
723 S. Lewis St., Box 631
Stillwater, Oklahoma 74074

Central Lincoln People's Utility District
255 S. W. Coast Highway
Newport, Oregon 97365

*Eugene Water & Electric Board
500 E. Fourth Ave., Box 1112
Eugene, Oregon 97401

Springfield Utility Board
250 N. A St., Box 300
Springfield, Oregon 97477

Tillamook People's Utility District
906 Main Ave., Box 433
Tillamook, Oregon 97141

Chambersburg Municipal Electric Light Department
100 S. Second Street
Chambersburg, Pennsylvania 17201

Lansdale Municipal Power Plant
421 W. Main
Lansdale, Pennsylvania 19446

Easley Commission of Public Works
202 N. First St., Box 605
Easley, South Carolina 29640

Rock Hill Utilities
120 Hampton St., Box 821
Rock Hill, South Carolina 29371

South Carolina Public Service Authority
223 N. Live Oak Drive, Box 398
Moncks Corner, South Carolina 29461

Athens Utilities Board
100 Englewood Road, Box 689
Athens, Tennessee 37303

Blount Electric System
264 N. Rankin Road
Alcoa, Tennessee 37701

Bolivar Electric Department
Box 188
Bolivar, Tennessee 38008

Bristol Electric System
137 Edgemont Avenue
Bristol, Tennessee 37620

Carroll County Electrical Dept.
Huntingdon, Tennessee 38344

*Chattanooga ElectricPower Board
537 Cherry Street
Chattanooga, Tennessee 37402

Clarksville Department of Electricity
Clarksville, Tennessee 37040

Cleveland Electric System
2450 Guthrie Drive, N.W.
Box 1479
Cleveland, Tennessee 37311

Clinton Utilities Board
Box 296
Clinton, Tennessee 37716

Columbia Power System
201 Pickens Lane, Box 633
Columbia, Tennessee 38401

Dickson Electric Department
202 S. Main Street, Box 627
Dickson, Tennessee 37055

Dyersburg Electric System
211 E. Court St., Box 664
Dyersburg, Tennessee 38024

Elizabethton Electric System
Box 790
Elizabeth, Tennessee 37643

Fayetteville Electric System
408 W. College St., Drawer E
Fayetteville, Tennessee 37334

Gallatin Department of Electricity
135 Jones St., Box 167
Callatin, Tennessee 37066

Greeneville Light & Power System
Box 420
Greeneville, Tennessee 37743

Harriman Utility Board
Roanne St., Box 434
Harriman, Tennessee 37748

Jackson Utility Division, Electric Department
119 E. College, Box 68
Jackson, Tennessee 38301

Johnson City Power Board
100 N. Roan St., Box 1636
Johnson City, Tennessee 37601

*Knoxville Utilities Board
626 Gay St., S. W., Box 1951
Knoxville, Tennessee 37901

La Follette Electric Department
N. Tennessee Ave., Box 1411
La Follette, Tennessee 37766

Lawrenceburg Power System
1607 N. Locust Avenue
Lawrenceburg, Tennessee 38464

Lebanon Electric Department
City Hall
Lebanon, Tennessee 37087

Lenoir City Utilities Board
200 Depot St., Box 499
Lenoir City, Tennessee 37771

Lexington Electric System
Box 30
Lexington, Tennessee 38351

Maryville Utilities Board
Box 280
Maryville, Tennessee 37801

* Memphis Light, Gas & Water Division
220 S. Main St., Box 430
Memphis, Tennessee 38101

Milan Department of Public Utilities
407 S. Second St., Box 109
Milan, Tennessee 38358

Morristown Power System
441 W. Main St., Box 667
Morristown, Tennessee 37814

Murfreesboro Electric Department
225 N. Walnut St., Box 9
Murfreesboro, Tennessee 37130

* Nashville Electric Service
1214 Church Street
Nashville, Tennessee 37246

Newport Utilities Board
Box 510
Newport, Tennessee 37821

Oak Ridge Electrical Department
Oak Ridge, Tennessee 37830

Paris Board of Public Utilities
117 E. Washington Street
Box 460
Paris, Tennessee 38242

Pulaski Electric Systems
S. First St., Box 368
Pulaski, Tennessee 38478

Rockwood Electric Utility
Box 108
Rockwood, Tennessee 37854

Sevier County Electric System
Church St., Box 310
Sevierville, Tennessee 37862

Shelbyville Power System
308 S. Main St., Box 530
Shelbyville, Tennessee 37160

Tullahoma Utilities Board
201 W. Grundy, Box 788
Tullahoma, Tennessee 37388

Union City Electric System
215 E. Grove St., Box 369
Union City, Tennessee 38261

Weakley County Municipal
Electric System
501 Lindell St., Box 170
Martin, Tennessee 38237

Austin Electric Utility
Box 1088
Austin, Texas 78767

Brownsville Public Utilities
Board
Box 3270
Brownsville, Texas 78520

Bryan Public Utility
300 S. Washington, Box 1000
Bryan, Texas 77801

Denton Electric Light & Power
System
215 E. McKinney
Denton, Texas 76201

Garland Municipal Power & Light
Box 189
Garland, Texas 75040

Greenville Municipal Light & Power
2810 Washington St., Box 1049
Greenville, Texas 75401

* Lower Colorado River Authority
414 N. Main, Box 220
Austin, Texas 78767

Lubbock Municipal Power & Light
Box 2000
Lubbock, Texas 79457

* San Antonio City Public
Service Board
Box 1771
San Antonio City, Texas 78296

Murray City Corporation Power
Department
153 W., 4800 South
Murray, Utah 84107

Provo City Power
251 W. 800 N., Box 658
Provo, Utah 84601

Burlington Electric Light Dept.
585 Pine Street
Burlington, Vermont 05401

Bedford Municipal Electric Department
215 E. Main St., Drawer 37
Bedford, Virginia 24523

Bristol Utilities Board
300 Lee Street
Bristol, Virginia 24201

Danville Water, Gas & Electric Departments
Municipal Building
Patton Street, Drawer 3308
Danville, Virginia 24541

Harrisonburg Electric Commission
89 W. Bruce Street
Harrisonburg, Virginia 22801

Martinsville Electric Department
Box 1112
Martinsville, Virginia 24112

Benton County Pud No. 1
524 S. Auburn St., Box 6270
Kennewick, Washington 99336

Chelan County Pud No. 1
327 N. Wenatchee Ave., Box 1231
Wenatchee, Washington 98801

Clallam County Pud No. 1
Highway 101 East, Box 951
Port Angeles, Washington 98362

Clark County Pud No. 1
1200 Fort Vancouver Way
Box 1626
Vancouver, Washington 98663

*Cowlitz County Pud No. 1
960 Commerce Avenue
Longview, Washington 98632

Douglas County Pud No. 1
1151 N. Main Street.
East Wenatchee, Washington 98801

Franklin County Pud No. 1
1411 W. Clark, Box 2407
Pasco, Washington 99302

Grant County Pud No. 2
Box 878
Ephrata, Washington 98823

*Grays Harbor County Pud No. 1
Box 480
Aberdeen, Washington 98520

Lewis County Pud No. 1
321 N.W. Pacific Avenue
Box 330
Chehalis, Washington 98532

Mason County Pud No. 3
Third and Cota Street
Box 490
Shelton, Washington 98584

Okanogan County Pud No. 1
Box 912
Okanogan, Washington 98840

Richland Electric Department
City Hall, Box 190
Richland, Washington 99352

* Seattle City Light
1015 Third Avenue
Seattle, Washington 98104

Snohomish County Pud No. 1
2320 California Avenue
Box 1107
Everett, Washington 98206

* Tacoma City Light
3628 S. 35th St., Box 11007
Tacoma, Washington 98411

Washington Public Power Supply System
3000 George Washington Way
Box 968
Richland, Washington 99352

* Kaukauna Electrical & Water Department
101 Main Ave., Box 30
Kaukauna, Wisconsin 54103

Manitowoc Public Utilities
1303 S. Eight St., Box 278
Manitowoc, Wisconsin 54220

Marshfield Electric & Water Dept.
2000 S. Roddis Avenue
Marshfield, Wisconsin 54449

Panama Canal Company
Electrical Division
Box 2010
Balboa, Canal Zone 52-3421

Guam Power Authority
P. O. Box 2977
Agana, Guam 96910

Puerto Rico Water Resources Authority
Box 4267
San Juan, Puerto Rico 00936

Virgin Islands Water and Power Authority
Box 1492
Charlotte Amalie, St. Thomas
U. S., Virgin Islands 00801

Henderson Municipal Power & Light
Fourth and Water Streets
Box 8
Henderson, Kentucky 42420

Marblehead Municipal Light Department
80 Commercial St.; Box 369
Marblehead, Massachusetts 01945

Opelika Light & Power Department
1010 Avenue
Opelika, Alabama 36801

Imperial Irrigation District
P. O. Box 937
Imperial, California 92251

Colorado River Resources
Colorado River Commission of Nevada
P. O. Box 1748
Las Vegas, Nevada 89101

*Tennessee Valley Authority
Old Post Office Building
Knoxville, Tennessee 37902

* U. S. Department of Interior
Bonneville Power Administration
1002 N. E. Holloday
Portland, Oregon 97232

U. S. Department of Interior
Southeastern Power Administration
Elberton, Georgia 30635

U. S. Department of Interior
Southwestern Power Administration
P. O. Drawer 1619
Tulsa, Oklahoma 74101

U. S. Department of Interior
Bureau of Reclamation
Boulder Canyon Project
P. O. Box 427
Boulder City, Nevada 89005

U. S. Department of Interior
Bureau of Reclamation
Central Valley Project
2800 Cottage Way
Sacramento, California 95825

U. S. Department of Interior
Bureau of Reclamation
Colorado River Storage Project
P. O. Box 11568
Salt Lake City, Utah 84147

U. S. Department of Interior
Bureau of Reclamation
Columbia Basis Project
Box 043 - 550 West Fort Street
Boise, Idaho 83724

U. S. Department of Interior
Bureau of Reclamation
Pick-Sloan Missouri Basin Program
P. O. Box 2553
Billings, Montana 59103

U. S. Department of Interior
Bureau of Reclamation
Parker-Davis Project
Post Office Box 6457
Phoenix, Arizona 85005

Department of the Army 1/
U. S. Corps of Engineers
Mr. Vince DiRago
HQDA (DEAN-Ecf-C)
Washington, D. C. 20314

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U. S. Army Engineer District
District Engineer
Chief Joseph Dam
1519 Alaskan Way South
Seattle, Washington 98134

U. S. Army Engineer District
District Engineer
Dworshak Dam & Reservoir
Bldg. 602, City-County Airport
Walla Walla, Washington 99362

U. S. Army Engineer District
District Engineer
Ice Harbor Lock & Dam Project
Bldg. 602, City-County Airport
Walla Walla, Washington 99362

U. S. Army Engineer District
District Engi eer
Lower Monumental Lock & Dam Project
Bldg. 602, City-County Airport
Walla Walla, Washington 99362

U. S. Army Engineer District
District Engineer
McNary Lock & Dam Project
Bldg. 602, City-County Airport
Walla Walla, Washington 99362

U. S. Army Engineer District
District Engineer
The Dalles Dam Project
P. O. Box 2946
Portland, Oregon 97208

U. S. Army Engineer District
District Engineer
Big Bend Dam & Reservoir Project
7410 U. S. Post Office & Court House
Omaha, Nebraska 68102

U. S. Army Engineer District
District Engineer
Fort Peck Dam & Reservoir Project
7410 U. S. Post Office & Court House
Omaha, Nebraska 68102

U. S. Army Engineer District
District Engineer
Fort Randall Dam & Reservoir Project
7410 U. S. Post Office & Court House
Omaha, Nebraska 68102

U. S. Army Engineer District
District Engineer
Garrison Dam & Reservoir Project
7410 U. S. Post Office & Court House
Omaha, Nebraska 68102

U. S. Army Engineer District
District Engineer
Oahe Dam & Reservoir Project
7410 U. S. Post Office & Court House
Omaha, Nebraska 68102

U. S. Army Engineer District
District Engineer
Hartwell Lake
P. O. Box 889
Savannah, Georgia 31402

U. S. Army Engineer District
District Engineer
Millers Ferry Lock & Dam
2301 Airport Boulevard
Mobile, Alabama 36606

U. S. Army Engineer District
District Engineer
John H. Kerr Dam & Reservoir
P. O. Box 1890
Wilmington, North Carolina 28401

U. S. Army Engineer District
District Engineer
J. Percy Priest Dam & Reservoir Project
P. O. Box 1070
Nashville, Tennessee 37202

U. S. Army Engineer District
District Engineer
Wolf Creek Dam-Lake Cumberland Project
P. O. Box 1070
Nashville, Tennessee 37202

U. S. Army Engineer District
District Engineer
John Day Dam Project
P. O. Box 2946
Portland, Oregon 97208

U. S. Army Engineer District
District Engineer
Little Goose Lock & Dam
Bldg. 602, City-County Airport
Walla Walla, Washington 99362

* Currently files the monthly FPC Form No. 5.

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