

federal register

WEDNESDAY, APRIL 28, 1976



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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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	CSC			CSC
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

- H.R. Res. 7988..... Pub. Law 94-278
Health Research and Health Services Amendments of 1976
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- S. 1941..... Pub. Law 94-279
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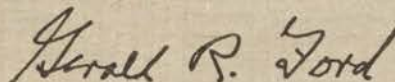
April 26, 1976

Collection of Information for Import Relief and Adjustment Assistance

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g)), and as President of the United States of America, in order to reduce the reporting burden with respect to the collection of information pursuant to Title II of the Trade Act of 1974 (88 Stat. 2011, 19 U.S.C. 2251 *et seq.*) and consistent with Chapter 35 of Title 44 of the United States Code, it is hereby ordered as follows:

SECTION 1. Whenever the United States International Trade Commission, in connection with investigations pursuant to Section 201 of the Trade Act of 1974 (19 U.S.C. 2251), collects factual data from firms on their sales, production, employment, and financial experience, the Commission shall provide such information to the Secretaries of Commerce and Labor.

SEC. 2. The Secretaries of Commerce and Labor shall ensure that the factual data, received pursuant to Section 1, are used solely for the performance of their functions pursuant to Sections 264 and 224, respectively, of the Trade Act of 1974 (19 U.S.C. 2354 and 2274).



THE WHITE HOUSE,
April 26, 1976.

[FR Doc.76-12536 Filed 4-27-76;10:06 am]

rules and regulations

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

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

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Amendment 6]

PART 113—NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS OF SBA—INCLUSION OF SUBSECTION (b) LENDERS AS BEING SUBJECT TO PART 113

Miscellaneous Amendments to Part

On March 3, 1976, there was published in the FEDERAL REGISTER a notice that the Small Business Administration proposed to change its procedures involving nondiscrimination in Financial Assistance Programs by amending 13 CFR Part 113. Interested parties were given 30 days to submit comments, suggestions or objections regarding the proposed amendment. No response was received. Therefore, it has been determined to amend this part as published. Accordingly, Part 113 of Chapter I of Title 13 CFR is hereby amended by:

§ 113.2 [Amended]

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

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

Effective date: April 28, 1976.

Dated: April 20, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-12258 Filed 4-27-76;8:45 am]

Title 16—COMMERCIAL PRACTICES

CHAPTER 1—FEDERAL TRADE COMMISSION

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Length of Briefs

The Commission announces the following amendment to Part 3 of Subchapter A of 16 CFR Chapter 1, to identify the material which is excluded from the 60-page limitation placed on the length of briefs.

Section 3.52(e) is amended to read as follows:

§ 3.52 Appeal from initial decision.

(e) *Length of briefs.*—No brief in excess of 60 pages, including any appendices, shall be filed without leave of the Commission. The 60-page limitation shall be exclusive of pages containing the table of contents, tables of authorities and any addendum containing statutes, rules and regulations.

Effective date: This amendment is effective April 28, 1976.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46); 80 Stat. 383, as amended, 81 Stat. 54, 88 Stat. 1561 (5 U.S.C. 552).)

By direction of the Commission, dated April 14, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-12265 Filed 4-27-76;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. FI-1072]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 F.R. 57210-212 and 41 F.R. 1062). A list of servicing companies is also available

from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

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

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

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

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

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
Alabama	Clarke	Thomasville, city of	Apr. 19, 1976, emergency	Aug. 1, 1975	010041
Georgia	Bartow	Emerson, city of	do	Apr. 4, 1975	130276
Illinois	La Salle	Kangley, village of	do	Mar. 28, 1975	170879
Maine	Penobscot	Dixmont, town of	do	Feb. 21, 1975	230851
New Hampshire	Sullivan	Sunapee, town of	do	June 28, 1974	330164A
				Feb. 6, 1976	
New York	Pulton	Perth, town of	do	Oct. 18, 1974	361135
Do	Livingston	West Sparta, town of	do		360391
Pennsylvania	Somerset	Quemahoning, township of	do	Dec. 20, 1974	422053
Do	Cambria	Scalp Level, borough of	do	June 28, 1974	420237
Do	Armstrong	Sugarcreek, township of	do	Jan. 24, 1975	422303
Texas	Gray	Pampa, city of	do	May 10, 1974	480258

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
Indiana	Randolph	Parker City, town of	do	July 11, 1975	180391
Kansas	Butler	Rose Hill, city of	do	Aug. 8, 1975	200454
Kentucky	Owen	Monterey, city of	do	Mar. 28, 1975	210296
Maine	Aroostook	Chapman, town of	do	do	230015
Massachusetts	Franklin	Deerfield, town of	do	Sep. 13, 1974	250115
Montana	Sanders	Hot Springs, town of	do	June 7, 1974	300073A
Nebraska	Greely	Wolbach, village of	do	Nov. 8, 1974	310090
New York	Fulton	Ephratah, town of	do	Jan. 31, 1975	361399A
Oklahoma	Le Flore	Wister, city of	Aug. 6, 1971, emergency; Apr. 14, 1976, regular	Apr. 14, 1976	400086A
Pennsylvania	Huntingdon	Cromwell, township of	Apr. 20, 1976, emergency	Dec. 27, 1974	421688
Wisconsin	Green	Unincorporated areas	Nov. 1, 1974, emergency	Dec. 6, 1974	550157
Maine	Piscataquis	Abbot, town of	Apr. 21, 1976, emergency	Feb. 14, 1975	230406
Do	York	Arundel, town of	do	Apr. 4, 1975	230192
Do	Oxford	Hebron, town of (1)	do	Apr. 11, 1975	230335
New Hampshire	Carroll	Bartlett, town of	do	June 28, 1974	330010
New Mexico	Sandoval	Jemez Springs, village of	do	Dec. 13, 1974	350036
North Dakota	Walsh	Edinburg, city of	do	Jan. 17, 1975	380165
Ohio	Lorain	Kipton, village of	do	Apr. 18, 1975	390743
Pennsylvania	Somerset	Stonybrook, township of	do	Jan. 3, 1975	422524
Vermont	Chittenden	Huntington, town of	do	July 21, 1974	500036
Maine	Kennebec	Clinton, town of	Apr. 22, 1976, emergency	Apr. 18, 1975	230236
Michigan	Saginaw	Albee, township of	do	Aug. 22, 1975	260498
Minnesota	Hennepin	St. Bonifacius, city of	do	June 7, 1974	270183
Do	(1)	do	do	do	do
New Hampshire	Carroll	Brookfield, town of	do	Jan. 3, 1975	330179
New York	Nassau	Russell Gardens, village of	do	do	361583-New
Pennsylvania	Armstrong	Bradys Bend, township of	do	Nov. 29, 1974	421302
Do	Beaver	Georgetown, borough of	do	Mar. 28, 1975	422316
Tennessee	Obion	Troy, town of	do	Jan. 24, 1975	470252
Arkansas	Montgomery	Unincorporated areas	Apr. 23, 1976, emergency	do	050453
Illinois	Putnam	Mark, village of	do	Feb. 21, 1975	170572A
Kentucky	Carroll	Sanders, town of	do	Jan. 23, 1974	210048
Mississippi	Greene	State Line, town of	do	July 18, 1975	280059
New York	Ontario	Canadice, town of	do	Nov. 8, 1974	361297
Pennsylvania	McKean	Corydon, township of	do	Apr. 4, 1975	422473
Do	Somerset	Ogle, township of	do	Dec. 13, 1974	422052
Wisconsin	Fond du Lac	St. Cloud, village of	do	Dec. 28, 1973	550142

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

Issued: April 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-12090 Filed 4-27-76; 8:45 am]

[Docket No. FI-1074]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

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

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas

unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

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

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the

Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to desig-

nate the effective date of the authorization or the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
Arizona	Cochise	Huachuca City, city of	Mar. 31, 1972, emergency. Feb. 14, 1976, regular. June 1, 1976, Suspension.	Dec. 28, 1973 July 25, 1975	040016A
Missouri	Mercer	Princeton, city of	Oct. 29, 1971, emergency. Feb. 14, 1976, regular. June 1, 1976, Suspension.	June 7, 1974 Nov. 28, 1975	290225A
Pennsylvania	Delaware	Brookhaven, borough of	Oct. 22, 1971, emergency. Feb. 14, 1976, regular. June 1, 1976, Suspension.	Feb. 9, 1973	430403A

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

Issued: April 19, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 76-12091 Filed 4-27-76; 8:45 am]

[Docket No. FI-107]

PART 1915—IDENTIFICATION OF
SPECIAL HAZARD AREAS

Administrative Withdrawal of Special Flood
Hazard Maps

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

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

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

fied special flood hazard areas of such flood-prone communities.

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

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

1. Present § 1915.6 is revised to read as follows:

§ 1915.6 Administrative withdrawal of maps.

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

The following is a cumulative list of withdrawals pursuant to this Part: 40 F.R. 5149, 40 F.R. 17015, 40 F.R. 20798,

40 F.R. 46102, 40 F.R. 53579, 40 F.R. 56672, 41 F.R. 1478, 41 F.R. 5090, 41 F.R. 13352, 41 F.R. 17726.

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

The following is a cumulative list of

withdrawals pursuant to this part: 40 F.R. 17015, 41 F.R. 1478.

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

State	County	Location	Map No. and FEDERAL REGISTER Citation	Effective date of withdrawal
Alabama	Autauga	Autaugaville, town of ¹	H 010001 01-02; Vol. 39, No. 119, pg. 2137.	Mar. 19, 1976
California	Los Angeles	Monterey Park, city of ¹	H 065047 01-04; Vol. 39, No. 156, pg. 28887.	Jan. 28, 1976
Do	do	Palos Verdes Estates, city of ¹	H 06 037 2670 01-03; Vol. 39, No. 97, pg. 17516.	Jan. 16, 1976
Do	do	Rolling Hills, city of ¹	H 060151 01; Vol. 39, No. 152, pg. 28249.	Feb. 9, 1976
Do	do	Signal Hill, city of ¹	H 060161 01; Vol. 39, No. 152, pg. 28249.	Jan. 28, 1976
Do	Yolo	Woodland, city of ¹	H 06 113 4258 01-04; Vol. 39, No. 23, pg. 4092.	Jan. 27, 1976
Colorado	Grand	Granby, town of ¹	H 080248 01; Vol. 40, No. 116, pg. 25468.	Jan. 19, 1976
Do	Otero	Manzanola, town of ¹	H 080134 01; Vol. 39, No. 107, pg. 19456.	Feb. 11, 1976
Connecticut	New London	Ledyard, town of ²	H 090157 01-14; Vol. 40, No. 42, pg. 8811.	Jan. 16, 1976
Do	Windham	Putnam, town of ²	H 090140 01-07; Vol. 39, No. 178, pg. 32892.	Jan. 21, 1976
Florida	Columbia	Big Alligator Lake, town of ²	H 120071 01; Vol. 39, No. 178, pg. 32893.	Apr. 6, 1976
Do	Polk	West Dundee, city of ³	H 120270 01; Vol. 39, No. 156, pg. 28888.	Apr. 5, 1976
Illinois	Vermilion	Alberton, village of ¹	H 170660 01; Vol. 39, No. 238, pg. 43080.	Jan. 26, 1976
Do	Henry	Cleveland, village of ²	H 170748 01; Vol. 39, No. 231, pg. 41504.	Jan. 18, 1976
Do	Saline	Eldorado, city of ¹	H 170596A 01; Vol. 40, No. 215, pg. 51620.	Mar. 25, 1976
Do	Fulton	Ipava, village of ¹	H 170756 01; Vol. 40, No. 24, pg. 5152.	Mar. 6, 1976
Do	McLean	Stanford, village of ¹	H 170503 01; Vol. 40, No. 64, pg. 14755.	Jan. 29, 1976
Do	Will	Symerton, village of ¹	H 17 197 8452 01; Vol. 39, No. 59, pg. 11185.	Feb. 9, 1976
Do	Brown	Timewell, village of ¹	H 170010 01; Vol. 39, No. 190, pg. 35161.	Mar. 5, 1976
Do	Lake	Vernon Hills, village of ²	H 17 098 8857 01-02; Vol. 39, No. 63, pg. 11896.	Mar. 3, 1976
Indiana	Clinton	Frankfort, city of ¹	H 18 023 1640 01-02; Vol. 39, No. 85, pg. 15103.	Feb. 9, 1976
Do	De Kalb	Spencerville, town of ²	H 18 033 4631 01; Vol. 39, No. 34, pg. 6051.	Mar. 29, 1976
Kansas	Barton	Chaffin, city of ²	H 200481 01; Vol. 40, No. 116, pg. 25409.	Mar. 24, 1976
Kentucky	Jefferson	West Buechel, city of ²	H 210264 01; Vol. 40, No. 19, pg. 4127.	Apr. 8, 1976
Louisiana	Tangipahoa Parish	Amite City, town of ¹	H 22 105 0050 01-02; Vol. 38, No. 233, pg. 33408.	Feb. 1, 1976
Do	Iberia	Jeanerette, town of ¹	H 22 045 1120 01; Vol. 38, No. 173, pg. 24358.	Do.
Maine	Franklin	Avon, town of ²	H 230345 01-12; Vol. 40, No. 19, pg. 4127.	Mar. 29, 1976
Massachusetts	Essex	Middleton, town of ²	H 250094 01; Vol. 39, No. 248, pg. 44395.	Mar. 19, 1976
Michigan	Kalamazoo	Parchment, city of ¹	H 26 077 3820 01; Vol. 39, No. 85, pg. 15104.	Jan. 21, 1976
Missouri	St. Louis	Berkeley, city of ²	H 29 189 0650 01-02; Vol. 39, No. 6, pg. 13433.	Mar. 29, 1976
Montana	Treasure	Hysham, town of ²	H 300080 01; Vol. 40, No. 7, pg. 2185.	Feb. 11, 1976
Nevada	Pershing	Lovelock, city of ¹	H 320025 01; Vol. 40, No. 2, pg. 770.	Feb. 9, 1976
Do	Washoe	Unincorporated areas ²	H 360010 01-26; Vol. 40, No. 7, pg. 2185.	Mar. 8, 1976
New York	Nassau	Atlantic Beach, village of ²	H 36 050 01295 01-02; Vol. 39, No. 107, pg. 19463.	Jan. 22, 1976
Do	Clinton	Dannemora, village of ¹	H 361487 01; Vol. 40, No. 8, pg. 2430.	Mar. 3, 1976
Do	Jefferson	Lorraine, town of ¹	H 360342A 01-03; Vol. 40, No. 206, pg. 49317.	Mar. 19, 1976
North Dakota	Burke	Powers Lake, city of ¹	H 380016 01; Vol. 39, No. 152, pg. 28266.	Feb. 9, 1976
Ohio	Columbiana	East Rochester, village of ²	H 390080 01; Vol. 39, No. 186, pg. 34273.	Apr. 2, 1976
Do	Medina	Valley City, village of ²	H 390385 01; Vol. 39, No. 156, pg. 28893.	Do.
Oklahoma	Oklahoma	Bethany, city of ²	H 400252 01-02; Vol. 39, No. 206, pg. 37645.	Jan. 26, 1976
Do	Mayes	Chouteau, town of ²	H 400115A 01; Vol. 40, No. 235, pg. 50917.	Do.
Oregon	Union	Cove, city of ¹	H 410217 01; Vol. 39, No. 248, pg. 44397.	Jan. 28, 1976
South Carolina	Beaufort	Bluffton, town of ¹	H 450027 01; Vol. 39, No. 97, pg. 17525.	Feb. 9, 1976
Do	Marlboro	Tatum, town of ¹	H 450151 01; Vol. 40, No. 93, pg. 20807.	Do.
South Dakota	Gregory	Bonesteel, town of ¹	H 460100 01; Vol. 40, No. 93, pg. 20801.	Mar. 3, 1976
Do	Fall River	Hot Springs, city of ¹	H 46 047 1360 01-02; Vol. 38, No. 296, pg. 29582.	Jan. 27, 1976
Texas	Kinney	Brackettville, city of ¹	H 48 271 0820 01-02; Vol. 39, No. 42, pg. 7399.	Mar. 3, 1976
Do	Hale	Petersburg, city of ¹	H 48 189 5310 01; Vol. 39, No. 74, pg. 13648.	Feb. 9, 1976
Washington	Lewis	Napavine, town of ¹	H 530254 01; Vol. 40, No. 33, pg. 6989.	Jan. 21, 1976

REASONS FOR RESCINDMENT

¹ The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.

² The Flood Hazard Boundary Map (FHB) contained printing errors or was improperly distributed. A new FHB will be prepared and distributed.

³ The Community lacked enabling authority over the special flood hazard areas.

⁴ The FHB does not accurately reflect the Community's special flood hazard areas (i.e. sheet flow floodin extremely inaccurate map, etc.) A new FHB will be prepared and distributed.

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

Issued: April 16, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-12093 Filed 4-27-76; 8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Procedural Rules for Disenrollment of Alaska Natives

Correction

In F.R. Doc. 76-8863, appearing on page 13352, in the issue for Tuesday, March 30, 1976, make the following change; change the effective date at the end of the document to read, "April 29, 1976."

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[Rev. Rul. 76-193; 76-04-00773]

PART 53—FOUNDATION EXCISE TAXES

Computation of Undistributed Income

The Internal Revenue Service will publish the following Revenue Ruling in Internal Revenue Bulletin No. 1976-20 dated May 17, 1976.

Pursuant to section 4942(e) (3) of the Internal Revenue Code of 1954, (§ 53.4942 (a)-(2) (c) (5)) it has been determined that the applicable percentage to be used by a private foundation in determining its minimum investment return with respect to a taxable year beginning in calendar year 1976 has been changed from 6.0 percent to 6.75 percent.

DALE S. COLLINSON,
Tax Legislative Counsel,
Department of the Treasury.

[FR Doc.76-12376 Filed 4-27-76; 8:45 am]

Title 37—Patents, Trademarks and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 4—FORMS FOR TRADEMARK CASES

Revised Trademark Forms

The Patent and Trademark Office is amending Title 37 of the Code of Federal Regulations by revising §§ 4.1, 4.1a, 4.2, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.21 and 4.22, which sections are suggested forms for trademark cases, and also revising the introductory note to the Forms for Trademark Cases.

These revisions conform the language of the forms, where necessary, to the changes in Part 2 of this Chapter which became effective on February 1, 1976, and also alter language in the forms which is incorrect or inconsistent. These revisions do not effect any changes in practice and do not impose a burden on anyone, and therefore procedures for public comment are not deemed necessary.

The major revisions in the forms, aside from conformance of language to the present trademark rules, are described below:

A form of notarial jurat is included or incorporated by reference at the end of all verifications and affidavits. A form

of acknowledgement is included at the end of the assignment of application form and the assignment of registration form.

A note is included to indicate where adjustment of a form is necessary to accommodate multiple classes or services.

Wording is included in section 4.2 to indicate that the form is for use only by attorneys at law and that submission of the form by attorneys at law is optional.

Notes to section 4.8 are included to explain how to use the form for collective membership marks in addition to collective trademarks and collective service marks.

The organization of section 4.13 (Application for renewal) has been changed to remove the statement as to use and the goods on which the mark is still in use from the verification portion of the form and to place the statements in the body of the application portion of the form.

A note is included, where appropriate, to indicate that when a domestic representative is required but is not designated when a document is filed, an unrevoked designation if one is already in the file will be regarded as the required designation.

Pursuant to the authority contained in section 41 of the Act of July 5, 1946 (60 Stat. 440; 15 U.S.C. 1123) as amended on January 2, 1975 (Pub. L. 93-596; 88 Stat. 1949), and in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6) as amended on October 5, 1971 (Pub. L. 92-132; 85 Stat. 364) and on January 2, 1975 (Pub. L. 93-596; 88 Stat. 1949), Part 4 of Chapter I of Title 37 of the Code of Federal Regulations is hereby revised, as follows:

The introductory note to the Forms for Trademark Cases is revised to read as follows:

In using these forms, the applicant or other party filing the form may, instead of making oath or verification where such is prescribed in the forms, set forth a written declaration that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, but this may be done only if declarant is warned by wording in the same paper that willful false statements and the like are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application or other document or any registration resulting from the application: See form 4.1a.

Part 4 is revised to read as set forth below:

- Sec.
- 4.1 Trademark application by an individual; Principal Register with oath.
- 4.1a Trademark application by an individual; Principal Register with declaration.
- 4.2 Power of attorney at law (which may accompany application).
- 4.4 Designation of domestic representative to accompany application.
- 4.5 Trademark application by a firm; Principal Register.

- Sec.
- 4.6 Trademark application by a corporation; Principal Register.
- 4.7 Service mark application; Principal Register.
- 4.8 Collective mark application (including collective membership mark); Principal Register.
- 4.9 Certification mark application; Principal Register.
- 4.10 Application based on concurrent use; Principal Register.
- 4.11 Application to register on Supplemental Register.
- 4.13 Application for renewal.
- 4.14 Affidavit for publication under section 12(c).
- 4.15 Affidavit required by section 8.
- 4.16 Affidavit under section 15 (or combined sections 8 and 15).
- 4.17 Opposition in the United States Patent and Trademark Office.
- 4.18 Petition to cancel a registration in the United States Patent and Trademark Office.
- 4.19 Ex parte appeal from Examiner of Trademarks in the United States Patent and Trademark Office.
- 4.21 Assignment of application.
- 4.22 Assignment of registration.

AUTHORITY: Section 41 of the Act of July 5, 1946 (60 Stat. 440; 15 U.S.C. 1123) as amended on January 2, 1975 (Pub. L. 93-596; 88 Stat. 1949), and in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6) as amended on October 5, 1971 (Pub. L. 92-132; 85 Stat. 364) and on January 2, 1975 (Pub. L. 93-596; 88 Stat. 1949).

NOTE: The following forms illustrate the manner of preparing applications for registration of marks as well as various other papers to be filed in the Patent and Trademark Office in trademark cases. Applicants and other parties will find their business facilitated by following them. These forms should be used in cases to which they are applicable. A sufficient number of representative forms are given which, with the variations indicated by the notes, should take care of all the usual situations. In special situations such alterations as the circumstances render necessary may be made provided they do not depart from the requirements of Part 2 of this Chapter or of the trademark statute. Before using any forms, the pertinent requirements of Part 2 of this Chapter and the pertinent sections of the trademark statute should be studied carefully.

§ 4.1 Trademark application by an individual; Principal Register with oath.

Mark _____
(Identify the mark)

Class No. _____
(If known)

To the Commissioner of Patents and Trademarks:

(Name of applicant, and trade style, if any) _____

(Business address, including street, city and State) _____

(Residence address, including street, city and State) _____

(Citizenship of applicant) _____

The above identified applicant has adopted and is using the trademark shown in the accompanying drawing (1) for _____
(Common, usual or ordinary name of goods) and requests that said mark be registered

in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on the goods (2) on _____; was first used in (3) _____
(Date)

_____ commerce on _____
(Type of commerce)

_____ and is now in use in such commerce (4) _____
(Date)

The mark is used by applying it to (5) _____ and five specimens showing the mark as actually used are presented herewith.

(6)
State of _____ } ss.
County of _____ }

_____, being sworn,
(Name of applicant)

states that: he believes himself to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

(Signature of applicant)

Subscribed and sworn to before me, this _____ day of _____, 19____

(*)
Notary Public

(*) (The jurat shall be in the form prescribed by the law of the jurisdiction where executed, and the seal or stamp of the notary, or other evidence of authority in the jurisdiction of execution, must be affixed.)

REPRESENTATION
(See form 4.2 and Note (7) below.)

NOTES

(1) If registration is sought for a word or numeral mark not depicted in any special form, the drawing may be the mark typed in capital letters on letter-size bond paper; otherwise, the drawing shall comply with section 2.52.

(2) If more than one item in a class is set forth and the dates given for that class apply to only one of the items listed, insert the name of the item to which the dates apply.

(3) Type of commerce should be specified as "interstate," "territorial," "foreign," or other type of commerce which may lawfully be regulated by Congress. Foreign applicants relying upon use must specify commerce which Congress may regulate, using wording such as commerce with the United States or commerce between the United States and a foreign country.

(4) If the mark is other than a coined, arbitrary or fanciful mark, and the mark is believed to have acquired a secondary meaning, insert whichever of the following paragraphs is applicable:

(a) The mark has become distinctive of applicant's goods as a result of substantially exclusive and continuous use in _____
(Type of

commerce for the five years next preceding the date of filing of this application.

(b) The mark has become distinctive of applicant's goods as evidenced by the showing submitted separately.

(5) Insert the manner or method of using the mark with the goods, i.e., "the goods,"

"the containers for the goods," "displays associated with the goods," "tags or labels affixed to the goods," or other method which may be in use.

(6) The required fee of \$35.00 for each class must be submitted.

(7) If the applicant is not domiciled in the United States, a domestic representative must be designated. See form 4.4.

§ 4.1a Trademark application by an individual; Principal Register with declaration.

Mark _____
(Identify the mark)

Class No. _____
(If known)

To the Commissioner of Patents and Trademarks:

(Name of applicant, and trade style, if any)

(Business address, including street, city and State)

(Residence address, including street, city and State)

(Citizenship of applicant)

The above identified applicant has adopted and is using the trademark shown in the accompanying drawing (1) for

(Common, usual or ordinary name of goods) and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on the goods (2) on _____; was first used in (3) (Date)

_____ commerce on (Type of commerce)

_____ and is now in use in such (Date)

commerce. (4)

The mark is used by applying it to (5) _____

and five specimens showing the mark as actually used are presented herewith.

(6)

The undersigned applicant

(Name of applicant)

declares: That he believes himself to be the owner of the trademark sought to be registered; that to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

(Signature of applicant)

(Date)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1.)

NOTES: See same numbered Notes under form 4.1.

§ 4.2 Power of attorney at law (which may accompany application).

Applicant hereby appoints (8) _____

(Address) _____, an attorney at

law or attorneys at law, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

NOTE: (8) An individual attorney at law or individual attorneys at law must be named here. If the name of a law firm is given, it will be regarded merely as a designation of address for correspondence.

§ 4.4 Designation of domestic representative to accompany application. (9)

(Name of representative) _____

where postal address is _____

(Street, city and State)

is hereby designated applicant's representative upon whom notices or process in proceedings affecting the mark may be served.

NOTE: (9) The designation of a domestic representative must be separate from a power of attorney at law or other authorization of representation.

§ 4.5 Trademark application by a firm; Principal Register.

Mark _____
(Identify the mark)

Class No. _____
(If known)

To the Commissioner of Patents and Trademarks:

(Firm name and names of members comprising firm)

(Business address, including street, city and State)

(Domicile of firm)

(Citizenship of members of firm)

(Body of application is same as in form 4.1.)

State of _____ } ss.
County of _____

_____, being sworn,
(Name of member of firm)

states that he is a member of the applicant firm; he believes said firm to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

(Signature of member of firm)

Subscribed and sworn to before me, this

_____ day of _____, 19____

(*)

Notary Public

(*) (The jurat shall be in the form prescribed by the law of the jurisdiction where executed, and the seal or stamp of the notary, or other evidence of authority in the jurisdiction of execution, must be affixed.)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1.)

§ 4.6 Trademark application by a corporation; Principal Register.

Mark _____
(Identify the mark)

Class No. _____
(If known)

To the Commissioner of Patents and Trademarks:

(Corporate name and State or country of incorporation) (10)

(Business address, including street, city and State)

(Body of application is same as in form 4.1.)

State of _____ } ss.
County of _____

_____, being sworn,

(Name of corporate officer)

states that: he is _____ of ap-

(Official title)

plicant corporation (10) and is authorized to execute this affidavit on behalf of said corporation; he believes said corporation to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

(Corporate name)

By _____
(Signature of corporate officer and official title.)

Subscribed and sworn to before me, this

_____ day of _____, 19____

(*)

Notary Public

(*) (The jurat shall be in the form prescribed by the law of the jurisdiction where executed, and the seal or stamp of the notary, or other evidence of authority in the jurisdiction of execution, must be affixed.)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1.)

NOTE: (10) If applicant is an association or other collective group, the word "association" or other appropriate designation should be substituted for "corporation" when referring to applicant.

§ 4.7 Service mark application; Principal Register.

Mark _____
(Identify the mark)

Class No. _____
(If known)

To the Commissioner of Patents and Trademarks:

(Insert appropriate identification of applicant in accordance with form 4.1, 4.5 or 4.6.)

The above identified applicant has adopted and is using the service mark shown in the accompanying drawing (11) for

(Common, usual or ordinary

name of service)

that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The service mark was first used in connection with the services (2) on _____; (Date)
was first used in connection with the services rendered in (3) _____; (Type of commerce)
commerce on _____; and is now in use in such commerce. (4)
The mark is used by _____

(State method of using the mark in connection with the services)

and five (12) _____ showing the mark as actually used are presented herewith.

(Insert appropriate verification or declaration from form 4.1, 4.1a, 4.5 or 4.6, changing the word "trademark" to "service mark" and the word "goods" to "services.")

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1.)

NOTES

For Notes referred to in this form but not set out here, see same numbered Notes under form 4.1.

(11) See Note (1) under form 4.1, and if drawing is not practicable, insert description of the mark instead of reference to the drawing.

(13) Insert "specimens," or state the nature of the representation of the mark which is furnished.

§ 4.8 Collective mark application (including collective membership mark); Principal Register.

Mark _____ (Identify the mark)
Class No. _____ (If known)

To the Commissioner of Patents and Trademarks:

(Insert identification of applicant in accordance with form 4.6.)

The above identified applicant has adopted and is exercising legitimate control over the use of the collective mark shown in the accompanying drawing (1) for (13) _____ (Common,

usual or ordinary name of goods or services)

to indicate (14) _____ and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The collective mark was first used on the (Insert "goods" or "services") (15) _____ by members of applicant on _____ (Date)

was first used by said members in (3) _____ commerce on _____ (Type of commerce)

_____ and is now in use in such commerce. (4)

The mark is used by applying it to (5) _____ and five specimens of the mark as actually used are presented herewith.

(Insert verification from form 4.6, changing "corporation" to "association" or the like, if necessary.)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1.)

NOTES

For notes referred to in this form but not set out here, see same numbered Notes under form 4.1.

(13) If the application is for a membership mark, omit the word "for" and the space for the name of the goods or services.

(14) If the application is for a membership mark, insert "membership in applicant organization," or similar appropriate statement. If not for a membership mark, omit the words "to indicate" and the following space.

(15) If the application is for a membership mark, the phrase "on the goods or services" should be omitted.

§ 4.9 Certification mark application; Principal Register.

Mark _____ (Identify the mark)
Class No. _____ (If known)

To the Commissioner of Patents and Trademarks:

(Insert appropriate identification of applicant in accordance with form 4.1, 4.5, or 4.6.)

The above identified applicant has adopted and is exercising legitimate control over the use of the certification mark shown in the accompanying drawing (1) for _____ (Insert

illustrative examples of the goods or services)

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The certification mark, as used by persons authorized by applicant, certifies (16) _____; said mark was first used under the authority of applicant on _____ (Date)

was first used in (3) _____ (Type of commerce)
commerce on _____ (Date)

in such commerce. (4)

The mark is used by applying it to (5) _____, and five specimens showing the mark as actually used are presented herewith.

Applicant is not engaged in the production or marketing of any goods or services to which the mark is applied.

(Insert appropriate verification or declaration from form 4.1, 4.1a, 4.5 or 4.6 and add after the word "association" the words "other than those authorized by applicant.")

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1.)

NOTES

For Notes referred to in this form but not set out here, see same numbered Notes under form 4.1.

(16) Insert an appropriate statement as to what the mark certifies, relating to regional origin; or material, mode of manufacture, quality, accuracy or other characteristic of the goods; or that the work or labor on the goods or in the performance of the services was performed by members of applicant.

(17) Insert an appropriate statement as to what the mark certifies, relating to regional origin; or material, mode of manufacture, quality, accuracy or other characteristic of the goods; or that the work or labor on the goods or in the performance of the services was performed by members of applicant.

§ 4.10 Application based on concurrent use; Principal Register.

Mark _____ (Identify the mark)
Class No. _____ (If known)

To the Commissioner of Patents and Trademarks:

(Insert appropriate identification of applicant in accordance with form 4.1, 4.5 or 4.6.)

Use form 4.1, and add at the end of the first paragraph: "for the area comprising _____"; (List the States for which registration is sought)

and add as final paragraph of application: The following exception(s) to applicant's right to exclusive use are:

By _____, doing business at _____, who is using the mark _____

(Identify mark and Reg. No. or Ser. No., if any)

for _____ (Common, usual, or ordinary name of goods or services)

in the States of _____ by applying the mark to (5) _____ from _____ (Earliest known date of such use)

to the present.

(Insert appropriate verification or declaration from form 4.1, 4.1a, 4.5 or 4.6 and add after the word "association" the words "other than specified in the application.")

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1.)

NOTES: See same numbered Notes under form 4.1.

§ 4.11 Application to register on Supplemental Register.

Mark _____ (Identify the mark)
Class No. _____ (If known)

To the Commissioner of Patents and Trademarks:

(Insert appropriate identification of applicant in accordance with form 4.1, 4.5 or 4.6.)

For the body of an application for a trademark registration (17), use form 4.1, 4.5 or 4.6, whichever is appropriate, changing the word "Principal" to "Supplemental," and adding a final paragraph to the application as follows:

"The mark sought to be registered has been in lawful use in _____ (Type of commerce)

commerce in connection with the goods for the year preceding the date of filing of this application." (18)

(Insert appropriate verification or declaration from form 4.1, 4.1a, 4.5 or 4.6.)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1.)

NOTES

(17) For the body of service mark, collective mark or certification mark applications on the Supplemental Register, use form 4.7, 4.8 or 4.9, whichever is applicable, with the change and addition indicated in this form.

(18) If the mark has not been in use for the year next preceding the filing date, and registration in the United States is required as a basis for obtaining foreign protection of the mark, substitute the following statement for the last sentence: The mark sought to be registered is now in use in _____ commerce and _____

(Type of commerce)

domestic registration is required as a basis for foreign protection of the mark.

In this instance applicant will be required to make a showing that U.S. registration is required as a basis of foreign protection of the mark.

§ 4.13 Application for renewal.

Mark _____
(Identify the mark)
Reg. No. _____
Class No. _____

To the Commissioner of Patents and Trade-
marks:

(Insert appropriate identification of ap-
plicant for renewal in accordance with form
4.1, 4.5 or 4.6.) (1)

The above identified application for re-
newal requests that the above identified
registration, granted to _____

(Name of original
registant) on _____
(Date of Issuance)

which applicant for renewal now owns, as
shown by records in the Patent and Trade-
mark Office, be renewed in accordance with
the provisions of section 9 of the act of
July 5, 1946.

The mark shown in said registration is still
in use in (2) _____ com-
(Type of commerce)

merce on each of the following goods (3) re-
cited in the registration: _____, the
attached specimen (or facsimile) showing the
mark as currently used. (4)

(5)
State of _____ ss.
County of _____

(Name of renewal applicant or of person au-
thorized to sign for renewal applicant)
being sworn, states that the applicant for
renewal owns the above identified registra-
tion; and that to the best of his knowledge
and belief the facts set forth in this applica-
tion are true.

(Signature of renewal
applicant; if renewal
applicant is a corpo-
ration or other juris-
tic organization, give
the official title of
the person who signs
for renewal ap-
plicant.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See form 4.2 and Note (6) below.)

NOTES

(1) Applicant for renewal must be the
present owner of the registration.

(2) Type of commerce should be specified
as "interstate," "foreign," "territorial," or
other type of commerce which may lawfully
be regulated by Congress. Foreign registrants
must specify commerce which Congress may
regulate, using wording such as commerce
with the United States or commerce between
the United States and a foreign country.

(3) If a service mark registration, state "in
connection with each of the following serv-
ices * * *."

(4) If the mark is not in use in commerce
at the time of filing the application for re-
newal, but there is no intention to aban-
don the mark, facts must be recited to show
that the nonuse is due to special circum-
stances. A specimen (or facsimile) illustrat-
ing use, or facts as to nonuse, must be sub-
mitted for each class sought to be renewed.

(5) The required fee for renewal sought
prior to expiration is \$25.00 for each class;
and for delayed renewal filed within three
months after expiration, an additional \$5.00
for each class. If renewal is sought for less
than the total number of classes in the reg-
istration, the classes for which renewal is
sought should be specified.

(6) If applicant for renewal is not domi-
ciled in the United States, a domestic rep-

resentative must be designated. See form
4.4. If a designation is not made, an unre-
voked designation will meet the requirement
if such is already in the registration file.

§ 4.14 Affidavit for publication under
section 12(c).

Mark _____
(Identify the mark)
Reg. No. _____
Date of issue _____
To: _____
(Name of original registrant)

State of _____ ss.
County of _____

(Name of registrant or of person author-
ized to sign for a juristic registrant)
being sworn, states that (1) _____

(Name of
registrant)

owns the above identified registration, as
shown by records in the Patent and Trade-
mark Office; that said registration is now
in force; that the mark shown therein is in
use in (2) _____ commerce
(Type of commerce)

on each of the following goods (3) recited
in the registration _____; and that
the benefits of the act of July 5, 1946, are
hereby claimed for said registration.

(4)

(Signature; if a corpora-
tion or other juristic
organization, give
the official title of
the person who
signs.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See form 4.2 and Note (5) below.)

NOTES

(1) The present owner of the registration
must file the affidavit as registrant.

(2) Type of commerce should be specified
as "interstate," "territorial," "foreign," or
other type of commerce which may lawfully
be regulated by Congress. Foreign registrants
must specify commerce which Congress may
regulate, using wording such as commerce
with the United States or commerce between
the United States and a foreign country.

(3) If a service mark registration, state:
"In connection with each of the following
services."

(4) The required fee of \$10.00 must be
submitted.

(5) If registrant is not domiciled in the
United States, a domestic representative
must be designated. See form 4.4. If a de-
signation is not made, an unrevoked designa-
tion will meet the requirement if such is al-
ready in the registration file.

§ 4.15 Affidavit required by section 3.

Mark _____
(Identify the mark)
Reg. No. _____
Class No. _____
State of _____ ss.
County of _____

(Name of registrant or of person authorized
to sign for a juristic registrant)

being sworn, states that (1) _____
(Name of registrant)

owns the above identified registration issued
_____ (2), as shown by records in the
(Date)

Patent and Trademark Office; and that the
mark shown therein is still in use (3) as
evidenced by (4) _____

(5)

(Signature; if a corpora-
tion or other juristic or-
ganization, give the
official title of the person
who signs.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See form 4.2 and Note (6) below.)

NOTES

(1) The present owner of the registration
must file the affidavit as registrant.

(2) If the registration issued under a prior
act and has been published under section 12
(c), add: "and published under section 12
(c) on _____".
(Date)

(3) If the mark is not in use at the time
of filing the affidavit, but there is no inten-
tion to abandon the mark, facts must be
recited to show that the nonuse is due to
special circumstances.

(4) Insert "the specimen included showing
the mark as currently used," or recite
facts as to sales or advertising which will
show that the mark is in current use. Spec-
imen illustrating use, or facts as to use or
nonuse, are required for each class for which
action is sought.

(5) The required fee of \$10.00 must be
submitted for each class for which action is
sought, and if action is sought for less than
the total number of classes in the registra-
tion, the classes for which action is sought
should be specified.

(6) If registrant is not domiciled in the
United States, a domestic representative must
be designated. See form 4.4. If a designa-
tion is not made, an unrevoked designation will
meet the requirement if such is already in
the registration file.

§ 4.16 Affidavit under section 15 (or
combined sections 3 and 15).

Mark _____
(Identify the mark)
Reg. No. _____
Class No. _____

State of _____ ss.
County of _____

(Name of registrant or of person authorized
to sign for a juristic registrant)
being sworn, states that (1) _____

(Name of
registrant)

owns the above identified registration is-
sued _____ (2), as shown by records
(Date)

in the Patent and Trademark Office; that
the mark shown therein has been in contin-
uous use in (3) _____ commerce
(Type of commerce)

for five consecutive years from (4) _____
(Date)

to the present, on each of the following goods
(5) recited in the registration: _____;
(List of goods)

that such mark is still in use in (3)
_____ commerce; that there has
(Type of commerce)

been no final decision adverse to registrant's
claim of ownership of such mark for such
goods or services, or to registrant's right to
register the same or to keep the same on the
register, and that there is no proceeding in-
volving said rights pending and not disposed
of either in the Patent and Trademark Office
or in the courts.

(Signature; if a corporation or other juristic organization, give the official title of the person who signs.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See rule 4.2 and Note (6) below.)

NOTES

This form may be used as a combined affidavit under sections 8 and 15 provided it contains matter which will meet the requirements of section 8 as to use or nonuse and fee (see form 4.15, Notes (3), (4) and (5)).

(1) The present owner of the registration must file the affidavit as registrant.

(2) If the registration issued under a prior act and has been published under section 12(c), add: "and published under section 12(c) on _____"

(Date)

(3) Type of commerce must be specified as "interstate," "territorial," "foreign," or such other commerce as may lawfully be regulated by Congress. Foreign registrants must specify commerce which Congress may regulate, using wording such as commerce with the United States or commerce between the United States and a foreign country.

(4) The date should be the beginning of a five year period of continuous use, all of which five year period falls after the date of registration under the act of 1946 or after the date of publication under section 12(c). A date which would produce a period of continuous use which is longer than five years may be stated provided the period indicated includes five years of continuous use after registration under the act of 1946 or publication under section 12(c).

(5) If a service mark registration, state: "in connection with each of the following services."

(6) If registrant is not domiciled in the United States, a domestic representative must be designated as to the section 8 affidavit. See form 4.4. If a designation is not made, an unrevoked designation will meet the requirement if such is already in the registration file.

§ 4.17 Opposition in the United States Patent and Trademark Office.

In the matter of application Serial No. _____ Published in the Official Gazette on _____

(Date)

(Name of opposer)

v.

(Name of applicant)

Opposition No. _____ (To be inserted by Patent

and Trademark Office) (Name of opposer)

a(n) (1) _____, located

and doing business at _____

(Street, city and State) believes that he will be damaged by registration of the mark shown in the above identified application, and hereby opposes the same.

As grounds of opposition, it is alleged that: (Numbered paragraphs should state the grounds and recite facts tending to show why opposer believes he will be damaged.)

(2)

(Signature of opposer; if opposer is a corporation or other juristic organization, give the official title of the person who signs for opposer.)

State of _____ ss.
County of _____

(Name of opposer or of person authorized to sign for opposer)

being sworn, states that he is the opposer named in the foregoing opposition, or is the person authorized to sign for the opposer named in the foregoing opposition; that he has read and signed the opposition and knows the contents thereof; and that the allegations are true, except as to the matters stated therein to be upon information and belief, and as to those matters he believes them to be true.

(Signature of opposer; if opposer is a corporation or other juristic organization, give the official title of the person who signs for opposer.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1. For opposers who are foreigners, it is customary to regard a power of attorney as the equivalent of a domestic representative.)

NOTES

(1) If an individual, state: "an individual," or "an individual trading as _____," if there is a trade style. If a partnership, state: "a partnership composed of _____"

(Names of members) If a corporation, association, or other organization, state "a corporation (or specify other type of organization) organized and existing under the laws of _____"

(State or country)

(2) The required fee of \$25.00 must be submitted for each class to be opposed, and if opposition is sought for less than the total number of classes, the classes sought to be opposed should be specified.

§ 4.18 Petition to cancel a registration in the United States Patent and Trademark Office.

In the matter of Registration No. _____ Date of Issue _____

(Name of petitioner)

v.

(Name of registrant)

Cancellation No. _____ (To be inserted by Patent and Trademark Office)

a(n) (1) _____, located

(Name of petitioner) (Legal entity of petitioner)

at _____, believes

that he is or will be damaged by the above identified registration, and hereby petitions to cancel the same.

As grounds therefor, it is alleged that: (Numbered paragraphs should state the grounds and recite facts tending to show

why petitioner believes that he is or will be damaged.)

(2)

(Signature of petitioner; if petitioner is a corporation or other juristic organization, give the official title of the person who signs for petitioner.)

State of _____ ss.
County of _____

(Name of petitioner or of person authorized to sign for petitioner)

being sworn, states that he is the petitioner named in the foregoing petition to cancel, or is the person authorized to sign for the petitioner named in the foregoing petition to cancel; that he has read and signed the petition to cancel and knows the contents thereof; and that the allegations are true, except as to the matters stated therein to be upon information and belief, and as to those matters he believes them to be true.

(Signature of petitioner to cancel; if petitioner is a corporation or other juristic organization, give the official title of the person who signs for petitioner.)

(JURAT) (Use jurat from form 4.1.)

REPRESENTATION

(See form 4.2 and Note (7) under form 4.1. For petitioners who are foreigners, it is customary to regard a power of attorney as the equivalent of a domestic representative.)

NOTES

(1) If an individual, state: "an individual," or "an individual trading as _____," if there is a trade style. If a partnership, state: "a partnership composed of _____"

(Names of members) If a corporation, association, or other organization, state "a corporation (or specify other type of organization) organized and existing under the laws of _____"

(State or country)

(2) The required fee of \$25.00 must be submitted for each class sought to be cancelled, and if cancellation is sought for less than the total number of classes, the classes sought to be cancelled should be specified.

§ 4.19 Ex parte appeal from Examiner of Trademarks in the United States Patent and Trademark Office.

To the Trademark Trial and Appeal Board: Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Examiner of Trademarks refusing registration.

(Name of applicant)

(Serial number of application)

(To be inserted by Patent and Trademark Office)

a(n) (1) _____, located

(Name of petitioner) (Legal entity of petitioner)

at _____, believes

that he is or will be damaged by the above identified registration, and hereby petitions to cancel the same.

As grounds therefor, it is alleged that: (Numbered paragraphs should state the grounds and recite facts tending to show

why petitioner believes that he is or will be damaged.)

(Signature of applicant; if applicant is a corporation or other juristic organization, give the official title of the person who signs for applicant.)

§ 4.21 Assignment of application.

Whereas _____, of
(Name of assignor)
_____,
(Street, city, and State)

has adopted and is using a mark for which he has filed application in the United States Patent and Trademark Office for registration, Serial No. _____; and

Whereas _____, of
(Name of assignee)

(1) _____,
(Street, city, and State)

is desirous of acquiring said mark;

Now, therefore, for good and valuable consideration, receipt of which is hereby acknowledged, said _____
(Name of assignor)

does hereby assign unto the said _____
(Name of assignee)

all rights, title and interest in assignee)

and to the said mark, together with the good will of the business symbolized by the mark, and the above identified application for registration of said mark.

The Commissioner of Patents and Trademarks is requested to issue the certificate of registration to said assignee.

(Signature of assignor; if assignor is a corporation or other juristic organization, give the official title of the person who signs for assignor.)

State of _____
County of _____ ss.

On this _____ day of _____, 19____, before me appeared _____, the person who signed this instrument on his own behalf, or who was authorized to sign on behalf of the identified corporation or other juristic entity, who being sworn, acknowledged that he signed this instrument as a free act.

(*)

(*) (The acknowledgement shall be in the form prescribed by the law of the jurisdiction where executed, and the seal or stamp of the notary, or other evidence of authority in the jurisdiction of execution, must be affixed.)

NOTES:

(1) If the postal address of the assignee is not given either in the instrument or in an accompanying paper, registration to the assignee may be delayed.

(2) If assignee is not domiciled in the United States, a domestic representative must be designated. See Form 4.4.

§ 4.22 Assignment of registration.

Whereas _____, of
(Name of assignor)

_____,
(Street, city, and State)

has adopted, used and is using a mark which is registered in the United States Patent and Trademark Office, Registration No. _____, dated _____; and

Whereas _____, of
(Name of assignee)

(1) _____,
(Street, city, and State)

is desirous of acquiring said mark and the registration thereof;

Now, therefore, for good and valuable consideration, receipt of which is hereby acknowledged, said _____
(Name of assignor)

does hereby assign unto the said _____
(Name of assignee)

all rights, title and interest in and to the said mark, together with the good will of the business symbolized by the mark, and the above identified registration thereof.

(2)

(Signature of assignor; if assignor is a corporation or other juristic organization, give the official title of the person who signs for assignor.)

State of _____
County of _____ ss.

On this _____ day of _____, 19____, before me appeared _____, the person who signed this instrument on his own behalf, or who was authorized to sign this instrument on behalf of the identified corporation or other juristic entity, who being sworn, acknowledged that he signed this instrument as a free act.

(*)

(*) (The acknowledgement shall be in the form prescribed by the law of the jurisdiction where executed, and the seal or stamp of the notary, or other evidence of authority in the jurisdiction of execution, must be affixed.)

NOTES

(1) If the postal address of the assignee is not given either in the instrument or in an accompanying paper, recording may be delayed pending receipt of such address.

(2) If assignee is not domiciled in the United States, a domestic representative must be designated. See form 4.4.

Effective date: These revisions become effective on May 1, 1976.

Dated: April 6, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved: April 22, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-12330 Filed 4-27-76;8:45 am]

Title 40—Protection of Environment**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

[FRL 551-6]

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS**Medium and Heavy Trucks****Correction**

In FR Doc. 76-10212, appearing at page 15538, in the issue for Tuesday, April 13, 1976, make the following change:

On page 15556, in § 205.58-1 because of numerous typographical errors, the second paragraph of the Noise Emissions Warranty is reprinted for the convenience of the reader as set forth below;

This warranty is not limited to any particular part, component or system of the vehicle. Defects in the design, assembly, or in any part, component, or system of the vehicle which, at the time of sale to such first purchaser, caused noise emission levels to exceed Federal standards are covered by this warranty for the life of the vehicle.

Title 41—Public Contracts and Property Management**CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS****SUBCHAPTER E—SUPPLY AND PROCUREMENT**

[FPMR Amendment E-187]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS**U.S. Government National Credit Card**

This regulation transfers policy and procedures concerning preparation and control of Standard Form 149, U.S. Government National Credit Card, to FPMR Subchapter G—Transportation and Motor Vehicles.

The table of contents for Part 101-26 is amended to delete and reserve §§ 101-26.406-2 through 101-26.406-4 and to revise § 101-26.406-5 as follows:

101-26.406-2	[Reserved]
101-26.406-3	[Reserved]
101-26.406-4	[Reserved]
101-26.406-5	Methods of obtaining Standard Form 149, U.S. Government National Credit Card.

Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

1. Section 101-26.406-1 is amended by adding paragraph (c) as follows:

§ 101-26.406-1 General.

(c) Information concerning billing data and expiration dates to be shown on Standard Form 149 and concerning administrative control for the credit card program is in Subpart 101-38.12.

2. Sections 101-26.406-2 through 101-26.406-4 are deleted and reserved as follows:

§ 101-26.406-2 [Reserved].

§ 101-26.406-3 [Reserved].

§ 101-26.406-4 [Reserved].

3. Section 101-26.406-5 is amended by adding paragraphs (a)(3) and (b)(4), and revising paragraph (b)(1) as follows:

§ 101-26.406-5 Methods of obtaining Standard Form 149, U.S. Government National Credit Card.

(a) * * *

(3) The type font to be used when embossing Standard Form 149 shall conform with the requirements of the Federal Supply Schedules contract.

(b) * * *

(1) Agency requisitions for 49 or less of embossed Standard Form 149 shall be forwarded to the Federal Supply Service, Motor Equipment Services Division, of the nearest GSA regional office.

* * *

(4) The type font to be used when embossing Standard Form 149 shall conform with the requirements of the Federal Supply Schedule contract.

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

Effective date. This regulation is effective October 1, 1976.

Dated: April 15, 1976.

TERRY CHAMBERS,
Acting Administrator of
General Services.

[FR Doc.76-12255 Filed 4-27-76;8:45 am]

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amendment G-35]

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

U.S. Government National Credit Card

This regulation provides policy and procedures concerning the preparation and control of Standard Form 149, U.S. Government National Credit Card.

Part 101-38 is amended by the addition of new Subpart 101-38.12, as follows:

Subpart 101-38.12—Preparation and Control of Standard Form 149, U.S. Government National Credit Card

- 101-38.1200 General.
- 101-38.1201 Billing code.
- 101-38.1201-1 Billing address.
- 101-38.1202 Administrative control of credit cards.
- 101-38.1202-1 Expiration date.
- 101-38.1203 Centralized administrative control of credit cards.

Subparts 101-38.13—101-38.48 [Reserved]

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

Subpart 101-38.12—Preparation and Control of Standard Form 149, U.S. Government National Credit Card

§ 101-38.1200 General.

(a) Standard Form 149, U.S. Government National Credit Card, is authorized for use by Federal agencies for obtaining authorized services and delivery of supplies at service stations dispensing supplies of contractors listed in the Defense Fuel Supply Center Contract Bulletin DSA 600-xx-0039 (xx denotes appropriate fiscal year). Activities requiring copies of the bulletin should submit requests to: Commander, Defense Fuel Supply Center, Attention: DSFC:PE, Cameron Station, Alexandria, VA 22314.

(b) Procedures for obtaining Standard Form 149, U.S. Government National Credit Card, are in § 101-26.406-5.

§ 101-38.1201 Billing code.

The billing code is a 10-digit number and is the first embossed line on the Standard Form 149. Nine of the digits are assigned by the using agency in accordance with the following instructions:

(a) The first three digits of the billing code will always be 000 for civilian agencies and 002 for the Department of Defense, except the General Services Administration and the Department of Agriculture which have been authorized to use 003.

(b) The fourth digit may be used by the agency to designate the vehicle class or for other purposes to meet the agency's requirements. If not used for any designation, the fourth digit will be zero.

(c) The fifth and sixth digits will be the agency code unless otherwise authorized by GSA. Agency codes are shown in Department of the Treasury booklet "Federal Account Symbols and Titles."

(d) The seventh, eighth, and ninth digits indicate the agency billing address code number, unless otherwise authorized by GSA. Each agency will assign its own billing code numbers when the seventh, eighth, ninth digits are used for that purpose.

(e) The tenth digit is the validation number for use in automatic billing operations of the contractors. This number is not assigned by the agency but will be determined by the Federal Supply Schedule, FSC Group 75, Part VII, embossing contractor, or by the GSA regional office embossing the card in accordance with American National Standard X4.13-1971.

§ 101-38.1201-1 Billing address.

The billing address is the name of the agency and the address to which contractors should send statements covering the purchases of supplies and services by the user of the Standard Form 149, U.S. Government National Credit Card. The number of lines in the billing address is limited to three, and shall always be the second, third, and fourth embossed lines.

§ 101-38.1202 Administrative control of credit cards.

(a) It is essential that Federal agencies ensure that supplies and services procured with Standard Form 149, U.S. Government National Credit Card, are for the official use of the agency involved, and administrative control should be maintained to prevent unauthorized use of credit cards. Such administrative control may include either or both of the following:

(1) The tag or registration number of the vehicle may be embossed on the fifth line of the credit card so that it may be used only for supplies and services for the vehicle bearing the tag or registration number marked thereon. If no number is shown, the credit may be used for supplies and services for any properly identified U.S. Government vehicle, boat, or small aircraft.

(2) An agency series mark to identify the credit card as a replacement may be embossed on the extreme right side of the fifth line of the credit card.

(b) Agencies should establish procedures to provide for the:

(1) Prompt notification of lost or stolen credit cards to the General Services Administration (FZM), Washington, DC 20406;

(2) Issuance of a replacement in the event a credit card is lost, stolen, or damaged;

(3) Destruction of damaged credit cards which have been replaced, and of lost or stolen credit cards which have been recovered (if already reported and replaced); and

(4) Destruction of credit cards bearing an expiration date that has passed or bearing an invalid license tag number; e.g. when the tag has expired or is destroyed.

§ 101-38.1202-1 Expiration date.

(a) At the time of embossing of the billing code and billing address, an expiration date (month and year), not to exceed 2 years, shall also be embossed on the extreme right side of the fourth line of the credit card.

(b) Cards without expiration dates shall be replaced no later than October 1, 1976.

§ 101-38.1203 Centralized administrative control of credit cards.

(a) GSA shall provide centralized management and control of the Standard Form 149, U.S. Government National Credit Card program. Inquiries concerning the policy and administration of this program shall be directed to GSA.

(b) Agencies shall forward to, and request the approval of, the General Services Administration (FZM), Washington, DC 20406, proposed assignment of billing codes and billing addresses conforming to the requirements of this § 101-38.1200. Changes in billing codes and addresses shall also be furnished to GSA for approval so that there will be proper control of billing procedures. Information concerning billing codes, billing addresses, and the vehicle tag or registration number shall be limited to five lines with no more than 22 characters (including spaces) per line.

(c) Upon receipt of official notification from GSA that the submitted billing codes are correct and do not duplicate a number already assigned, agencies may place orders for embossed Standard Forms 149 as provided in § 101-26.406. Procurement of additional Standard Forms 149, carrying the same information, may be made without reporting their use to GSA.

Subparts 101-38.13—101-38.48 [Reserved]

Effective date. This regulation is effective October 1, 1976.

Dated: April 15, 1976.

TERRY CHAMBERS,
Acting Administrator of
General Services.

[FR Doc.76-12256 Filed 4-27-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART O—COMMISSION ORGANIZATION

Request for Copies of Materials Available for Public Inspection

1. For the purpose of informing the public, we are amending § 0.465(a) of the rules to reflect the per page charges for copies of Commission documents.

2. Authority for this amendment is contained in sections 4(d), 5(d), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(d), 155(d) and 303(r), and in § 0.231(d) of the Commission's rules, 47 CFR 0.231(d).

3. Accordingly, it is ordered, effective May 5, 1976, that § 0.465(a) is amended as set out below.

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

Adopted: April 20, 1976.

Released: April 20, 1976.

[SEAL] R. D. LICHTWARDT,
Executive Director.

Section 0.465(a) is revised to read as follows:

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) The Commission annually awards a contract to a commercial firm to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of the lower cost to the public. The charges are 8.5¢ a page for 8½" x 11" pages and 9¢ a page for 8½" x 14" pages. Currently, the contractor is Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20006 (Tele.: 202-452-1422). Except as provided in paragraphs (b) and (c) of this section and in Section 0.467, requests for copies of the records listed in Sections 0.453 and 0.455, and those made available for inspection under Section 0.461, should be directed to the contractor.

[FR Doc.76-12313 Filed 4-27-76; 8:45 am]

[FCC 76-348; Docket 20092]

PART 97—AMATEUR RADIO SERVICE
Special Call Signs Available to Stations Licensed to Amateur Extra Class Operators

1. A Notice of Proposed Rule Making in the above captioned matter was released on July 2, 1974, and published in the FEDERAL REGISTER on July 8, 1974 (39 FR 24922). In that Notice, the Commission proposed to amend Part 97 of the Rules and Regulations to permit an Amateur Extra Class licensee to request specific unassigned call signs for his primary and/or additional stations. It was also proposed to discontinue the availability of 'in memoriam' call signs, i.e., call signs requested by Amateur club stations for the purpose of honoring a deceased member.

2. In this First Report and Order, we will address only the issues of 1X2 (i.e., so called two-letter) call signs and in-memoriam call signs. We will defer consideration of 1X3 and 2X3 call signs to a later Report and Order. The recent tremendous influx of Citizens Radio Service applications at our Gettysburg, Pa., licensing facility precludes the implementation of any changes in the Amateur call sign structure which would require significant additional manpower or changes in the computer software systems. Because the number of available 1X2 call signs is small, we believe the changes adopted herein will not impose an undue processing burden, and the manpower released from the processing of in-memoriam call signs can be used in this effort.

3. Approximately 150 comments were received by the Commission in this matter, and all were carefully considered. The overwhelming majority of the comments supported our proposal regarding

choice of specific call signs by Amateur Extra Class licensees. The comments were divided approximately equally between those who wished to retain a specific time period before becoming eligible for a 1X2 call sign, and those who desired to completely delete the waiting period. One of the most frequently raised objections was that the proposal would permit Amateur Extra Class operators who had been licensed only a short time to obtain 1X2 call signs. (1X2 call signs are presently issued to Amateur Extra Class operators who submit evidence that they held an amateur license at least 25 years prior to the date of application). In the words of the American Radio Relay League (ARRL), "Two-letter (1X2) call signs traditionally have identified the holder as an 'old timer', one who has devoted many years of dedicated public service as an amateur. To make two-letter calls available to any Amateur Extra Class licensee irrespective of years of service would have the practical effect of downgrading the stature of present two-letter call sign holders."

4. Those supporting our proposal without qualification cited the incentive a 1X2 call sign would provide. Comments suggested that the special significance of a 1X2 call sign would encourage many amateurs to upgrade their license class and thereby increase their overall technical and operational proficiency. Other comments indicated that longevity is not always an indication of a proficient operator with much public service, and therefore is not a valid criterion to use for the assignment of a 1X2 call sign.

5. We believe that the arguments for retaining a large measure of tenure associated with 1X2 call signs have limited merit. Traditionally, 1X2 call signs have been available only to those persons who have been long term amateurs. Such call signs, because they are in very short supply, must necessarily be rationed in some manner, and it has seemed the fairest procedure to allot them consistent with some measure of longevity. However, we also believe that once the 'old timers' have had an adequate opportunity to obtain 1X2 call signs, whatever such call signs remain should be made available progressively to more recent licensees.

6. Accordingly, we have determined to phase out the tenure requirement in the following manner: All present Amateur Extra Class holders of 1X2 call signs will be given an exclusive 3 month period to request a different specific 1X2 call sign. During this period, we will also accept applications for specific 1X2 call signs from Amateur Extra Class licensees who were first licensed at least 25 years ago and who do not now hold 1X2 call signs. At the end of this period, we will then also begin accepting applications for specific 1X2 call signs from Amateur Extra Class licensees who first obtained that class of license prior to November 22, 1967, (the effective date of Docket 15928). Such applications will be accepted for a period of 3 months, at which time we will then also begin accepting applications from Amateur Extra Class licensees

who first obtained that class of license prior to July 2, 1974, (the release date of Docket 20092). Such applications will be accepted for a period of 3 months, at which time we will then also begin accepting applications from Amateur Extra Class licensees who first obtained that class of license prior to July 1, 1976, (the effective date of Docket 20092). Such applications will be accepted for a period of 3 months, at which time we will then also begin accepting applications from any Amateur Extra Class licensee.

7. Many comments expressing agreement with our proposal also expressed concern over the administrative problems which could arise in implementing a working system. Inevitably, a single call sign will be requested by more than one applicant, and there are essentially two ways to handle such situations: (1) On the basis of which of the amateurs has been licensed the longest (or the earliest); or (2) On the basis of which request was received first for processing. Considering the manpower available for handling application processing, we have no alternative but to adopt the latter approach. To do otherwise would tremendously delay the processing of all amateur applications, Amateur Extra Class and others. Moreover, because we will permit an applicant to request several call signs in order of preference, there should be few instances where an applicant cannot get a call sign of his choice, although it may not have been his first choice. All applications for specific 1X2 call signs should be filled on a Form 610, with an attachment listing the call signs desired, in order of preference, and should be sent to the FCC offices in Gettysburg, Pennsylvania. The filing fee is \$28 if no renewal is desired, and \$29 if renewal is desired.

8. We are adopting an effective date well beyond the release date of this Report and Order, and we will not accept prematurely filed applications. This will insure that the news of this rule making will reach most amateurs so that they will have sufficient time to gather the necessary information and application forms required. We recommend that requests for verification of past records and license dates not be directed to the Commission. Amateurs may seek licensing information in Commission files at our Washington, D.C., offices, or they may request such information via our duplication contractor. Requests for such information made to the Commission will be honored. However, because of staff limitations and other priorities, such requests are not likely to receive immediate attention and could be delayed, thereby causing a loss of position in the filing sequence. Additionally, to insure that applicants requesting 1X2 call signs fully comply with the requirements for licensing background documentation, we would like to clarify exactly what must be submitted. An applicant may submit either an original license, a photocopy of an original license, or a photocopy of a recognized listing or source, such as the Radio Amateur's Callbook. When such a source is used, the applicant should include a photocopy of the title page of the

source which indicates its title, and dates of coverage. We cannot accept affidavits or sworn statements from applicants, since they cannot be verified.

9. As proposed, we are deleting the availability of 'in memoriam' call signs. Less than a dozen comments directly addressed our proposal to delete the availability of such call signs, indicating a general lack of interest among the many commentators. Arguments stated that since there were a relatively small number of requests, the additional manpower and 1X2 letter call signs which would be gained from the deletion would be minimal. While we realize the 'in memoriam' station may indeed be a tribute to a deceased amateur, we have found instances of abuses of such call signs. In our Notice of Proposed Rule Making, we cited the difficulty in many instances of determining whether or not the evidence of the deceased's membership in the applicant club is valid. While most comments agreed that the burden of proof should lie with the applicant, no comment indicated a valid and conclusive method of verifying the submitted evidence. Additionally, it is seldom, if ever, that a non-1X2 call sign is requested, although many more 1X3 and 2X3 call signs have been issued to the Amateur population as a whole. It appears that in some instances, the objective of the club to honor a deceased member is secondary to obtaining his prestigious 1X2 call sign for club use. We will therefore issue no such call signs henceforth, but will continue to renew those now outstanding.

10. In view of the foregoing considerations, we find that the amendments to Part 97, set forth in the attached Appendix, are in the public interest, convenience, and necessity. The authority for such amendments is contained in Sections 4(i) and 302 and 303 of the Communications Act of 1934, as amended.

11. Accordingly, *It is ordered*, That effective July 1, 1976, Part 97 of the Commission's Rules and Regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat., 290; 47 U.S.C. 154, 302, 303.)

Adopted: April 14, 1976.

Released: April 22, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

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

1. Section 97.51(a) is amended to read as follows:

§ 97.51 Assignment of call signs.

(a) * * *

(1) A specific unassigned call sign may be reassigned to a previous holder thereof.

(2) A specific unassigned call sign may be temporarily assigned to a special event station.

(3) One unassigned 1X2 call sign, (a call sign having one letter, then the

numeral, followed by two letters), may be assigned to the station of a previous holder of a 1X2 call sign.

(4) One specific unassigned 1X2 call sign may be assigned to the station of an Amateur Extra Class licensee who previously held or presently holds a 1X2 call sign.

(5) One specific unassigned 1X2 call sign may be assigned to the station of an Amateur Extra Class licensee who submits evidence that he held any amateur radio operator or station license, issued by any agency of the U.S. Government or by any foreign government, 25 or more years prior to the receipt date of an application for such assignment.

(6) Effective October 1, 1976, one specific unassigned 1X2 call sign may be assigned to the station of an Amateur Extra Class licensee who submits evidence that he first held that class of license prior to November 22, 1967.

(7) Effective January 1, 1977, one specific unassigned 1X2 call sign may be assigned to the station of an Amateur Extra Class licensee who submits evidence that he first held that class of license prior to July 2, 1974.

(8) Effective April 1, 1977, one specific unassigned 1X2 call sign may be assigned to the station of an Amateur Extra Class licensee who submits evidence that he first held that class of license prior to July 1, 1976.

(9) Effective July 1, 1977, one specific unassigned 1X2 call sign may be assigned to the station of any Amateur Extra Class licensee.

(10) The provisions of paragraphs (3) through (9) of this Section shall also apply to the issuance of 2X2 call signs in Alaska, Hawaii, and U.S. possessions.

2. Section 97.53 is amended to read as follows:

§ 97.53 Policies and procedures applicable to assignment of call signs.

(a) * * *

(1) 1X2 call signs—call signs with a single letter prefix and two letter suffix, e.g. W6AB, and 2X2 call signs in Alaska, Hawaii, and U.S. possessions.

(2) 1X3 call signs—call signs with a single letter prefix and a three letter suffix, e.g. W6ABC.

(b) An eligible licensee will be permitted to hold only one 1X2 call sign. However, a licensee who, by reason of former rule provisions, presently holds more than one such call sign, may continue to hold those same call signs in the same call sign areas.

(c) In those instances where an applicant is not eligible for a specific call sign, a 1X2 call sign beginning with the letter 'W' will, subject to availability, normally be assigned to an eligible licensee.

(g) Subject to availability, a primary station will be issued the same type of call sign as the one relinquished upon modification of license to show a station location in a different call sign area.

(h) Except as provided in § 97.51(a) licensees will not be assigned specific call signs or counterpart call signs, (call signs with identical suffix letters).

(i) Those Amateur Extra Class licensees eligible under the provisions of § 97.51(a) for a specific unassigned 1X2 call sign may specify in their applications more than one call sign in order of preference. In those instances where none of the listed call signs are available, the application will be returned without action unless the licensee has stated that he will accept, as a last choice, any unassigned 1X2 call sign.

(j) Call signs which have been unassigned for more than one year are normally available for reassignment.

[FR Doc. 76-12314 Filed 4-27-76; 8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau, Office of Hazardous Materials Operations

[Docket No. HM-135; Amdt. Nos. 173-96,
177-36]

PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Certification of Cargo Tanks and Placarding of Motor Vehicles

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to:

(1) Permit pneumatic testing of Specifications MC 330 and MC 331 cargo tanks; (2) clarify the manufacturer's certificate retention requirements for Specification MC 330 cargo tanks, and (3) permit the placarding of motor vehicles containing shipments of less than 1,000 pounds of certain hazardous materials when such shipments are part of an intermodal movement by motor, water, or rail.

A petition has been received from Racon, Inc., requesting that § 173.33(e) be amended to permit pneumatic retesting of Specifications MC 330 and MC 331 cargo tanks used exclusively for certain refrigerant gases. The petitioner states that hydrostatic retesting causes a rust deposit in these tanks which must be removed by sandblasting before the tanks may be returned to service. Such a procedure, petitioner claims, creates a destructive action which affects the integrity of the tank.

The Bureau believes the petition has merit, and further believes that the choice of using a pneumatic retest method should be available to all users of Specifications MC 330 and MC 331 cargo tanks, regardless of the commodities transported. Since section 177.824 presently permits a choice of retest methods for other specification cargo tanks, this amendment will give all cargo tank users the choice of retest method.

On December 2, 1974, Docket No. HM-110; Amendment Nos. 173-87 and 177-31 (39 FR 41741) was published by the Hazardous Materials Regulations Board which among other things added a new

§ 177.814 entitled "Retention of manufacturer's certificate and retest reports," requiring that each user of a cargo tank retain a copy of the tank manufacturer's certificate and all records from retesting the cargo tank. Section 177.814 referred to provisions in the specifications whereby a motor carrier could certify a cargo tank in place of a manufacturer's certification. The Board failed to recognize however, that the specifications for MC 330 and MC 331 cargo tanks do not provide for certification by other than the manufacturer of the cargo tank since these tanks are built according to the ASME Code, and only the tank manufacturer can certify compliance with the Code requirements. Therefore, § 177.814 is being changed to recognize this distinction by excepting specifications MC 330 and MC 331 tanks from carrier certification.

It has been brought to the Bureau's attention by a petition from the National LP-Gas Association, that the specification for MC 330 cargo tanks did not require a manufacturer's certification. Instead a manufacturer's data report was required to indicate compliance with the ASME Code under which the tank was constructed. The petitioner points out that users of specification MC 330 cargo tanks cannot comply with § 177.814 because certificates were not required for these tanks, and because the users cannot test the tanks to determine if in fact they were built to the specification. Therefore, petitioner asks that § 177.814 be amended to provide that users of specification MC 330 tanks can copy the information imprinted on the identification plate and ASME data plate permanently attached to the tank, and retain this information in place of the original manufacturer's data report when such report is not available. The Bureau believes the petition has merit and is amending § 177.814 accordingly.

Section 177.823 presently prohibits the placarding of cargo tanks and motor vehicles containing less than 1,000 pounds of a hazardous material except for explosives, Class A and Class B; poisons, Class A and certain radioactive materials. Since the regulations of the U.S. Coast Guard and the Federal Railroad Administration require the placarding of containers and trailers containing any amount of these materials, shipments are often frustrated when moving between highway and water or highway and rail. In order to facilitate the ease of intermodal movement of hazardous materials, the Bureau is amending the highway placarding requirement to permit placarding for less than 1,000 pounds when the motor vehicle or cargo-carrying container has a prior or subsequent movement by water or rail.

Since these amendments will allow a retesting procedure that will have the effect of enhancing the integrity and safety of certain cargo tanks and because these amendments will provide for consistency between various Departmental regulations and remove an unwarranted frustration on the intermodal movement of hazardous materials, the Materials

Transportation Bureau finds that notice and public procedure thereon are impracticable and unnecessary.

In addition, because these amendments are a relaxation of the existing rules and place no additional burden on any person, they are being made effective in less than 30 days after publication in the *FEDERAL REGISTER*.

In consideration of the foregoing, Parts 173 and 177 of Title 49 CFR are amended as follows:

1. In § 173.33 paragraph (e) (2) is revised to read as follows:

§ 173.33 Cargo tank use authorization.

(e) * * *

(2) The tank less any fittings must be subjected to a hydrostatic or pneumatic pressure of one and one-half times the design pressure (maximum allowable working pressure or rated pressure) of the tank. For pneumatic testing, the test procedure specified in § 177.824(d) (3) of this subchapter shall be followed. When a pneumatic test is performed, suitable safeguards should be provided to protect employees and other persons should a failure occur.

2. In § 177.814 paragraphs (a) and (d) are revised to read as follows:

§ 177.814 Retention of manufacturer's certificate and retest reports.

(a) Each motor carrier who uses a cargo tank vehicle shall have in his files a certificate or manufacturer's data report signed by a responsible official of the manufacturer or fabricator of the cargo tank, or a competent testing agency, certifying that the cargo tank identified in the certificate was manufactured and tested in accordance with the requirements contained in the specification under which the cargo tank was constructed. The certificate and any other data furnished as required by the specification must be retained at the principal office of the carrier during the time that the cargo tank is used by the carrier and for one year thereafter.

(1) Except for specifications MC 330 and MC 331 cargo tanks, a motor carrier may himself perform the tests and inspections to determine whether the tank meets the requirements of the specification. If the motor carrier performs the tests and inspections and determines that the tank conforms to the specification, he may use the tank if he retains the test data, in place of a certificate, in his files at his principal office for as long as he uses the tank and one year thereafter.

(2) A motor carrier using a specification MC 330 cargo tank for which such carrier is unable to obtain the manufacturer's data report required by the specification may copy the information contained on the cargo tank's identification plate and ASME Code plate and retain such information as required by this section.

(3) Each motor carrier who uses a specification cargo tank which he does not own and has not tested or inspected

shall obtain a copy of the manufacturer's certificate or manufacturer's data report and retain it in his files at his principal office during the time he uses the tank and for one year thereafter. A motor carrier using a specification MC 330 cargo tank which he does not own may copy the information contained on the cargo tank's identification plate and ASME Code plate if the manufacturer's data report is not available from the owner of the tank.

(d) A copy of retest and inspection reports required by §§ 173.33 and 177.824 of this subchapter and all records of repairs to each cargo tank vessel must be retained in the same file with the manufacturer's certificate or manufacturer's data report for that tank as specified in paragraph (a) of this section. This provision does not apply to a motor carrier leasing a cargo tank for less than 30 days if the lessor has the records required by this section in his files.

3. In § 177.823 paragraph (e) is added to read as follows:

§ 177.823 Required exterior marking on motor vehicles and combinations.

(e) A motor vehicle, trailer, or other cargo-carrying body, other than a cargo tank, containing less than 1,000 pounds of a flammable liquid, oxidizing material, compressed gas, or corrosive liquid, may be placarded as specified in paragraph (a) (1) of this section when such vehicle, trailer or cargo-carrying body has an immediate prior or subsequent movement by water or rail.

(18 U.S.C. 834; 49 CFR 1.53(g).)

Effective: These amendments are effective April 28, 1976.

Issued in Washington, D.C. on April 23, 1976.

JAMES T. CURTIS, JR.,

Director,

Materials Transportation Bureau.

[FR Doc.76-12260 Filed 4-27-76; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Determination That Two Species of Butterflies Are Threatened Species and Two Species of Mammals Are Endangered Species

The Director, U.S. Fish and Wildlife Service (hereinafter the Director and the Service, respectively) hereby issues a Rulemaking pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533, 87 Stat. 884; hereinafter, the Act) which determines the: Schaus Swallowtail (*Papilio aristodemus ponceanus*); and that population of the Bahama Swallowtail (*Papilio andraemon bonhoti*) which occurs within the United States each to be Threatened Species.

This Rulemaking also determines the: Gray Bat (*Myotis grisescens*) and the Mexican Wolf (*Canis lupus baileyi*) each to be Endangered Species.

BACKGROUND

Schaus Swallowtail and U.S. Population of the Bahama Swallowtail butterflies. On April 22, 1975, the Service published proposed rules in the FEDERAL REGISTER (40 FR 17757) advising that sufficient evidence was on file to support proposing a determination that the two subject species of butterflies were Threatened Species as provided for by the Act. That proposal summarized the factors thought to be contributing to the likelihood that each species would become Endangered within the foreseeable future; specified the prohibitions which would be applicable to each species if such a determination were made; and solicited comments, suggestions, objections and factual information from any interested person.

Section 4(b)(1)(A) of the Act requires that the Governor of each State within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened Species or an Endangered Species. Such a letter was drafted but apparently was not mailed to Governor Askew or at any rate was not received by the Governor's Office. This oversight was rectified on August 15, 1975, when Acting Director Keith M. Schreiner forwarded a letter to Governor Askew advising him of the proposed action and requesting his comments.

In addition, on April 30, 1975, the Service issued a news release entitled "Two Florida Butterflies May Become First Insects Listed as Threatened Species" which advised that " * * * All comments received within 90 days of the FEDERAL REGISTER notice will be considered * * *".

Gray Bat and Mexican Wolf. On April 21, 1975, the Service published proposed rules in the FEDERAL REGISTER (40 FR 17590) advising that sufficient evidence was on file to support a proposal to determine that several species of fauna were Endangered Species or Threatened Species as provided for by the Act. Included were the Gray Bat and the Mexican Wolf, both of which were proposed to be determined Endangered Species.

On April 24, 1975, Director Lynn A. Greenwalt forwarded letters notifying the Governors of the States of Arizona, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, New Mexico, North Carolina, South Carolina, Texas, Virginia and West Virginia of this proposal and requesting their views and comments. Included among those States are all within which the Gray Bat and Mexican Wolf are known to occur except for the State of Oklahoma. Oklahoma inadvertently was omitted when the April 24 letter was prepared. Since the Gray Bat has been reported from Oklahoma, that oversight was corrected on August 25, 1975, when Acting Associate Director, Harold J.

O'Connor, forwarded a letter to the Honorable David L. Boren, Governor of Oklahoma advising him of the proposal to determine the Gray Bat to be an Endangered Species and requesting his views and opinions. Associate Director, Keith M. Schreiner, subsequently forwarded a second letter dated October 3, 1975, to Governor Boren again calling the proposal to his attention and seeking any comments the State of Oklahoma cared to offer. Director Lynn A. Greenwalt forwarded a third, similar letter on November 18, 1975.

On April 25, 1975, the Service, through the Department of State, forwarded a cable (State 096118) to the American Embassy in Mexico City, Mexico, advising the embassy of the proposal to determine the Mexican Wolf to be an Endangered Species; instructing the embassy to so advise the proper officials of the Government of Mexico and to request from them any comments, data or other relevant information they cared to offer.

A subsequent cable (State 099714) dated April 29, 1975, was forwarded to clarify possible ambiguities in the wording of the April 25 cable.

On July 17 through July 19, 1975, a U.S. delegation headed by Director Lynn A. Greenwalt, met with a counterpart Mexican delegation headed by Senor Mario Luis Cassio Gabucio in Mexico City, Mexico. The purpose of this meeting was to discuss mutual interests and problems, and to develop an agreement for implementing future coordination and cooperative work and exchanges between the U.S. Fish and Wildlife Service and the Mexican Direccion General de la Fauna Silvestre. During that meeting, the Service's proposal to determine the Mexican Wolf to be an Endangered Species was discussed with the Mexican officials who requested the Service delay the determination to provide an opportunity for them to ascertain whether they had additional, relevant data to submit. On September 5, 1975, Acting Director F. V. Schmidt forwarded a letter to Sr. Mario Luis Cassio, Director General, Direccion General de la Fauna Silvestre in which Mexico's comments or data were again requested.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a " * * * summary of all comments and recommendations received * * *" be published in the FEDERAL REGISTER prior to adding any species to or removing any species from the List of Endangered and Threatened Wildlife.

Schaus Swallowtail and U.S. population of the Bahama Swallowtail butterflies: Approximately 13 comments were received. No response was received from Governor Askew nor did the State of Florida offer any other comments upon the proposal.

A lengthy letter dated October 23, 1975, was received from Acting Deputy Director T. G. Darling of the U.S. Department of Agriculture's Animal and Plant

Health Inspection Service. Although that letter was received long after the comment period specified in the proposed rules (July 21, 1975) it was considered.

One point in that letter is significant, reflects a degree of misunderstanding concerning the criteria and process of determining whether a species is Threatened or Endangered, and is commented upon below.

In his penultimate paragraph, Mr. Darling states, with reference to the two subject species, " * * * It would appear that no scientific survey (biometrical survey) has been made for a population index. This appears to be a basic fact in determining endangerment * * *".

While the Service recognizes that statistically sound population data are a very desirable ingredient in the process of determining whether a species is Threatened or Endangered, it also recognizes that seldom are such data available, particularly for the less studied, frequently obscure forms that become candidates for such determinations. While a biometrically defensible documentation of a critically low or precipitously declining population would, of itself, be considered sufficient reason to determine a species to be Threatened or Endangered, such refined data are not necessarily a prerequisite to such determinations. Section 4(a) of the Act sets forth the factors that must be considered. Section 4(b) requires that such determination be made " * * * on the basis of the best scientific and commercial information available to him * * *"; specifies the consultation process that must be followed in assessing that information and sets forth the "due process" provided for by the Act. That process, particularly the requirements for a 60-day period for comment by interested persons and a 90-day period for comment by the affected States in cases involving "resident" species, is intended to insure that such information as is available is solicited and considered and that all interested parties have ample opportunity to submit comments.

Thus the Service concurs that a complete assessment of available data and information must be made prior to determining a Threatened or Endangered Species. However, the Service cannot support the view that the protection provided for by the Act should be denied a species, which the information available indicates is Endangered or Threatened, while biometrical surveys are conducted to gather additional data.

Comments from twelve other persons (including three biologists and two conservation organizations), fully supported the proposal to determine both butterflies to be Threatened Species. Several of these comments emphasized the dangers of habitat destruction and urged that protective measures be taken.

Two persons, while not objecting to the proposed determination, questioned its efficacy and emphasized that, for example, "the only help (for these species of butterflies) would be protection of habitat." These persons also expressed

concern that the proposal would prohibit amateur lepidopterists from collecting specimens of these butterflies.

One professional lepidopterist wrote a lengthy letter raising an array of issues and objections concerning the determination of Threatened or Endangered butterflies in particular and the statutory scheme for protecting Endangered wildlife in general. With respect to the Schaus Swallowtail and the Bahama Swallowtail, the letter questioned the rarity of these species and offered some conflicting interpretations of the scientific evidence available. This letter, as did many of the others, emphasized the critical need to protect the habitats of these species, and expressed the prevailing view that mere collecting by limited numbers of amateurs was not a primary threat to the species. Copies of that letter also were received by the Service via the office of members of Congress. In a letter dated July 18, 1975, Acting Associate Director Harold J. O'Connor responded individually to this person and requested any scientific data or population estimates. None has been received.

Gray Bat and Mexican Wolf: Approximately 23 comments were received. Of these, about 20 dealt with the Gray Bat, 2 with the Mexican Wolf and one with both. Of the States which responded, Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Mississippi, Missouri, and Tennessee supported the proposal to determine the Gray Bat to be an Endangered Species. The proposal also was supported by comments from specialists at the Florida State Museum and the Memphis State University.

Comments received from the State of Georgia suggested the Gray Bat be classified "rare or unusual" rather than "Endangered" based upon the status of the bat in Georgia. The Georgia Department of Natural Resources letter defined those terms as: "species with small populations in the State which, though not presently Endangered or Threatened as previously defined, are potentially at risk".

The North Carolina Wildlife Resources Commission and the North Carolina Department of Natural and Economic Resources both stressed the apparent rarity of the species within that State and suggested the Gray Bat be temporarily classified "Undetermined or Peripheral" in North Carolina.

The Act does not provide for classifications of "rare, unusual, undetermined or peripheral"; therefore these suggestions cannot be acted upon. Taken in the context of the proposal, as amplified by other comments, the comments of Georgia and North Carolina are construed as supportive of, or at least not in opposition to, the proposal to determine the Gray Bat to be an Endangered Species.

The South Carolina Wildlife and Marine Resources Department advised that "a survey of known records indicates that the Gray Bat has not been described from South Carolina" and that "status investigations are being conducted on the Chiroptera of South Carolina." No specific comment or recommendation concerning the

proposed Endangered Species determination was offered.

The Office of the Governor of the Commonwealth of Virginia advised, based upon the best information available, that "the Gray Bat is believed to be found in the Clinch Valley in Russell County, that the Commission (of Game and Inland Fisheries) has no evidence that this bat has ever been recorded elsewhere in our State." No opinion concerning the proposed determination of the Gray Bat to be an Endangered Species was offered.

Governor Arch A. Moore, Jr., of West Virginia indicated that "After consulting our wildlife biologists, the Wildlife Services biologist of the U.S. Fish and Wildlife Service and mammalogists at West Virginia University and Marshall University, I can find no record of the Gray Bat in West Virginia. The possibility of its occurrence cannot be dismissed due to its presence in Kentucky." No comments concerning the proposed determination of the Gray Bat to be an Endangered Species were offered.

Colonel Thorwald R. Peterson, District Engineer of the St. Louis District of the Department of the Army's Corps of Engineers advised that "the species may be impacted by the authorized Meramec Park Lake which is under construction on the Meramec River" and cited the Final Environmental Impact Statement on that project (dated August 1973), as amended, which notes that one cave, Bat Cave, which was a reported maternity area for 3,000 Gray Bats, is located in the Flood pool and will be inundated at a frequency of less than every two years. Two other caves, Hamilton and Press Caves, are reported to be temporary summer roosts for an unknown number of Gray Bats and will be permanently inundated.

Colonel Peterson also advised that:

"These caves, with the exception of Press Cave which was not positively located, were recently visited by a St. Louis District biologist and a biologist from the U.S. Fish and Wildlife Service's Kansas City Area Office. They failed to find any gray bats. All of these caves showed signs of human visitation and vandalism.

On the positive side, Tuttle (Tuttle, Merlin D. 1974. Population Ecology of the gray bat (*Myotis grisescens*). Ph.D. Dissertation, University of Kansas), reports that large rivers and lakes are preferred foraging areas for the gray bat."

No further suggestions concerning the advisability of the proposal to determine the Gray Bat to be an Endangered Species were provided. The Environmental Defense Fund advised that:

"Good cause has been shown to support the proposed listing of the (Gray Bat and Mexican Wolf) on the Endangered species list."

In addition to the Environmental Defense Fund, comments were received from the States of Texas and New Mexico regarding the proposal to determine the Mexican Wolf to be an Endangered Species.

The Texas Parks and Wildlife Department indicated:

"The Mexican wolf is considered to be an extremely scarce, peripheral animal in this State, based on only three authenticated records of its occurrence in the Trans-Pecos region. The first wolf determined to represent this species was taken in 1944, and the other two were recorded in 1970.

Considering the isolated and infrequent occurrence of the Mexican wolf in Texas over a long period of time, I support the listing of this species as endangered."

The New Mexico Department of Game and Fish advised:

"According to our best information, the Mexican wolf is extremely rare and irregular in New Mexico at present. We doubt that any resident population exists in our state, although occasional individuals do wander into the southwestern area from time to time. The last definite record that we know was a specimen collected in December 1950."

In Mexico, we understand that only a few wolves remain, the number perhaps being a few hundred at most. In view of the animal's rarity there, as well as the adjacent United States, it would appear that this subspecies can be classified as Endangered. It must be recognized, however, that, if the wolf is added to the list, some mechanism must be developed to protect livestock from damage and to compensate owners for losses that might occur as the result of predation."

No response has been received from the Government of Mexico nor have any subsequent data or objections been received as discussed at the July 1975 meeting in Mexico City.

Conclusion. After a thorough review and consideration of all the information available, the Director has determined that the Mexican Wolf and the Gray Bat are in danger of extinction and that the U.S. population of the Bahama Swallowtail butterfly and the Schaus Swallowtail butterfly are likely to become Endangered Species within the foreseeable future throughout all or a significant portion of their range due to one or more of the factors described in Section 4(a) of the Act. This review amplifies and substantiates the description of those factors included in the proposed rulemakings (40 FR 17590 and 40 FR 17757).

Effect of the rulemaking. The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. All of those prohibitions and exceptions also apply to any Threatened Species unless a Special Rule pertaining to that Threatened Species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered Species, are found at § 17.21 of Title 50 and; for the convenience of the reader, are reprinted below:

§ 17.21 Prohibitions. (a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause

to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

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

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

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

(3) Notwithstanding paragraph (c) (1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

- (i) Aid a sick, injured or orphaned specimen; or
- (ii) Dispose of a dead specimen; or
- (iii) Salvage a dead specimen which may be useful for scientific study; or
- (iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

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

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

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

(2) Notwithstanding paragraph (d) (1) of this section, Federal and State law enforcement officers may possess, deliver,

carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

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

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

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

The general prohibitions and exceptions for Threatened Species are found at § 17.31 of Title 50 of the Code of Federal Regulations and, for the convenience of the reader, are reprinted below:

§ 17.31 *Prohibitions.* (a) Except as provided in Subpart A of this Part, or in a permit issued under this Subpart, all of the provisions in § 17.21 shall apply to threatened wildlife.

(b) In addition to any other provisions of this Part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take any threatened wildlife to carry out scientific research or conservation programs.

(c) Whenever a special rule in §§ 17.40 to 17.48 applies to a threatened species, none of the provisions of paragraphs (a) and (b) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions.

Thus, rules which pertain to a Threatened Species are established thru: Section 17.31 which also incorporates the provisions of § 17.21 as modified by special rules containing specific provisions tailored to the conservation needs of the particular species in question. When such special rules are published for a given Threatened Species, those special rules take precedence over both §§ 17.31 and 17.21.

As a result of these rules, all of the provisions of § 17.21 will apply to the Gray Bat and the Mexican Wolf.

A Special Rule (§ 17.47(a)) applies to the Schaus Swallowtail and the U.S. populations of the Bahama Swallowtail butterflies. That Special Rule incorporates all the provisions of § 17.21 with three exceptions:

1. Adult specimens (but not deposited eggs, larvae or pupae) may be taken or exported without a Federal permit provided such taking or exportation is otherwise lawful and is not in the course of a commercial activity as defined below;

2. Inadvertent injury to or destruction of deposited eggs, larvae or pupae incurred during lawn mowing or other routine maintenance operations in or around buildings shall not be considered to constitute "taking"; and

3. The killing or injuring of specimens by unintentionally striking them with automobiles or other conveyances shall not be considered to constitute a "taking" within the context of the Regulations.

These rules impose no restrictions upon the otherwise legal intrastate sale of lawfully taken specimens. Nor do they impose any restrictions upon the interstate movement of lawfully taken specimens unless such interstate movement is in the course of a commercial activity involving a change of ownership of the specimen. In this context, the term "commercial activity" is defined in Section 3(1) of the Act as follows:

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

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

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

The determination set forth in these rules also makes all four species eligible for the consideration provided by Section 7 of the Act. That Section reads as follows:

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

Although no "Critical Habitat" has yet been determined for any of the four subject species, the other provisions of Section 7 are applicable. Regulations published in the FEDERAL REGISTER of September 26, 1975, (40 FR 44412) provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened Species under certain circumstance. Such permits involving Endangered Species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship

which would be suffered if such relief were not available.

Effect upon the States. The determination that these four species are Threatened or Endangered Species will require States proposing to enter into Cooperative Agreements pursuant to Section 6 of the Act to consider these species.

Several States have State laws which recognize the List of Threatened or Endangered Wildlife promulgated pursuant to the Act and provide State protection to these species. This determination will make these four species eligible for such consideration as those State laws provide.

Effect internationally. In addition to the protection provided by the Act, the Service will review these four species to determine whether they should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendix(ices) to that Convention or whether they should be considered under other, appropriate international agreements.

National Environmental Policy Act. Two Environmental Assessments have been prepared and are on file in the Service's Washington Office of Endangered Species. One addresses this action as it involves the Gray Bat and the Mexican Wolf and the second deals with the Schaus and Bahama Swallowtail butterflies. Each assessment is the basis for a decision that these determinations are not major Federal actions which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Format. These final rules are published in a format different from that set forth in the proposed rulemaking. This new format was adopted by rules published in the FEDERAL REGISTER of September 26, 1975, (40 FR 4412) and represents no substantive change.

Effective date. Considering the long period during which the public has had notice of the proposal to determine these species to be Threatened or Endangered, and in view of the precarious status of the species, it has been determined that

there is good cause to make this rule-making effective shortly after publication.

The determinations set forth in these rules shall become effective May 4, 1976.

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

APRIL 15, 1976.

Accordingly of Part 17 of Chapter 1 of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. § 17.11 By adding the Gray Bat to the list of "Mammals," following the entry for "Banteng; *Bibos bonteng*" and the Mexican Wolf to the list of "Mammals," following the entry for "Wolf, Maned; *Chrysocyon brachyurus*" and by adding the U.S. Population of the Bahama Swallowtail Butterfly and the Schaus Swallowtail Butterfly list under "Insects", as indicated below:

§ 17.11 Endangered and Threatened Wildlife.

(i) * * *

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered			
MAMMALS:							
Bat, Gray	<i>Myotis grisescens</i>	N/A	Central and Southeastern USA	Entire	E	...	N/A
Wolf, Mexican	<i>Canis lupus baileyi</i>	N/A	Mexico, USA (Arizona, New Mexico, Texas)	Entire	E	...	N/A
INSECTS:							
Butterfly, Bahama Swallowtail	<i>Papilio andraemon bohnoti</i>	USA	USA (Florida), Bahamas	USA	T	...	17.47
Butterfly, Schaus Swallowtail	<i>Papilio aristodemus ponceanus</i>	N/A	USA (Florida)	Entire	T	...	17.47

3. Delete the notation "Reserved" from § 17.47 and insert the following in lieu thereof:

§ 17.47 Special rules—insects.

"(a) U.S. population of the Bahama Swallowtail butterfly (*Papilio andraemon bohnoti*) and the Schaus Swallowtail butterfly (*Papilio aristodemus ponceanus*)—

(1) Prohibitions—All of the provisions set forth in Section 17.31 shall apply to both species with the following exceptions:

(i) Adult specimens of either species (but not deposited eggs, larvae or pupae) may be taken without Federal permits issued pursuant to these Regulations provided, That all other Federal, State or local laws, regulations, ordinances or other restrictions or limitations have been complied with and, provided further, That such taking is not in the course of a commercial activity. In addition, any such lawfully taken specimens may be exported without a permit issued pursuant to these Regulations provided such export is otherwise lawful and is not in the course of a commercial activity.

(ii) The inadvertent injury to or destruction of deposited eggs, larvae or pupae of these species incurred during lawn mowing or other routine maintenance operations in or around buildings shall not be considered to constitute "taking" in the context of the Act.

(iii) The killing or injuring of specimens of these species by unintentionally striking them with automobiles or other conveyances shall not be considered to constitute a "taking" within the context of the Act.

[FR Doc.76-12094 Filed 4-27-76; 8:45 am]

PART 33—SPORT FISHING

Moosehorn National Wildlife Refuge, Maine

The following special regulations are issued and are effective during the period April 30, 1976 through December 31, 1976.

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Sport fishing on the Moosehorn National Wildlife Refuge, Calais, Maine,

is permitted on the areas designated by signs as open to fishing. These open areas, comprising 500 acres, are delineated on maps available at Refuge Headquarters, Box X, Calais, Maine 04619 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats without motors is permitted on Bearce, Conic, and Cranberry Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

APRIL 21, 1976.

[FR Doc.76-12291 Filed 4-27-76; 8:45 am]

PART 33—SPORT FISHING

**Montezuma National Wildlife Refuge,
New York**

The following special regulations are issued and are effective during the period April 30, 1976 through December 31, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Sport fishing in state waters in compliance with state regulations is permitted from refuge lands. The four areas open for access to fishing are designated by signs and delineated on maps available from the Refuge Manager, Montezuma National Wildlife Refuge, RD No. 1, Box 1411, Seneca Falls, New York 13148 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations govern-

ing fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

WILLIAM C. ASHE,
*Acting Regional Director,
U.S. Fish and Wildlife Service.*

APRIL 21, 1976.

[FR Doc.76-12292 Filed 4-27-76;8:45 am]

PART 33—SPORT FISHING

Erie National Wildlife Refuge, Pennsylvania

The following special regulations are issued and are effective during the period April 30, 1976, through December 31, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Erie National Wildlife Refuge, Pennsylvania, is permitted on areas designated by signs as

open to fishing in accordance with State regulations. Boast are permitted in Lake Creek above Sugar Lake and above the Pool 9 dike where designated by signs. Fishing in Pools 9 and K is permitted from June 12 to September 15 only. Pools 9 and K will be open to ice fishing at the discretion of the refuge manager by daily permit only. All fishing areas are delineated on maps available at refuge headquarters, RD 2, Box 167, Guys Mills, Pennsylvania 16327 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

WILLIAM C. ASHE,
*Acting Regional Director,
U.S. Fish and Wildlife Service.*

APRIL 21, 1976.

[FR Doc.76-12293 Filed 4-27-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered or Threatened Status for 32 U.S. Snails

The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking, pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C., 1531-1543, 87 Stat. 884; hereinafter the Act), which would determine 15 U.S. snails to be Endangered species and 17 such snails to be Threatened species. He also requests comments regarding the determination of "Critical Habitat" of any of these mollusks.

BACKGROUND

Section 4(a) of the Act states:

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

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

This authority has been delegated to the Director.

On June 15, 1973, the Service entered into a contract with The Chicago Field Museum of Natural History to investigate the status of certain snails indigenous to Eastern North America. A final report dated December 12, 1974, contained data indicating that several of the snails studied were either Threatened or Endangered Species as provided for by the Act.

Another contract entered into between the Service and the Sierra Club Foundation, San Francisco, California, to investigate the status of California land snails produced similar results which are documented in a final report dated August 25, 1975.

A third Service contract entered into with the Arizona State University produced a final report dated December 15, 1974. This report identified several southwestern freshwater snails that appeared to be Endangered or Threatened Species as provided for by the Act. Status reports on 4 other snails were submitted by experts on these species. James Carlton and Barry Roth, both affiliated with the

California Academy of Sciences submitted reports on *Helminthoglypta walkeri*, *arrosa miwoka*, and *Helminthoglypta nickliniana awania* in November 1972. Fred Thompson of the Florida State Museum, Leslie Hubricht of Meridian, Mississippi, and Alan Craig of Florida Atlantic University submitted reports on *Orthalius reses* in January 1973, and January 1974.

These findings are summarized herein. The snails are grouped geographically into an American Southwest group, a California group; and an Eastern group. Summaries of these findings are presented following the name of each species.

On October 17, 1974, the Service published a Notice in the FEDERAL REGISTER (34 FR 37078-79) advising that a review of several species was underway to determine whether any were Threatened species or Endangered species. Only one comment was received as a result of that "Notice." In a letter dated December 11, 1974, Governor Reagan of California offered several comments, suggested further study and provided a copy of a California Department of Fish and Game report entitled "Rare and Endangered Land Mollusks in California" (Inland Fisheries Administrative Report No. 72-10, submitted May 1972) authored by Barry Roth of the Sierra Club, San Francisco, California 94104. This information has been considered and is incorporated into the administrative record of this proposal.

SUMMARIES OF FACTORS AFFECTING THE SPECIES

AMERICAN SOUTHWEST GROUP

The Service has evidence on file that the following twelve (12) aquatic mollusks endemic to the American Southwest are Endangered Species or Threatened Species as defined by the Act: St. George snail (*Amnicola deserta*); Socorro snail (*Amnicola neomexicana*); Reeves County snail (*Cochliopa texana*); Cheatum's snail (*Tryonia cheatumii*); Bad Water snail (*Assiminea infirma*); Muddy Valley turban snail (*Fluminicola avernalis*); Ash Meadows turban snail (*Fluminicola erythropoma*); Pahrnagat Valley turban snail (*Fluminicola merriami*); Amargosa snail (*Fonticella micrococcus*); Diamond-Y pond snail (*Physa virgata bottomeri*); Zion Canyon snail (*Physa zioni*); and White River snail (*Tryonia clathrata*).

The five criteria of Section 4(a) of the Act, and their application to the above-named species, are as follows:

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

St. George snail—Proposed Endangered—formerly believed to live in several springs in and near St. George, Washington County, Utah. This minute snail is now restricted to one seepage spring 3 meters long and 3/10 of a meter wide on sandstone kept moist by seepage which waters a small private garden. Since 1916, when the species was first discovered, all nearby springs which might have habitats supporting this species have been capped for city water supply. This species is further endangered by the likelihood that modification of the road directly above the seepage would cause the seepage to cease flowing.

Socorro snail—Proposed Endangered—Discovered in 1916, this minute snail was formerly known from the Sedillo and Socorro Springs in Socorro County, New Mexico, but probably is extinct because of capping of springs to supply the city of Socorro with water. It was found as recently as 1971 and, although it is not considered likely, extensive search in other nearby seepages conceivably may reveal one or more additional populations.

Reeves County snail—Proposed Endangered—This species was formerly abundant in a lake in Reeves County, Texas, but this lake was drained by channelization and the species declined. It has stabilized in numbers since 1968 in the lake's cave spring and downstream for about 800 meters. However, increased agricultural pumpage nearby has caused a decline in the discharge out of this spring, thus threatening the continued existence of this species.

Cheatum's snail—Proposed Endangered—This species was formerly abundant in a lake in Reeves County, Texas, but this lake has been drained by channelization and the species is now much less abundant. It presently is found in a spring that discharges from a cave and in the first 800 meters or so of the run from the spring. Although the population has suffered no known major change since 1968, there recently has been a precarious decline in the discharge from the spring which threatens the continued existence of the species.

Bad Water snail—Proposed Threatened—Restricted to several seepage springs at Bad Water in Death Valley National Monument, California, this species has declined and is declining because of lowered water table and increased tourist pressure (people trampling the marsh habitat).

Muddy Valley turban snail—Proposed Threatened—This species has always been restricted to springs in Muddy Valley, Clark County, Nevada, where it is

found on rocks at the source of one spring and on submergent vegetation in several other springs. All these springs are within about two sections of land and arise from the same complex of aquifers. Lowering of the water table by pumpage would therefore affect all of the springs. An even greater threat in this area has been the conversion of some of these springs to commercial spas in which the number of snails has declined greatly.

Ash Meadows turban snail—Proposed Threatened—This species has always been restricted to the Ash Meadows area in Nye County, Nevada, but has been eliminated from a number of springs. And in the Point of Rocks Spring Complex, the habitat area has been halved in the last four years. It is today present in small head springs and restricted to areas near the outflows. The largest populations remain at the Point of Rocks Spring complex and the Scruggs Spring complex. Increasing agricultural pumpage is rapidly reducing the abundance of the snails. Road construction and spring head modifications are also reducing habitat. The total area which supports this snail among the different springs is about 25 square meters.

Pahranagat Valley turban snail—Proposed Threatened—Historically restricted to 3 springs of the Pahranagat Valley in Lincoln County, Nevada, it is found on rocks and submergent vegetation in runs near the springs' sources. All three spring systems are from the same aquifer, and present and potential lowering of the water table by agricultural pumpage effects them all.

Amargosa snail—Proposed Threatened—This species is restricted to the Amargosa River drainage including springs the conversion of some of these springs to commercial spas in which the number of snails has declined greatly.

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Amargosa snail—Proposed Threatened—This species is restricted to the Amargosa River drainage including

springs at Tecopa and near Tecopa Hot Springs in Inyo County, California; a spring in Ash Meadows, Nye County, Nevada; springs in northern San Bernardino County, California; and Oasis Valley Spring, California. These springs are all fed by the same aquifer. This is ominous because several springs in the area have already dried. A further threat has been and continues to be capping of springs in the area.

Diamond-Y pond snail—Proposed Threatened—Formerly known from the entire Leon Creek system including Comanche Spring, which has been drained dry, it is now restricted to the Diamond-Y (Wilbank) Spring complex and Leon Creek, north of Fort Stockton in Pecos County, Texas. The required habitat of this species is threatened by oil and brine spills from local oil fields. Protective measures have already been taken, however, as good cooperation has been received from Exxon, Northern Natural Gas and Phillips Oil Company which have constructed retaining dikes. There is still a real danger and the species is proposed as threatened.

Zion Canyon snail—Proposed Threatened—A fresh water snail which has evolved unusual features which allow it to survive in spring seepages in its vertical canyon wall habitat, it has always been restricted to Narrows Canyon, Zion National Park, Washington County, Utah. It is rare and the total area it occupies is approximately 20 square meters spread along a nature trail. It receives some protection by virtue of being in a National Park but is threatened by increasing human pressure.

White River snail—Proposed Threatened—Formerly distributed throughout the pluvial White River system in Nevada, it is now restricted to springs in the Muddy River Valley, Clark County; Pahranagat Valley, Lincoln County; and White River Valley, Nye County. Increased ground water pumpage which could adversely affect these springs is anticipated in the area.

2. **Overutilization for commercial, sporting, scientific or educational purposes.** Not known to be applicable to any of the twelve above-named species.

3. **Disease or predation.** All twelve species are jeopardized by the spread of the Asian snail (*Melanoides tuberculatus*) into their required habitat. In particular, the Muddy Valley turban snail, the Pahranagat Valley turban snail and the White River snail are already competing with the Asian snail for any habitat where they are subject to fish predation, since the Asian snail has a selective advantage in such habitats. Recent declines of the White River snail may be attributed directly to competition with the Asian snail.

4. **The inadequacy of existing regulatory mechanisms.** No regulatory mechanisms adequate to protect these species from over-collecting or other human predation presently exist.

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

In summary, four species from the American Southwest group are proposed as "endangered" because they occur on private land and are restricted to single springs which are jeopardized by water use and invasion of the Asian Snail: St. George snail (*Amnicola deserta*); Socorro snail (*Amnicola neomexicana*); Reeves County snail (*Cochliopa texana*); and Cheatum's snail (*Tryonia cheatumi*). Some of the other eight species are proposed as "threatened" because although they are each restricted to a single, vulnerable spring, seepage, pond, run or creek the species receive some protection by virtue of being in a national park. Others are restricted to single aquifers which are subject to ground water pumping, pollution, or invasion by the Asian snail. These two groups consist of the Bad Water snail (*Assiminea infirma*); Muddy Valley turban snail (*Fluminicola avarialis*); Ash Meadows turban snail (*Fluminicola erythropoma*); Pahranagat Valley turban snail (*Fluminicola merriami*); Amargosa snail (*Fontelicella micrococcos*); Diamond-Y pond snail (*Physa virgata bottomeri*); Zion Canyon snail (*Physa zion*); and White River snail (*Tryonia clathrata*).

CALIFORNIA GROUP

On October 17, 1974, the Service published, in the FEDERAL REGISTER a notice that it was reviewing the status of fifteen (15) California land snails as well as several other species (39 FR 37078-37079). The Service now has evidence on hand that the following nine (9) of these California land snails are Endangered Species or Threatened Species as provided for by the Act: Slug snail (*Binneya notabilis*); Dented peninsula snail (*Helminthoglypta arrosa miwoka*); Nicklin's peninsula snail (*Helminthoglypta nickliniana awania*); Banded dune snail (*Helminthoglypta walkeriana*); Fraternal snail (*Micrarionta feralis*); Tryon's snail (*Micrarionta tryoni*); Rocky coast snail (*Monadenia fidelis pronotis*); California northern river snail (*Monadenia setosa*); and Karok Indian snail (*Vespericola karokorum*).

The five criteria of Section 4(a) of the Act, and their application to the above-named species, are as follows:

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

Slug snail—Proposed Endangered—Known only from Santa Barbara Island, California, this is a unique subterranean slug-like snail with a very small range on the island. It could be destroyed by accidental brush fires, and is endangered by competition for habitat with introduced species including the iceplant. The total range is probably less than 1000 square yards. The habitat cannot survive the slightest disturbance and is jeopardized by the use of an existing trail. A major increase in recreational use or development of Santa Barbara Island without appropriate safeguards could exterminate this species. Activity upslope from the canyons which would increase the wind-or-water-transport of loose sediment into the canyons would defi-

nately be detrimental, as would landfill or excavation.

Dented peninsula snail—Proposed Endangered—Known only on Point Reyes Peninsula, Marin County, California, this species is restricted to the exposed headlands of the point proper and to a few miles to either side. It is threatened by grazing, road construction, grading, excavation for parking, and vacation facility development.

Nicklin's peninsula snail—Proposed Endangered—Also known only on the tip of Point Reyes Peninsula, Marin County, California, this species also is threatened by grazing, road construction, grading, excavation for parking, and vacation facility development.

Banded dune snail—Proposed Endangered—This species is known only from Morro Bay, San Luis Obispo County, California, and is endangered by housing development in the area where reproduction occurs, by dune buggies or other off-road vehicles, and potentially by the dumping of dredge spoils.

Fraternal snail—Proposed Endangered—This species is known only from a shrinking range on San Nicolas Island, Ventura County, California, and is endangered by the grazing of feral goats. It is vulnerable to military operations or other actions which result in the introduction of exotic species or major erosion. It may be extinct.

Tryon's snail—Proposed Threatened—This snail is known only from Santa Barbara Island and San Nicolas Island, California. On San Nicolas Island feral goats have greatly reduced its range and it is vulnerable to military operations or other actions which result in the introduction of exotic species or major erosion. On Santa Barbara Island a striking decrease in plants of the Genus *Coreopsis* and concomitant increase in iceplant has probably cut in half the available area for *M. tryoni*.

Rocky coast snail—Proposed Threatened—This small, variably colored subspecies is known only from the rocky moist coastal terraces of Point St. George near Crescent City in Del Norte County, California, in association with certain seashore plants. It is endangered by housing expansion and over-grazing.

California northern river snail—Proposed Threatened—This snail is known only from talus slopes along Swede Creek in the Trinity River drainage. Stripping of cover by logging above the forested talus slopes where *M. setosa* lives would change the erosion pattern, and the subsequent increased runoff would be expected to remove the forest duff in which it survives.

Karok Indian snail—Proposed Threatened—This species is known only from a few miles on the north side of the Klamath River, Humboldt County, California, and is endangered by high water. *Vespericola karokorum* inhabits only the deepest, narrowest, fissure-like gorges—never exposed habitats; they are always found extremely close to water. Logging topographically above the narrow gulches might readily result in heavy sedimentation or runoff problems in the gulches. Stripping of local cover would

drastically alter the moisture regime and probably exterminate the species. Widening or regrading of the small road on the northeast side of the Klamath River in this area would definitely be detrimental to the species.

2. **Overutilization for commercial, sporting, scientific, or educational purposes.**

The *Slug snail*, *Tryon's snail* and *Karok Indian snail* are of interest and vulnerable to over-collecting.

3. **Disease or predation.** Not known to be applicable to any of these species.

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

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

In summary, five of the California group are proposed as "endangered" because they are restricted to very small areas or occur in small numbers and are in immediate danger of extinction throughout their range: *Slug snail* (*Binneya notabilis*); *Banded dune snail* (*Helminthoglypta walkeriana*); *fraternal snail* (*Micrarionta feralis*); *Rocky coast snail* (*Monadenia fidelis pronotis*); and *Karok Indian snail* (*Vespericola karokorum*). The other four species are proposed as "threatened" because they occur over a wider range or in larger numbers and are potentially in jeopardy over most of their range: *Dented peninsula snail* (*Helminthoglypta arrosa mivoka*); *Nicklin's peninsula snail* (*Helminthoglypta nickliniana awania*); *Tryon's snail* (*Micrarionta tryoni*); and *California northern river snail* (*Monadenia setosa*).

EASTERN GROUP

The Service has evidence that the following eleven (11) species of Eastern land snails are Endangered Species or Threatened Species as provided for by the Act: *Painted snake coiled forest snail* (*Angustispira picta*); *MacClintock's discoid land snail* (*Discus macclintocki*); *Jones' middle-toothed land snail* (*Mesodon jonesianus*); *Virginia fringed mountain snail* (*Polygyris virginiensis*); *Chittenango ovate amber snail* (*Succinea ovalis chittenangoensis*); *flat spired three-toothed land snail* (*Triodopsis platysayoides*); *Magazine Mountain middle-toothed land snail* (*Mesodon magazinenses*); *Pilsbry's narrow apertured land snail* (*Stenotrema pilsbryi*); *Clark's Nantahala middle-toothed land snail* (*Mesodon clarki nantahala*); *strange many whorled land snail* (*Polygyra peregrina*); and *Stock Island tree snail* (*Orthalicus reses reses*).

The five criteria of Section 4(a) of the Act, and their application to the above named species, are as follow:

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

Painted snake coiled forest snail—Proposed Endangered—Discovered in 1906 in Buck Creek Cove, south of Sherwood, Franklin County, Tennessee, it has

never been found elsewhere although it has been extensively searched for by several competent malacologists. The area is subject to periodic lumbering; this species is not found in habitats that no longer have good cover and cannot survive such lumbering.

MacClintock's discoid land snail—Proposed Endangered—Also known as the Iowa pleistocene driftless snail, this is a relic of pre-glacial times, once widespread but now known only from a cave in Bixby State Park, Clayton County, Iowa. The snail's survival in a non-glaciated driftless area within the boundaries of the last four glaciations is so unique that the species was first described and has long been known only as a fossil. General threats in the Driftless Area include the spraying of 2,4,5-T, a defoliant. This spraying is being done to convert forest and brush land into pasture for livestock. The existence of this species depends upon its requirement for a "fossil" climate at the mouth of the cave where temperature and humidity are relatively constant. If the talus is undisturbed this will be an effective reservoir but the talus habitat appears thin, and one ardent collector could destroy it, and thereby the species, in one afternoon. Probably fewer than one hundred live individuals exist.

Jones' middle-toothed land snail—Proposed Endangered—This species lives in the humus zone very near to a parking area at Newfound Gap, North Carolina. Trampling of the forest litter can easily destroy this species. There are only an estimated 300 living individuals which are found only in birch, beech, maple, and hemlock forest in the Great Smokey Mountains National Park in Swain County, North Carolina.

Virginia fringed mountain snail—Proposed Endangered—Known only from a small area of a single river bluff opposite Radford in Pulaski County, Virginia, there are only a few hundred individuals at most in existence, and they are endangered by the destruction of rock slide habitat from quarrying and road construction. It is the only species in the genus. Thus the genus is endangered and loss of the Virginia fringed mountain snail would detract greatly from living diversity.

Chittenango ovate amber snail—Proposed Endangered—Restricted to the spray zone talus and rocks under Chittenango Falls, Madison County, New York, this form requires cool to cold air circulating through the talus area.

This snail was common in 1905, rare in 1965, and very rare in 1974. It occupies a total area of less than 200 square feet. There has been a drastic decrease in populations of other mollusks downstream and this subspecies is believed to have declined because of pollution in the spray.

Flat spired three-toothed land snail—Proposed Endangered—This species is restricted to isolated patches of deep undisturbed litter and sheltered retreats among rocks in a small area of less than one-quarter square mile on the summit of Cooper's Rock, Monongalia County, West Virginia. In dry seasons the snails

retreat in among the huge scattered and split boulders just below the summit. The entire one-quarter square mile area is regularly and frequently visited by the public. A concession stand is at the top of the rock with moderately extensive parking available. There are about 300 to 500 living individuals. The species is endangered because trampling of the foraging litter is reducing the available food space niche for this highly restricted species.

Magazine Mountain middle-toothed land snail—Proposed Threatened—This snail is known only from one area consisting of a few acres. That area is located about 200 feet from a loop summit road and parking area. Although one dead shell was found on the south side of the summit of Magazine Mountain, in Logan County, Arkansas, the species now is restricted to a large talus just below a cliff on the north side of the summit of Magazine Mountain. This species is threatened due to easy access and vulnerability of it and its only existing habitat to human encroachment.

Pilsbry's narrow apertured land snail—Proposed Threatened—This snail is restricted to the north side of Rich Mountain in Polk County, Arkansas, and Leflore County, Oklahoma. Although it is fairly common in its very limited range in rock slides and among scattered boulders under heavy forest cover and damp ravines, any major lumbering could locally destroy populations. Clear cutting would create major problems.

Clark's Nantahala middle-toothed land snail—Proposed Threatened—This species is restricted to the Blowing Spring area of Nantahala Gorge and Handpole Brook in Swain County, North Carolina. Widening of U.S. 19 to four lanes, as has been proposed, could destroy most of the known colonies of this subspecies.

Strange many whorled land snail—Proposed Threatened—This species is common on rocky slopes and in rock piles at the base of bluffs. Although locally abundant, it is restricted to a small area between a railroad track and some bluffs of the White River near Calico Rock, Izard County, Arkansas and just north of Allison, Stone County, Arkansas. It is proposed as a threatened species because removal of talus could wipe it out.

Stock Island tree snail—Proposed Threatened—Once known from Key West, other lower keys, Key Vaca, and Stock Island, it has been extirpated from all but the latter. It was extirpated on Key West by real estate development and requires the retention of some natural habitats on Stock Island, where it is similarly threatened, for its continued existence. It may be threatened by overgrazing.

2. **Overutilization for commercial, sporting, scientific or educational purposes.**

The *Virginia fringed mountain snail* could literally be wiped out by one or two collections and the *Stock Island tree snail* is threatened by overcollecting.

3. **Disease or predation.**

MacClintock's discoid land snail is threatened by predation by Cychrine beetles and the *Chittanooga ovate amber snail* is seriously threatened by predation by the introduced and now established European *Discus rotundatus* and *Oxychilus*.

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

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

In summary, six species from the Eastern group are proposed as "Endangered" because they are restricted to a very small area or occur in small numbers and are in immediate danger of extinction throughout their range: Painted snake coiled forest snail (*Anguipira picta*); *MacClintock's discoid land snail* (*Discus macclintocki*); Jones' middle toothed land snail (*Mesodon jonestanus*); Virginia fringed mountain snail (*Polygyris virginianus*); Chittanooga ovate amber snail (*Succinea ovalis chittangoensis*); and flat spired three-toothed land snail (*Triodopsis platysayoides*). The other five species are proposed as "threatened" because they occur over a wider range or in larger numbers and are potentially in jeopardy over most of their range; Magazine Mountain middle-toothed land snail (*Mesodon magazinenses*); Pilsbry's narrow apertured land snail (*Stenotrema pilsbryi*); Clark's Nantahala middle-toothed land snail (*Mesodon clarki nantahala*); strange many whorled land snail (*Polygyra peregrina*); and Stock Island tree snail (*Orthalicus reses reses*).

DESCRIPTION OF THE PROPOSAL

Determination that an animal is a Threatened or Endangered species would, among other things, make that species, including any part, product, egg or offspring thereof, or the dead body or parts thereof subject to the prohibitions and exceptions in § 17.21 of the regulations in this Part, which were published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44423) and, for the convenience of the reader, are reprinted below:

"§ 17.21 Prohibitions.

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

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

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

ritorial sea of another country, under international law.

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

(3) Notwithstanding paragraph (c) (1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

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

(ii) Dispose of a dead specimen; or

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

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

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

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

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

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

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

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

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

Although the Act authorizes the Secretary to publish "... such regulations as he deems necessary and advisable for the conservation of ..." any species de-

terminated to be a Threatened species, no special regulations are proposed for any of the species herein proposed to be determined Threatened species. Lacking any such special regulations, all of the provisions set forth in § 17.31 would apply to such Threatened species as well as any Endangered species. That section incorporates all the provisions of § 17.21, and adds an exception which allows the taking of such species by certain Federal or State conservation personnel in the course of scientific research or conservation programs.

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

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

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

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

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

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

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

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

"INTERAGENCY COOPERATION"

Sec. 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation

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

No determination of "Critical Habitat" presently is proposed for any of the species named herein. However, the Director recognizes that loss of habitat is the principal threat faced by many of these species and intends to propose the destruction or modification of habitat of many in the near future. A further elaboration of the concept of Critical Habitat was published on April 22, 1975 (40 FR 17764-17765).

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

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

Pursuant to Section 4(b) of the Act, the Director will notify the Governors of the States of Arkansas, California, Florida, Iowa, Nevada, New Mexico, New York, North Carolina, Oklahoma, Tennessee, Texas, Utah, Virginia, and West Virginia with respect to this proposal and request their comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

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

cerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. The existence of any living specimen of those species felt possibly to be extinct;
2. Biological or other relevant data concerning any threat (or the lack thereof) to any species included on the following list;
3. the location of and reasons why any habitat of any snail named herein should be determined to be "Critical Habitat" as provided for by Section 7 of the Act;
4. improved scientific or common names for any snail on the following list;
5. additional information concerning the range and distribution of any of these snails.

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

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

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments and other documents, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments and materials received no later than June 28, 1976, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

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

Dated: April 15, 1976.

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

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

It is proposed to amend section 17.11 by adding in alphabetical order the following to the list of snails:

§ 17.11 Endangered and threatened wildlife.

SPECIES		RANGE			Status	When listed	Special rules
Common name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered			

SNAILS:							
Snail, Amargosa	<i>Pontellicella micrococcos</i>	N/A	USA (California, Nevada)	Entire	T		N/A
Snail, Ash Meadows Turban	<i>Plumiticolia erythropoma</i>	N/A	USA (Nevada)	Do	T		N/A
Snail, Bad Water	<i>Assiminea infirma</i>	N/A	USA (California)	Do	T		N/A
Snail, Banded Dune	<i>Helminthoglypta walkeri</i>	N/A	Do	Do	E		N/A
Snail, California Northern River	<i>Monadenia setosa</i>	N/A	Do	Do	T		N/A
Snail, Cheatum's	<i>Tryonia cheatumi</i>	N/A	USA (Texas)	Do	E		N/A
Snail, Chittango Oval Amber	<i>Succinea ovalis chittangoensis</i>	N/A	USA (New York)	Do	E		N/A
Snail, Clark's Nantahala Middle-toothed Land	<i>Mesodon clarki nantahala</i>	N/A	USA (North Carolina)	Do	T		N/A
Snail, Dented Peninsula	<i>Helminthoglypta arrosa micoeca</i>	N/A	USA (California)	Do	T		N/A
Snail, Diamond-Y Pond	<i>Physa virgata bottomeri</i>	N/A	USA (Texas)	Do	T		N/A
Snail, Flat-Spired Three-toothed Land	<i>Tridopsis platyspoides</i>	N/A	USA (West Virginia)	Do	E		N/A
Snail, Fraternal	<i>Micrarionta ferialis</i>	N/A	USA (California)	Do	E		N/A
Snail, Fraternal	<i>Micrarionta ferialis</i>	N/A	USA (California)	Do	E		N/A
Snail, Jones' Middle-toothed Land	<i>Mesodon jonesianus</i>	N/A	USA (North Carolina)	Do	E		N/A
Snail, Karok Indian	<i>Vespericola karokorum</i>	N/A	USA (California)	Do	E		N/A
Snail, MacClintock's Discoid Land	<i>Discus macclintocki</i>	N/A	USA (Iowa)	Do	E		N/A
Snail, Magazine Mountain Middle-toothed Land	<i>Mesodon magazinensis</i>	N/A	USA (Arkansas)	Do	T		N/A

Snail, Muddy Valley Turban	<i>Plumiticolia acervalis</i>	N/A	USA (Nevada)	Do	T		N/A
Snail, Nicklin's Peninsula	<i>Helminthoglypta nickliniana awania</i>	N/A	USA (California)	Do	T		N/A
Snail, Pahranagat Valley Turban	<i>Plumiticolia merriami</i>	N/A	USA (Nevada)	Do	T		N/A
Snail, Painted Snake Colled Forest	<i>Angustipira picta</i>	N/A	USA (Tennessee)	Do	E		N/A
Snail, Pillsbury's Narrow Apertured Land	<i>Stenotrema pillsburyi</i>	N/A	USA (Arkansas, Oklahoma)	Do	T		N/A
Snail, Reeves County	<i>Cochliopa texana</i>	N/A	USA (Texas)	Do	E		N/A
Snail, Rocky Coast	<i>Monadenia fidelis pronotis</i>	N/A	USA (California)	Do	E		N/A
Snail, St. George	<i>Amnicola deserti</i>	N/A	USA (Utah)	Do	E		N/A
Snail, Slug	<i>Banueya notabilis</i>	N/A	USA (California)	Do	E		N/A
Snail, Socorro	<i>Amnicola neomexicana</i>	N/A	USA (New Mexico)	Do	E		N/A
Snail, Stock Island Tree	<i>Orthalicus reses reses</i>	N/A	USA (Florida)	Do	T		N/A
Snail, Strange Many-whorled Land	<i>Polygyra peregrina</i>	N/A	USA (Arkansas)	Do	T		N/A
Snail, Tryon's	<i>Micrarionta tryoni</i>	N/A	USA (California)	Do	T		N/A
Snail, Virginia Fringed Mountain	<i>Polygyrus virginianus</i>	N/A	USA (Virginia)	Do	E		N/A
Snail, White River	<i>Tryonia clathrata</i>	N/A	USA (Nevada)	Do	T		N/A
Snail, Zion Canyon	<i>Physa zionii</i>	N/A	USA (Utah)	Do	T		N/A

[FR Doc.76-12095 Filed 4-27-76;8:45 am]

Bureau of Indian Affairs

[25 CFR Part 183]

LEASING OF OSAGE RESERVATION
LANDS FOR OIL AND GAS MINING
Leasing Procedures and Operations

APRIL 19, 1976.

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

Notice is hereby given that it is proposed to amend §§ 183.1, 183.20 and 183.21 of Part 183, Subchapter Q, Chapter I, Title 25 of the Code of Federal Regulations. These amendments are proposed pursuant to authority contained in the Act of June 28, 1906 (34 Stat. 539, 543), as amended.

Notwithstanding the phrase "lessee or his authorized representative" contained in § 183.19, certain landowners have taken the position that said term does not grant a pipeline company the right of ingress and egress. They maintain that in order to secure such right of ingress and egress, the pipeline company must procure a right-of-way. The purpose of the proposed amendments is to alleviate controversy in the future.

It is proposed to add a new paragraph (k) to § 183.1 to define the term "authorized representative"; to revise the introductory sentence in § 183.21 to provide for recovery of damages caused in the marketing of oil or gas by Lessee or his authorized representative; and to in-

clude the term "authorized representative" in several places in §§ 183.20(a) and 183.21(d) through (g). In the first sentence of § 183.21(e), the words "any of his employees" are deleted and "his authorized representative" substituted therefor.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Director, Office of Trust Responsibilities, Bureau of Indian Affairs, Washington, D.C. 20245, on or before May 28, 1976.

It is proposed to amend Part 183, Subchapter Q, Chapter I, Title 25 of the Code of Federal Regulations as follows:

1. By adding a new paragraph (k) to § 183.1 to read as follows:

§ 183.1 Definitions.

(k) "Authorized representative" of an oil lessee, gas lessee, or oil and gas lessee means any person, group or groups of persons, partnership, association, company, corporation, organization or agent employed by or contracted with a lessee or any subcontractor to conduct oil and gas operations and provide facilities to market oil and gas.

2. By revising paragraph (a) of § 183.20 to read as follows:

§ 183.20 Settlement of damages claimed.

(a) Lessee or his authorized representative or geophysical permittee shall pay for all damages to growing crops, any improvements on the lands, and all other surface damages as may be occasioned by operations. * * * If Lessee or his authorized representative and surface owner are unable to agree concerning damages, the same shall be determined by arbitration. Nothing herein contained shall be construed to deny any party the right to file an action in a court of competent jurisdiction if he is dissatisfied with the amount of the award.

3. By revising paragraphs (d) through (g) of § 183.21 to read as follows:

§ 183.21 Procedure for settlement of damages claimed.

Where the surface owner or his lessee suffers damage due to the oil and gas operations and/or marketing of oil or gas by Lessee or his authorized representative, the procedure for recovery shall be as follows:

(d) * * * The fees and expenses of the third arbitrator shall be borne equally by the claimant and Lessee or his authorized representative. Each Lessee or his authorized representative and claimant shall pay the fees and expenses for the arbitrator appointed by him.

(e) When an act of an oil or gas lessee or his authorized representative results in injury to both the surface owner and his lessee, the parties aggrieved shall join in the appointment of an arbitrator. Where the injury complained of is chargeable to one or more oil or gas Lessee or his authorized representative, such lessee or said representative shall join in the appointment of an arbitrator.

(f) * * * If no such action is filed within said time and the award is against Lessee or his authorized representative, he shall pay the same together with interest at the rate of 6 percent per annum from date of award, within 10 days after the expiration of said period for filing an action. If he fails to do so, in the discretion of the Superintendent, the Lessee or his authorized representative shall be subject to a penalty of \$10 per day for each day thereafter that he remains in default.

(g) Lessee or his authorized representative shall file with the Superintendent a report on each settlement agreement, setting out the nature and location of the damage, date, and amount of the settlement, and any other pertinent information.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-12285 Filed 4-27-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Limitations of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would regulate the handling of fresh avocados grown in South Florida by establishing minimum quality and maturity requirements for such avocados. The proposal would establish U.S. No. 3 as the minimum grade and would prescribe minimum weights or diameters by specified dates as the maturity requirements. Weights or diameters and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

The proposed requirements would be established pursuant to § 915.51 *Issuance of regulations* and were recommended by the Avocado Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915; 40 F.R. 52605), regulating the handling of avocados grown in South Florida. The proposed minimum grade and maturity requirements for handling of designated varieties of avocados would be effective on and after May 31, 1976. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the

same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 10, 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 purpose of the proposed regulation is to assure that the fruit of the various varieties will be of suitable quality and maturity so as to provide consumer satisfaction which is a critical element in disposition of the crop. Immature avocados are unpalatable and external characteristics do not provide a basis on which to distinguish immature avocados from those that will ripen into a palatable product, hence consumers have no rational basis for selection of satisfactory fruit.

The recommendations of the Avocado Administrative Committee reflect its appraisal of the avocado crop and current and prospective market conditions. Shipments of avocados are expected to begin on or about May 31, 1976. The committee has considered and recommended the quality and maturity requirements, including shipping periods, deemed appropriate to the current season for the designated varieties and types of avocados, to prevent the handling of immature and other undesirable fruit. Such recommendation is designed to recognize the differences in consumer demand within

and outside the production area and to provide the trade and consumers with an adequate supply of mature avocados of a satisfactory quality commensurate with crop conditions in the interest of producers and consumers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 915.318 Avocado Regulation 18.

(a) *Order.* (1) During the period May 31, 1976, through April 30, 1977, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided*, That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR Part 915; 40 F.R. 52605), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective date of this regulation, except as otherwise provided in subparagraphs (10) and (11) of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), (6), (7), (8), and (9) hereof.

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(3)	(3)	(4)	(5)	(6)	(7)	(8)
Kosel	5-31-76	16 oz	6-14-76	13 oz	6-28-76	10 oz	7-12-76
Arue	5-31-76	16 oz	6-14-76	14 oz	7-19-76		
Roland 22	6-14-76	22 oz	6-28-76	20 oz	12-27-76		
J. M. Poropat	6-28-76	17 oz	12-27-76				
Fuchs	6-21-76	3 1/2 in	7- 5-76	12 oz	7-19-76	10 oz	8- 9-76
		3 1/2 in		3 1/2 in		2 1/2 in	
K-5	6-28-76	3 1/2 in	7-12-76	14 oz	7-26-76		
		3 1/2 in		3 1/2 in			
Dr. DuPuis #2	6-21-76	10 oz	7- 5-76	14 oz	7-19-76		
		3 1/2 in		3 1/2 in			
Hardee	7- 5-76	16 oz	7-12-76	14 oz	8- 2-76		
		3 1/2 in		2 1/2 in			
Pollock	7- 5-76	18 oz	7-19-76	16 oz	8- 2-76		
		3 1/2 in		3 1/2 in			
Simmonds	7- 5-76	16 oz	7-19-76	14 oz	8- 2-76		
		3 1/2 in		3 1/2 in			
Nadir	7- 5-76	14 oz	7-12-76	12 oz	7-19-76	10 oz	8- 2-76
		3 1/2 in		3 1/2 in		2 1/2 in	
Katherine	7- 5-76	16 oz	7-19-76	14 oz	8- 2-76		
Halle	7- 5-76	20 oz	7-19-76	16 oz	7-26-76	14 oz	8-16-76
Ruehle	7-19-76	18 oz	7-26-76	16 oz	8- 2-76	14 oz	8-30-76
		3 1/2 in		3 1/2 in		3 1/2 in	
Dawn	7-19-76	12 oz	8- 2-76	10 oz	8-16-76		
		3 1/2 in		3 1/2 in			
Webb 2	7-19-76	18 oz	8- 2-76	16 oz	8-16-76		
Blondo	8- 2-76	15 oz	12-27-76				
Cash	7-19-76	16 oz	12-27-76				
Peterson	7-26-76	14 oz	8- 9-76	10 oz	8-23-76	8 oz	9- 6-76
		3 1/2 in		3 1/2 in		2 1/2 in	
Gretchen	8- 2-76	14 oz	8-16-76	12 oz	8-30-76		
Trapp	8-16-76	14 oz	8-30-76	12 oz	9-13-76		
		3 1/2 in		3 1/2 in			
Waldin	8-16-76	16 oz	8-30-76	14 oz	9-13-76	12 oz	9-27-76
		3 1/2 in		3 1/2 in		3 1/2 in	
Pinelli	8- 2-76	18 oz	8-16-76	16 oz	8-30-76		
		3 1/2 in		3 1/2 in			
Miguel	8- 2-76	22 oz	8-16-76	20 oz	8-30-76	18 oz	9-13-76
		3 1/2 in		3 1/2 in		3 1/2 in	
Nesbitt	8- 2-76	22 oz	8-16-76	18 oz	8-23-76	16 oz	9-13-76
		3 1/2 in		3 1/2 in		3 1/2 in	
Bets	8-16-76	18 oz	8-23-76	16 oz	9-13-76		
		3 1/2 in		3 1/2 in			
K-9	8-16-76	16 oz	9- 6-76				
Tower 2	8-16-76	14 oz	8-30-76	12 oz	9-27-76		

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Shula	8-10-76	22 oz	9-6-76	12 oz	9-13-76	10 oz	9-20-76
Tonnage	8-30-76	16 oz	9-6-76	12 oz	9-13-76	10 oz	9-20-76
Fairchild	8-30-76	3 1/4 in	9-13-76	3 1/4 in	9-27-76	2 3/4 in	10-4-76
Nirody	8-30-76	16 oz	9-13-76	14 oz	9-27-76	12 oz	10-4-76
Black Prince	9-13-76	3 3/4 in	9-13-76	3 3/4 in	9-27-76	3 3/4 in	
Catalina	9-13-76	23 oz	9-27-76	16 oz	10-18-76	16 oz	
Csonka	9-13-76	24 oz	9-27-76	22 oz	10-18-76	10-4-76	
Guatemalan Seedling	9-20-76	22 oz	12-27-76	13 oz	12-20-76	13 oz	
Blair	9-20-76	15 oz	10-18-76	14 oz	10-18-76	14 oz	
Collinson	9-27-76	16 oz	10-25-76	3 3/4 in			
Chica	9-27-76	3 3/4 in	10-11-76	10 oz	10-25-76		
Rue	9-27-76	30 oz	10-4-76	24 oz	10-18-76	18 oz	11-1-76
Brooks 1978	10-11-76	10 oz	10-18-76	8 oz	12-27-76	3 3/4 in	
Booth 5	10-4-76	16 oz	10-25-76				
Hickson	10-4-76	3 1/4 in	10-18-76	12 oz	10-25-76		
Simpson	10-4-76	3 1/4 in	10-25-76	3 1/4 in			
Vaca	10-4-76	16 oz	10-25-76				
Sherman	10-4-76	3 3/4 in	10-18-76	14 oz	11-1-76	10 oz	11-22-76
Marcus	10-4-76	32 oz	11-15-76				
Booth 10	10-11-76	16 oz	11-8-76				
Booth 7	9-27-76	18 oz	10-11-76	16 oz	10-25-76	14 oz	11-8-76
Avon	10-11-76	3 1/4 in	11-1-76	3 3/4 in		3 3/4 in	
Booth 11	10-11-76	16 oz	11-1-76				
Leona	10-11-76	18 oz	10-25-76				
Winslowson	10-11-76	18 oz	11-1-76				
Nelson	10-11-76	3 1/4 in	10-25-76	12 oz	11-8-76	10 oz	11-20-76
Hall	10-11-76	3 3/4 in	10-25-76	3 3/4 in	11-8-76	3 3/4 in	
Lula	10-18-76	26 oz	11-1-76	20 oz	11-15-76		
Choquette	10-18-76	24 oz	11-1-76	20 oz	11-22-76		
Monroe	11-15-76	24 oz	11-29-76	20 oz	12-13-76		
Herman	10-18-76	16 oz	11-1-76	14 oz	11-15-76		
Murphy	10-18-76	3 3/4 in	11-1-76	14 oz	11-15-76	11 oz	12-6-76
Alax (B-7-B)	10-25-76	18 oz	11-15-76				
Booth 1	11-22-76	16 oz	12-13-76				
Booth 3	10-25-76	3 1/4 in	11-15-76				
Taylor	10-25-76	14 oz	11-8-76	12 oz	11-23-76		
Dumedin	11-8-76	3 3/4 in	11-22-76	3 3/4 in	12-6-76	10 oz	12-27-76
Byars	11-15-76	16 oz	12-6-76	3 3/4 in		3 3/4 in	
Linda	11-15-76	18 oz	12-6-76				
Nabal	11-15-76	3 3/4 in	12-6-76				
Zio	11-29-76	12 oz	12-13-76	10 oz	12-27-76		
Wagner	12-6-76	12 oz	12-20-76	10 oz	1-3-76		
Maya	12-27-76	13 oz	1-10-77	11 oz	1-24-77		
Brookslate	1-10-77	14 oz	1-24-77	12 oz	2-7-77	10 oz	2-21-77
Schmidt	1-17-77						
Itzanna	2-14-77						

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such

variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) No handler shall handle (i) prior to August 23, 1976, any Lisa variety avocados, (ii) during the period August 23, 1976, through August 29, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, (iii) during the period August 30, 1976, through September 5, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 11 ounces, (iv) during the period September 6, 1976, through September 12, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, (v) during the period September 13, 1976, through September 19, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 9 ounces;

(7) No handler shall handle (i) prior to September 13, 1976, any Booth 8 variety avocados, (ii) during the period September 13, 1976, through October 3, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 16 ounces, or is at least 3 3/4 inches in diameter, or (iii) during the period October 4, 1976, through October 17, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3 3/4 inches in diameter, or (iv) during the period October 18, 1976, through October 31, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, or is at least 3 3/4 inches in diameter, or (v) during the period November 1, 1976, through November 14, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least 3 1/4 inches in diameter.

(8) Except as otherwise provided in paragraphs (a) (10) and (11) of this section, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 5, 1976.

(ii) From July 5, 1976, through August 1, 1976, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From August 2, 1976, through September 5, 1976, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From September 6, 1976, through October 3, 1976, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(9) Except as otherwise provided in paragraphs (a) (10) and (11) of this section, varieties of avocados not covered by paragraphs (a) (2) through (8) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 20, 1976.

(ii) From September 20, 1976, through October 17, 1976, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 18, 1976, through December 19, 1976, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(10) Notwithstanding the provisions of paragraphs (a) (2) through (9) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in paragraphs (a) (6), (7), (8), and (9). Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(11) The provisions of paragraphs (a) (2) through (10) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida avocados (7 CFR 51.3050-51.3069).

(c) The provisions of this regulation shall become effective May 31, 1976.

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

[FR Doc. 76-12078 Filed 4-27-76; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 206 and 207]

MISCELLANEOUS FEES, AND STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL APPLICATION HEARINGS

Notice of Proposed Rulemaking

Subpart A of Part 206 of Title 46 of the Code of Federal Regulations prescribes procedures by which members of the public may obtain from the Maritime Administration, an agency within the Department of Commerce, certain statistical and economic data, including data required by the Maritime Subsidy Board (Board) in connection with hearings under section 605(c), Merchant Marine Act, 1936, as amended (the Act), on applications for operating-differential subsidy (ODS). Subpart A also establishes certain fees for the production of data, but imposes no fees for furnishing data in connection with the Board's consideration of applications for ODS.

Notice is hereby given that Subpart A of Part 206 is proposed to be revised and that a new Part 207, prescribing procedures for the furnishing of statistical and economic data without charge in connection with the Board's consideration of ODS applications, is proposed to be established.

Part 206 is proposed to be revised by making it applicable only to requests for the production of statistical data and reports other than those required by the Board in connection with hearings under section 605(c) of the Act. A new section 206.3 is proposed to be added in order to assure the confidentiality of the sources of the data supplied to the Maritime Administration. A new schedule of charges to cover the cost of producing the requested data has been added.

The new Part 207 proposed to be established identifies with exactness the basic statistical data and reports required by the Board in hearings under section 605(c) of the Act in regard to ODS applications, and provides procedures for their production. The confidentiality of data supplied by industry sources is proposed to be protected to the same extent as under Part 206. The production of data and reports required by the Board in connection with hearings under section 605(c) of the Act is necessary for the fulfillment of the Board's responsibilities and is considered to be in the public interest. Accordingly, no charges are imposed for production of data under Part 207. Public Counsel will continue to introduce into the record of hearing under section 605(c) of the Act the basic statistical data and reports produced under Part 207 by means of a witness from the Maritime Administration's Division of Trade Studies and Statistics. Such witness will supply explanatory details on the content of the data and reports introduced into evidence, as required.

These proposed regulations have been reviewed in accordance with Executive Order 11821 and OMB Circular A-107 and it has been determined that they will have no major inflationary impact.

Since ODS is a matter of public grant, rulemaking affecting it is exempt from the requirements of 5 U.S.C. 553. Nevertheless, interested parties are encouraged to submit written comments, views or data concerning these proposed regulations, in triplicate, to the Secretary, Maritime Administration, Department of Commerce, Washington, D.C. 20230. All such submissions received on or before Wednesday, May 12, 1976, will be considered prior to the adoption of these regulations.

Accordingly, Subpart A of Part 206 of Title 46 of the Code of Federal Regulations is proposed to be revised to read as follows:

PART 206—MISCELLANEOUS FEES

Subpart A—Charges for Special Statistical Data

Sec.	
206.1	Purpose.
206.2	Requests for data.
206.3	Confidentiality of data.
206.4	Charges.

AUTHORITY: 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 Public Law 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

Subpart A—Charges for Special Statistical Data

§ 206.1 Purpose.

The purpose of this subpart is to establish the policy and procedures applicable to requests for statistical data and reports, other than those provided pursuant to Part 207 of this subchapter.

§ 206.2 Requests for data.

(a) *Requests.* Any request for statistical data or reports maintained by the Maritime Administration, other than those provided pursuant to Part 207 of this subchapter, shall be submitted in writing to the Assistant Administrator for Maritime Aids, Maritime Administration, U.S. Department of Commerce, Room 4099A, 14th and E Streets NW., Washington, D.C. 20230. The request must contain a detailed narrative explanation of the information requested and of the output report format desired which indicate: whether the data are to be coded, decoded, or both; the order in which the data are to be presented; the totals and subtotals required for each category, as appropriate; and the number of reports required. The request must also clearly indicate that it is submitted pursuant to this subpart.

(b) *Approval of request.* Approval, in whole or in part, of any request submitted pursuant to paragraph (a) of this section will be made at the discretion of the Assistant Administrator for Maritime Aids on the basis of the nature and scope of the work, the availability of personnel and administrative services, and other considerations pertaining to the feasibility of producing the requested information.

(c) *Notification of approval or disapproval.* Upon approval, in whole or in part, or disapproval in whole, of any request submitted pursuant to paragraph (a) of this section, the requesting party will be notified of the following: The statistical data and reports which can be produced; the statistical data and reports which cannot be produced, if any, and the reasons therefor; the estimated time to effect production, based on the charges set forth in section 206.4 of this part, which amount must be received before work begins.

(d) *Cost adjustment.* If the amount of the advance payment required by paragraph (c) of this section is insufficient to cover the actual cost of production, the requesting party will be required to make payment of the additional amount necessary before work will be continued. In the event that the amount of the advance payment exceeds the actual cost of production, the amount of the excess payment will be refunded.

§ 206.3 Confidentiality of data.

The original sources of statistical data requested under this subpart are "busi-

ness confidential" and data shall not be supplied in such form as to permit competitors to extrapolate the data supplied by the original sources to the Maritime Administration and, thereby, determine the carryings of individual competitors. Appropriate written waivers of confidentiality from persons supplying the data will be accepted and honored by the Maritime Administration to the extent practicable in the preparation of statistical data and reports under this subpart.

§ 206.4 Charges.

To cover the cost of furnishing statistical data and reports under this subpart, the following charges shall apply:

Computer Metered Minute.....	\$23.49
Programmer/Analyst Man-Hour Regular Time.....	14.28
Statistician/Analyst Man-Hour Regular Time.....	13.50
Reel of Magnetic Tape Created.....	25.00
Computer Printed Page.....	.10

Standard Copier Printed Page.....	.07
Reel of Magnetic Tape Duplicated....	25.00
All Other Costs (e.g., typing, postage, etc.)	(¹)

¹ Actual.

There is hereby proposed to be established a new Part 207 in Title 46 of the Code of Federal Regulations to read as follows:

PART 207—STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL SUBSIDY APPLICATION HEARINGS

Sec.

207.1 Purpose.

207.2 Basic statistical data.

207.3 Procedures.

AUTHORITY: Sec. 204(b), Merchant Marine Act, 1936, as amended (46 USC 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 19707, July 23, 1973).

§ 207.1 Purpose.

The purpose of this part is to identify the basic statistical data and reports required by the Maritime Subsidy Board (Board) in hearings held under section 605(c), Merchant Marine Act, 1936, as amended (Act), in regard to applications for operating-differential subsidy (ODS) under Title VI of the Act and to provide procedures for the production of these data and reports. Statistical data not expressly covered by this part are subject to Subpart A of Part 206 of this subchapter. There shall be no charge for the production of the basic statistical data and reports identified in this part.

§ 207.2 Basic statistical data.

(a) *Data and reports available.* The basic statistical data and reports that will be provided pursuant to § 207.3 of this part in regard to any hearing held by the Board under section 605(c) of the Act in connection with an application for ODS are as follows, with the accompanying "Notes" forming an integral part of each report:

REPORT 001

19 CENSUS TRADE DATA¹
MSB DOCKET

PAGE
DATE PREPARED

			INBOUND LINER ²							
			Tonnage			Percent		Value		
Trade Route	Commodity	Commodity Description	United States	Foreign	Total	United States	United States	Foreign	Total	United States

TOTAL TRADE ROUTE BY INBOUND LINER³

(For an explanation of terms and numbers see "Notes").

REPORT 002

19 CENSUS TRADE DATA⁴
MSB DOCKET

PAGE
DATE PREPARED

					INBOUND LINER ²					
					Tonnage			Percent		Value
Trade Route	Coastal District	Foreign Country	Commodity	Commodity Description	United States	Foreign	Total	United States	United States	Foreign

TOTAL TRADE ROUTE BY COASTAL DISTRICT BY FOREIGN COUNTRY BY INBOUND LINER⁶

TOTAL TRADE ROUTE BY COASTAL DISTRICT BY INBOUND LINER⁵

TOTAL TRADE ROUTE BY INBOUND LINER³

(For an explanation of terms and numbers see "Notes")

PROPOSED RULES

REPORT 003

19 MARAD LINER FOREIGN TRADE DATA
MSB DOCKETPAGE
DATE PREPARED

Trade Route	Coastal District	Foreign Country	Flag	INBOUND Tonnage				OUTBOUND Tonnage			
				General	Bulk	Defense	Total	General	Bulk	Defense	Total

TOTAL TRADE ROUTE BY COASTAL DISTRICT BY FOREIGN COUNTRY⁸
 TOTAL TRADE ROUTE BY COASTAL DISTRICT⁹
 TOTAL TRADE ROUTE¹⁰

(For explanation of terms and numbers see "Notes")

REPORT 004

19 MARAD CONTAINERIZED FOREIGN TRADE DATA¹¹
MSB DOCKETPAGE
DATE PREPARED

Trade Route	Coastal District	Foreign Country	Flag	INBOUND Tonnage			OUTBOUND Tonnage		
				Commercial	Defense	Total	Commercial	Defense	Total

TOTAL TRADE ROUTE BY COASTAL DISTRICT BY FOREIGN COUNTRY⁸
 TOTAL TRADE ROUTE BY COASTAL DISTRICT⁹
 TOTAL TRADE ROUTE¹⁰

(For an explanation of terms and numbers see "Notes")

REPORT 005

19 MARAD Sailings Foreign Trade Data¹²
MSB DocketPAGE
DATE PREPARED

Trade Route	Flag	SAILINGS ¹³		
		Inbound	Outbound	Total

TOTAL SAILINGS BY TRADE ROUTE¹⁴
 TOTAL SAILINGS¹⁵

(For an explanation of terms and numbers see "Notes")

NOTES

EXPLANATION OF TERMS

Trade Route—A two digit numerical code signifying a waterborne route between a specific U.S. coastal district(s) and foreign port range.

Commodity—A three digit numerical Statistical Classification of Commodities (SCC) code assigned by the Bureau of the Census to a major category of commodities.

Commodity Description—A literal definition of each three digit numerical (SCC) code.

Value Outbound—The dollar value of commodities at time and place of export. It is based on the selling price (or cost if not sold) and includes inland freight insurance, and other charges to the port of exportation.

Value Inbound—The market dollar value of commodities in the exporting foreign country, and therefore excludes U.S. import duties, freight charges from the foreign country to the United States and insurance.

Tonnage Inbound—The number of long tons (2,240 lbs.) of entries for immediate consumption and entries into customs bonded storage and manufacturing warehouses. Excludes American goods returned by U.S. military forces for their own use and imports arriving on vessels owned and operated by the Department of Defense.

Tonnage Outbound—The number of long tons (2,240 lbs.) of foreign merchandise, including nongovernment shipments, shipments to U.S. civilian government agencies, and government-financed economic assistance shipments under the Foreign Assistance Act. Excluded from the figures are shipments of supplies and equipment to U.S. military forces for their own use, shipments of DOD controlled cargo under foreign aid programs, and all shipments of Special Category commodities (commodities for which detailed information may not be released for security reasons).

Inbound—A vessel movement to the United States from a foreign country.

Outbound—A vessel movement to a foreign country from the United States.

Liner—Type of Service offered on a definite, advertised schedule and giving relatively frequent sailings at regular intervals between specific United States ports or range and designated foreign ports or range.

Non-Liner—Type of Service offered by vessels, other than liner or tanker vessels, that are chartered or otherwise hired for the carriage of goods on special voyages. Sailing schedules are not predetermined or fixed.

Tanker—Type of Service offered by vessels, primarily designed for the carriage of bulk liquid cargoes, which are chartered or otherwise hired for special voyages.

Foreign Country—A three digit numerical code classification as defined by the Bureau of the Census' Schedule C, "Classification of Country Designations", dated January 1, 1972.

Flag—A two digit numerical code signifying the country in which a vessel is registered.

Coastal District—A one digit numerical code depicting a specific United States coastal area as follows:

1. North Atlantic—Maine to Virginia/North Carolina state line.
2. South Atlantic—Virginia/North Carolina state line to Key West, Florida.
3. Gulf—Key West, Florida, to the border of Mexico.
4. California—California.
5. Pacific Northwest—Washington and Oregon.
6. Great Lakes—All U.S. ports on the Great Lakes system.
7. Hawaii—All ports in the Hawaiian Islands.
8. Alaska—All ports in Alaska and the Aleutian Islands.
9. Puerto Rico—Puerto Rico and the Virgin Islands.

Bulk—Commodities customarily loaded and carried without wrappers or containers, and received and delivered without transportation mark or count whether such cargo is handled on berth terms, voyage charter, or any other basis.

General—Miscellaneous commodities packed in boxes, bags, bales, barrels, containers, crates, drums, unboxed or uncrated, accepted and delivered by mark and count. Defense—Cargo transported for the U.S. Department of Defense, including the Military Sealift Command. Commercial—Combination of general and bulk cargoes.

EXPLANATION OF NUMBERS

¹ 19— Census Trade Data—The data base for this report is the Census Annual Commodity Movements. The report was formerly known as Table 42A.

² Inbound Liner—This heading indicates the type of data contained in the report; other headings for the report are:

Outbound Liner
Inbound Non-Liner
Outbound Non-Liner
Inbound Tanker
Outbound Tanker

³ Total Trade Route By Inbound Liner—At the end of the data for each trade route a total is provided for the category; other categories for the report are:

Total Trade Route By Outbound Liner
Total Trade Route By Inbound Non-Liner
Total Trade Route By Outbound Non-Liner
Total Trade Route By Inbound Tanker
Total Trade Route By Outbound Tanker

⁴ 19— Census Trade Data—The data base for this report is the Census Annual Commodity Movements. The report was formerly known as Table 44B.

⁵ Total Trade Route By Coastal District By Inbound Liner—At the end of the data for each coastal district a total is provided for the category; other categories for the report are:

Total Trade Route By Coastal District By Outbound Liner
Total Trade Route By Coastal District By Inbound Non-Liner
Total Trade Route By Coastal District By Outbound Non-Liner
Total Trade Route By Coastal District By Inbound Tanker
Total Trade Route By Coastal District By Outbound Tanker

⁶ Total Trade Route By Coastal District By Foreign Country By Inbound Liner—At the end of the data for each foreign country a total is provided for the category; other categories for the report are:

Total Trade Route By Coastal District By Foreign Country By Outbound Liner
Total Trade Route By Coastal District By Foreign Country By Inbound Non-Liner
Total Trade Route By Coastal District By Foreign Country By Outbound Non-Liner
Total Trade Route By Coastal District By Foreign Country By Inbound Tanker
Total Trade Route By Coastal District By Foreign Country By Outbound Tanker

⁷ 19— MARAD Liner Foreign Trade Data—The data base for this report is the MARAD Liner Foreign Trade System. This System contains liner information only and is collected from MA Forms 721/722.

⁸ Total Trade Route By Coastal District By Foreign Country—A total is provided at the end of each foreign country.

⁹ Total Trade Route By Coastal District—A total is provided at the end of each coastal district for all foreign countries.

¹⁰ Total Trade Route—A total is provided at the end of each trade route for all coastal districts.

¹¹ 19— MARAD Containerized Foreign Trade Data—The data base for this report is the MARAD Container System. This system contains information collected from MA Forms 578A for any vessel carrying ten or more containers.

¹² 19— MARAD Sailings Foreign Trade Data—The data base for this report is the MARAD Foreign Trade System. This system contains liner information only and is collected from MA Forms 721/722.

¹³ Sailings—The actual number of "Outbound" and "Inbound" sailings made by vessels of specific flags of registration on a specific trade route is provided. A sailing constitutes an initial entrance to or a final clearance from the United States of a vessel.

¹⁴ Total Sailings By Trade Route—A total is provided at the end of each trade route.

¹⁵ Total Sailings—A total is provided at the end for all trade routes.

(b) *Time frame of data and reports provided.* The basic statistical data and reports provided by this part will be for the most recent three full calendar years for which such data is available in final form on the date the Board issues its referral order for a hearing on any ODS application. No preliminary data and no data for parts of a calendar year will be provided under this part. Any request for preliminary data or data for any part of a calendar year should be made under Subpart A of Part 206 of this subchapter. Data requested for any calendar year more recent than the three years described in this paragraph should also be made under Subpart A of Part 206 of this subchapter.

(c) *Confidentiality.* The original sources of basic statistical data furnished under this part are "business confidential" and data shall not be supplied in such form as to permit competitors to extrapolate the data supplied by the original sources to the Maritime Administration and, thereby, determine the carryings of individual competitors. Appropriate written waivers of confidentiality from persons supplying data will be accepted and honored by the Maritime Administration to the extent practicable in the preparation of statistical data and reports under this part.

§ 207.3 Procedures.

(a) *Request.* The procedures for production of basic statistical data and reports under this part may be initiated only by the written request of a party to a hearing under section 605(c) of the Act in connection with an ODS application. The term "party" includes the applicant, Public Counsel, and any other person whose petition to intervene has been granted. The request shall identify the specific format of data sought according to the report numbers listed in § 207.2 of this part and shall state the trade routes or trade areas covered by the ODS application and identified by the Board in its section 605(c) notice as published in the FEDERAL REGISTER. The letter requesting data and reports should be addressed to the Chief, Division of Trade Studies and Statistics (Code M-522), Maritime Administration,

U.S. Department of Commerce, Room 4075, 14th & E Streets NW., Washington, D.C. 20230. Concurrently, the requesting party shall furnish a copy of the request to the presiding Administrative Law Judge (for inclusion in the correspondence section of the official docket) and to each other party to the hearing.

(b) *Determination of data and reports.* The Chief, Division of Trade Studies and Statistics, shall review and define the basic statistical data and reports applicable to a party's request, with special attention to section 207.2(c) of this part, and promptly take all necessary steps to effect production. He shall expeditiously notify the requesting party, with a copy to all other parties and to the presiding Administrative Law Judge (for inclusion in the correspondence section of the official docket), as follows: the basic statistical data and reports being produced; and the schedule for distribution thereof to the parties and to the presiding Administrative Law Judge.

(c) *Transmission of data package.* Once the Chief, Division of Trade Studies and Statistics, has assembled the basic statistical data and reports, he shall promptly transmit them to:

- (1) The requesting party (one copy);
- (2) Public Counsel (one copy);
- (3) Each other party (one copy each);

and

(4) The presiding Administrative Law Judge (two copies: one copy of which shall be received into evidence in the hearing docket, pursuant to section 201.132(g) of this subchapter, and the other copy of which shall be for the personal use of the presiding Administrative Law Judge).

(d) *Dispute as to scope of data and reports.* If any party to the hearing disputes the scope of data and reports to be produced as defined in the notice issued by the Chief, Division of Trade Studies and Statistics, review by the Director, Office of Subsidy Administration, may be obtained by such party through filing of a written request for review with the Director, Office of Subsidy Administration. Concurrently, the requesting party shall furnish a copy of the request to the presiding Administrative Law Judge (for inclusion in the correspondence section of the official docket) and to each other party to the hearing. On the basis of the request for review, and such comments as any other party to the hearing may have filed within ten (10) days of the date on the request, the Director, Office of Subsidy Administration, shall determine the proper scope of the basic statistical data and reports to be produced. The determination shall be final. A copy of the determination shall be furnished to each party and to the presiding Administrative Law Judge (for inclusion in the correspondence section of the official docket).

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

By Order of the Maritime Subsidy Board.

Dated: April 22, 1976.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Subsidy Board.

[FR Doc. 76-12229 Filed 4-27-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 207]

[Docket No. 76P-0071]

DRUG LISTING ACT OF 1972

Revision of Implementing Regulations

The Food and Drug Administration (FDA), having been petitioned by the Pharmaceutical Manufacturers Association (PMA), is proposing to amend the regulations implementing the Drug Listing Act of 1972 (21 CFR Part 207) to provide for: (1) The re-use, after a specified time period, of product codes for discontinued drug products; (2) the omission of leading zeros from the numeric character code when the National Drug Code (NDC) number is used in the labeling of small containers; and (3) a change in the conditions that require the use of a new NDC number for a drug product. Interested persons have until June 28, 1976, to submit comments.

Section 207.35(b)(2)(ii) (21 CFR 207.35(b)(2)(ii)) prohibits the re-use of a product code once it has been assigned to a specific drug product. In the petition dated January 28, 1975, PMA requested that § 207.35(b)(2)(ii) be amended by revising the last sentence to read: "When a drug product has been discontinued the same code may be used again for a new drug product four years after the expiration date of the original product (if it had such a date) or five years after the last shipment of the original product without an expiration date." The petition stated that PMA member firms have expressed concern that presently available product-package code configurations may be exhausted in the near future because of the size of the product lines and the many changes in them. The petition contends that the proposed revision provides a reasonable means of extending the usefulness of the present coding system.

The Commissioner of Food and Drugs agrees that available numbers for product codes may eventually be exhausted if re-use of such codes is not permitted. He tentatively concludes that the change suggested in the petition is reasonable and is therefore proposing to amend § 207.35(b)(2)(ii) to permit the reassignment of a product code in accordance with PMA's suggestions.

Section 207.35(b)(3)(iv) allows for omission of leading zeros from the product code segment of the NDC number only when the number is imprinted on dosage forms. PMA requested that the paragraph be amended to read: "All 10 characters shall appear and the leading zeros in any segment of the NDC num-

ber shall be shown: *Provided, however, That when the code is used for direct imprinting on solid oral dosage forms, on nontrade packages (such as ampuls, unit dosage packages, etc.), or when the size of the label for the trade package precludes their use, the leading zeros may be dropped.*" The petition contends that manufacturers have encountered space limitations when the NDC number is placed on labels of small containers.

The Commissioner advises that the reason for requiring leading zeros in all segments of the NDC number when the number is used in drug product labeling is to prevent errors in transcription and to assure compatibility with the Universal Product Code (UPC). A regulation permitting the NDC number to appear as part of and contiguous to the UPC symbol wherever the symbol appears on consumer packages for over-the-counter (OTC) drug products was published in the FEDERAL REGISTER of November 7, 1975 (40 FR 52000). The Commissioner, however, recognizes that some containers may be too small or otherwise unable to accommodate a label with sufficient space to bear both information required to appear on a label and information requested by regulation and thus voluntarily placed on the label, such as the NDC number. He tentatively concludes that the size of a container or package and its ability to accommodate a label with sufficient space to bear such information should determine whether or not leading zeros are dropped from the NDC number, rather than whether the label is on a "trade package" or "non-trade" package, as suggested by PMA. The Commissioner, therefore, is proposing to permit the deletion of leading zeros when the NDC number is directly imprinted on dosage forms or when a container is too small or otherwise unable to accommodate a label containing both required and optional labeling information. The Commissioner is of the opinion that permitting leading zeros to be omitted, as proposed, may also further encourage voluntary use of the NDC number on labels of small containers, and therefore is in the public interest.

PMA further requested FDA to amend the first sentence of § 207.35(b)(4), which requires the assignment of a new NDC number when "any material change occurs in product characteristics." PMA would have the requirement revised to read: "A new NDC number shall be assigned by the registrant following a change in active ingredients, or a change in strength or concentration thereof. However, a reformulation that does not result in a modification of the brand or proprietary name, does not require assignment of a new NDC number. Further, the addition or deletion of a route of administration, not accompanied by a formulation change, does not require assignment of a new NDC number." Subsequent discussion with PMA about the suggested change clarified the fact that PMA was recommending that a reformulation that does not result in a significant alteration of the therapeutic

characteristics of the drug product should not require assignment of a new NDC number. (A copy of PMA's letter dated February 18, 1976 clarifying its suggested change is on file in the office of the Hearing Clerk, Food and Drug Administration (address below).)

PMA contends that under the present regulation the circumstances requiring a new NDC number are ambiguous. It states that minor changes in labeling might require a new NDC number under the "material change" definition of § 207.3(g) (21 CFR 207.3). Also, numerous changes in drug products have resulted from such FDA programs as the OTC drug review, DESI (Drug Efficacy Study Implementation) review, dietary supplement regulations, etc. These changes have in the past required new NDC numbers. PMA further states that numerous changes to the NDC number for minor product or label modifications create numerous problems for those using the code and detract from optimum use of the code.

The Commissioner advises that the term "material change" as used in § 207.35(b)(4) is not intended to require a change in NDC number for minor labeling changes, such as changes in arrangement or printing or of an editorial nature. The product code segment of the NDC number represents a specific product version of active ingredient formulation, strength or concentration of active ingredients, dosage form, and route of administration. Changes in inactive ingredients may, in some instances, also be considered significant, e.g., a change in the color of a drug product or a change in an inactive ingredient that may have a physiological effect, such as with the fluorocarbons. A change in the legal marketing status, i.e., from Rx to OTC, would also be considered a change requiring a new product code for the drug product.

The Commissioner points out that an important use of the NDC number, particularly when imprinted on solid dosage forms, i.e., tablets and capsules, is for identifying a drug product when overdosage or accidental ingestion of the product occurs. Changes in a product's active ingredients, strength or concentration of active ingredients, dosage form, or route of administration without a change in product code could result in providing incorrect information on a particular drug product to a physician or Poison Control Center. The old product, whether or not completely removed from the commercial distribution channels, could still be in the hands of some consumers.

Therefore, the Commissioner does not agree completely with PMA's suggested revision to § 207.35(b)(4). He concludes that if the NDC number is to have any value in distinguishing one drug product version from another, it is essential that the product code segment of the NDC number be required to be changed whenever there is a change in those product characteristics that clearly distinguish one specific product version from another, including, but not limited to, a change in: Dosage form, active ingredient(s), active ingredient strength or con-

centration, inactive ingredient(s) (if significant in distinguishing drug products), route of administration (except where a route of administration is added to or deleted from an existing product's labeling without an active or inactive ingredient formulation change), product name, or legal marketing status, e.g., Rx to OTC. The Commissioner is proposing to revise the regulations accordingly. The Commissioner also concludes that the term "material change" is not appropriate as used in § 207.35(b) (4) and has therefore deleted the term.

The petition submitted by PMA has been placed on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

(The Commissioner has carefully considered the inflation impact of the proposed regulation, and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A-107, and interim guidelines issued by the Department of Health, Education, and Welfare. Copies of the inflation impact assessment are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 201(n), 502, 505, 507, 701, 52 Stat. 1041, 1050-1053 as amended, 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 321 (n), 352, 355, 357, 701)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 207 be amended in § 207.35 by revising paragraphs (b) (2) (ii), (b) (3) (iv), and (b) (4) to read as follows:

§ 207.35 Notification of registrant: drug establishment registration number and drug listing number.

(b) * * *

(2) * * *

(ii) The last five numeric characters of the 10-character code identify the drug and the trade package size and type. The segment which identifies the drug formulation is known as the Product Code and the segment which identifies the trade package size and type is known as the Package Code. The Product Code and the Package Code shall be assigned by the manufacturer or distributor prior to drug listing and included in Form FD-2657 (Drug Product Listing). Either of two methods may be used by the manufacturer or distributor in assigning the Product and Package Codes; a 3-2 Product-Package Code configuration (i.e., 542-12) or a 4-1 Product-Package Code configuration (i.e., 5421-2). Only one such Product-Package Code configuration may be used by a manufacturer or distributor with a given Labeler Code and this same configuration shall be used in assigning the Product-Package Codes for all drugs included in the drug listing. The manufacturer or distributor shall report to the Food and Drug Administration the Product-Package Code configuration he used in assigning these codes. When a drug product has been discontinued, its Product Code may be reassigned to another drug product 4 years after the ex-

piration date, if any, of the original product, or, if there is no expiration date, 5 years after the last shipment of the original product into commercial distribution.

(3) * * *

(iv) All 10 characters shall appear and the leading zeros in any segment of the NDC number shall be shown: *Provided, however, That when the NDC number is used for product identification by direct imprinting on dosage forms, or in the case of containers too small or otherwise unable to accommodate a label with sufficient space to bear both required and optional labeling information, leading zeros may be dropped from the NDC number.*

(4) If any change occurs in those product characteristics that clearly distinguish one drug product version from another, a new NDC number shall be assigned by the registrant to the new product version and the information submitted to the Food and Drug Administration. Such a change shall include, but not be limited to, a change in: Dosage form; active ingredient(s) or active ingredient(s) strength or concentration; inactive ingredient(s), if significant in distinguishing drug products, e.g., a color change or a change in an inactive ingredient that has a physiological effect; route of administration, except where a route of administration is added to or deleted from a drug product's labeling without a change in the drug product's active or inactive ingredients; product name; or legal marketing status, i.e., Rx to over-the-counter (OTC), etc. If a change in packaging only is involved the trade package code can be revised without the necessity of assigning a new product code segment, but the Food and Drug Administration shall be informed about the new trade package code and characteristics.

Interested persons may, on or before June 28, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 21, 1976.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 76-12269 Filed 4-27-76; 8:45 am]

[21 CFR Part 310]

[Docket No. 76N-0080]

LABELING FOR DIGOXIN PRODUCTS Oral Use

The Food and Drug Administration (FDA) proposes to revise the labeling

for digoxin products for oral use. Interested persons have until May 28, 1976, to submit comments.

In the FEDERAL REGISTER of January 22, 1974 (39 FR 2471), the Commissioner of Food and Drugs amended Part 130 by adding new § 130.51 (now § 310.500) that established conditions for marketing digoxin products for oral use. These conditions included labeling guidelines and provisions for batch certification, bio-availability testing, and the submission of abbreviated new drug applications (ANDAs). To protect the public health, this regulation was effective on the date of publication in the FEDERAL REGISTER. However, interested persons were given until February 21, 1974 to submit comments on the regulation.

In the FEDERAL REGISTER of March 8, 1974 (39 FR 9219), the Commissioner published a notice of a public meeting to be held on March 13, 1974, to discuss possible revision of the product labeling set out in § 310.500(e). The purpose of this meeting was to allow maximum public participation in the development of revised labeling. The notice stated that, following the meeting, the Commissioner would make a decision on revision of the labeling and publish this decision in the FEDERAL REGISTER. This statement had the effect of staying the requirement that the labeling of digoxin products conform to § 310.500(e). Elsewhere in the FEDERAL REGISTER of March 8, 1974 (39 FR 9184), the Commissioner published a stay of time for the submission of ANDAs for digoxin products for oral use until 30 days after such time as a decision is reached regarding revision of the product labeling. This proposal to revise the labeling for digoxin products does not affect the stay of March 8, 1974, for the submission of ANDAs.

Comments received in response to the promulgation of § 310.500 raised questions regarding labeling, procedures under which the regulation was promulgated, the new drug status of digoxin, the requirements for submission of ANDAs, and batch certification procedures. It had been the Commissioner's intention to respond to all of these comments in a single FEDERAL REGISTER regulation revising § 310.500. However, certain comments regarding the new drug status of digoxin products for oral use have raised questions having broad policy implications that have delayed revision of § 310.500. The Commissioner concludes that, for reasons of public health as described in the following paragraphs, the revision of the digoxin product labeling in § 310.500(e) should not be delayed until these other issues are resolved. Therefore, he now proposes to remove the stay insofar as it affects labeling requirements for digoxin products and to amend § 310.500(e) to revise digoxin product labeling. Other issues raised by the comments on the January 22, 1974 regulation will be the subject of a later publication amending § 310.500.

The Commissioner has reviewed the labeling now being used for digoxin tablets and has observed that manufacturers have not revised the labeling to

reflect the dosage information presently set forth, but stayed, in § 310.500(e). Thus, the labeling now being used for digoxin tablets contains dosage information that is suitable only for the older, less bioavailable formulation that the agency, through the digoxin certification program, has removed from the market.

The dosage recommendations contained in the labeling currently set forth in § 310.500(e) reflected the increased bioavailability of digoxin products for oral use formulated to meet the certification requirements of § 310.500(a)(3). The Commissioner recognized at the time this labeling was promulgated that, as manufacturers improved the bioavailability of their products, they would need to revise the labeling to lower the recommended dosage. As these revisions have not been made, labeling now being used calls for dosages that, if followed literally, could result in serious, even lethal, overdoses. For example, the labeling in use states that the average total amount of digoxin needed to achieve digitalization is 2.0 to 3.0 milligrams; the current labeling in § 310.500(e) advises that digitalization may be achieved with 1.25 to 1.5 milligrams of digoxin. In addition, the labeling now being used recommends an initial loading dose of 1.5 milligrams of digoxin. The loading dose recommended in the current labeling in § 310.500(e) is only 1.0 milligram and the Commissioner is proposing below that this be lowered further to 0.5 to 0.75 milligram.

The Commissioner is aware that the failure of manufacturers to revise the labeling is attributable, at least in part, to the agency's not having removed the stay on the revised labeling that was imposed in the notice of March 8, 1974, making the status of that labeling presently set forth in § 310.500(e) somewhat unclear. Nonetheless, the Commissioner is of the opinion that the continued use of labeling for digoxin tablets recommending dosages suitable for the older, less bioavailable formulations constitutes a potential public health hazard. Therefore, the Commissioner is taking the following course of action to assure revision of the labeling for digoxin products for oral use: He is now proposing to revise the labeling set out in § 310.500(e) to reflect the comments received in response to the regulation published on January 22, 1974, the comments made at the public meeting on March 13, 1974, and the recommendations of the Cardiovascular and Renal Advisory Committee. Interested persons have until May 28, 1976 to submit comments. The Commissioner advises that, because of the potential public health hazard, he does not expect to grant any request for extension of the comment period. Moreover, unless comments regarding the proposal raise substantial issues that cannot be immediately resolved, the Commissioner intends to issue a final regulation within 30 days following the end of the comment period. This regulation would be effective 60 days after the date of its publication in the *FEDERAL REGISTER*. Thus, all digoxin

products for oral use shipped in interstate commerce after the effective date, which will be on or about August 26, 1976, with labeling not in compliance with § 310.500(e), as finally adopted, would be subject to regulatory action in the enforcement of sections 502 and/or 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352, 355).

The Commissioner advises that because the labeling now being used contains inadequate dosage information he will not take any action against a manufacturer who, before the final regulation is issued, revises the labeling in accordance with the proposal. However, if the labeling in the final regulation differs from that proposed, such a manufacturer will have to revise the labeling in accordance with the final regulation within 60 days after the final regulation is issued.

Four comments received in response to the regulation published in the *FEDERAL REGISTER* of January 22, 1974 recommended revision of those parts of the product labeling under § 310.500(e) regarding dosage and the treatment of arrhythmias produced by overdoses. These four comments were reviewed by the Cardiovascular and Renal Advisory Committee at its meeting on February 28, 1974. These same comments were also discussed at an open public meeting held on March 13, 1974, attended by a member of the Cardiovascular and Renal Advisory Committee, digoxin manufacturers, representatives of FDA, and other interested persons. The digoxin labeling was also discussed by the Advisory Committee at its meeting on June 20, 1974. The minutes of the meeting at which the labeling for digoxin products has been discussed have been placed on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All comments received regarding digoxin product labeling and the Commissioner's conclusions with respect to each of these comments are as follows:

1. The Commissioner, on the basis of comments of the Cardiovascular and Renal Advisory Committee at the open session of its meeting on June 20, 1974, proposes to revise the labeling to make it applicable directly to digoxin products for oral use rather than to cardiac (digitalis) glycosides in general. The dosage information in the proposed labeling is suitable for digoxin but not for the other digitalis preparations, e.g., digitoxin. The proposed revision thus substitutes the word "digoxin" for "digitalis" wherever the latter word is used in the existing labeling.

2. Based on discussions by the Cardiovascular and Renal Advisory Committee at the open session of its meeting on June 20, 1974, the Commissioner proposes to delete the words "or premature systoles" from the second paragraph of item 4 of the INDICATIONS section of the labeling. The committee concluded that, although digoxin is not indicated in sinus tachycardia, it occasionally may be

used in the treatment of premature systoles. As revised, the subject paragraph reads: "Digoxin is not indicated in sinus tachycardia unless due to heart failure".

3. The Cardiovascular and Renal Advisory Committee at the open session of its meeting on June 20, 1974, questioned the meaning of the statement in the last paragraph of the INDICATIONS section of the labeling that digoxin seems to adversely affect shock due to infections. The committee questioned whether that is the case when the patient develops congestive failure.

The Commissioner has determined that the statement was not meant to include cardiogenic shock in the presence of heart failure. Therefore, he proposes to revise the sentence to read: "Digoxin seems to affect adversely shock due to septicemia from gram-negative bacteria."

4. One comment made during the open session of the Cardiovascular and Renal Advisory Committee meeting on June 20, 1974, questioned the word "absolute" in the first statement of the CONTRAINDICATIONS section of the labeling which stated "The presence of toxic effects *** induced by any digitalis preparation is an absolute contraindication to all of the glycosides." The comment suggested deletion of the word "absolute" since it is often impossible to know whether the toxic side effects are due to the digitalis.

The Commissioner agrees and proposes to revise the labeling accordingly.

5. The Cardiovascular and Renal Advisory Committee at the open session of its meeting on June 20, 1974, objected to the statement in the CONTRAINDICATIONS section of the labeling that digoxin is contraindicated in the treatment of ventricular tachycardia, unless congestive failure supervenes after a protracted episode not itself due to digoxin. The Advisory Committee noted that, although it is not the drug of choice in the treatment of ventricular tachycardia, digoxin may be used occasionally.

The Commissioner is of the opinion that, although the use of digoxin in the treatment of ventricular tachycardia involves a potential safety hazard, its use is not contraindicated in the sense that the risks involved clearly outweigh any possible benefits. Therefore, the Commissioner proposes that the statement regarding the use of digoxin in the treatment of ventricular tachycardia be removed from the CONTRAINDICATIONS section of the labeling, and that it be clarified and included in the PRECAUTIONS section.

6. In view of past widespread promotion and misuse of digitalis and related cardiotonic preparations in the treatment of exogenous obesity, the Commissioner is of the opinion that the labeling for digoxin products should include a boxed warning that such use is unwarranted and dangerous since such use may cause potentially fatal arrhythmias or other adverse effects. Therefore, the Commissioner proposes to revise the WARNINGS section of the labeling to include the following boxed warning:

Digitalis alone or with other drugs has been promoted for use in the treatment of obesity. This use of digoxin or other digitalis glycosides is unwarranted. Moreover, since they may cause potentially fatal arrhythmias or other adverse effects, the use of these drugs in the treatment of obesity is dangerous.

7. The Commissioner proposes to substitute the words "closely resemble" for the word "identical" in the statement in the WARNINGS section of the labeling that many of the arrhythmias for which digoxin is advised are identical with those reflecting digitalis intoxication. He believes that the word "identical" is overly restrictive.

8. The Commissioner, on the basis of discussion of the labeling by the Cardiovascular and Renal Advisory Committee at its meeting on February 28, 1974, proposes to revise the statement in the WARNINGS section of the labeling that patients with renal insufficiency are apt to be unusually sensitive to digoxin. The Commissioner believes that the use of the word "sensitive" does not accurately convey the intent of the statement, i.e., patients with renal insufficiency do not excrete digoxin at the same rate as patients with normal renal function, and, therefore, such patients accumulate larger amounts of digoxin. The Commissioner proposes to revise the statement to read: "Patients with renal insufficiency require smaller than usual doses of digoxin." The basis for this statement is contained in the ACTION section of the labeling.

9. Based on a recommendation of the Cardiovascular and Renal Advisory Committee at its meeting on February 28, 1974, the Commissioner proposes to include in the PRECAUTIONS section of the labeling a statement regarding the use of digoxin in the treatment of atrial arrhythmias associated with hypermetabolic states. As proposed, the PRECAUTIONS section of the labeling includes the statement that atrial arrhythmias associated with hypermetabolic states are particularly resistant to digoxin treatment and care must be taken to avoid digoxin toxicity if digoxin is used to help control the arrhythmia.

10. The Commissioner proposes to revise the statement regarding potassium wastage in the PRECAUTIONS section of the labeling to specify that potassium wastage can result from losses from the gastrointestinal tract such as may result from suction of gastrointestinal secretions, diarrhea, and prolonged vomiting. This etiology of potassium wastage is recognized in standard medical texts. The proposed revision substitutes the words "from suction of gastrointestinal secretions" for the words "other therapy" and adds "diarrhea" and "prolonged vomiting" to the conditions that may result in potassium wastage.

11. One comment discussed at the public meeting on March 13, 1974, suggested that the term "visual disturbances" in the ADVERSE REACTIONS section of

the labeling be clarified by adding the words "blurred vision, yellow vision."

The Commissioner agrees and proposes to revise the labeling under ADVERSE REACTIONS to indicate that "visual disturbances (blurred vision, yellow vision)" are central nervous system symptoms of overdosage or toxic effects of digoxin.

12. One comment submitted in response to the January 22, 1974 publication made several recommendations regarding the labeling recommendations for the administration of potassium in the TREATMENT OF ARRHYTHMIAS PRODUCED BY OVERDOSAGES section of the labeling. The comment stated that administration of potassium in the concentrations mentioned in the labeling, namely 40 milliequivalents (meq) per 500 milliliters (ml), should not be recommended unless the following conditions are met:

a. The serum potassium level is known at the time of the onset of potassium administration and this level is within the normal range, preferably within the hypokalemic range.

b. An intravenous catheter is inserted with the tip within a large vein, preferably the axillary vein. This procedure was considered necessary because injection of solution in the range of 40 meq per 500 ml through a needle is certain to cause local irritation and, if the solution infiltrates, will cause local necrosis and sloughing of the skin.

c. Continuous electrocardiographic monitoring is undertaken by a physician skilled in the management of arrhythmias.

The person who submitted the comment stated that he personally prefers to use a solution of 30 meq per 500 ml infused at a rate of 20 meq per hour.

The Commissioner agrees with the recommendation that potassium be administered using a solution of 30 meq per 500 ml infused at a rate of 20 meq per hour since arrhythmias produced by overdosage may be more safely treated using this more dilute solution of potassium. He is of the opinion that, although the serum potassium level should be determined at the onset of potassium administration and continuous electrocardiographic monitoring is necessary, it is not necessary to administer the potassium via an intravenous catheter if the more dilute solution of potassium, i.e., 30 meq per 500 ml, is administered. Therefore, the Commissioner proposes to revise the third paragraph in the section of the labeling that discusses the administration of potassium in the treatment of arrhythmias produced by overdoses in adults. As revised, the labeling recommends that when the correction of the arrhythmia is urgent and the serum potassium level is low or normal, potassium should be administered intravenously in a solution of 5 percent dextrose in water and that a total of 40 to 100 meq (30 meq per 500 ml) should be given at the rate of 20 meq per hour unless limited by pain due to local irritation. The labeling also recommends continuous electrocardiographic monitoring to watch for any evidence of potassium

toxicity, e.g., peaking of T waves, and to observe the effect on the arrhythmia so that the infusion may be promptly stopped when the desired effect is achieved.

The Commissioner also proposes that the recommendations regarding the administration of potassium be made applicable to the treatment of overdoses in children. Therefore, he proposes to revise the TREATMENT OF ARRHYTHMIAS PRODUCED BY OVERDOSAGES section of the PEDIATRIC INFORMATION portion of the labeling to state that, in the treatment of arrhythmias produced by overdoses in children, potassium preparations may be given orally in divided dose totaling 1 to 1.5 meq/kg (1 gm potassium contains 13.4 meq). The labeling provides that when correction of the arrhythmia is urgent, approximately 0.5 meq/kg of potassium per hour may be given, with careful EKG monitoring, as a solution of 20 meq or less per 500 ml in 5 percent dextrose in water. However, the total dose should generally not exceed 2 meq of potassium/kg.

13. One comment submitted in response to the January 22, 1974 publication stated that the labeling recommendations that chelating agents be used to treat digitalis toxicity are unwarranted since chelating agents can precipitate tetany, and reducing the serum calcium may cause a negative inotropic effect and aggravate congestive heart failure.

The Commissioner agrees with the comment that serious adverse effects are associated with the use of chelating agents in the treatment of digoxin toxicity. He is of the opinion that, although chelating agents have been used to treat digoxin toxicity, such use is outmoded since the addition to the therapeutic armamentarium of drugs that may be used more safely for such treatment. Therefore, he proposes to delete those portions of the labeling recommending the use of chelating agents in the treatment of arrhythmias produced by overdoses.

14. One comment submitted in response to the January 22, 1974 publication recommended that the labeling be revised to recommend the use of phenytoin (formerly diphenylhydantoin) for the treatment of arrhythmias produced by overdoses.

The Commissioner rejects this recommendation. The use of phenytoin as a cardiac antiarrhythmic was discussed by the Cardiovascular and Renal Advisory Committee at its meeting on June 20, 1974. The committee considered the effect of phenytoin in the treatment of arrhythmias produced by cardiac glycosides as well as the effect of phenytoin on atrioventricular (A-V) conduction and its clinical significance and recommended that, while the drug may be clinically useful in the treatment of digitalis intoxication, studies are needed to document adequately the safety and effectiveness of the drug for this use. The Commissioner concludes that the medical literature does not adequately docu-

ment the effectiveness of phenytoin in the treatment of digoxin-intoxicated patients and that substantial evidence in support of this use of phenytoin has not yet been submitted. Therefore, it is inappropriate to include this use in the labeling of digoxin products at this time.

15. On the recommendations of the Cardiovascular and Renal Advisory Committee, the Commissioner also proposes to revise the TREATMENT OF ARRHYTHMIAS PRODUCED BY OVERDOSAGES section of the labeling by deleting the reference to use of quinidine in the treatment of arrhythmias produced by overdosage. The medical literature indicates that overdoses of digoxin may result in a variety of cardiac arrhythmias; in some of these quinidine is contraindicated, while in others the drug has limited value. Arrhythmias produced by overdoses can be more safely treated with potassium or other drugs. The Commissioner also proposes to add lidocaine as a drug that has been used in the treatment of arrhythmias produced by overdoses since the approved labeling for this drug includes this indication.

16. One comment submitted in response to the January 22, 1974 publication recommended that the average digitalizing dose for adults be broadened from 1.25 to 1.5 milligrams (the range recommended in the current labeling) to 1.0 to 1.5 milligrams.

The Commissioner agrees with this comment and proposes to revise the DOSAGE AND ADMINISTRATION section of the labeling accordingly.

The Commissioner is of the opinion that the dosage range recommended in this comment more clearly reflects appropriate dosages for the elderly. It is normal to find decreased renal function in the elderly; therefore, the amount of digoxin needed to achieve digitalization in such persons is less than that needed to achieve digitalization in the younger adult with normal renal function.

17. One comment submitted in response to the January 22, 1974 publication recommended that the average digitalizing dose for digoxin tablets should be 0.625 to 1.5 milligrams.

The Commissioner, after a thorough reading of this comment, believes that the person submitting the comment misinterpreted the term "average digitalizing dose" to mean the initial or loading dose given to achieve digitalization and not to mean, as was intended, the average amount of digoxin that a patient must accumulate to be digitalized. The Commissioner believes that the accumulation of 0.625 milligram of digoxin is not sufficient to achieve digitalization in the average adult with normal renal function.

In order to clarify the dosage recommended to achieve digitalization, the Commissioner proposes to revise the fourth paragraph of the adult DOSAGE AND ADMINISTRATION section of the labeling to read: "The average amount of digoxin that patients must accumulate to be digitalized with digoxin tablets

is 1.0 to 1.5 milligrams. Digitalization may be accomplished by any of several approaches that vary in dosage and frequency of administration but reach the same endpoint in terms of total amount accumulated."

18. One comment submitted in response to the January 22, 1974 publication objected to the labeling recommendation that digitalization may be accomplished by giving a dose of 1.0 milligram followed by additional doses of 0.25 to 0.5 milligram at 6 to 8 hour intervals to achieve full digitalization. This comment recommended that the labeling be changed to read that digitalization may be accomplished by giving an initial dose of 0.5 milligram followed by additional doses of 0.25 to 0.5 milligram at 6 to 8 hour intervals to full digitalization. As noted in the minutes of the open public meeting, a representative of the Cardiovascular and Renal Advisory Committee recommended that the initial dose be 0.5 to 0.75 milligram.

The Commissioner agrees with this comment, as modified in the discussion at the open public meeting. He is of the opinion that, although an initial loading dose of 1.0 milligram may be used, such use presents a risk that can be avoided by using a lower dose and, therefore, it is appropriate for the labeling to recommend the lower dose. The Commissioner proposes to revise the DOSAGE AND ADMINISTRATION section of the labeling to state that, in previously undigitalized patients, a single loading dose of 0.5 to 0.75 milligram orally usually produces a detectable effect in 1 to 2 hours that becomes maximal in 6 to 8 hours. Additional doses of 0.25 to 0.5 milligram may be given cautiously at 6 to 8 hour intervals to full digitalization.

19. One comment submitted in response to the January 22, 1974 publication suggested that the product labeling be revised to include a regimen of digoxin digitalization without a loading dose and suggested a regimen of 0.25 to 0.5 milligram daily to achieve digitalization in patients with normal renal function in 1 week.

The Commissioner advises that the current labeling in § 310.500(e) includes such a regimen to achieve digitalization without a loading dose. However, since this regimen is based on the average daily oral maintenance dose that the Commissioner proposes to revise (see paragraph 20 below), he proposes to revise the labeling to state that, in previously undigitalized patients, institution of daily maintenance therapy (i.e., 0.125 to 0.5 milligram) without a loading dose results in development of steady-state plateau concentration in about 7 days in patients with normal renal function.

20. One comment submitted in response to the January 22, 1974 publication suggested that the recommended daily oral maintenance dose of 0.25 to 0.5 milligram is too high. This comment contended that the consensus is that most patients now are maintained on a daily dose of 0.25 milligram and recommended that the daily oral maintenance dose be

revised to 0.125 to 0.5 milligram and that, in elderly patients, 0.125 to 0.25 milligram should be considered the average maintenance dose.

The Commissioner is of the opinion that this comment reflects the consensus of current medical opinion, and therefore, he proposes to revise the labeling accordingly. As revised, the labeling states that the average daily oral maintenance dose is 0.125 to 0.5 milligram, usually 0.25 milligram, and that, in the elderly patient, 0.125 to 0.25 milligram should be considered the average maintenance dose.

21. One comment submitted in response to the January 22, 1974 publication stated that the labeling recommendation of a daily dose of 0.75 milligram for 4 to 5 days to achieve initial digitalization would result in an accumulated body burden of nearly 2.0 milligrams in a patient with entirely normal renal function, and an even larger amount in the presence of any reduction in glomerular filtration rate. The comment added that this is substantially in excess of the recommended average digitalizing dose of 1.25 to 1.5 milligrams and suggested that this part of the product labeling be revised.

The Commissioner agrees with this comment. Giving a daily oral dose of 0.75 milligram of digoxin would achieve digitalization in the average adult with normal renal function in 2 to 3 days, and such dosing, if continued for 4 to 5 days, could result in clinical toxicity. However, rather than revising this dosage recommendation, the Commissioner proposes to delete this dosing regimen from the labeling. The Commissioner believes that specific dosage recommendations to achieve digitalization should be limited to those based on (1) the use of an initial loading dose and (2) the institution of daily maintenance therapy without a loading dose. He is of the opinion that these two dosage regimens represent the endpoints of the spectrum of regimens that may be used to achieve digitalization. As the proposed revised labeling notes, digitalization may be accomplished by any of several approaches that vary in dosages and frequency of administration but reach the same endpoint in terms of total amount of digoxin accumulated. The Commissioner believes that it is not appropriate to include in the labeling recommended dosage regimens at any points, other than the endpoints, on the spectrum of regimens that may be used to achieve digitalization.

22. The Cardiovascular and Renal Advisory Committee at its meeting on February 28, 1974 recommended that a statement be included in the DOSAGE AND ADMINISTRATION section of the labeling that diminished renal function is the most important factor requiring modification of the recommended or average dose.

The Commissioner agrees and proposes to revise the labeling to include, in the DOSAGE AND ADMINISTRATION section, a statement to that effect.

23. The Commissioner is of the opinion that the DOSAGE AND ADMINISTRATION section of the labeling should include information regarding use of digoxin in patients with renal impairment. Therefore, he proposes to include a new paragraph in the labeling advising that (1) digitalizing and maintenance doses in such patients are lower than those with normal renal function, (2) signs of digoxin toxicity develop sooner in such patients and it takes longer for toxic signs and symptoms to disappear, and (3) it requires a longer period of time to achieve an initial or new steady-state plateau in such patients.

24. The WARNINGS section of the PEDIATRIC INFORMATION portion of the current labeling recommends the concomitant use of reserpine or other antihypertensive agents in congestive heart failure accompanying acute glomerulonephritis in children. The Commissioner concludes that it is not appropriate to specify the use of a particular antihypertensive drug. Such mention incorrectly implies that reserpine is the antihypertensive drug of choice in all instances. Reserpine could be of value for such use; however, other antihypertensive drugs may be more suitable for use in specific instances. The Commissioner proposes to revise the labeling to omit the specific reference to reserpine.

25. The Commissioner proposes to expand the statement that dosage must be carefully titrated, under the PRECAUTIONS section of the PEDIATRIC INFORMATION portion of the labeling, to advise that differences in the bioavailability of parenteral preparations, elixirs, and tablets be taken into account when switching patients from one preparation to another.

26. The Commissioner is of the opinion that the DOSAGE AND ADMINISTRATION section of the PEDIATRIC INFORMATION portion of the labeling should be more specific in recommending the proper oral dosage in children. Therefore, he proposes to revise this section of the labeling to include the following as the recommended oral digitalizing and maintenance dosages in children with normal renal function:

- New born infants (normal), up to 1 month, require 40 to 60 mcg/kg.
- Infants, 1 month to 2 years, require approximately 60 to 80 mcg/kg.
- Children, 2 years to 10 years, require 40 to 60 mcg/kg.
- Children over 10 years of age require adult proportions, by body weight.
- Maintenance therapy is 20 to 30 percent of the digitalizing dose administered each day.

These dosages are based on recommendations in standard pediatric medical texts and have been reviewed by the Cardiovascular and Renal Advisory Committee.

27. In addition to the specific changes in the labeling discussed above, the Commissioner concludes that a number of editorial changes should be made in the labeling in § 310.500(e). These proposed labeling changes are nonsubstantive and are made for clarity only.

The Commissioner has carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and interim guidelines issued by the Department of Health, Education, and Welfare and no major inflation impact has been found. A copy of the FDA inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701(a); 52 Stat. 1041-1042, 1049-1053, 1055 (21 U.S.C. 321(p), 352, 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 310 of Title 21 of the Code of Federal Regulations by revising § 310.500(e) as follows:

§ 310.500 Digoxin products for oral use; conditions for marketing.

(e) Parts of the digoxin product labeling indicated below shall be as follows:

DIGOXIN LABELING GUIDELINES

(ADULT AND PEDIATRIC)

DESCRIPTION

Digoxin is one of the cardiac (or digitalis) glycosides, a closely related group of drugs having in common specific and powerful effects on the myocardium. These drugs are found in a number of plants. The term "digitalis" is used to designate the whole group. Typically, the glycosides are composed of three portions: a steroid nucleus, a lactone ring, and a sugar ("glycosides").

(This section should include a chemical and physical description of digoxin and the same quantitative ingredient information as that required on the label.)

ACTION

The digitalis glycosides have qualitatively the same therapeutic effects on the heart. They (1) increase the force of myocardial contraction, (2) increase the refractory period of the atrioventricular (A-V) node, and (3) to a lesser degree, affect the sinoatrial (S-A) node and conduction system via the parasympathetic and sympathetic nervous systems.

Gastrointestinal absorption of digoxin is a passive process. About 50-75 percent of digoxin in tablet form is absorbed. Digoxin is only 20-25 percent bound to plasma proteins and is predominantly excreted by the kidneys unmetabolized unless there is significant renal failure. Renal excretion of digoxin is proportional to glomerular filtration rate and is largely independent of urine flow. Digoxin is not effectively removed from the body by dialysis, exchange transfusion, or during cardiopulmonary bypass, presumably because of tissue binding. In subjects with normal renal function, digoxin is excreted exponentially with an average half-life of 36 hours, resulting in the loss of 35-40 percent of the body stores daily.

Serum levels and pharmacokinetics are essentially unchanged by massive weight loss, suggesting that lean body mass should be used in dosage calculations. The peak blood level from oral dosing with tablets occurs 1-3 hours after administration. The onset of therapeutic action of digoxin after oral tablets is 1-2 hours, with the peak therapeutic effect occurring 6-8 hours after dosing.

INDICATIONS

1. Congestive heart failure, all degrees, is the primary indication. The increased cardiac output due to digoxin results in diuresis and general amelioration of the disturbances characteristic of right (venous congestion, edema) and left (dyspnea, orthopnea, cardiac asthma) heart failure.

Digoxin, generally, is most effective in "low output" failure and less effective in "high output" (bronchopulmonary insufficiency, infection, hyperthyroidism) heart failure.

Digoxin should be continued after heart failure is abolished unless some known precipitating factor is corrected.

2. Atrial fibrillation, especially when the ventricular rate is elevated. Digoxin rapidly reduces ventricular rates and eliminates the pulse deficit. Palpitation, precordial distress or weakness are relieved and any concomitant congestive failure ameliorated.

Digoxin should be continued in doses necessary to maintain the desired ventricular rate and other clinical effects.

3. Atrial flutter. Digoxin slows the heart and regular sinus rhythm may appear. Frequently the flutter is converted to atrial fibrillation with a slow ventricular rate. Stopping digoxin at this point may be followed by restoration of sinus rhythm, especially if the flutter was of the paroxysmal type. It is preferable, however, to continue digoxin if failure ensues or if atrial flutter is a frequent occurrence.

4. Paroxysmal atrial tachycardia. Oral digoxin may be used, especially if the condition is resistant to lesser measures. Depending on the urgency, a more rapid acting parenteral preparation may be preferable to initiate digitalization, although if heart failure has ensued or paroxysms recur frequently, digoxin should be maintained by oral administration.

Digoxin is not indicated in sinus tachycardia unless due to heart failure.

5. Cardiogenic shock. The drug is often employed, especially when the condition is accompanied by pulmonary edema. Digoxin seems to affect adversely shock due to septicemia from gram negative bacteria.

CONTRAINDICATIONS

The presence of toxic effects (See ADVERSE REACTIONS section) induced by any digitalis preparation is a contraindication to all of the glycosides.

Allergy, though rare, does occur. It may not extend to all preparations, and another may be tried.

Ventricular fibrillation.

WARNINGS

Digitalis alone or with other drugs has been promoted for use in the treatment of obesity. This use of digoxin or other digitalis glycosides is unwarranted. Moreover, since they may cause potentially fatal arrhythmias or other adverse effects, the use of these drugs in the treatment of obesity is dangerous.

Many of the arrhythmias for which digoxin is advised closely resemble those reflecting digoxin intoxication. If the possibility of digoxin intoxication cannot be excluded, cardiac glycosides should be temporarily withheld if permitted by the clinical situation.

The patient with congestive heart failure may complain of nausea and vomiting. These symptoms may also be indications on digoxin intoxication. A clinical determination of the cause of these symptoms must be attempted before further drug administration.

Patients with renal insufficiency require smaller than usual doses of digoxin. See ACTION section for mechanism.

PRECAUTIONS

Atrial arrhythmias associated with hypermetabolic states are particularly resistant to digoxin treatment. Care must be taken to avoid digoxin toxicity if digoxin is used to help the arrhythmia.

Digoxin is not indicated for the treatment of ventricular tachycardia unless congestive heart failure supervenes after a protracted episode not itself due to digoxin.

Potassium depletion sensitizes the myocardium to digoxin, and toxicity may develop even with usual dosage. Hypokalemia also tends to reduce the positive inotropic effect of digoxin.

Potassium wastage may result from diuretic or corticosteroid therapy, hemodialysis, and from suction of gastrointestinal secretions. It may accompany malnutrition, diarrhea, prolonged vomiting, old age, and longstanding congestive heart failure.

Patients with acute myocardial infarction, severe pulmonary disease, or far advanced heart failure may be more sensitive to digoxin and more prone to disturbances of rhythm.

Calcium affects contractility and excitability of the heart in a manner similar to that of digoxin. Calcium may produce serious arrhythmias in digitalized patients.

In myxedema the digoxin requirements are less because excretion rate is decreased and blood levels are significantly higher.

In incomplete A-V block, especially in patients subject to Stokes-Adams attacks, advanced or complete heart block may develop if digoxin is given. Heart failure in these patients can usually be controlled by other measures and by increasing the heart rate.

Patients with chronic obstructive pericarditis may respond unfavorably to digoxin.

Patients with idiopathic hypertrophic subaortic stenosis must be managed extremely carefully. Unless cardiac failure is severe, it is doubtful whether digoxin should be employed.

Renal insufficiency delays the excretion of digoxin, and dosage must be adjusted accordingly in patients with renal disease. Note: This applies also to potassium administration should it become necessary.

Electrical conversion of arrhythmias may require reduction of digoxin dosage.

ADVERSE REACTIONS

Gynecomastia, uncommon.

Overdosage or toxic effects.

Gastrointestinal: Anorexia, nausea, vomiting, diarrhea are the most common early symptoms of overdosages in the adult (but rarely conspicuous in infants). Uncontrolled heart failure may also produce such symptoms.

Central nervous system: Visual disturbances (blurred vision, yellow vision), headache, weakness, apathy.

Cardiac disturbances (arrhythmias): Ventricular premature beats are the most common, except in infants and young children. Paroxysmal and nonparoxysmal nodal rhythms, atrioventricular (interference) dissociation and paroxysmal atrial tachycardia (PAT) with block are also common arrhythmias due to digoxin overdosage. Conduction disturbances: Excessive slowing of the pulse is a clinical sign of digoxin overdosage. Atrioventricular block of increasing degree may proceed to complete heart block. Note: The electrocardiogram is fundamental in determining the presence and nature of these cardiac toxic disturbances. Digoxin may also induce other changes (as of the ST segment), but these provide no measure of the degree of digitalization.

TREATMENT OF ARRHYTHMIAS PRODUCED BY OVERDOSAGES

Digoxin should be discontinued until all signs of toxicity are abolished. Discontinua-

tion may be all that is necessary if toxic manifestations are not severe and appear after the time for peak effect of the drug.

Potassium salts are commonly used. Potassium chloride in divided oral doses totaling 4-6 gm for adults (see PEDIATRIC INFORMATION section for pediatric dosage) may be given provided renal function is adequate.

When correction of the arrhythmia is urgent and the serum potassium level is low or normal, potassium should be administered intravenously in a solution of 5 percent dextrose in water. A total of 40-100 meq (30 meq per 500 ml) is given at the rate of 20 meq per hour unless limited by pain due to local irritation.

Additional amounts may be given if the arrhythmia is uncontrolled and the potassium well tolerated.

Continuous electrocardiographic monitoring should be performed to watch for any evidence of potassium toxicity, e.g., peaking of T waves, and to observe the effect on the arrhythmia so that the infusion may be promptly stopped when the desired effect is achieved.

CAUTION: Potassium should not be used and may be dangerous for severe or complete heart block due to digoxin and not related to any tachycardia.

Other agents that have been approved for the treatment of digoxin intoxication include procainamide, lidocaine, and beta adrenergic blocking agents.

DOSAGE AND ADMINISTRATION

Oral digoxin is administered slowly or rapidly as required until the desired therapeutic effect is obtained without symptoms of overdosage. The amount can be predicted approximately from the lean body mass of the patient with allowances made for excretion during the time taken to induce digitalization.

Subsequent maintenance dosage is also determined tentatively by the amount necessary to sustain the desired therapeutic effect.

Recommended dosages are practical average figures that may require considerable modification as dictated by individual sensitivity or associated conditions. Diminished renal function is the most important factor requiring modification of recommended or average doses. (See WARNINGS and PRECAUTIONS sections.)

The average amount of digoxin that patients must accumulate to be digitalized with digoxin tablets is 1.0-1.5 milligrams. Digitalization may be accomplished by any of several approaches that vary in dosage and frequency of administration, but reach the same endpoint in terms of total amount accumulated.

In previously undigitalized patients, a single loading dose of 0.5-0.75 milligram orally usually produces a detectable effect in 1-2 hours that becomes maximal in 6-8 hours. Additional doses of 0.25-0.5 milligram may be given cautiously at 6-8 hour intervals to full digitalization.

In previously undigitalized patients, institution of daily maintenance therapy (0.125-0.5 milligram, see next paragraph) without a loading dose results in development of steady-state plateau concentrations in about 7 days in patients with normal renal function.

The average daily oral maintenance dose is 0.125-0.5 milligram, usually 0.25 milligram. In the elderly patient, 0.125-0.25 milligram should be considered the average maintenance dose.

In patients with renal impairment, digitalizing and maintenance doses are lower than those recommended for patients with normal renal functions. Signs of digoxin toxicity develop sooner in such patients, and it takes

longer for toxic signs and symptoms to disappear. In patients with renal impairment, to achieve an initial or new steady-state plateau requires a longer period of time than in patients with normal renal function.

It cannot be overemphasized that the values given are averages and substantial individual variation can be expected.

(If pediatric dosage is available, the labeling sections above should be expanded to include the following information.)

PEDIATRIC INFORMATION

WARNINGS

Newborn infants display considerable variability in their tolerance to digoxin, depending on their degree of maturity.

Premature and immature infants are particularly sensitive, and dosage must be reduced and digitalization should be even more individualized and cautiously approached than in more mature infants. Impaired renal function must also be carefully taken into consideration.

Congestive heart failure accompanying acute glomerulonephritis requires extreme care in digitalization. A relatively low total dose administered in divided doses and concomitant use of antihypertensive drugs has been recommended. ECG monitoring is essential. Digoxin should be discontinued as soon as possible.

Patients with idiopathic hypertrophic subaortic stenosis must be managed extremely carefully. Unless cardiac failure is severe, it is doubtful whether digoxin should be employed.

Patients with rheumatic carditis, especially when severe, are unusually sensitive to digoxin and prone to disturbances of rhythm. If heart failure develops, digitalization may be initiated with relatively low doses; then it can be cautiously increased until a beneficial effect is obtained. If a therapeutic trial does not result in improvement, the drug should be considered ineffective and be discontinued.

Note: Digitalis glycosides are an important cause of accidental poisoning in children.

PRECAUTIONS

Dosage must be carefully titrated and differences in the bioavailability of parenteral preparations, elixirs, and tablets should be taken into account when switching patients from one preparation to another.

Electrocardiographic monitoring may be necessary to avoid intoxication.

Premonitory signs of toxicity in the newborn are undue slowing of the sinus rate, sinoatrial arrest, and prolongation of PR interval.

ADVERSE REACTIONS

Toxic signs differ from the adult in a number of respects. Cardiac arrhythmias are the more reliable and frequent signs of toxicity.

Vomiting and diarrhea, neurologic and visual disturbances are rare as initial signs.

Premature ventricular systoles are rarely seen; nodal and atrial systoles are more frequent.

Atrial arrhythmias, atrial ectopic rhythms, and paroxysmal atrial tachycardia with A-V block particularly are more common manifestations of toxicity in children.

Ventricular arrhythmias are rare.

TREATMENT OF ARRHYTHMIAS PRODUCED BY OVERDOSAGES

(See adult section for other recommendations for the treatment of arrhythmias produced by overdosages and for additional recommendations and cautions regarding the use of potassium.) Potassium preparations may be given orally in divided doses totaling 1-1.5 meq/kg (1 gm K contains 13.4 meq). When correction of the arrhythmia is urgent,

approximately 0.5 meq/kg of potassium per hour may be given, with careful electrocardiographic monitoring, as a solution of 20 meq or less per 500 ml in 5 percent dextrose in water. The total dose should generally not exceed 2 meq of potassium/kg.

DOSAGE AND ADMINISTRATION

Digitalization must be individualized. Generally, premature and immature infants are particularly sensitive, requiring reduced dosage that must be determined by careful titration.

Oral Dosage. Beyond the immediate newborn period, children require proportionally greater doses than adults on the basis of body weight or surface area. The recommended oral digitalizing dosages in children with normal renal function are:

Newborn infants (normal), up to 1 month, require 40-60 mcg/kg.

Infants, 1 month to 2 years, require approximately 60-80 mcg/kg.

Children, 2 years to 10 years, require 40-60 mcg/kg.

Children, over 10 years of age, require adult proportions by body weight.

Maintenance therapy is 20-30 percent of the digitalizing dose administered each day.

Long term use of digoxin is indicated in almost all infants who have been digitalized for acute congestive heart failure unless the cause is transient. Many favor maintaining digoxin until at least 2 years of age in all infants with paroxysmal atrial tachycardia or in those who show either definite or latent failure.

Many children with severe inoperable congenital defects need digoxin throughout childhood and often for life.

The Commissioner concludes that the existing labeling for digoxin products is inadequate and that revision of the labeling is necessary as soon as practicable to protect the public health by correcting dosage and other recommendations for use and warning against the use of such products in the treatment of obesity. Therefore, he determines for good cause that time for comment shall be limited to 30 days. Interested persons may, on or before May 28, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments should be filed in quintuplicate (except that individuals may submit single copies), and should be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Unless these comments raise substantial issues that cannot be immediately resolved, the Commissioner intends to issue a final regulation within 30 days following the end of the comment period. This regulation would be effective 60 days after date of publication in the FEDERAL REGISTER. Received comments may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: April 21, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.
[FR Doc. 76-12270 Filed 4-27-76; 8:45 am]

Office of Human Development

[45 CFR Part 1340]

COORDINATION OF FEDERAL PROGRAMS AND ACTIVITIES

Child Abuse and Neglect

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of Health, Education, and Welfare. The proposed regulations add a new Subpart D to Part 1340 of Chapter XIII, Subtitle B, Title 45, Code of Federal Regulations, in order to implement the provisions of Section 7 of the Child Abuse Prevention and Treatment Act (Pub. L. 93-247).

Proposed Subpart D describes the manner whereby coordination and the most effective and efficient utilization of Federal resources will be sought in the design, development implementation and management of programs and activities related to the prevention, identification, or treatment of child abuse and neglect.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed Subpart D to the Director, Office of Child Development, Department of Health, Education, and Welfare, P.O. Box 1182, Washington, D.C. 20013, on or before May 28, 1976. Such comments will be available for public inspection in Room 5847 of the Department's offices at 400 Sixth Street SW., Washington, D.C., on Monday through Friday each week from 9:00 a.m. to 5:00 p.m. (area code 202-755-6233).

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.

Dated: July 17, 1975.

STANLEY B. THOMAS, Jr.,
Assistant Secretary
for Human Development.

Approved: April 16, 1976.
MARJORIE LYNCH,
Acting Secretary.

PART 1340—CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROJECT

Part 1340, Subtitle B of 45 CFR Chapter XIII is amended by adding Subpart D as follows:

Subpart D—Coordination of Federal Programs and Activities Related to Child Abuse and Neglect

- Sec.
- 1340.4-1 Purposes.
- 1340.4-2 Definitions.
- 1340.4-3 Reports and Materials.
- 1340.4-4 Coordination Process.

AUTHORITY: Sec. 6(a), 88 Stat. 7 (Sec. 6(a), Pub. L. 93-247); Sec. 7, 88 Stat. 8 (Sec. 7, Pub. L. 93-247).

Subpart D—Coordination of Program Activities

§ 1340.4-1 Purposes.

(a) There are a number of Federal agencies which expend Federal funds to

administer or assist programs and activities related to child abuse and neglect.

(b) The purposes of this subpart are:

- (1) To ensure effective coordination among programs and activities related to child abuse and neglect under the Act and other such programs and activities administered and assisted by other Federal agencies, as required by Section 7 of the Act;

- (2) To achieve the most effective and efficient utilization of Federal resources in the design, development, implementation and management of programs and activities related to the prevention, identification or treatment of child abuse and neglect;

- (3) To ensure that programs and activities are not undertaken in a unilateral manner;

- (4) To ensure that programs and activities are not duplicative; and,

- (5) To provide that the results, outcomes, or data generated by programs and activities are made known and available to each of the agencies participating.

(c) In order to accomplish these purposes, it is necessary that there be established and maintained an ongoing effort among the participating agencies to clarify their respective roles; identify and centrally maintain information about their respective efforts; establish and maintain appropriate program interaction; and, achieve the maximum feasible level of synchronization of effort.

(d) It is not the purpose of this subpart to alter in any manner the basic responsibility of an agency to administer and manage its programs and activities.

§ 1340.4-2 Definitions.

For purposes of this subpart.

(a) "Advisory Board" means the Advisory Board on Child Abuse and Neglect, established by the Secretary under the Act.

(b) "Executive Secretariat" means the National Center on Child Abuse and Neglect in its performance of the supportive administrative functions of the Advisory Board.

(c) "Assistant Secretary" means the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare.

(d) "Activities" (and in the singular, "activity" as indicated by the context) means programs and activities related to child abuse and neglect administered or assisted by participating agencies, including but not limited to:

- (1) Grants in aid;
- (2) Grants for research and demonstration projects;
- (3) Contracts conduct activities related to child abuse and neglect;
- (4) Development of training curricula and supporting educational materials;
- (5) Provision of technical assistance;
- (6) Provision of services;
- (7) Data collection;
- (8) Development of program standards;

(9) Development of short and long range plans;

(10) Development of rules, regulations, policies or procedures.

(e) "Participating agencies" means the various Federal agencies with responsibilities for activities related to child abuse and neglect which by virtue of such responsibilities are, or are eligible to be, represented on the Advisory Board.

§ 1340.4-3 Reports and Materials.

Each participating agency shall, as a minimum, provide the following reports and material regarding its activities at the central and regional office levels to the Advisory Board:

(a) An annual written report on long range plans and budget projections;

(b) An annual written report on contemplated activities and budget projections for the succeeding fiscal year with a specific description of what those activities are to achieve and how they relate to existing activities;

(c) An annual written report at the conclusion of each fiscal year on the results and accomplishments of activities conducted during that year and a recapitulation of funds expended;

(d) Interim reports on activities which appear to warrant consideration or some coordinating action by the Advisory Board prior to the submission of annual reports;

(e) Draft copies of statements of work for proposed awards of contracts or grants, for review and coordination prior to the public issuance of the formal solicitation or announcement;

(f) Final copies of statements of work referred to in paragraph (e) of this section, provided at the time of issuance;

(g) Brief statements of the subject matter, methodology, and objectives of unannounced or solicited activities tentatively approved for funding. Such statements shall be provided to the Advisory Board in timely fashion to allow for review and any necessary coordination before award;

(h) Draft regulations or other requirements, guidelines, and standards for activities provided in timely fashion for review and coordination; and,

(i) Final copies of the materials referred to in paragraph (h) of this section, at the time of issuance.

§ 1340.4-4 Coordination Process.

(a) The Advisory Board shall be informed of all the planned activities reported to it pursuant to § 1340.4-3, in the context of the total Federal effort at both central and regional office levels.

(b) If the Advisory Board finds that the planned activities appear to represent an inappropriate duplication or overlap of efforts with another participating agency or that more effective coordination can be achieved, the Advisory Board, through Assistant Secretary for Human Development, shall bring such matter and its recommendations to the attention of the agencies involved. Those agencies shall expeditiously develop and report to the Advisory Board how they propose to coordinate their activities as

well as a timetable for the actions proposed. In the event that there is an urgency for the rapid resolution of the problem, the Board shall set a deadline for the resolution of the problem.

(c) The Board shall report to the Secretary on a regular basis if there are inappropriate duplications or overlap of efforts in planned activities.

(d) Participating agencies shall encourage their regional office representatives to undertake joint planning and coordination of activities in their regions within the framework of national coordination under the Advisory Board, through such means as inter-agency committees and agreements.

[FR Doc. 76-12083 Filed 4-27-76; 8:45 am]

Office of Education

[45 CFR Parts 112 and 113]

ASSISTANCE IN CASES OF CERTAIN DISASTERS

Schools

Pursuant to the authority contained in Section 16 of Pub. L. 81-815 (20 U.S.C. 646) and in Section 7 of Pub. L. 81-874 (20 U.S.C. 241-1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, hereby republishes and proposes to amend Title 45 Parts 112 and 113 of the Code of Federal Regulations to read as set forth below:

1. *Program purpose.* (a) Section 16 of Pub. L. 81-815 provides assistance for the restoration or replacement of school facilities seriously damaged as a result of a major or pinpoint disaster.

(b) Section 7, Pub. L. 81-874, Section 7 of Pub. L. 81-874 provides assistance for current expenditures and minor repairs for schools affected by a major or pinpoint disaster.

2. *Purpose of proposed amendments.* The amendments to Parts 112 and 113, Title 45 CFR, are designed to implement the so-called "pinpoint" disaster provisions of Section 16(a) (1) (B), Pub. L. 81-815 (20 U.S.C. 646(a) (1) (B)), and Section 7(a) (1) (B), Pub. L. 81-874 (20 U.S.C. 241-1(a) (1) (B)). A pinpoint disaster is a disaster such as a storm, earthquake, or fire not caused by negligence or malicious action, which has destroyed or seriously damaged school facilities but which is local in effect and not of sufficient severity to be designated as a major disaster. Assistance under these provisions has not been provided heretofore by the Office of Education. Beginning with Fiscal Year 1976, assistance will be made available under these provisions to eligible local educational agencies which have had school facilities destroyed or seriously damaged as a result of flood, hurricane, earthquake, storm, fire, or other catastrophe, except any catastrophe caused by negligence or malicious action.

3. *Amendments to Part 112.* (a) *Definitions.* (1) Several existing terms including "incident period" and "minimum school facilities" have been modified to take into account special pinpoint dis-

aster aspects. The "incident period" indicates the days of damage which will be covered under the assistance program. For major disasters it is the days officially designated by the President as the period of a major disaster. For pinpoint disasters the period will be the days designated by the Commissioner as the days on which disaster-related damage occurred. "Minimum school facilities" for both major and pinpoint disasters include either those facilities necessary to operate a program of instruction for children in attendance in public schools, or those facilities which existed prior to the disaster, whichever is less. In a major disaster, provision is also made for assistance to provide public school facilities for private school children permanently displaced as a result of a major disaster. In a pinpoint disaster, under "minimum school facilities" there is no provision for permanently displaced private school children.

(2) Several definitions have been added for the purpose of incorporating pinpoint disaster concepts. These are "pinpoint disaster," "repayable advance," "terms and conditions," and "disaster review team." In the definition of "pinpoint disaster," it is specified that if a disaster is of unknown origin, it will be necessary for the applicant to provide sufficient evidence to demonstrate that the disaster was not caused by negligence or malicious action.

(b) § 112.2 *Eligibility.* Section 16, Pub. L. 81-815 eligibility considerations have not been changed with regard to pinpoint disasters; hence, eligibility considerations are the same as those for major disasters except that assistance for construction of public school facilities to house permanently displaced private school children is not authorized by the pinpoint disaster provisions. It is proposed to add a new § 112.2(g) (4) to establish that, where a local educational agency is required under State law to maintain an insurance program or monetary reserve to cover damage or destruction of school facilities, the amount of the insurance or monetary reserve which is required by law will be considered as available local funds, whether or not such an amount of insurance or monetary reserve has been maintained. It is proposed in § 112.3(f) that the interest on insurance proceeds will be considered as part of the funds available to a local educational agency. This is done because it is fair that all locally available school funds should be applied to the reconstruction or replacement of seriously damaged or destroyed school facilities.

(c) § 112.3 *Payments.* Payments for pinpoint disaster assistance, as well as for major disaster assistance, will be made only on the basis of complete applications. However, as set forth in proposed § 112.3(c), payments for pinpoint disaster assistance will be based also on a loan agreement between the Office of Education and the local educational agency, which shall establish terms and conditions and shall be for a period of not more than 5 years. This period is

comparable to that for which assistance is provided under Pub. L. 81-874 and will provide school districts sufficient time to reconstruct their financial situation.

(d) § 112.4 *Special procedures for obtaining pinpoint disaster assistance.* Proposed § 112.4 sets forth special procedures which must be followed in order to obtain pinpoint disaster assistance. These procedures establish that an applicant shall request the Governor of the State to seek Federal assistance. This parallels FDAA procedure for requests for major disaster assistance. To be included in the request are a certification of need and assurance of an expenditure of a reasonable amount of State and local funds, a statement of the date and cause of the disaster, an estimate of the extent of damage, a certification that the school district had maintained full insurance coverage on the damaged school facilities, and a statement from the State Attorney General that local educational agencies have the authority to conclude a loan with the Federal government.

(e) § 112.8 *Applications.* In proposed § 112.8(b)(2), it is set forth that, for pinpoint disaster assistance, a preapplication must be filed 90 days after the effective date of the final regulations under this part, or 90 days following the date of the disaster, whichever is later. The former provision will permit the filing of applications for disasters which occurred earlier in Fiscal Year 1976.

(f) § 112.17 *Nondiscrimination against handicapped individuals.* It is proposed to add a new § 112.17 to incorporate by reference the provisions of the Rehabilitation Act of 1973 (Pub. L. 93-112) which relate to nondiscrimination against handicapped individuals in any program or activity receiving Federal financial assistance.

4. *Amendments to Part 113.* (a) § 113.1 *Definitions.* As in the case of Part 112, the term "incident period" has been amplified to establish that the Commissioner shall determine the days on which the disaster-related damage occurred (§ 113.1(f)(2)). The definition of "school facilities" has been amended to state more particularly what facilities are included (§ 113.1(b)). The definition of "pinpoint disaster" used in Part 112 is repeated in proposed § 113.1(m).

(b) § 113.2 *Financial assistance under Section 7(a).* It is provided in proposed § 113.2(a)(2) that assistance under Section 7(a) of the Act shall begin in the fiscal year in which the Commissioner makes a pinpoint disaster determination for an applicant or that fiscal year in which the disaster actually terminated, whichever is later.

(c) § 113.3 *Assistance under Section 7(b).* In proposed § 113.3(b)(13), language has been inserted to make clear that equipment purchased with funds obtained under Section 7(b) and used in temporary facilities must be later used, to the extent practicable, in facilities provided under Section 16 of Pub. L. 81-815, or facilities repaired under Section 7(b) of Pub. L. 81-874. This is

deemed necessary to avoid duplication of project assistance.

(d) § 113.4 *Special procedures for pinpoint disaster assistance.* As done in proposed § 112.4 of this notice, procedures are set forth in proposed § 113.4 detailing certain statements and information which must be submitted by a State governor as part of an initial request for pinpoint disaster assistance. As in the case of proposed § 112.4, this request is not part of the application for assistance filed by the local educational agency, but is a matter which must be submitted in order that the Commissioner may determine that a pinpoint disaster situation does exist and that there will be a legitimate need for Federal assistance. The request required under proposed § 113.4 is the same as that set forth in § 112.4.

(e) § 113.8 *Applications.* It is proposed to amend § 113.8(a) to indicate that a separate application for assistance under Section 7(a) of the Act must be filed for each of the four years following the initial year in which this assistance was provided.

(f) § 113.9 *Dates for filing applications.* It is proposed to amend § 113.9 to make clearer the separate treatment of Section 7(a) and Section 7(b) of the Act for purposes of filing applications. It is not required that separate applications be filed when a local educational agency seeks assistance under both Sections 7(a) and 7(b). However, less time is allotted for submitting a complete application under Section 7(b). This is because the extent of need for minor repairs, provision of temporary facilities, and the replacement of instructional material and equipment usually can be ascertained much sooner than can the financial effect upon the operational part of a school district's budget. Time limitations for filing are different for pinpoint and major disasters. In the case of a pinpoint disaster, it is 90 days following the effective date of final regulations under this part or 90 days following the disaster, whichever is later. As with assistance under part 112, this will allow applications to be filed for disasters which occurred earlier in Fiscal Year 1976. In the case of a major disaster, it is 90 days following the date of designation of the disaster area.

(g) § 113.11 *Reports.* It is proposed in § 113.11(b)(2) to change the reference to fiscal year for the September 30 final report date to school year. This takes into consideration the change in the Federal fiscal year from July 1-June 30 to October 1-September 30. Thus, the final reporting date will still be September 30, but it will be that date following the end of the school year of the local educational agency for which the report is made.

(h) § 113.19 *Nondiscrimination against handicapped individuals.* As for part 112, it is proposed to incorporate by reference the pertinent provisions of the Rehabilitation Act of 1973 relating to nondiscrimination against handicapped individuals by recipients of Federal assistance.

5. *Other amendments.* (a) Throughout Parts 112 and 113, sole references to major disasters have been changed to incorporate references to pinpoint disasters so that the regulations in which such a change is made apply to both types of disasters.

(b) A few typographical and stylistic corrections have been made in both parts.

6. *Citations of legal authority.* As required by Section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(A)), a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of each section. On occasion, a citation appears at the end of a subdivision that appears in that section above the citation. When the citation appears only at the end of the section, it applies to the entire section.

7. *Opportunity for public comment.* Parties interested in commenting on the published materials should submit comments to the Office of Education, 400 Maryland Ave. SW., Room 2107a, Washington, D.C. 20202, Attention: Mr. William L. Stormer. All relevant material received on or before May 28, 1976, will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Numbers 13.477, School Assistance in Federally Affected Areas—Construction, and 13.478, School Assistance in Federally Affected Areas—Maintenance and Operation)

Dated: March 5, 1976.

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

Approved: April 16, 1976.

MARJORIE LYNCH,
Acting Secretary of Health,
Education, and Welfare.

PART 112—SCHOOL CONSTRUCTION ASSISTANCE IN CASES OF CERTAIN DISASTERS

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AUTHORITY: Section 16, (79 Stat. 1158) added to Pub. L. 81-815 (20 U.S.C. 646) as amended, unless otherwise noted.

Subpart A—Definitions

§ 112.1 Definitions.

As used in this part—

(a) "Act" means Pub. L. 815, 81st Congress (64 Stat. 976), as amended, section 16 of which was added by the first section of Pub. L. 89-313 (79 Stat. 1158) and amended by Pub. L. 90-247.

(20 U.S.C. 646)

(b) "Complete application" means a preapplication, Exhibit M-4 of Federal Management Circular 74-7 and such other supplemental information as the Commissioner may request.

(20 U.S.C. 636(b) (1), 646(c))

(c) "Filed" means that all necessary parts of the preapplication or the complete application, as appropriate, bearing the required certification and verifications by the State educational agency, are received by the Commissioner on or before the applicable filing date.

(20 U.S.C. 636(a), (b) (2) (B), (c))

(d) "Initial equipment" means any movable equipment necessary and appropriate to equip school facilities.

(20 U.S.C. 645(9), 646(a))

(e) "Incident period" means: (1) for major disasters those days officially designated by the President or his representative as the dates upon which major disaster damages occurred; (2) for pinpoint disasters the day(s) determined by the Commissioner to be the date(s) on which the pinpoint disaster damages occurred.

(20 U.S.C. 646)

(f) "Latent damages" means those damages which, in the judgment of the Commissioner, constitute disaster caused damages to school facilities which may not be apparent immediately following the incident period of the disaster.

(20 U.S.C. 646(a))

(g) "Local educational agency" as used in this part is defined in sections 15(11) and 16(a) (1) (A) (B) of the Act. If the local education agency as so defined does not have the responsibility for providing school facilities, and that responsibility is vested in a State, county, city, or town agency, then the term shall include such an agency, together with the agency having exclusive administrative control and direction of other phases of free public education.

(20 U.S.C. 645(11), 646(a) (1) (A) (B))

(h) "Major disaster area" means an area which is determined, pursuant to sections 102(2) and 301 of the Disaster Relief Act of 1974 to have suffered, after August 30, 1965, a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government. That certification which is required by section 301 of the Disaster Relief Act of 1974 by the Governor of the State in which such an area is located (relating the need for disaster assistance

in that area and providing assurance of the expenditure of a reasonable amount of the funds of the government of that State, or of a political subdivision thereof) will be accepted to meet the certification requirement contained in section 16(a) (2) of the Act, if it contains sufficient information to meet the purposes of that section.

(20 U.S.C. 646(a) (1) (A), (a) (2), 1224(c); 42 U.S.C. 4402(1))

(i) "Member" of a school shall be determined in accordance with State law or regulation. In the absence of State law or regulation, such a member is a child who has presented himself at school and has been placed on the current roll. Such a child shall be considered a member from the date of enrollment until he permanently leaves the school. Permanent leaving shall be determined under State rules if such are applicable, but the date of permanent withdrawal shall be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance. Notwithstanding the above, if contracts to make tuition payments with regard to certain children are utilized, then membership shall be determined in accordance with the provisions of section 15(5) of the Act.

(20 U.S.C. 645(5))

(j) "Membership" means the sum of members of a school as defined in § 112.1 (i).

(20 U.S.C. 645(5))

(k) "Minimum school facilities" means: (1) for major disasters, the lesser of either (i) or (ii): (i) Those school facilities necessary to operate a program of free public education for the membership of the applicant at normal capacity in accordance with the laws and customs of the State, plus those school facilities to serve, in the facilities of such agency, those children referred to in section 16(a) (5) (B) of the Act, or

(ii) Those school facilities which existed prior to the disaster (limited, however, to replacement of such areas in like-kind), plus those which are necessary to serve, in the facilities of such agency, those children referred to in section 16(a) (5) (B) of the Act;

(2) for pinpoint disasters, the lesser of either (i) or (ii):

(i) those school facilities necessary to operate a program of free public education for the membership of the applicant at normal capacity in accordance with the laws and customs of the State, or (ii) those school facilities which existed prior to the disaster (limited, however, to replacement of such areas in like-kind).

(3) Such term does not include (i) athletic stadiums or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public; or (ii) interests in land and off site improvements.

(4) Such term may include an auditorium or gymnasium, or both, if justified by the size of the school's enrollment, the educational program to be conducted and the standards and practices in the State. Such facilities may provide seating only for the capacity of the student enrollment. The limitation concerning the inclusion of auditoriums and gymnasiums, and the seating capacity of such, shall not apply to those situations covered by sub-paragraphs (1) (ii) and (2).

(5) Air conditioning may be provided to replace any air conditioning which existed prior to the disaster. If no such air conditioning existed prior to the disaster, then it may be provided as minimum school facilities in all States which are in whole or in part south of the 39° parallel, provided a letter is obtained from the authorized representative of the State that air conditioning is being provided in school facilities currently being constructed solely with State and local funds. Such air conditioning may be provided in any other State only if such letter is obtained and supported by a survey which substantiates that air conditioning is provided in a majority of recently constructed school facilities within the State.

(20 U.S.C. 645 (9), (10), 646(a) (5))

(l) "Normal capacity" of a schoolroom means the number of pupil stations which the room accommodates under ordinary conditions in accordance with the laws and customs of the State governing free public education.

(20 U.S.C. 646(a))

(m) "Preapplication" means Exhibit M-1 of FMC 74-7 and such supplemental information as may be requested by the Commissioner.

(20 U.S.C. 646(c))

(n) "Replacement or restoration of school facilities" means the reconstruction of school facilities and the making of substantial structural repairs to school facilities which were seriously damaged or destroyed.

(1) Such term does not include the making of urgent repairs to protect the school facilities from further damage or deterioration or to render the school facilities immediately available for the providing of free public education.

(2) Such term includes reasonable expenditures in order to avoid or reduce future flood losses (including relocation), in accordance with Executive Order 11296. The reasonableness of such expenditures will be determined by the Commissioner on an individual basis, based upon such factors as (i) a comparison of such expenditures with the cost of restoring or replacing the facility excluding such expenditures, (ii) the probable consequence of a failure to make such expenditures, and (iii) comparative cost of alternative methods of avoiding or reducing future flood losses.

(3) Such term includes such additional amounts that the Commissioner may approve in order to assure that the facilities, as restored or replaced, will afford

appropriate protection against personal injuries resulting from a disaster.

(20 U.S.C. 646(a); E.O. 11296; 88 Stat. 522)

(c) "Replacement of area in like-kind" means the cost of replacing or restoring the total area of the facility seriously damaged or destroyed which was in use at the time of the disaster with a similar permanent or temporary facility. Permanent school facilities include those facilities which are erected or constructed on the site for school purposes, affixed to the site and which have a utilization period of not less than 20 years from the date of being so affixed. Temporary school facilities means all other school facilities, including those facilities which (1) may be classified as portable, relocatable, demountable, mobile trailers or frame structures and (2) are moved onto the site for an indefinite period. An applicant may use the amount estimated as necessary to replace or restore temporary facilities to instead construct permanent facilities.

(20 U.S.C. 646(a))

(p) "Seriously damaged" means that a school facility, structure or a portion thereof has been rendered unusable or partly unusable for school purposes for an extended period of time.

(20 U.S.C. 646(a) (1), (3))

(q) "School facilities" includes such facilities as defined in section 15(9) of the Act. Such term includes only such facilities which (1) were in use prior to the occurrence of a major disaster, or a pinpoint disaster, including classrooms and related facilities; or (2) are newly constructed facilities which the applicant accepted from the builder as being completed; and (3) are facilities for the replacement or restoration of which the local educational agency or public agency is legally responsible under the State law. Such facilities may include cafeteria facilities.

(20 U.S.C. 645 (9), (10), 646(a) (1), (3), (4))

(r) "Total square feet of floor area" means the sum of the square feet of a facility in use for school purposes at the time of the disaster from the exterior wall surface to exterior wall surface, at the respective floor levels.

(20 U.S.C. 646(a))

(s) "Pinpoint disaster" as used in this part means one caused by a flood, hurricane, earthquake, storm, fire, or other catastrophe. Such disaster must be local in extent and not of sufficient severity or magnitude to be determined by the President to be a major disaster pursuant to Section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)). It does not include loss or damage caused by negligence or malicious action. In the case of a disaster of unknown origin, such as a fire, it will be presumed that such disaster is not a pinpoint disaster within the meaning of this part, unless sufficient evidence is presented to enable the Commissioner to determine that the disaster was not caused by negligence or malicious action.

(t) "Repayable advance" means funds furnished by the Commissioner to any local educational agency, which the Commissioner shall be entitled to recover as set forth in the terms and conditions of the advance.

(u) "Terms and conditions" include the rate of interest, duration of loan, the method of repayment, and other pertinent requirements applicable to the Commissioner's advance.

(v) "Disaster review team" means a group comprised of representatives of the Office of Education, Office of Facilities Engineering and Property Management (DHEW), the State educational agency (when available), and local educational agencies.

(20 U.S.C. 646(a))

Subpart B—Financial Assistance

§ 112.2 Eligibility for financial assistance.

(a) Eligibility for financial assistance will be determined in accordance with the provisions of the Act, and in the case of a major disaster in accordance with section 7(a) (4) of Pub. L. 81-874.

(20 U.S.C. 241-1(a) (4), 646(a) (6))

(b) In all cases determined pursuant to paragraph (a) of section 16, if the Commissioner finds that funds other than Federal funds will, in the near future, become available to the local educational agency specifically for the purpose of providing school construction assistance in cases of such disasters, then Federal financial assistance may, to the extent that such funds are to become so available, be in the form of a repayable advance subject to repayment, without interest, when available.

(20 U.S.C. 646(a))

(c) Factors which the Commissioner will consider when determining whether damages require restoration or replacement under section 16 of the Act (as contrasted with minor repairs authorized under section 7(b) of Pub. L. 81-874 (20 U.S.C. 241-1) include the following:

(1) The ratio of section 16 funds available to the total estimated cost of replacement or restoration of the destroyed or seriously damaged facility;

(2) The speed at which such replacement or restoration may be accomplished with the local, State, and Federal funds available;

(3) Whether the remaining structure must be razed before replacement or restoration can commence;

(4) Whether the applicant intends to rebuild on another site;

(5) Whether the applicant plans restoration which will differ significantly from the original design of the structure that was damaged;

(6) Whether the applicant plans to use the amount estimated as necessary to repair under said section 7(b), or restore under said section 16, the damaged facility to: (i) construct new facilities; or (ii) repair or restore the damaged facilities; and

(7) Whether an insurance settlement is made on the basis of major structural damage to the facility.

(d) Federal financial assistance under section 16 of the Act will be limited to the amount deemed by the Commissioner to be necessary as additional assistance (after considering practicably available local, State or Federal resources) in order for the local educational agency to provide for the replacement or restoration of minimum school facilities destroyed or seriously damaged as a result of a disaster:

(1) When such a school facility is seriously damaged but not destroyed, financial assistance under this section will be limited to the lesser of the following costs, as determined by the Commissioner.

(i) The cost of restoring the facility on the same foundation on the same site; or

(ii) The cost of replacing the facility on the same site or a new site;

(2) When such a school facility is destroyed, financial assistance under this section may be provided to replace the facility, at the existing site or at a new site, whichever costs, as determined by the Commissioner, will be the lesser:

(3) Costs for replacement or restoration may include, if appropriate, the cost of demolition of all or part of the affected portion of the seriously damaged or destroyed facility, in the case of a major disaster, and the cost of replacement, with public school facilities, of those minimum private elementary or secondary school facilities which were destroyed and which will not be replaced.

(e) Assistance will be provided under section 16 of the Act only if the Commissioner, after consultation with appropriate State and local educational agencies, finds that the replacement or restoration of the seriously damaged or destroyed school facilities (1) would not be inconsistent with overall State plans with respect to the construction of school facilities; and (2) includes such reasonable steps as may be desirable to minimize future Federal expenditures for flood protection and flood disaster relief in accordance with Executive Order 11296.

(20 U.S.C. 646(c); E.O. 11296)

(f) Federal financial assistance provided under section 16 of the Act (as being necessary to enable the local educational agency to provide the needed minimum school facilities), will not exceed (1) the total needed to pay for the costs of construction incident to the replacement or restoration of school facilities destroyed or seriously damaged in the case of a major disaster as a result of a disaster, and (2) the amount needed to provide the minimum school facilities needed to serve, in the facilities of said agency, children who but for the serious damage to or destruction of private facilities would be served by said private facilities (less all amounts available to the applicant specifically for such a purpose from local, State, other Federal sources, and from the proceeds of insurance, including interest earned thereon, on the school facilities destroyed or seriously damaged as a result of the major disaster). The applicant will be expected to

prosecute insurance claims promptly and to the full legal limit. It is not necessary to replace facilities destroyed or seriously damaged with identical facilities, provided that the replacement facility constitutes replacement of area in like-kind with minimum school facilities.

(20 U.S.C. 646(a))

(g) Funds available for replacement or restoration of school facilities destroyed or seriously damaged as a result of a disaster include:

(1) All unobligated or unencumbered non-Federal funds which the Commissioner determines have been set aside in the nature of an insurance reserve for the purpose of replacing or restoring those school facilities of the applicant that are destroyed or seriously damaged; and

(2) The proceeds of bonds that have been voted specifically for the replacement of a school facility which is destroyed or seriously damaged.

(3) If funds described in (g)(1) or (g)(2) of this section are not immediately available, the Commissioner may provide assistance in the form of an advance to be repaid, without interest, from such proceeds when they become available as determined by the Commissioner.

(20 U.S.C. 646(a)(4), (5))

(4) To the extent that State law requires the maintenance by local educational agencies of an insurance program or other monetary reserve fund for the restoration or replacement of destroyed or seriously damaged school facilities, the amount of insurance or reserve required under such law shall be considered as funds available to the applicant for the purpose of determining need for assistance under this part whether or not the applicant has maintained such insurance or monetary reserve.

(h) The school facility so provided must be functional and not elaborate in design or extravagant in the use of materials in comparison with school facilities of a similar type constructed in the State within recent years. All replacement or restoration work must be undertaken in an economical manner.

(20 U.S.C. 646(a)(4), (c))

(i) All determinations made by the Commissioner under this part shall be made only after consultation with the appropriate State educational agency and local educational agency.

(20 U.S.C. 646(c))

§ 112.3 Payments.

(a) Payments to an applicant under section 16 of the Act will be made only on the basis of a complete application which satisfies the conditions for payment prescribed by section 16 of the Act and the regulations in this part.

(b) Upon approval of the complete application of a local educational agency under section 16(a)(1)(A) of the Act, the Commissioner may pay to such agency an amount equal to 10 per centum of the estimated cost of the construction in-

cident to the replacement or restoration of the school facilities destroyed or seriously damaged as a result of a major disaster.

(c) Upon approval of the complete application of a local educational agency under section 16(a)(1)(B) of the Act, the Commissioner shall enter into a loan agreement with the local educational agency. Such agreement shall state the amount of the loan; payments, if other than lump sum; rate of interest; duration of loan; place, medium, and amounts of repayments; description of bonds, if such are to be issued. All loans from the Federal Government to the local educational agency shall be for a period of not more than 5 years at the prevailing rate of interest established by the Small Business Administration for disaster assistance in major disaster areas.

(d) No construction contract exceeding the estimated cost as shown in the project application shall be entered into without prior approval.

(20 U.S.C. 636(b)(1), 646(a), (c), (d), 1232(c))

§ 112.4 Special procedures for obtaining pinpoint disaster assistance.

Upon the occurrence of a pinpoint disaster, the local educational agency desiring Federal assistance shall request the Governor of the State, through the State educational agency, to present to the Commissioner a request for Federal assistance. The Governor's request shall contain:

(a) A certification of the need for disaster assistance and assurance of the expenditure of a reasonable amount of the funds of the government of such State or any political subdivision thereof, in addition to any insurance proceeds and the interest earned thereon, for purposes of restoration, replacement, or construction of school facilities destroyed or seriously damaged by such disaster, which shall include:

(1) A statement of the amount of State and local funds available or to be made available to replace or restore such destroyed or seriously damaged school facilities;

(2) An estimate of the amount of Federal assistance needed;

(3) A statement of the date and cause of the disaster as a result of which public elementary or secondary school facilities of the local educational agency have been destroyed or seriously damaged, including a certification by the Governor that the disaster was not caused by negligence or malicious action;

(4) An estimate of the extent of damage resulting from the disaster;

(5) A certification by the Governor that the applicant maintained, at the time of the disaster, insurance coverage on the school facilities destroyed or seriously damaged in an amount equal to the full valuation of those facilities at that time.

(6) A statement from the State Attorney General that under State law local education agencies have the au-

thority to enter into an agreement with the Federal government for acceptance of a repayable advance as described under this part.

(20 U.S.C. 646(a), (c))

Subpart C—Applications

§ 112.8 Applications.

(a) Federal financial assistance under section 16 of the Act will be provided on the basis of a complete application which is filed by an applicant, and which sets forth the basis for eligibility for such assistance and identifies the project or projects for which such assistance is requested.

(b) Preapplications must be filed with the Commissioner through the appropriate State educational agency as follows: (1) In the case of a major disaster, on or before 90 days following that date on which the area in which the local educational agency is, in whole or in part, located is designated as being within a major disaster area; (2) In the case of a pinpoint disaster, a preapplication must be filed on or before: (i) 90 days following the effective date of the regulations in this part pertaining to such type of disaster; or (ii) 90 days following the date on which the disaster occurred, whichever is later.

(3) Whenever such date falls on a Saturday, Sunday or Federal holiday, the final day for filing the preapplication shall be the next succeeding business day. The complete application must be filed with the Commissioner within 90 days of the notice of preapplication review action. In the event that necessary decision-making processes at local and State levels prevent the filing of a preapplication by the applicable filing date, a "letter of intent" to file a preapplication within 180 days and a complete application within 360 days after the occurrence of the disaster must be filed with the Commissioner.

(20 U.S.C. 636(b)(1), 646(c))

§ 112.10 Determination of priorities among applications.

(a) The Commissioner will determine the order of priority for all project applications involving the replacement or restoration of school facilities, the destruction of or serious damage to which requires the relocation of students. Such applications of all local educational agencies will be assigned priorities in descending order on the basis of the percentage, that the total number of children in the school district who are so relocated (after deducting the number of children within the local educational agency who were considered in connection with another such priority with respect to the same disaster) bears to the total memberships of all schools in the school district. Such membership will be determined on the basis of the latest and best information available. In the case of a major disaster only, the number of children reported as requiring relocation must include the number of children displaced from private schools as a result

of the major disaster who are to be served by the local educational agency and who, but for the destruction of the private school facilities, would be served by the private facilities.

(b) All other applications for the replacement or restoration of school facilities destroyed or seriously damaged as a result of a disaster will be assigned priorities lower than the priorities assigned under paragraph (a) of this section. Priorities will be assigned to school facilities under this paragraph (b) on the basis of the amount of financial assistance requested, and estimated by the Commissioner to be reasonable in amount, in comparison with the unused bond sale capacity for public school facilities available to the school district in which the school facility to be restored or replaced was located. The unused bond sale capacity will be computed on the basis of facts as of the date of the determination of the disaster. Such applications of all local educational agencies will be assigned priorities in descending order on the basis of the percentage that the amount of the financial assistance so determined with respect to all such applications (after deducting the amount of such financial assistance under such applications previously assigned to priority in accordance with the order of their consideration that is specified by the local educational agency) bears to the unused bond sale capacity available to the school district in which the school facility to be restored or replaced was located.

§ 112.11 Prohibition against payment for religious worship or instruction.

Nothing contained in the Act or the regulations in this part shall be construed to authorize the use of payments made under the Act for religious worship or instruction.

(20 U.S.C. 646 (a) (6); 241-1(a) (4))

Subpart D—General

§ 112.16 Applicability of general provisions regulations.

(a) Provisions contained in Parts 100 and 100a of the regulations entitled "General Provisions for Office of Education Programs" are applicable to programs conducted under the Act, with the following exceptions:

- (1) Section 100a.26(b) (Criteria for review of applications);
- (2) Section 100a.161 (Title to site);
- (3) Subpart L, §§ 100a.209-220 (Property management requirements);
- (4) Section 100a.233 (Sale of real and personal property); and
- (5) Section 100a.235 (Other program income).

(b) It should be noted that certain of the provisions in such regulations are not, by their own terms, pertinent to activities which may be conducted pursuant to the Act, such as:

- (1) Section 100a.19 (Cooperative arrangements);
- (2) Section 100a.43 (Application for Federal assistance (nonconstruction projects));

(3) Section 100a.45 (Application for Federal assistance (short form));

(4) Section 100a.62 (Payment methods for nonconstruction projects);

(5) Section 100a.82 (Institutions of higher education);

(6) Section 100a.83 (Nonprofit organizations);

(7) Subpart H, §§ 100a.90-94 (Matching and cost sharing);

(8) Section 100a.122 (Loan guarantees);

(9) Section 100a.234 (Royalties); and

(10) Section 100a.258 (Leasing facilities).

§ 112.17 Nondiscrimination against handicapped individuals.

Federal financial assistance is subject to section 504 of the Rehabilitation Act of 1973, as amended (Pub. L. 93-112).

(29 U.S.C. 794)

PART 113—ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN CASES OF CERTAIN DISASTERS

Subpart A—Definitions

Sec. 113.1 Definitions.

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AUTHORITY: Sec. 7 of Pub. L. 81-874, as amended, 79 Stat. 1158 (20 U.S.C. 241-1), unless otherwise noted.

Subpart A—Definitions

§ 113.1 Definitions.

As used in this part—

(a) "Act" means Pub. L. 874, 81st Congress (64 Stat. 1100), as amended, section 7 of which was first added by Pub. L. 89-313 (79 Stat. 1159) and as amended by Pub. L. 90-247.

(20 U.S.C. 241-1)

(b) "Average daily attendance," hereinafter referred to as "ADA," means ADA as determined in accordance with State law except (notwithstanding any other provisions of the Act where the local educational agency in which a child resides makes or contracts to make tuition payment for free public education of such a child in a school situated in another local educational agency. In the

latter case, for the purposes of section 7 of the Act, the attendance of such a child at such school shall be considered (1) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (2) not to be attendance at a school of the local educational agency receiving such tuition payment or entitled to receive such payment under the contract.

(20 U.S.C. 241-1(a), 244(10))

(c) "Complete application" means an application and such other supplemental information as the Commissioner may request.

(20 U.S.C. 241-1(d))

(d) "Disaster review team" means a group comprised of representatives of the Office of Education, Office of Facilities Engineering and Property Management, (DHEW), the State educational agency (when available) and local educational agencies.

(20 U.S.C. 241-1(a))

(e) "Filed" means that all necessary parts of the complete application bearing the required certification and verifications by the State educational agency are received by the Commissioner on or before the applicable filing date.

(20 U.S.C. 241-1(d))

(f) "Incident period" means: (1) For major disasters; those days officially designated by the President or his representative as the dates upon which major disaster damages occurred; (2) For pinpoint disasters the day(s) determined by the Commissioner to be the date(s) on which the pinpoint disaster damages occurred.

(20 U.S.C. 241-1)

(g) "Latent damages" means those damages which, in the judgment of the Commissioner, constitute disaster-caused damages to instructional and maintenance supplies, equipment, materials, and school facilities which damages may not be apparent immediately following the incident period of the disaster.

(20 U.S.C. 241-1(b))

(h) "Local educational agency" is defined in sections 403(6)(A) and 7(a)(1)(A) of the Act.

(20 U.S.C. 244(6)(A), 241-1(a)(1)(A))

(i) "Major disaster area" means an area which is determined, pursuant to sections 102(a) and 301 of the Disaster Relief Act of 1974 to have suffered, after August 30, 1965, a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government. That certification which section 301 of the Disaster Relief Act of 1974 requires from the Governor of the State in which such area is located (of the need for disaster assistance in such area and the assurance of the expenditure of a reasonable amount of the funds of the government of that State, or of any political subdivision thereof) will also be deemed to meet the

certification requirement contained in section 7(a)(2) of the Act.

(20 U.S.C. 241-1(a)(1)(A), (a)(2); 84 U.S.C. 1748)

(j) "Minor repairs" means that restoration of equipment, materials, and portions of school and cafeteria facilities (including site, grading, and improvements) to their original condition or efficiency from a disaster-damaged condition and which restoration is immediately necessary and may be accomplished within a reasonably short period of time.

(20 U.S.C. 241-1(b), 244 (13))

(k) "School facilities" as used in this part is defined in the Act at section 403 (13). Such term includes only such facilities which

(1) Were in use prior to the occurrence of a major disaster, or a pinpoint disaster, including classrooms and related facilities;

(2) Are newly constructed facilities which the applicant accepted from the builder as being completed; and

(3) Are facilities of the repair of which the local educational agency or public agency is legally responsible under the State law. Such facilities may include cafeteria facilities.

(20 U.S.C. 244(13))

(l) "State financial assistance" (or "State aid") with respect to free public education means any contribution, for which no repayment is expected, made by a State to or on behalf of a local educational agency within the State for the support of free public education. For the purposes of section 7(a) of the Act, such assistance does not include those payments by a State to or on behalf of a local educational agency which are made as a result of a disaster.

(20 U.S.C. 241-1(a)(3), 240(d)(2))

(m) "Pinpoint disaster" as used in this part means one caused by a flood, hurricane, earthquake, storm, fire, or other catastrophe. Such disaster must be local in extent and not of sufficient severity or magnitude to be determined by the President to be a major disaster pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)). It does not include loss or damage caused by negligence or malicious action. In the case of a disaster of unknown origin, such as a fire, it will be presumed that such disaster is not a pinpoint disaster within the meaning of this part, unless sufficient evidence is presented to enable the Commissioner to determine that the disaster was not caused by negligence or malicious action.

(20 U.S.C. 646(a))

Subpart B—Financial Assistance in Areas Affected by Disasters

§ 113.2 Financial assistance for providing free public education pursuant to section 7(a) of the Act.

(a) The Commissioner will, upon receipt of a complete application under section 7(a) and approval thereof, provide financial assistance, in amounts calculated pursuant to section 7(a) and

§ 113.2(c). (1) In the case of a major disaster, such assistance shall commence with the fiscal year in which the determination is published in the *FEDERAL REGISTER* that the local educational agency suffered a major disaster or with the fiscal year in which the disaster-causing incident in the local educational agency terminated, whichever is later.

(2) In the case of a pinpoint disaster, such assistance shall commence with the fiscal year in which the Commissioner makes a determination that the local educational agency has suffered a pinpoint disaster or with the fiscal year in which the disaster-causing incident in the local educational agency terminated, whichever is later.

(b) Such assistance may be continued for as many as four additional consecutive fiscal years after the fiscal year of commencement, as described in the preceding paragraph, on the basis of complete applications approved during each fiscal year for which assistance is to be paid. Thus, there is a maximum of five fiscal years for which assistance may be paid under section 7(a) with respect to a particular disaster. The amount of such Federal financial assistance for providing free public education at a preexisting level shall not exceed 75 percent during the third of such fiscal years, 50 percent during the fourth and 25 percent during the fifth, of the amount of assistance paid under section 7(a) for the second fiscal year of such five-year period.

(c) The amount of financial assistance so provided by the Commissioner to the agency for use during any fiscal year will not exceed the amount which the Commissioner determines to be necessary to enable such an agency, with the other funds available to it for such a purpose, to provide a level of education equivalent to: (1) That maintained in the schools of such agency prior to the occurrence of such disaster, taking into account, in the case of a major disaster, the additional costs reasonably necessary to carry out section 7(a)(4) of the Act, or (2) that are required to meet the budgeted or actual current operating expenditures, whichever is lesser.

(d) The amount of unobligated cash carryover for current operating expenditures to the fiscal year of the disaster (from the fiscal year prior to the disaster) will not be considered to be revenue available unless such carryover exceeds ten percent of the amount budgeted for current operating expenditures in the fiscal year of the disaster. When a carryover balance does not exist or a deficit balance exists, the creation of a carryover balance in subsequent fiscal years will not be considered a cost for purposes of determining Federal assistance under section 7(a).

(20 U.S.C. 241-1(a))

§ 113.3 Assistance for the replacement of supplies, equipment, and materials for minor repairs and for the leasing of facilities pursuant to section 7(b) of the Act.

(a) The Commissioner will provide an amount of assistance which he deter-

mines, on the basis of a complete application filed for assistance under section 7(b) of the Act to a local educational agency which is eligible for assistance pursuant to section 7(a) of the Act (following the inspection by the disaster review team and the issuance of a provisional authorization), is necessary for one or more of the following activities:

(1) To replace instructional and maintenance supplies, equipment and materials (including textbooks), whether or not acquired through the use in whole or in part of Federal funds made available under other programs, which have been destroyed or seriously damaged as a result of a disaster and which will not be replaced by other Federal programs.

(2) To make minor repairs (as defined to § 113.1(j)), or

(3) To lease or otherwise provide (other than by the acquisition of land or the erection of buildings) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the major disaster. Such lease or provision may not include gymnasiums and similar facilities intended primarily for exhibitions for which admission is charged to the general public or which have (i) outdoor seating in excess of the total number of pupils enrolled in the school of the system, (ii) ticket booths or stands, and (iii) lighting stands, fixtures, etc., for night-time events.

(4) If assistance is requested for activities under subparagraphs (1), (2), or (3) above in connection with gymnasiums and similar facilities, data must be submitted to substantiate that such gymnasiums and similar facilities are not intended primarily for exhibitions for which admission is to be charged to the general public.

(b) Amounts necessary for activities described under § 113.3(a) may include reasonable expenditures for:

(1) *Preventive work.* If an applicant incurs expenditures in order to prevent disaster damage (such as expenditures to keep drains clean, build dikes to divert water from washing out playgrounds), assistance may be authorized if (i) the work is done immediately before and in anticipation of the disaster, or during the disaster, (ii) the work is done on or immediately adjacent to the school site, and (iii) the work is restricted to that which the Commissioner determines could reasonably have been expected to prevent further disaster damage.

(2) *Use of applicant-owned equipment.* When an applicant owns heavy equipment which is suitable to repair major disaster damage (including debris removal, and site redevelopment) and uses such equipment to make necessary repairs, assistance may be authorized for the cost of the use of its equipment to repair eligible disaster damage at the pre-disaster rental rate for similar equipment in the area. Applications for reimbursement for the use of such applicant-owned equipment to repair eligible disaster damage must be supported by documentation for each piece of equipment including:

- (i) Type and description of equipment;
- (ii) Number of hours used each specific day;
- (iii) Total hours used;
- (iv) Description of location and work on which equipment was used; and
- (v) Data substantiating pre-disaster rental rate for similar equipment in the same area.

(3) *Payment for work performed by applicant's maintenance employees.* When an applicant uses maintenance employees during their regularly scheduled work hours for the repair of disaster caused damage, or to take action designed to prevent more extensive damage, assistance may be authorized for such work for the time during which the employees would otherwise have worked at regularly scheduled school maintenance work had there been no disaster. Additional assistance may also be authorized for overtime payments to such overtime employees for the maintenance, repair, or arrest of disaster-caused damages. All assistance for payment of applicant's employees will be based on the prior policy and practice of the applicant, including wage rates, in the payment of such employees.

(4) *Utilities.* Assistance may be authorized for the cost of utilities in temporary or leased facilities, including the necessary installation costs.

(5) *Replacement of equipment.* Assistance may be authorized at the fair market value for the repair or replacement of equipment (including vehicles such as automobiles, trucks and tractors). Assistance may be authorized for replacing, rather than repairing nontubular furniture of metal construction which has been submerged in salt water and for replacing rather than repairing furniture of tubular construction which has been submerged in fresh water. However, assistance for replacement costs of disaster damaged equipment which an applicant has obtained as surplus property and which was selected and procured on a basis other than its being essential to school operation will be based upon the out-of-pocket cost to the applicant at the time of acquisition. The amount of Federal disaster assistance with reference to the repair or replacement of seriously damaged or destroyed school buses used in the daily transportation of pupils shall be determined after examination of the State transportation assistance program to establish the amount, if any, of such State assistance attributable to those buses which were seriously damaged or destroyed. Federal aid shall be limited to the actual cost of repair or replacement of those buses seriously damaged or destroyed less such State transportation assistance, insurance proceeds, and salvage or trade-in value payable on such school buses.

(6) *Off-site work.* Assistance may be authorized for emergency provision of off-site repairs to permit access to school facilities when consistent with State law, provided that such work may not be done legally or expeditiously by another local governmental unit.

(7) *Trees, shrubs and seeding.* When trees and shrubbery have been lost or have been so badly damaged as to require replacement, assistance may be authorized for their replacement with trees and shrubs of like type, but not to exceed the cost of the size customarily used for new plantings on the sites of newly constructed school facilities within the State.

(8) *Architectural and engineering fees.* Assistance for architectural and engineering fees which are related to authorized minor repairs or replacements may be authorized. The amount of such reimbursement shall not exceed the usual rate applicable in the State for similar work.

(9) *Damage of school facilities during replacement.* If a school facility suffers disaster damage while under construction or renovation, assistance may be authorized only to the extent that the applicant satisfies the Commissioner that insurance proceeds are not available for the necessary repair or replacement. However, if the applicant was in the process of taking formal action at the time of the disaster to replace temporary, or obsolete school facilities with other facilities, no assistance will be authorized for the temporary or obsolete facilities.

(10) *Damages to school facilities during disaster recovery.* Assistance may be authorized for minor repairs of school facilities (including paving and turf) which must be damaged in order to reestablish school operations. However, assistance will not be authorized to compensate for the use of such school facilities in an activity for which the school authorities are not responsible (including their use as a refugee center, for quartering the National Guard, or for a National Guard motor or equipment pool).

(11) *Administrative expenses.* Assistance may be authorized for expenses identified as overtime payments to regular applicant employees or for pay to extra clerical help hired specifically to: (i) Develop and maintain data to substantiate and support disaster repair, replacement and related expenses, or (ii) to maintain adequate and efficient records concerning the use of disaster assistance. Assistance will not be authorized for salaries, wages, and expenses of regularly employed administrative personnel who are engaged, during regularly scheduled school hours, in disaster recovery work or work necessary to develop a determination of the extent of disaster damages or to complete and file disaster applications.

(12) *Temporary facilities.* (i) Assistance may be authorized to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of a disaster when the applicant assures the Commissioner that existing available school facilities within the district cannot reasonably accommodate pupils left unhoused by the disaster.

(ii) If appropriate private or public structures are available to the applicant, they may be leased for the period of time necessary to restore or replace permanent school facilities. Modifications and improvements necessary to permit such structures to accommodate an educational program should be performed by the owner of the facilities, and the resultant costs may be included in the basic monthly or annual fee for leasing the facilities. Furthermore, any expenses required at the end of the lease period to convert back to noneducational uses should be anticipated and may be included in the leasing fee. In the event that sufficient temporary instructional space may not reasonably be available in existing school facilities or in other public or private structures to accommodate, temporarily, all unhoused pupils, the local education agency may arrange to lease or purchase, whichever cost is the lesser, temporary portable school facilities. Temporary portable facilities may be leased for the period of time that it takes to replace or restore the destroyed facilities, provided that replacement or restoration is pursued with reasonable expediency. It will be the responsibility of the local educational agency to ascertain that such temporary facilities are used in accordance with State and local building laws and policies which may affect such temporary facilities.

(iii) Funds may be provided to local educational agencies to purchase temporary facilities when purchasing is financially advantageous to the United States. The local educational agency is required to agree to advertise and sell, in accordance with State or local policies and procedures, the temporary facilities after the damaged facilities have been restored or replaced. The proceeds of the sale are to be remitted to the U.S. Office of Education.

(13) *Equipment for temporary facilities.* If temporary facilities are provided to a local education agency, or if permanent facilities are provided pursuant to section 16 of Pub. L. 81-815, assistance may be authorized for that equipment necessary for the operation of temporary facilities. To the extent practicable, such equipment must be utilized in those permanent facilities provided pursuant to section 16 of Pub. L. 81-815, or those facilities undergoing minor repair under section 7(b) of the Act, when the use of the temporary facilities provided under section 7 of the Act is no longer necessary. Such equipment may be provided only if prior approval of the Commissioner is obtained. Notification of such approval will be attached to the notice of preapplication review action.

(14) *Insurance on relocatable classroom units.* The owner or lessor of relocatable classroom units shall be responsible for maintaining fire and extended coverage insurance on such relocatable units at its cost for the full insurable value thereof. The lessor should include such expense within his bid quotation, if necessary. If temporary units are purchased rather than leased, the applicant

must maintain fire and extended coverage to replace any temporary units in the event that they are destroyed by fire or other catastrophe. Assistance may be authorized for such insurance.

(20 U.S.C. 241-1(a)-(b))

§ 113.4 Special procedures for obtaining pinpoint disaster assistance.

Upon the occurrence of a pinpoint disaster, the local educational agency desiring Federal assistance shall request the Governor of the State, through the State educational agency, to present to the Commissioner a request for Federal assistance. The Governor's request shall contain:

(a) A certification of the need for disaster assistance and assurance of the expenditure of a reasonable amount of the funds of the government of such State or any political subdivision thereof, in addition to any insurance proceeds and the interest earned thereon, for purposes of providing free public education and to repair school facilities damaged by such disaster, which shall include:

(1) A statement of the amount of State and local funds available or to be made available to provide free public education or to repair such damaged school facilities;

(2) An estimate of the amount of Federal assistance needed;

(b) A statement of the date and cause of the disaster as a result of which public elementary or secondary school facilities of the local educational agency have been destroyed or seriously damaged, including a certification by the Governor that the disaster was not caused by negligence or malicious action.

(c) An estimate of the extent of damage resulting from the disaster;

(d) A certification by the Governor that the applicant maintained, at the time of the disaster, insurance coverage on the school facilities, instructional, and maintenance supplies, equipment, and materials (including textbooks), with respect to which assistance is sought under section 7(b) of the Act, in an amount equal to the full valuation of the same.

(e) A statement from the State Attorney General that under State law local educational agencies have the authority to enter into an agreement with the Federal government for acceptance of a repayable advance as described under this part.

(20 U.S.C. 646 (a), (c))

Subpart C—Applications

§ 113.3 Applications.

Prior to receiving benefits under section 7 of the Act, a local educational agency located in whole or in part in a major disaster area, or which has suffered a pinpoint disaster must file with the Commissioner a complete application for financial assistance on forms prescribed by the Commissioner setting forth the need for such benefits under each pertinent subsection of the Act.

(a) An approved application for financial assistance under section 7(a) of the Act shall apply only to such financial

assistance for providing free public education until the end of the fiscal year in which the application is approved. Applications for financial assistance under section 7(a) of the Act for subsequent fiscal years must be filed separately.

(b) An approved application under section 7(b) of the Act shall apply to any expenditures made during a reasonable period of time with respect to those items which are covered by the application. An application that is appropriately made under section 7(b) of the Act will be applicable retroactively for eligible expenditures made immediately prior to, during or subsequent to the incident period of the disaster occasioning the expenditure.

(20 U.S.C. 241-1 (a), (b))

§ 113.9 Dates for filing applications.

(a) An initial application or a notice of intent to file such an application within the fiscal year for financial assistance benefits under section 7(a) must be filed with the Commissioner through the appropriate State educational agency as follows:

(1) In the case of a major disaster, on or before 90 days following that date on which the area in which the local educational agency is located, in whole or in part, is designated as being within a major disaster area.

(2) In the case of a pinpoint disaster, an initial application must be filed on or before:

(i) 90 days following the effective date of the regulations in this part pertaining to the type of disaster; or

(ii) 90 days following the date on which the disaster occurred, whichever is later.

(3) Whenever such a date falls on a Saturday, Sunday or Federal holiday, the final day for filing the application shall be the next succeeding business day.

(4) A complete application for financial assistance for benefits under section 7(a) for each fiscal year subsequent to that covered by the initial application must be filed by January 31 in the fiscal year following the last initial application.

(b) A complete application for benefits under section 7(b) of the Act must be filed with the Commissioner through the appropriate State educational agency as follows:

(1) In the case of a major disaster, on or before 90 days following that date on which the area in which the local educational agency is located, in whole or in part, is designated as being within a major disaster area.

(2) In the case of a pinpoint disaster, a complete application must be filed on or before:

(i) 90 days following the effective date of the regulations in this part pertaining to such type of disaster; or

(ii) 90 days following the date on which the disaster occurred, whichever is later.

(3) Whenever such a date falls on a Saturday, Sunday, or Federal holiday, the final day for filing the application

shall be the next succeeding business day.

(c) The applicant is responsible for obtaining the appropriate certification of the State educational agency and for securing transmittal of the application to the Commissioner.

(20 U.S.C. 241-1)

§ 113.10 Notification to applicants.

The Commissioner will notify each applicant of the results of the review of its application. A notice of application review action will be sent to the applicant which, in appropriate instances, will describe the estimated amount of any payments to be made with respect to assistance in the cost of providing free public education, including assistance with respect to the making of minor repairs of school facilities, and the cost of replacing destroyed or seriously damaged instructional and maintenance supplies, equipment and materials (including textbooks), and of leasing or otherwise providing school or cafeteria facilities as temporary replacements.

(20 U.S.C. 241-1(a)-(b))

§ 113.11 Reports.

(a) *Reports required.* Each applicant shall submit required reports and information on such forms as the Commissioner may reasonably require concerning (1) destruction of and damage to school facilities and instructional and maintenance supplies, equipment, and materials (including textbooks), (2) payments made with respect thereto, as well as payments made to continue to provide free public education at a preexisting level, and to lease or otherwise provide school and cafeteria facilities as temporary replacements, for which benefits are sought under section 7 of the Act.

(b) *Final reports.* Each applicant whose application is approved shall submit to the Commissioner final reports concerning payments made by the applicant for which benefits are sought under section 7. Final reports shall be submitted promptly with respect to section 7 as follows:

(1) Final reports with respect to the assistance under section 7(a), and final reports with respect to the cost of leasing school and cafeteria facilities as temporary replacements under section 7(b), shall be submitted to the Commissioner no later than September 30 following the close of the school year for which the report is made.

(2) Final reports with respect to assistance under section 7(b), except final reports with respect to the cost of leasing school and cafeteria facilities as temporary replacements, shall be submitted to the Commissioner after the applicant has made final payment for approved expenditures and has received final insurance adjustments and all other funds, but in no event later than 90 days following the first anniversary date of the disaster, unless the applicant makes written request, showing good cause, for extension of time for submitting such final report and such date

is extended in writing by the Commissioner.

(c) *Excessive payments.* The Commissioner may disallow any portion of the amounts requested which are determined by him not to be necessary for the intended purpose or not to be eligible for benefits under section 7 of the Act. If, after the date for filing a final report, an applicant is found to have received amounts in excess of the amounts to which it is entitled under section 7 of the Act for a given fiscal year, as determined by the Commissioner, an amount equal to the excess may be taken into consideration in determining the amounts to be subsequently certified for payment to the applicant for the current or any subsequent fiscal year. Where no subsequent payments are due, the applicant will be required to remit such excess to the Commissioner.

(20 U.S.C. 241-1(e))

§ 113.12 Inadequacy of Federal funds.

(a) If appropriated funds are inadequate to pay in full the requests contained in all approvable applications filed within the ninety (90) day filing period, the Commissioner will establish an order of priority for the approval of such applications. In determining the order in which such applications will be approved, the Commissioner will consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

(b) Priority among approvable applications filed within the 90-day filing period will be determined as follows: A priority will be determined among applications in descending order, by ascertaining the percentage that the total Federal funds for which each applicant is estimated by the Commissioner to be eligible under the Act is of the total current operating costs of that applicant as estimated by the Commissioner, including the increased costs due to the disaster.

(20 U.S.C. 241-1(d))

§ 113.13 Method of payment.

The Commissioner may pay in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, and in such installments as he may determine, the amounts due to a local educational agency pursuant to the provisions of section 7 of the Act.

(20 U.S.C. 241-1(e), 1232d)

§ 113.14 Prohibition on payment for religious worship or instruction.

Nothing contained in the Act or in this part shall be construed to authorize the use of any payment made thereunder for religious worship or instruction.

(20 U.S.C. 241-1(a) (4))

§ 113.18 Applicability of General Provisions Regulations.

(a) Provisions contained in Parts 100 and 100a of the regulations entitled "General Provisions for Office of Education Programs" are applicable to pro-

grams conducted under the Act, with the following exceptions:

(1) Section 100a.26(b) (Criteria for review of applications);

(2) Section 100a.31 (Preapplications);

(3) Subpart L, §§ 100a.209-.220 (Property management requirements); and

(4) Section 100a.235 (Other program income).

(b) It should be noted that certain of the provisions in such regulations are not, by their own terms, pertinent to activities which may be conducted pursuant to the Act, such as:

(1) Section 100a.19 (Cooperative arrangements);

(2) Section 100a.44 (Application for Federal assistance) (Construction project);

(3) Section 100a.41 (Preapplication for Federal assistance);

(4) Section 100a.42 (Notice of preapplication review action);

(5) Section 100a.63 (Payment methods for construction projects);

(6) Section 100a.82 (Institutions of higher education);

(7) Section 100a.83 (Nonprofit organizations);

(8) Subpart H, §§ 100a.90-.94 (Matching and Cost Sharing); and

(9) Subpart K, §§ 100a.155-.192 (Construction requirements).

§ 113.19 Nondiscrimination against handicapped individuals.

Federal financial assistance is subject to section 504 of the Rehabilitation Act of 1973, as amended (Pub. L. 93-112).

(29 U.S.C. 794)

[FR Doc. 76-12084 Filed 4-27-76; 8:45 am]

[45 CFR Part 123]

BILINGUAL EDUCATION

Proposed Regulations

Correction of Comment Deadline

In FR Doc. 76-9612 appearing at page 14986 in the issue of Thursday, April 8, 1976, the deadline for the receipt of comments was incorrectly printed as May 30, 1975. The correct date is May 10, 1976. Accordingly, on page 14986, in the first column, the first sentence of the last paragraph should read as follows:

"All relevant material received prior to May 10, 1976, will be considered."

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-1079]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATION

Howard County, Maryland

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128,

and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for Howard County, Maryland.

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 County Executive Office, Room 206, 3450 Court House Drive, Ellicott City.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Edward L. Cochran, County Executive, Court House, Ellicott City, Maryland 21043. 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 or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Little Patuxent River	County boundary	131	2,100	850
	Route 1	145	10	720
	Unnamed road	149	20	100
	Vollmerhausen Rd.	236	100	130
	Route 95 N	248	20	60
	Route 95 S	251	40	80
	Route 32	274	400	120
	Berger Rd. (extended)	275	300	200
	All View Dr. (extended)	282	500	800
	Ferndale Dr. (extended)	286	500	100
	Owne Rd.	296	380	130
	Route 29	300	1,000	420
	Old Columbia Rd.	307		800
	Little Patuxent Parkway	312	600	120
	Whetstone Rd. (extended)	316	600	150
	Route 108	327	290	360
	Old Annapolis Rd.	329	320	290
	Riverdale Circle (extended)	332	200	150
	Old National Pike	346	350	250
	Baltimore National Pike	351	200	460
	Bethany Lane	356	390	258
	Unnamed road	387	80	240
	Turf Valley	410	50	50
Dorsey Run	County boundary	157	1,000	900
	Dorsey Run Rd.	168	340	360
	Route 1	195	30	70
	Route 95 N	230	120	120
	Route 95 S	235	10	20
	Little Patuxent Parkway	277	160	50
	Lark Brown Rd.	285	140	120
	Montgomery Rd.	335	40	130
Red Hill Branch	Private road	330	50	880
	Route 29	330	20	20
Plumtree Branch	Chatham Rd.	336	340	110
	Dunloggin Rd. (extended)	341	20	190
	Old National Pike	355	30	20

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

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

APRIL 13, 1976.

[FR Doc. 76-12176 Filed 4-27-76; 8:45 am]

[Docket No. FI-1080]

[24 CFR Part 1917]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATION

Borough of Huntingdon, Huntingdon
County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Huntingdon, Huntingdon 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 drop 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 in the Lobby of the Borough Building, 10th and Moore Street, Huntingdon.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert S. Fultz, 10th and Moore Streets, Huntingdon, Pennsylvania 16652. 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 or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Juniata River.....	Downstream corporate limits.....	617	20	(1)
	Huntingdon Bridge (4th St.).....	619	60	(1)
	Route 26 Bridge.....	622	400	(1)
	Cypress Island Bridge.....	625	240	(1)
	Upstream corporate limits.....	641	180	(1)
Standing Stone Creek.....	Penn Central R.R. Bridge.....	619	0	40
	Route 26 Bridge.....	619	300	900
	Upstream corporate limits.....	619	(1)	560
Entire width in feet of 100-yr boundary				
Muddy Run.....	Penn St.....	621	600	
Estimated Width in feet of flood flow path (sheet flooding)				
	Miffin St.....	1.5	300	
	10th St.....	1.5	120	
	11th St.....	1.5	200	
	13th St.....	1.5	620	
Elevation in feet above mean sea level				
			Left	Right
	15th St.....	652	160	140
	College Ave. (extended).....	658	80	120
	26th St. (extended west).....		15	520
	Warm Springs Ave.....		40	40

¹ Outside corporate limits.

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

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

APRIL 13, 1976.

[FR Doc.76-12177 Filed 4-27-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1081]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATION

Township of Kelly, Union County,
Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Kelly, Union 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 Bulletin Board, Township Building, R.D. 3, Lewisburg, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Simon Chappell, Jr., Chairman of the Board of Supervisors, R.D. 3, Lewisburg, Pennsylvania 17837. 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 or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

PROPOSED RULES

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
West Branch Susquehanna.	Route 642.....	468	(1)	300
	Route T387 extended.....	462	(1)	730
Buffalo Creek.....	Route LR59024 extended.....	461	(1)	760
	1,400 ft from the confluence of Spruce Run.....	486	800	(1)
Little Buffalo Creek.....	Route LR59020.....	473	740	(1)
	Strawbridge Rd.....	464	120	(1)
Spruce Run.....	Mill Rd.....	462	500	(1)
	Route 15.....	461	640	(1)
Route LR59022.....	Route LR59022.....		100	360
	Route T391.....		400	60
Route LR59019.....	Route LR59019.....		160	380
	Route LR 59022.....		500	(1)
	Route LR59019.....		850	(1)

¹ Corporate limits.

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

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

APRIL 14, 1976.

[FR Doc.76-12178 Filed 4-27-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1082]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Pennsauken, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Pennsauken, 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 Pennsauken 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 5605 North Crescent Boulevard, Pennsauken, New Jersey 08110.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Jeffrey S. Brown, 5606 North Crescent Boulevard, Pennsauken, New Jersey 08110. 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 or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 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
Pennsauken Creek- Delaware River.	River Rd.....	10	(1)	2,150
	U.S. 130.....	10	(1)	300
South Branch Pennsauken Creek.	Fork Landing Rd.....	11	(1)	50
	Moorestown Pike.....	12	(1)	250
Pohack Creek.....	River Rd.....	10	200	50
	Betsy Ross Bridge Access Rd.....	13	100	60
Cooper River.....	Kaighn Ave.....	10	(1)	(1)

¹ Outside corporate limits.

² 800 to intersection with U.S. 130 and Admiral Wilson Blvd.

³ 2,200 to intersection with Admiral Wilson Blvd. and Kaighn Ave.

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

Issued: April 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-12179 Filed 4-27-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1083]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Livingston, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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, P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Livingston, 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 Livingston 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 Town Hall, 357 South Livingston Avenue, Livingston, New Jersey 07039.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Dominic A. Crincoli, 357 South Livingston Avenue, Livingston, New Jersey 07039. 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 or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 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
Passaic River	S. Orange Ave.	176	1,130	(1)
	Route 10	175	50	(1)
Passaic River	Walnut Ave.	193	350	310
Tributary	S. Orange Ave.	191	375	410
Slough Brook	Irving Ave.	280	85	20
	Belmont Dr.	279	290	25
	W. Northfield Rd.	259	60	180
	Hobart Gap Rd. (upstream side)	240	35	30
	Hobart Gap Rd. (downstream side)	238	35	0
	Parsonage Rd.	179	20	(1)
Slough Brook Tributary No. 1	Parsonage Rd. (upstream side)	177	10	15
Canoe Brook Tributary No. 1	Parsonage Rd. (downstream side)	177	10	50
	E. Hobart Gap Rd. (upstream side)	329	120	(1)
	(downstream side)	327	120	150
Canoe Brook	Laurel Ave. (east)	373	650	0
	Laurel Ave. (west)	366	210	440
	McClellan Ave. (upstream side)	357	15	50
	McClellan Ave. (downstream side)	255	45	20
	Cherry Hill Rd.	330	0	360
	Brookside Ave.	232	300	200
	E. Hobart Gap Rd.	220	480	340
	S. Orange Ave. (upstream side)	207	1,025	0
	(downstream side)	207	990	50
Canoe Brook Tributary No. 2	Shrewsbury Rd.	388	70	45
	Tremont Ter.	354	65	85
Canoe Brook Tributary No. 3	Broadlawn Dr.	316	170	95
	Overlook Rd.	464	40	30
Bear Brook	W. Lawn Rd.	307	410	10

¹ Extends to corporate limits.

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

Issued: April 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-12180 Filed 4-27-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1085]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Lakewood, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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, P.L. 90-448), 42 U.S.C. 4001-4128,

PROPOSED RULES

and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Lakewood, 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 Lakewood 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 Town Hall, 231 Third Street, Lakewood, New Jersey 08701.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Wilbur J. Thompson, 231 Third Street, Lakewood, New Jersey 08701. 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 or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 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
North Branch Metede- conk River.	Kent Rd.	61	270	0
Cabinfield Branch Me- tedeconk River.	County line.	16	30	0
	Lanes Mill Rd.	18	40	60
South Branch Metede- conk River.	Chambers Bridge Rd.	10	(1)	180
Kettle Creek.	Albert Ave.	52	100	100

¹ To corporate limits.

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

Issued: April 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-12181 Filed 4-27-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1086]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATIONS

Borough of Dunellen, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Dunellen, 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 Borough of Dunellen 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 Borough Hall, 355 North Avenue, Dunellen, New Jersey 08812.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Lawrence Anzovino, 355 North Ave., Dunellen, New Jersey, 08812. 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 or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 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
Bonygutt Brook	Bound Brook Rd.	48	100	(a)
	North Ave (extended)	48	10	(c)
	South Madison Ave.	49	350	360
	Prospect Ave.	51	330	780
	South Washington Ave.	53	160	115
Green Brook	Madison Ave.	51	(f)	525
	North Washington Ave.	52	(f)	815

¹ Outside corporate limits.

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

Issued: April 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-12182 Filed 4-27-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1087]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATIONS

City of Ste. Genevieve, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-324), 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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Ste. Genevieve, 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 Ste. Genevieve 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, 145 Jefferson Street, Ste. Genevieve, Missouri 63670.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Larry J. Forhan, 145 Jefferson Street, Ste. Genevieve, Missouri 63670.

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 or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 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
South Gabouri Creek	U.S. Highway 61	414	50	50
	Fourth St.	396	100	50
North Gabouri Creek	Fourth St.	396	150	550
	U.S. Highway 61	396	(1)	(1)
Mississippi River	Market St.	396	(2)	(2)
	Washington St.	396	(2)	(2)

¹ Eastern Corp. limit to 250 ft east of Martin St.

² Eastern Corp. limit to east side of Second St.

³ Eastern Corp. limit to 100 ft east of Fourth St.

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

Issued: April 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-12183 Filed 4-27-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1088]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATIONS

City of Elsberry, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Elsberry, 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 Elsberry 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, 202 North 4th Street, Elsberry, Missouri 63343.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Wayne B. Leftwich, City Hall, 202 North 4th Street, Elsberry, Missouri 63343. 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 or ninety days from the publication of this notice in the *FEDERAL REGISTER*, whichever is the later.

The proposed 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
Town Branch	Brown's Mill Rd	482	120	75
	Lincoln St	463	145	180
	Broadway (County Route 8)	457	320	325
Feet from southern corporate limits				
Lost Creek	Welch Ave	457	260	
	Black St	457	80	
	Sixth St	456	1,020	
	Fourth St	456	960	
	Third St	456	1,190	
	Second St	456	2,600	
	Main St. (Highway 79)	456	(1)	

(1) From northern to southern corporate limits.

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

Issued: April 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-12184 Filed 4-27-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1089]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATIONS

City of Bowling Green, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed

determinations of flood elevations for the City of Bowling Green, 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 Bowling Green 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, Bowling Green, Missouri 63334.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Raymond R. Dowell, City Hall, Bowling Green, Missouri 63334. 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 or ninety days from the publication of this notice in the *FEDERAL REGISTER*, whichever is the later.

The proposed 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
Tributary to Peno Creek.	20th St.	864	30	80
	16th St.	870	70	70
	15th St.	871	120	140
	14th St.	872	60	80
	13th St.	874	40	110

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

Issued: April 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-12185 Filed 4-27-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1090]

NOTICE OF PROPOSED FLOOD ELEVATION
DETERMINATIONS

City of Alexandria, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Alexandria, 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 Alexandria 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, Alexandria, Missouri 63430.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Hollis Henry, City Hall, Alexandria, Missouri 63430. 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 or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mississippi River	Entire community	492

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

Issued: April 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-12186 Filed 4-27-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1091]

NOTICE OF PROPOSED FLOOD ELEVATION
DETERMINATIONS

City of North Muskegon, Michigan

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of North Muskegon, 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 North Muskegon 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, 1502 Ruddiman Avenue, North Muskegon, Michigan 49445.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor C. Max Fleischmann, 1502 Ruddiman Avenue, North

PROPOSED RULES

Muskegon, Michigan 49445. 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 or ninety

days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width—approximate distance in feet from shoreline of extended road to boundary of 100-yr floods
Muskegon Lake	Mae Lane	584	220
	East Circle	584	660
	2d	584	580
	Center	584	1,080
Bear Lake	Garber	584	20
	Fleming	584	100
	Elmer	584	840
	Center	584	640

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

Issued April 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-12187 Filed 4-27-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1092]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATIONS

Town of Brookline, Massachusetts

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Brookline, Massachusetts.

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 of Brookline 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 Town Hall, 333 Washington Street, Brookline, Massachusetts 02146.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Robert C. Cochrane, Jr., Chairman, Board of Selectman, Town of Brookline, 333 Washington Street, Brookline, Massachusetts 02146. 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 or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 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
Muddy River	Carlton St.	11	Corporate limit to 270 ft northwest of corporate limit.	
	Longwood Ave.	11	Corporate limit to 140 ft west of corporate limit.	
	Aspinwall Ave.	11	Corporate limit to 100 ft northwest of corporate limit.	
	do.	11	100 ft northwest of Netherlands Rd to 140 ft southeast of Kent St.	

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

Issued: April 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-12188 Filed 4-27-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1093]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATION

City of Tell City, Perry County, Indiana

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Tell City, Perry County, Indiana.

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 show-

ing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board at City Hall, Tell City, Indiana.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Walter Hagedorn, Mayor, City Hall, Tell City, Indiana 47586. 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 or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Ohio River	Corporate limits (downstream)	399	(1)	830
	Tell St. (extended)	399	(1)	300
	Jefferson St. (extended)	399	(1)	180
	Franklin St. (extended)	400	(1)	180
	Pestalozzi St. (extended)	400	(1)	150
	Blum St. (extended)	400	(1)	2
	Corporate limits (upstream)	400	(1)	350
Windy Creek	Corporate limits (downstream)	399	840	(1)
	Payne St. (State Route 37)	399	280	710
	19th St.	407	790	260
	Tell St.	408	600	330
	Franklin St.	415	550	10
	Pestalozzi St.	421	180	570
	Washington St.	423	50	70
	State Highway 66 (downstream)	430	150	30
	State Highway 66 (upstream)	444	10	20
	Corporate limits (upstream)	456	15	45

¹ Corporate limits.

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

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

APRIL 13, 1976.

[FR Doc. 76-12189 Filed 4-27-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1094]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATIONS City of Ray City, Georgia

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed

determinations of flood elevations for the City of Ray City, Georgia.

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 Ray 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, Ray City, Georgia 31615.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor J. M. Sirmans, Box 128, Ray City, Georgia 31615. 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 or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 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
Mill Race	Park St.	178	310	180
	Georgia 125	188	270	250
	Pauline Ave.	188	300	70
Tributary 1	Georgia 87, U.S. 129	191	240	90
	Jones St.	196	190	90
Cat Creek	Georgia 87	176	570	180
Tributary 2	Georgia 125, U.S. 130	179	340	670
	Georgia & Florida RR	182	1380	380

¹ To corporate limits.

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

Issued: April 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-12190 Filed 4-27-76; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20784, RAA-2584]

ANDREWS, BRYSON CITY, AND WAYNESVILLE-CANTON, NORTH CAROLINA

Table of Assignments, Television Broadcast Stations

1. The Commission has before it for consideration a petition for rule making filed by the University of North Carolina (UNC) and late-filed comments submitted in response to the petition by the Association of Maximum Service Telecasters (AMST). UNC seeks amendment of Section 73.606(b) of the Commission's Rules and Regulations, the Television Table of Assignments, by the assignment of reserved noncommercial educational channels at three North Carolina communities. It is requested that Channel *27 be jointly assigned to the communities of Waynesville and Canton, that the presently unoccupied and unapplied for Waynesville Channel 59 assignment be deleted and reassigned on a reserved basis to Andrews, and that Channel *67 be assigned to Bryson City.

2. UNC is the licensee of eight television stations in North Carolina which operate on reserved noncommercial assignments.¹ These eight stations along with two existing translators are presently used by UNC to provide an educational television service to the residents of North Carolina. In the far western re-

gion of the state, however, there exists areas which are presently unserved by existing stations. The requested assignments are sought to permit UNC to extend a first educational television service, through the use of translators, to persons residing in these areas.

3. Three assignments are requested, petitioner states, since the mountainous terrain and widely scattered population does not permit a single transmitter to effectively cover the desired area. An indication of the terrain is provided by UNC in describing the expected operation of its high powered translator (W56AG) occupying the Channel *56 assignment.

4. This translator is designed to serve the communities of Franklin, Sylva, Dillsboro, and Webster. While it is situated 33 miles from the transmitter of educational station WUNF-TV (Channel *33, Asheville), it is unable to receive and rebroadcast this station's signal due to intervening mountains. Instead it is required to rebroadcast the signal of WUNE-TV (Channel *17, Linville) which is located approximately three times as far, but with which the Franklin translator has line-of-sight. Given these terrain conditions and the essentially rural nature of the area, UNC requests assignments at Andrews, Bryson City, and Waynesville-Canton.

5. Planned utilization of the assignments are as follows. High power translators will occupy the Waynesville-Canton and Andrews assignments and a lower powered translator facility will occupy the Bryson City assignment. These translators, petitioner states, will be located near population groups and schools in order to offer maximum service to the public. In addition, two technicians will be in the area to maintain the translators and encourage the use of the service by schools, local governments, and the general public.

6. It is the Commission's belief that the UNC proposal contains a sufficient public interest showing to warrant institution of a rule making proceeding. We note, as does UNC, that assignment of the requested channels will permit the rendition of a substantial first educational television service. Deletion without replacement of the existing unoccupied and unapplied for Waynesville Channel 59 assignment is requested and is proposed herein. Channel 59 was assigned to Waynesville in a Report and Order in Docket 16671 (31 Fed. Reg. 11431), released August 25, 1966, at the request of Video Cable Company, Inc. The Com-

mission stated in that document that failure of the petitioner (Video Cable Company, Inc.) to promptly file an application for authority to construct, and operate, a UHF broadcast station could result in removal of the assignment to restore flexibility to the Table. Since that time no interest in its use has been expressed and its deletion now appears warranted.

7. One matter does require further discussion, however, and it relates to the AMST comments. These late filed comments are being accepted for consideration since the matter raised in them is one the Commission had already slated for discussion. These comments note that the proposed Waynesville-Canton assignment is short-spaced to an existing co-channel assignment at Draketown, Georgia. AMST states that UNC calculated the distance between the proposed Waynesville-Canton assignment and the Draketown assignment incorrectly. UNC has determined this distance using the coordinates of the translator occupying the Draketown assignment, rather than the coordinates of Draketown reference point. Use of the Waynesville and Draketown reference points reveals the required co-channel separation of 175 miles is not met, as the distance between these reference points is only 164 miles.

8. AMST continued by noting the existence of a substantial area around Draketown where a transmitter operating on its Channel *27 assignment could be situated in order for the same channel to be assigned to Waynesville-Canton (in compliance with the Commission's separation requirements). If the Table of Assignments is amended, AMST concludes, the Commission should stipulate that the use of Channel 27 at each community must comply with all mileage separation requirements.

9. The AMST calculations are substantially correct. The Waynesville and Canton community reference points are both short spaced to the Draketown reference point. As AMST notes, however, there is a considerable "open area" around Draketown which would enable a transmitter operating on that assignment to be located a short distance removed from the community. With the transmitter so located, the proposed assignment could meet the applicable co-channel separation requirement. The rules provide for such circumstances and petitioner should submit information indicating a transmitter site is available for the proposed Waynesville-Canton assignment and the Draketown assignment that will permit each to comply with the minimum mileage separation requirements and the principal community coverage requirements. (See Section 73.611(a)(4) of the Rules.)

10. A similar error is made concerning the proposed Bryson City assignment. The reference point of this community is short spaced to the community reference point for the vacant Channel 52 assignment at Carnesville, Georgia. Petitioner has again determined the separa-

¹ The eight are: WUNF-TV, Asheville (Channel *33); WUNC-TV, Chapel Hill (Channel *4); WUND-TV, Columbia (Channel *2); WUNG-TV, Concord (Channel *58); WUNK-TV, Greenville (Channel *25); WUNE-TV, Linville (Channel *17); WUNJ-TV, Wilmington (Channel *39); and WUNL-TV, Winston-Salem (Channel *26).

tion distance using the coordinates of the translator occupying the Carnesville assignment rather than the coordinates of the Carnesville reference point. (The required separation for UHF television assignments 15 channels removed is 75 miles; the separation between the Carnesville and Bryson City reference points is 73.81 miles.) As before, petitioner should submit information indicating a transmitter site exists at each community which meets the separation requirements and permits principal community coverage.

11. In view of the foregoing, we propose to consider the following revisions in the Television Table of Assignments, § 73.606(b) of the Rules, with respect to the cities listed below:

§ 73.606 Table of assignments.

City	Channel No.	
	Present	Proposed
Andrews, N. C.		*50
Bryson City, N. C.		*67
Waynesville, N. C.	50	
Waynesville-Canton, N. C.		*27

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Interested parties may file comments on or before June 3, 1976, and reply comments on or before June 23, 1976.

Adopted: April 19, 1976.

Released: April 23, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b) (6) of the Commission's Rules, It is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

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

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

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

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

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

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

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

[FR Doc.76-12318 Filed 4-27-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20782; RM-2572]

AUGUSTA, MAINE

Table of Assignments, FM Broadcast
Stations

1. Petitioner, Proposal, and Comments:

(a) Petition for Rule Making, filed July 7, 1975, by Ocean Coast Properties, Inc., proposes to assign Channel 221A to Augusta, Maine, as its third FM assignment. No opposition to Ocean Coast's Petition for Rule Making was filed. (b) This channel may be assigned without affecting any existing FM assignments. (c) Assignment of Channel 221A to Augusta, if made, would require the trans-

mitting antenna to be located approximately five miles southeast of Augusta to avoid interference with Channel 221B at Sherbrooke, Quebec. The study by the Commission's engineering staff indicates that the proposed transmitter site would comply with the 135 mile spacing requirement for Class A and B co-channel stations across the Canada-U.S. border. Since Augusta is located within 250 miles of the Canada-United States border, Canadian approval of the proposal is required under the Canadian-United States FM Agreement of 1947.

2. Demographic Data:

(a) Location—Augusta, the capital of Maine and the seat of Kennebec County, is located approximately 85 miles southeast of the Canada-United States border and 25 miles northeast of Lewiston, Maine.

(b) Population—(1970 U.S. Census)—Augusta, 21,945; Kennebec County, 95,247.

(c) Local Radio Service—Augusta is served by five radio stations, including WRDO, a Class IV unlimited-time AM station licensed to the petitioner; WFAU, a Class IV unlimited-time AM station; WFAU-FM (Channel 267B); and WKME (FM) (Channel 282B used at Gardiner, Maine, 5 miles south). Augusta also receives standard broadcast service from Class III, unlimited-time Station WABK, which is co-owned by the operator of WKME(FM), at Gardiner, Maine.

(d) Economic Considerations—Petitioner claims that Augusta has a solid economic base which would support the addition of a new FM channel without significant injury to existing FM facilities. We are told that the state, county, federal and city governments are Augusta's main employers and that this government employment provides Augusta's economy with great stability. Finally, petitioner points out that thousands of visitors come to Augusta each year, especially during the sessions of the state legislature, to conduct business or to tour the state capital.

3. Preclusion Considerations—If channel 221A is assigned to Augusta, then Rockland, Maine, is the only community having a population greater than 5,000 that would be precluded from the use of Channels 221A and 222. However, Rockland already has an unlimited-time AM and an FM station. There are also three communities (Camden Town, Waldoboro Town, and Thomaston Town) with populations greater than 2,500 but less than 5,000 that will be precluded from using Channel 221A; and none of these three communities has a local broadcast station. In addition, Camden Town and Thomaston Town will be precluded from the use of Channel 222. In order to make the fairest and most efficient allocation of scarce frequencies in line with the Commission's mandate under Section 307(b) of the Communications Act of 1934, as amended, we ask the petitioner and any other interested parties to identify in their comments all available FM channels that could be assigned to these precluded communities.

4. Additional Considerations—Petitioner recognizes in its Petition for Rule Making that under the criteria established by the Commission Augusta is only entitled to a maximum of two FM assignments because it has a population under 50,000. Further Notice of Proposed Rule Making, Docket 14185, para. 4, adopted July 25, 1962 (FCC 62-867). However, petitioner points out that the Commission has made exceptions for a third FM assignment to communities with populations less than 50,000 when a need for a third assignment is shown. Key West, Florida, 45 F.C.C. 2d 142, 145 (1974). Ocean Coast alleges that the addition of a third FM assignment to Augusta, the capital of Maine, is necessary so that there can be extensive broadcast coverage of actions and activities of the governor, the legislature, and of the many state, county and federal agencies located in Augusta. In addition, petitioner states that it desires a third FM channel assigned to Augusta in order that it may have an opportunity to apply for a companion FM facility and thus achieve competitive parity with the licensees of AM-FM combinations serving Augusta.

5. The assignment of Channel 221A to Augusta would result in the mixing of a Class A channel with two Class B channels (267 and 282). Although the Commission has a policy against intermixture of classes of FM channels, the Commission has deviated from this policy when there is a demand and a showing has been made either that a Class A station could be competitive with Class B or C stations or that someone is willing to attempt to compete under such circumstances. Yakima, Washington, 42 F.C.C. 2d 548, 550 (1973). See also Key West, Florida, 45 F.C.C. 2d 142, 145 (1974). Petitioner has expressed a desire to apply for Channel 221A in spite of the intermixture situation.

6. In view of the above, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations with regard to Augusta, Maine:

§ 73.202 Table of Assignments.

(b)

City	Channel No.	
	Present	Proposed
Augusta, Maine	267, 282	221A, 267, 282

7. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

8. Interested parties may file comments on or before June 3, 1976, and reply comments on or before June 23, 1976.

Adopted: April 19, 1976.

Released: April 23, 1976.

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

APPENDIX

1. Pursuant to authority found in Sections (4), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b) (6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

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

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

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

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

4. Comments and reply comments; service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments

shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

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

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

[FR Doc. 76-12317 Filed 4-27-76; 8:45 am]

[47 CFR Part 73]

[Docket No. 20785, RM-2597]

Table of Assignments, FM Broadcast Stations

BRYAN, TEXAS

1. Petitioner, Proposal, and Comments.
(a) Notice of Proposed Rule Making is hereby issued concerning the amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) with regard to the community of Bryan, Texas.

(b) A "Petition for Rule Making" was filed on behalf of Scott and Davis Enterprises ("S&D") proposing the assignment of Channel 285A to Bryan, Texas, as a second FM assignment to the community. No opposition responses to the filing of the petition have been received.

2. Community Data. (a) Location: Bryan is located adjacent to College Station, Texas, in Brazos County, approximately 160 miles southeast of Dallas and 90 miles northwest of Houston.

(b) Population: Bryan 33,719; Brazos County 57,978.¹ S&D also cites a Texas A&M Industrial Economics Research Division report which estimates the 1975 Bryan population to be 42,759.

(c) Local Broadcast Service: Bryan presently receives local aural service from AM stations KTAM and FM station KORA-FM, Channel 252A, Bryan, both of which are licensed to Bryan Broad-

¹ Public Notice of the filing of the petition was issued on September 22, 1975 (Rpt. No. 951).

² We are informed by letter dated October 6, 1975, signed by Stuart F. Pierson, counsel for Scott and Davis Enterprises, that all ownership interests in Scott and Davis Enterprises are now owned by Bob Bell.

³ All population statistics are cited from the 1970 U.S. Census unless otherwise noted.

casting Co. Service is also provided from nearby College Station by daytime-only AM station WTAW and FM station WTAW-FM, Channel 221A, both of which are licensed to Radio Bryan, Inc.

3. Economic Data: (a) The record before us discloses a level of commercial and economic activity in the Bryan area sufficient to support the assignment of a second FM channel to the community.

4. Preclusion Studies: (a) Preclusion would occur only on co-channel 285A in a very small area which is sparsely populated. The impact of the potential preclusion is insignificant. An engineering analysis indicates that the transmitter site for a Channel 285A assignment at Bryan would be located just 3 miles north of the community.

5. Additional Considerations: On April 9, 1976, the Commission, by its Broadcast Bureau, granted the application (BMPH-14,767) of Radio Lufkin, Ltd., licensee of KLUF-FM, to modify its existing construction permit so as to specify a transmitter site location 6.5 miles northwest of Lufkin. This action, plus the earlier request of Radio Lufkin to dismiss a prior application (BMPH-14,617) to locate the transmitter site for KLUF-FM southwest of Lufkin (a site which would have barred the proposed assignment at Bryan), removes the final clouds from the issue of whether or not, on a technical basis, Channel 285A can be assigned to Bryan.

6. The record adequately reflects both the need and the demand for a second FM assignment at Bryan and we believe the public interest would be served by the initiation of a rule making proceeding looking toward the requested assignment.

7. Proposed Amendment to the FM Table of Assignments. The Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with regard to the community of Bryan, Texas, as follows:

§ 73.202 Table of Assignments.

City	Channel No.	
	Present	Proposed
Bryan, Tex.	252A	252A, 285A

8. Authority. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

9. Comments and Replies. Interested parties may file comments on or before June 3, 1976, and reply comments on or before June 23, 1976.

Adopted: April 19, 1976.

Released: April 23, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d) (1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 (b) (6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

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

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

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

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

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

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

6. Public inspection of filings. All filings made in this proceeding will be

available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-12316 Filed 4-27-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20781, RM-2585]

Table of Assignments, Television Broadcast Stations

HUNTSVILLE, ALABAMA

1. The Commission has under consideration a petition for rule making filed by Pioneer Communications, Inc., seeking amendment of Section 73.606(b) of the Commission's Rules and Regulations, the Television Table of Assignments, by the assignment of Channel 54 to Huntsville, Alabama.

2. Huntsville (pop. 139,282), the seat of Madison County (pop. 186,540), is located approximately 85 miles north, northeast of Birmingham and 20 miles south of the Tennessee-Alabama border. Madison and Limestone Counties form the Huntsville SMSA (pop. 228,239) and Huntsville is considered an Urbanized Area (pop. 146,565).

3. Pioneer, we were told, is incorporated under the laws of the State of Alabama to establish and operate broadcast communications facilities. At present, petitioner states, there are four television channels assigned to Huntsville under Section 73.606(b) and all occupied. These are Channel 19 (WHNT-TV), Channel *25 (WHIQ), Channel 31 (WAAY-TV), and Channel 48 (WYUR).

4. According to Pioneer, Huntsville is one of the most successful UHF television markets in the United States and assigned of Channel 54 will increase the diversity of programming and news available to the public in that area. In addition, petitioner states, it will serve to create another outlet for expression by local groups.

5. The Commission notes that Huntsville's population increased approximately 90% between 1960 and 1970 indicating that the community is growing and might well support a fourth local commercial television outlet. In view of this the Commission is persuaded that a sufficient public interest showing has been made to warrant further consideration of petitioner's proposal in a rule making proceeding. Channel 54 may be assigned in accordance with the Commission's mileage separation requirements and other technical criteria; therefore, we propose to consider the following revision in the Television Table of Assignments (§ 73.606(b) of the Rules) with respect to the city listed below:

§ 73.606 Table of Assignments.

(b) . . .

PROPOSED RULES

City	Channel No.	
	Present	Proposed
Huntsville, Ala.....	19, *25-, 31+, 48-	19, *25+, 31+, 48-, 54.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

5. Interested parties may file comments on or before June 3, 1976, and reply comments on or before June 23, 1976.

Adopted: April 19, 1976.

Released: April 26, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 (b) (6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

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

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

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

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

4. Comments and reply comments; service. Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Pro-

posed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

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

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

[FR. Doc.76-12321 Filed 4-27-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20783, RM-2598]

MONTEREY, CALIFORNIA

Table of Assignments, FM Broadcast
Stations

1. Petitioner, Proposal, and Comments:

(a) Petitioner for rule making, filed August 18, 1975, by Kent Tegmeier proposed to assign Channel 224A to Monterey, California, as its second FM assignment. No opposition was filed.

(b) This channel may be assigned without affecting any existing FM assignments.

2. Demographic Data:

(a) Location: Monterey is located approximately 85 miles south of San Francisco and 280 miles northwest of Los Angeles, California.

(b) Population: (1970 U.S. Census) — Monterey, 26,302; Monterey County, 250,071.

(c) Local Radio Service: Monterey is served by three radio stations, including KIDD, a Class III unlimited-time AM station; KMBY, a Class IV unlimited-time AM station; and KWAV (FM) (Channel 245B).

(d) Economic Considerations: Petitioner alleges that the community of Monterey and Monterey County have a vital need for the assignment of Channel 224A because stations from San Francisco are quite difficult to receive. Petitioner adds that the region attracts many people for tourism, recreation, and special events such as golf tournaments, automobile races, and music festivals. Petitioner claims that an additional channel would be able to provide live remote coverage from these events for Monterey listeners.

3. Preclusion Considerations: If Channel 224A is assigned to Monterey, then ten communities would be precluded

from the use of Channel 224A: Pacific Grove (pop. 13,505); Seaside (pop. 35,935); Delray Oaks (pop. 1,823); Del Monte Park (pop. 15,000); Carmel (pop. 4,525); Hatton Fields (pop. 2,400); Carmel Valley (pop. 3,026); Gonzales (pop. 2,575); Carmel Woods (pop. 2,200) and Pebble Beach (pop. 1,000). Channel 240A is available for future assignment to all of these communities except for Gonzales which could be assigned Channel 249A. In addition, the communities of Marina (pop. 8,343), which has no local aural service, and Salinas (pop. 58,896), which has three FM stations, would be precluded. Pacific Grove, Seaside, and Carmel each have a Class A FM station. With the exception of three communities with Class A stations, the above listed communities are located within a radius of ten miles of Monterey and would qualify under Section 73.203(b) of the Rules for the use of Channel 224A if assigned to Monterey.

4. Additional Considerations: The assignment of Channel 224A to Monterey would result in the mixing of a Class A channel with one Class B channel (245). The Commission has a policy against intermixture of classes of FM channels, but an exception is made when a petitioner is willing to apply for the channel in spite of the intermixture situation. Yakima, Washington, 42 F.C.C. 2d 548, 550 (1973); Key West, Florida, 45 F.C.C. 2d 142, 145 (1974). Since petitioner is willing to apply for and operate Channel 224A at Monterey, this assignment could be made.

5. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations with regard to Monterey, California:

§ 73.202 Table of Assignments.

City	Channel No.	
	Present	Proposed
Monterey, Calif.....	245	224A, 245

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

7. Interested parties may file comments on or before June 3, 1976, and reply comments on or before June 23, 1976.

Adopted: April 19, 1976.

Released: April 26, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act

of 1934, as amended, and Section 0.281 (b) (6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

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

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

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

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

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

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

6. Public inspection of filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 76-12319 Filed 4-27-76; 8:45 am]

[47 CFR Part 73]

[Docket No. 20786, RM-2591]

PUEBLO, COLORADO

Table of Assignments, FM Broadcast Stations

1. The Commission herein considers the petition for rule making filed August 28, 1975, by KAPI, Inc., licensee of daytime AM Station KAPI, Pueblo, Colorado. KAPI requests the assignment of FM Channel 296A to Pueblo as its fifth FM assignment.

2. To support its petition KAPI states that the city of Pueblo (1970 population 97,453), which is the county seat of Pueblo County (1970 population 118,238), has grown more than 10% in the last five years and recent estimates place the population at 108,000 in 1975. Our assignment guidelines indicate that communities with populations of 100,000 to 250,000 may be assigned from four to six FM commercial channels.

3. KAPI states that Pueblo is an increasingly important economic region and industrial center with approximately 55,000 workers. We are informed that Pueblo is the home of the new University of Southern Colorado and the Southern Colorado State College Belmont Campus, and that it is the center of a large number of civic and cultural activities.

4. KAPI states that almost one-third (40,750 persons) of the population of Pueblo County are Spanish surnamed, and it expects continued growth in the size of the Spanish community. KAPI's AM station is a Spanish language station. KAPI states that if the Commission assigned Channel 296A to Pueblo, it would apply for a construction permit to operate on the channel as a full-time station broadcasting in Spanish, to provide a first nighttime Spanish language broadcast to Pueblo and its environs.

5. KAPI notes that assignment of Channel 296A to Pueblo would result in the intermixture of Class A and Class C assignments there, but that no other Class C channel is available for assignment. KAPI expresses its willingness to operate the Class A if authorized, and states that it has made a considered business judgment that such a station is economically viable.

6. Channel 296A can be assigned to Pueblo without disturbing any existing assignments and in compliance with the mileage separation requirements of the FCC rules. At least one more FM channel is available for assignment to all but one of the communities with populations greater than 1,000 persons located within the area of potential preclusion. The exception is Colorado Springs, Colorado (1970 population 135,060), which presently has five occupied FM Class C assignments.

7. In view of the foregoing, the Commission invites comments on the following proposed amendment to the FM Table

of Assignments, § 73.202(b) of its Rules, with respect to the community listed below:

§ 73.202 Table of Assignments.

City	Channel No.	
	Present	Proposed
Pueblo, Colo...	250, 255, 260, 264	250, 255, 260, 264, 296A

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, filing requirements are contained in the attached Appendix and are incorporated herein.

9. Interested parties may file comments on or before June 3, 1976, and reply comments on or before June 23, 1976.

Adopted: April 19, 1976.

Released: April 26, 1976.

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

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b) (6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

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

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

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

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

considered in connection with the decision in this docket.

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

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

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

[FR Doc. 76-12320 Filed 4-27-76; 8:45 am]

[47 CFR Part 73]

[Docket No. 20787, RM-2607]

WEST MEMPHIS, ARKANSAS

Table of Assignments, FM Broadcast Stations

1. Petitioner, Proposal, and Comments:

(a) Notice of Proposed Rule Making is given concerning amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) as concerns West Memphis, Arkansas.

(b) A "Petition for Rule Making" was filed on behalf of Christian Studies of Man and Society (Christian) seeking the assignment of Channel 296A to West Memphis, Arkansas, as its first FM assignment. Numerous letters in support of the requested assignment were received from private individuals. No responses opposing the petition have been filed.

2. Community Data:

(a) Location: West Memphis is located in Crittenden County, Arkansas, approximately ten miles west of Memphis, Tennessee.

(b) Population: West Memphis—25,682;¹ Crittenden County—48,106; Memphis, Tennessee-Arkansas SMSA

¹ Public Notice of the filing of the petition was issued November 10, 1975 (Report No. 955).

² Unless otherwise noted, all population statistics are cited from the 1970 U.S. Census.

(Standard Metropolitan Statistical Area)—770,120.

(c) Local broadcast service: West Memphis currently has only one local broadcast facility, daytime-only AM Station KSUD, licensed to Newport Broadcasting Co. West Memphis does, however, receive service from the many broadcast stations located in nearby Memphis. There would be no first or second FM service provided by the proposal.

(d) Economic data: Aside from the petitioner's allegation that West Memphis maintains a viable economy separate from that of Memphis, no economic data was provided.

3. Preclusion Studies: Although a number of small communities in Arkansas, Missouri, and Mississippi are located in the areas of preclusion that would be created by the proposed assignment, no interest in or demand for an FM channel assignment to any one of those communities has been expressed. Christian asserts that most of the preclusion areas created by the proposed assignment will be virtually eliminated upon final resolution of Docket No. 19879.²

4. We believe Christian has set forth in sufficient detail adequate justification for the initiation of a rule making proceeding. The record before us suggests that the public interest would be enhanced by providing West Memphis with its first local FM service and its second local aural service.

PROPOSED AMENDMENT TO THE FM TABLE OF ASSIGNMENTS

5. Accordingly, the Commission proposes to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) with regard to the community of West Memphis, Arkansas, as follows:

§ 73.202 Table of Assignments.

City	Channel No.	
	Present	Proposed
West Memphis, Ark.		296A

6. Authority: The Commission's authority to institute rule making proceedings showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

7. Comments and Replies: Interested parties may file comments on or before

² In Docket No. 19879, the Commission is presently considering fourteen rulemaking petitions in which forty different FM channel assignments are proposed in the States of Arkansas, Missouri and Mississippi. See Notice of Proposed Rule Making in FM Channel Assignments—Little Rock, Arkansas, 38 Fed. Reg. 32946, November 29, 1973; see also Further Notice of Proposed Rule Making in FM Channel Assignments—Little Rock, Arkansas, 40 Fed. Reg. 18452, April 28, 1975.

June 4, 1976, and reply comments on or before June 24, 1976.

Adopted: April 20, 1976.

Released: April 26, 1976.

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

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

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

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

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

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

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

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

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

[FR Doc. 76-12315 Filed 4-27-76; 8:45 am]

[47 CFR Part 97]

[FCC 76-349; Docket No. 20777, RM-1429, RM-2163, RM-2170, RM-2330, RM-2429, RM-2507, RM-2545, RM-2550]

AMATEUR RADIO SERVICE

Emissions Authorization

1. Notice of Proposed Rule Making is the above entitled matter is hereby given.

2. The Commission has before it the above listed petitions (also listed in more detail in Appendix I) for rulemaking. Principally, petitioners seek amendment of the Rules for the Amateur Radio Service regarding authorized emissions. Of these petitions, RM-1429, RM-2163 and RM-2170 relate to the use of facsimile. RM-2330 relates to the use of wide-band frequency modulation in the 50-54 MHz Amateur band. RM-2429 and RM-2550 would expand the types of codes and speeds permitted by Amateur radioteleprinter (RTTY) stations. RM-2507 and RM-2545 would amend the frequencies available for use by Amateur television (ATV) repeater stations in the 420-450 MHz band.

3. In RM-1429, RM-2163 and RM-2170, petitioners all propose to increase the frequencies available to stations using type A4 or F4 (facsimile) emission. In RM-2170, petitioner asserts that "... (technology has) reached a point where the economical transmission of pictures is possible in a bandwidth no greater than a standard single sideband signal ...". Tests have indicated that it is even possible to transmit and receive high quality pictures in a band width as narrow as 1900 Hz. "... In RM-2330, petitioner claims "... the region from 51.0 to 52.5 MHz is largely unused in current practice." Several reasons are cited as justification for this claim, including the present rule which limits the bandwidth of an F3 emission to the same maximum bandwidth of an A3 emission. This, it is claimed, has also had an adverse effect on the growth and development of repeater stations in the 52 to 54 MHz band. In RM-2429, petitioner asserts that "ASCII, American Standard Code for Information Interchange, has become the most popular mode of mechanical and digital encoding for both computer and communication teleprinter applications due to greater character and function versatility." The rules presently authorize only the use of the International Telegraphic Alphabet No. 2 five-

unit (start-stop) teleprinter code for amateur teleprinter stations at standard speeds of 60, 67, 75, or 100 words per minute. In RM-2550, the American Radio Relay League, Inc., proposes to delete all references to teleprinter operating speeds and to permit the use of any of the standard codes in military or commercial usage. In RM-2507 and RM-2545, petitioners propose to permit operation of amateur television repeaters on frequencies in the 420-450 MHz band which are not presently available for repeater stations.

4. Rather than further complicate the present rules with additional provisions to accommodate the petitioners requests, we are herein proposing to delete all references to specific emission types in Part 97 of the Rules. We propose, instead, to replace the present provisions with limitations on the permissible bandwidth which an amateur signal may occupy in the various amateur frequency bands. Within the authorized bandwidth limitations, any emission type would be permitted.

5. We propose that maximum permissible bandwidth increments be established as follows: less than 0.35 kHz, less than 3.5 kHz, less than 35 kHz, or 35 kHz or more. Each Amateur sub-band would have an appropriate maximum permissible occupied bandwidth. For instance, Morse code and teleprinter emissions would generally fall within the 0.35 kHz bandwidth sub-bands. Telephony, facsimile and slow-scan television emissions using conventional single sideband techniques could operate in the 3.5 kHz bandwidth sub-bands. Double sideband amplitude modulation, narrow-band frequency modulation and independent sideband emissions would be excluded from these sub-bands. However, these emissions using conventional amplitude modulation or frequency modulation techniques could operate in the 35 kHz bandwidth sub-bands. In addition, any other emissions that satisfy the bandwidth limitations would be permitted on all appropriate amateur frequencies. We also propose to establish a finite limit on the maximum permissible output power of all emissions outside the authorized occupied bandwidth, including spurious modulation products, harmonics, parasitic oscillations, etc. Because of a significant increase in activity in the 420-450 MHz band, we propose to limit the maximum authorized bandwidth in this band to 35 kHz. Since adoption of this proposal would eliminate the use of fast scan television, we invite comments as to what useful purpose is served, other than experimentation, by transmission of television signals in the Amateur Service.

6. The Commission is aware that some amateurs desire to use modes of emission which are not specifically provided for in the rules. We hope, through this proceeding, to produce amended rules which will encourage amateurs to develop and implement techniques for more efficient utilization of the radio spectrum, and to increase service to the public through the establishment of improved com-

munications systems. Many new and unusual emission types will eventually appear on amateur frequencies as a result of these amendments. It should therefore be noted that the provisions of Section 97.117, which prohibit the use of codes or ciphers for the purpose of obscuring the meaning of the communications, will remain in effect. However, the employment of signals encoded solely for the purpose of facilitating communications would be permitted under the revised rules. In order to facilitate identification of stations using these emissions, we are proposing a minor change to clarify the present rule for station identification which would continue the requirement for use of either the international Morse code or unencoded telephony.

7. The specific rules changes proposed herein are set forth in the attached Appendix II. Authority for these proposed amendments is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before June 23, 1976, and reply comments on or before July 23, 1976. In accordance with the provisions of § 1.419(b) of the Commission's Rules, an original and eleven copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it, in addition to specific comments invited by this Notice. Responses will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C., (1919 M Street, N.W.).

Adopted: April 14, 1976.

Released: April 22, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX I

Petition Number	Petitioner
RM-1429	James L. Turrin
RM-2163	Jerome C. Grokowsky
RM-2170	Howard M. Krawetz
RM-2330	Gordon Schlesinger
RM-2429	Raymond E. Heimberger
RM-2507	Bruce J. Brown
RM-2545	Biagio Presti for Apron Laboratories
RM-2550	Robert M. Booth, Jr., for The American Radio Relay League, Inc.

APPENDIX II

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

1. In § 97.7, sub-paragraph (d) (2) is amended to read as follows:

PROPOSED RULES

§ 97.7 Privileges of operator licenses.

(d) (2) Radio telegraphy using the international Morse code is authorized in the frequency bands 3700-3750 kHz, 7100-7150 kHz (7050-7075 kHz when the terrestrial location of the station is not within Region 2), 21,100-21,200 kHz, and 28,100-28,200 kHz.

2. In § 97.61, the headnote, paragraphs (a) and (c) and sub-paragraphs (b) (11) and (b) (13) are amended to read as follows:

§ 97.61 Authorized frequencies and bandwidth.

(a) Following are the frequency bands and associated bandwidth available to amateur radio stations, other than repeater stations, subject to the limitations stated in paragraph (b) of this section, §§ 97.65, 97.109, and 97.110.

Frequency band	Maximum authorized bandwidth (kHz)	Limitations (see par. (b))
kHz		
1800 to 2000	3.5	1,2
3500 to 3775	3.5	4
3775 to 4000	3.5	13
4383.8	3.5	3,4
7000 to 7150	3.5	11
7075 to 7100	3.5	3,4
7150 to 7300	3.5	
14000 to 14200	3.5	
14200 to 14350	3.5	
MHz		
21,000 to 21,250	3.5	
21,250 to 21,450	3.5	
28,000 to 28,500	3.5	
28,500 to 29,700	35.0	
50,000 to 50,100	3.5	
50,100 to 54,000	35.0	
144.0 to 144.1	3.5	
144.0 to 148.0	35.0	
220 to 225	35.0	5,6
420 to 450	35.0	5,7
GHz		
1.215 to 1.300		5
2.300 to 2.450		5,8
3.300 to 3.500		5,12
5.850 to 5.925		5,9
10.000 to 10.500		5
24.000 to 24.250		5,10
48.000 to 50.000		
71.000 to 76.000		
165.00 to 170.00		
240.00 to 250.00		
Above 300.00		

(b) (11) The use of an authorized bandwidth in excess of 0.35 kHz in this band is limited to amateur radio stations located outside Region 2.

(b) (13) The frequency 4383.8 kHz, telephony using single sideband amplitude modulation with reduced or suppressed carrier, maximum power of 150 Watts, may be used by any station authorized under this part to communicate with any other station authorized in the State of Alaska for emergency communications. No airborne operations will be permitted on this frequency. Additionally, all stations operating on this frequency must be located in or within 50 nautical miles of the State of Alaska.

(c) The following transmitting frequency bands and the associated bandwidths authorized in paragraph (a) of this section are available for repeater stations, including both input (receiving) and output (transmitting):

FREQUENCY BAND (MHz)

29.5-29.7
52.0-54.0
146.0-148.0
222.0-225.0
442.0-450.0

any amateur frequency above 1.215 GHz.

3. In § 97.65 the headnote, (a) and (b) are amended, and (c), (d), (e) and (f) are deleted to read as follows:

§ 97.65 Bandwidth of emissions.

(a) Occupied bandwidth is the frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission.

(b) The authorized bandwidth is the maximum occupied bandwidth authorized to be used by a station.

§ 97.69 [Deleted]

4. § 97.69 is deleted.

5. In § 97.73, the headnote and text is amended to read as follows:

§ 97.73 Purity of emissions.

The mean power of emissions on any frequency removed from the upper or lower limit of the authorized bandwidth, by more than 250 percent of the authorized bandwidth, shall be attenuated at least 40 decibels below the peak output power of the transmitter.

6. In § 97.87, paragraph (h) is amended to read as follows:

§ 97.87 Station identification.

(h) The identification required by paragraphs (a), (b), (c), (d) of this section shall be given on each frequency being utilized for transmission and shall be transmitted either by telegraphy using the international Morse code, or by unencoded telephony, using the English language. If an automatic device is used for identification by telegraphy, the code speed shall not exceed 20 words per minute. The use of a national or internationally recognized standard phonetic alphabet as an aid for correct telephone identification is encouraged.

7. § 97.93 is amended to read as follows:

§ 97.93 Modulation of carrier.

Except for brief tests or adjustments, and authorized remote control or experimental purposes, an Amateur station shall not transmit an unmodulated carrier on frequencies below 51.0 MHz.

[FR Doc. 76-12322 Filed 4-27-76; 8:45 am]

notices

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

DEPARTMENT OF STATE

[CM-6/50]

SHIPPING COORDINATING COMMITTEE

Meeting

The Shipping Coordinating Committee will hold an open meeting at 9:30 a.m. on Thursday, May 27, 1976, in Room 7200 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting is to make final preparations for the Thirty-sixth Session of the Council of the Intergovernmental Maritime Consultative Organization (IMCO) scheduled to be held in London, June 7-11, 1976.

Requests for further information on the meeting should be directed to Mr. Richard K. Bank, Chairman, Shipping Coordinating Committee. He may be reached by telephone on (area code 202) 632-0704.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping
Coordinating Committee.

APRIL 21, 1976.

[FR Doc. 76-12295 Filed 4-27-76; 8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Adams, Chaffie, 4702 Industrial, Flint, Michigan, convicted on March 9, 1950, in the Circuit Court for the County of Genesee, Michigan.

Adams, John R., 45 School Street, Burlington, Vermont, convicted on January 5, 1962, in the Chittenden County Municipal Court, Burlington, Vermont.

Akin, Dany E., Route 2, Box 1178, Smith River, California, convicted on December 18, 1964, in the Superior Court, Del Norte County, California.

Albee, William Valentine, 308 Trader Street, Havelock, North Carolina, convicted on May 12, 1953, in the Winnebago County Court, Oshkosh, Wisconsin.

Balmas, Thomas Eli, 11236 St. John Avenue, Bridgeton, Missouri, convicted on September 5, 1972, in the United States District Court for the Eastern Judicial District, St. Louis, Missouri.

Bardin, Frank E., Route 1, Box 464D3, Arroyo Grande, California, convicted on June 19, 1961, in the Superior Court, San Luis Obispo County, California.

Beckham, Joseph, Route 3, Box 243, Cottondale, Alabama, convicted on September 12, 1969, in the Sixth Judicial Circuit Court, Tuscaloosa County, Alabama.

Berkenmeier, Leslie G., No. 3 Browning Court, Longview, Washington, convicted on March 5, 1971, in the Superior Court, Cowitz County, Washington.

Bodoh, Allan Eugene, 3916 S.W. Portland Street, Seattle, Washington, convicted on or about December 30, 1931, in the Circuit Court of Gogebic County, Michigan.

Broughten, Robert W., 557 1/2 Cherry Street, Owatonna, Minnesota, convicted on December 15, 1972, in the District Court, Third Judicial District, State of Minnesota, Steele County.

Broussard, Melvin A., 800 Moscow Street, San Francisco, California, convicted on October 12, 1971, in the United States District Court for the Northern District of California.

Brown, John W., Route 1, Langston, Alabama, convicted on January 13, 1969, in the Circuit Court, Marshall County, Alabama.

Burke, Henry R., Sr., 19 Fairlane Drive, Metairie, Louisiana, convicted on October 23, 1957, in the Criminal District Court, Section H, Orleans Parish, Louisiana; and on March 6, 1974, in the United States District Court, Eastern District of Louisiana.

Byrd, Ernest L., 5186 Seminole, Detroit, Michigan, convicted on May 28, 1957, in the Recorder's Court of the City of Detroit, Wayne County, Michigan.

Cahill, Herman M., 3304 Burleigh Avenue, Baltimore, Maryland, convicted on March 14, 1957, in the Criminal Court of Baltimore, Maryland.

Card, Richard Chandler, Jr., 4212 Garrison Street, Wheat Ridge, Colorado, convicted on August 29, 1973, in the Superior Court of California, County of Los Angeles.

Charleston, James Walter, 10101 Highway 55, Plymouth, Minnesota, convicted on March 5, 1973, and on May 16, 1973, in the Fourth Judicial District Court, Hennepin County, Minnesota.

Coffman, Robert O'Dell, P.O. Box 341, Kuntze, Texas, convicted on April 11, 1974, in the Caldwell Circuit Court, Caldwell County, Kentucky.

Collins, Robert S., 203 West Sherwood Drive, Havelock, North Carolina, convicted on November 8, 1971, in the United States District Court for the Eastern District of North Carolina, New Bern Division.

Cooper, Daniel Edward, 1288 North Bagley, Dallas, Texas, convicted on November 11, 1963, and on October 15, 1964, in the Criminal District Court No. 3, Dallas County, Texas.

Corbin, Merle N., 4309 Charles City Road, Richmond, Virginia, convicted on January 15, 1954, in the Circuit Court of the County of Henrico, Virginia; on March 26, 1963, and on October 30, 1964, in the United States District Court, Richmond, Virginia; and on February 3, 1964, in the Louisa County Circuit Court, Louisa, Virginia.

Craig, Gary L., P.O. Box 43, Pondosa, California, convicted on September 11, 1973, in the California Superior Court, Siskiyou County, California.

Cummings, Ronald G., 4937 Horton Way, Salida, California, convicted on May 23, 1972, in the Superior Court, Stanislaus County, California.

Dexter, Gerald R., 2918 Fir, Longview, Washington, convicted on February 20, 1969, in the Superior Court of the State of Washington for Cowlitz County.

Eauslin, Michael P., 1153 Broughton, Watertown, Wisconsin, convicted on October 9, 1972, in the Branch II County Court, Waukesha County, Waukesha, Wisconsin.

Fennell, Larry A., Box 275 A, RD No. 2, Volant, Pennsylvania, convicted on September 9, 1970, in the Court of Common Pleas, Criminal Division, County of Mercer, Pennsylvania; and on June 28, 1963, in the Court of Common Pleas, Criminal Division, County of Mercer, Pennsylvania.

Fisher, Patrick P., 726 Hermosa Avenue, Hermosa Beach, California, convicted on January 15, 1973, in the United States District Court, Central District of California.

Fitzpatrick, Michael Paul, RR No. 2, Eyota, Minnesota, convicted on June 4, 1970, in the District Court, Third Judicial District, Waseca County, Minnesota.

Fogelson, Clifton O., 31 Broadway, Tacoma, Washington, convicted on May 7, 1945, in the Superior Court of the State of Washington in and for Pierce County.

Galarza, George, 1140-A Valencia Street, San Francisco, California, convicted on September 22, 1960, in the Superior Court of California, County of San Francisco; and on or about October 15, 1965, in the Superior Court of California, City and County of San Francisco.

Garrett, Robert A., 1701 Woodland, Oxnard, California, convicted on or about June 9, 1969, in the Superior Court of the State of California, Merced County.

Garrison, Harrol, 555 Eureka Avenue, San Bernardino, California, convicted on May 15, 1934, and on June 3, 1939, in the District Court, Payne County, Oklahoma.

Gates, Henry, 1973 Edgewood Avenue, West Jacksonville, Florida, convicted on March 6, 1959 and on April 6, 1970, in the Criminal Court of Record, Jacksonville, Duval County, Florida.

Gauthier, Gilbert Dale, 212 1/2 W. 8th Street, Traverse City, Michigan, convicted on July 26, 1968, in the Grand Traverse County Circuit Court, Michigan.

Goodman, William G., II, 2369 Parc Chateau Drive, Lithonia, Georgia, convicted on or about November 12, 1964, and on or about April 17, 1967, in the Fulton Superior Court, Fulton County, Georgia.

- Graham, Carl R., 221 Felton Street, Michigan City, Indiana, convicted on November 22, 1957, and on June 13, 1958, in the Circuit Court for the County of Berrier, St. Joseph, Michigan; and on May 1, 1959, in the Circuit Court for the County of Kent, Grand Rapids, Michigan.
- Guglielmetti, Kjeld V., 381 Hollywood Avenue, Salt Lake City, Utah, convicted on or about November 23, 1970, in the District Court of the Third Judicial District in and for Salt Lake County, Utah.
- Hale, John S., P.O. Box 251, Spirit Lake, Indiana, convicted on January 21, 1964, in the Superior Court, San Diego County, California; and on or about February 16, 1973, in the District Court, Kootenai County, Idaho.
- Hardy, Murrell T., Jr., 416 Walnut Street, Reading, Pennsylvania, convicted on January 25, 1968, in the Criminal Court of the County of Philadelphia, Pennsylvania.
- Harrell, Maxwell R., 809 S. Western Avenue, Marion, Indiana, convicted on December 7, 1932, in the Grant Criminal Court of Grant County, Indiana.
- Harrison, Wilder, 721 Roache Street, Indianapolis, Indiana, convicted on May 19, 1964, in the United States District Court, Eastern District of Virginia.
- Hartline, Leonard Herman, 826 Rose Garden, Dallas, Texas, convicted on December 21, 1962, and on October 24, 1963, in the Superior Court of Okmulgee County, Oklahoma; and on March 1, 1966, in the 47th District Court of Potter County, Texas.
- Heinricks, Wesley Randall, 651½ W. Rittenhouse, Houston, Texas, convicted on June 20, 1972, in the 174th Criminal District Court, Harris County, Texas.
- Helsel, Ernest G., 2310 Kentucky Street, Poplar Bluff, Missouri, convicted on January 16, 1961, in the Butler County Circuit Court, Poplar Bluff, Missouri.
- Henderson, William Larry, 707 North Bond Avenue, Dallas, Texas, convicted on October 5, 1973, in the Criminal District Court of Dallas County, Texas.
- Hickman, Myron L., Route 1, Kiel, Wisconsin, convicted on February 4, 1974, in the Branch II Court, Sheboygan County, Wisconsin.
- Hofstetter, Terry Lee, 207 Washington, Olivet, Michigan, convicted on June 3, 1963, in the District Court in and for the County of Pueblo, Colorado.
- Holm, Dale John, 2725 West Capitol Drive, Appleton, Wisconsin, convicted on December 4, 1970, in the County Court, Branch 2, Outagamie County, Wisconsin.
- Horr, Wallace Herman, 11201 Tesson Ferry Road, St. Louis, Missouri, convicted on November 2, 1972, in the United States District Court, Eastern District of Missouri, St. Louis, Missouri.
- Huck, Thomas Gerald, Route 1, Box 299, Yakima, Washington, convicted on September 23, 1963, in the Superior Court of the State of California, County of Stanislaus.
- Hudson, Robert William, 801 West Howe Street, Bloomington, Indiana, convicted on February 19, 1949, in the Monroe County Circuit Court, Bloomington, Indiana.
- Hunt, Richard H., 204 Sixth Street, Ravenna, Kentucky, convicted on May 26, 1970, in the Estill Circuit Court, Irvine, Kentucky.
- Hutchins, Ernest L., Jr., 11519 Sagehurst, Houston, Texas, convicted on July 2, 1974, in the 179th District Court, Harris County, Texas.
- Imes, Larry M., 10723 59th Avenue East, Puyallup, Washington, convicted on September 18, 1972, in the Superior Court of the State of Washington, in and for Pierce County.
- Jakobson, Jerome M., Rural Route No. 3, Blooming Prairie, Minnesota, convicted on September 4, 1973, in the United States District Court, District of Minnesota, Third Division.
- Kish, James, 515 Leiram, Lansing, Michigan, convicted on or about October 16, 1964, in the Circuit Court, Barry County, Michigan.
- Kluz, Donald J., 904 11th Street, Mosinee, Wisconsin, convicted on August 5, 1974, in the Marathon County Circuit Court, Marathon County, Wisconsin.
- Knapp, Leon Lee, 8110 Hamlet, Houston, Texas, convicted on May 21, 1968, in the United States District Court, Southern District of Texas, Laredo Division.
- Kochel, Eugene Robert, 238 A Main Street, Gibraltar, RD No. 3, Birdsboro, Pennsylvania, convicted on March 25, 1970, in the Court of Common Pleas, Criminal Division, Berks County, Pennsylvania.
- Leddy, Richard J., P.O. Box 115, Cortaro, Arizona, convicted on April 6, 1974, in the Westchester County Court, White Plains, New York.
- Ledford, William R., Jr., Route 1, Box 376, Dallas, North Carolina, convicted on or about October 18, 1974, in the State Superior Court, Cabarrus County, North Carolina.
- Leszczynski, James F., 805 15th Street, Mosinee, Wisconsin, convicted on April 17, 1974, in the Marathon County Court, Wausau, Wisconsin.
- Lindley, Thomas R., Route 371, Tyler Hill, Pennsylvania, convicted on January 13, 1961, in the United States District Court for the Southern District of Florida.
- Long, Robert L., 120 Locust Street, Walla Walla, Washington, convicted on June 20, 1962, in the Superior Court of the State of Washington, County of Garfield.
- McCoy, Terry L., c/o Lee's Restaurant, Codington Avenue and West Van Dorn, Lincoln, Nebraska, convicted on September 6, 1973, in the District Court, Antelope County, Nebraska.
- McKean, Robert Curtis, 612 North Adams, Polo, Illinois, convicted on April 30, 1958, in the Circuit Court, Ogle County, Illinois.
- Maloney, Joel I., 3235 W. Paces Ferry Place, Atlanta, Georgia, convicted on January 13, 1971, in the Superior Court, DeKalb County, Georgia.
- Millard, Byron Arnold, 405 Division Street, Union City, Michigan, convicted on August 30, 1963, in the United States District Court for the Middle District of Florida, Tampa Division.
- Mills, Homer, Route 7, Box 352, Manchester, Kentucky, convicted on May 11, 1946, in the Circuit Court, Clay County, Kentucky.
- Nandory, William G., Route 1, Olson Drive, Lot 63, Eau Claire, Wisconsin, convicted on December 28, 1971, and on December 28, 1972, in the Chippewa County Court, Chippewa Falls, Wisconsin.
- Nelson, Lyle W., 163 Charles Avenue, St. Paul, Minnesota, convicted on February 10, 1971, in the County Court of Ramsey County, Minnesota.
- Nemsgern, Nick W., 3827 Cirrus Avenue, Las Vegas, Nevada, convicted on August 2, 1971, in the Superior Court, Santa Cruz County, California.
- Nowicki, Richard C., 3337 Bernice, Warren, Michigan, convicted on October 27, 1949, in the Recorder's Court of the City of Detroit, Detroit, Michigan.
- O'Malley, Patrick J., 2236 Tobias Road, Clio, Michigan, convicted on May 12, 1958, and on May 28, 1962, in the Circuit Court for the County of Genesee, Michigan.
- Perez, Domingo M., 4065 Alla Road, Los Angeles, California, convicted on September 12, 1967, in the Superior Court, Pierce County, Washington.
- Poulin, Maurice Gene, 32 McNamara Street, Lewiston, Maine, convicted on January 27, 1972, in the Androscoggin County Superior Court, Lewiston, Maine.
- Redburn, Tracy H., 2329 Dood Drive, Virginia Beach, Virginia, convicted on March 13, 1973, in the Circuit Court, Virginia Beach, Virginia; and on August 28, 1973, in the Superior Court, Currituck, North Carolina.
- Redenbaugh, Charles O., 1121 Burbank Road, McKeesport, Pennsylvania, convicted on May 10, 1955, in the District Court of Buena Vista County, Iowa; and on September 24, 1964, in the Allegheny County Court, Pennsylvania.
- Reed, Thomas A., 1609 Pleasant Avenue, St. Paul, Minnesota, convicted on March 2, 1964, in the District Court, Anoka County, Anoka, Minnesota.
- Reinke, Ronald G., 928 Kentucky Avenue, Sheboygan, Wisconsin, convicted on November 18, 1974, in the Branch 2 County Court, Sheboygan County, Wisconsin.
- Reiss, Anthony F., 1616 West 256th Street, Harbor City, California, convicted on August 8, 1965, in the Superior Court, Los Angeles County, California.
- Riegel, Lawrence J., 1714 South 10th Avenue, Yakima, Washington, convicted on January 21, 1972, in the Superior Court, Yakima County, Washington.
- Robinson, James R., Jr., 2204 McKee, SW, Grand Rapids, Michigan, convicted on June 6, 1973, in the District Court of the Third Judicial District, Lancaster County, Nebraska.
- Rose, Edward D., 1930 E. Newberg Road, Pinconning, Michigan, convicted on January 7, 1969, in the United States District Court, Bay City, Michigan.
- Sarvis, David M., 12036 Lake Hazel Road, Boise, Idaho, convicted on January 2, 1973, in the United States District Court for the District of Idaho.
- Shaefer, Hubert Larry, 1918 Ottawa, Houston, Texas, convicted on June 4, 1970, and on February 7, 1973, in the 177th District Court of Harris County, Texas.
- Stell, Steven Mark, 1018½ Seventh Avenue, Marion, Iowa, convicted on June 30, 1971, in the District Court of Dubuque County, Iowa.
- Stevens, James Wayne, Sr., Route 4, Box 391, Phenix City, Alabama, convicted on July 23, 1972, in the United States District Court, Middle District, Alabama.
- Stubblefield, Carl, Rash Route, Stevenson, Alabama, convicted on August 17, 1973, in the United States District Court, Northern District of Alabama.
- Syvan, Raing, 5352 East Willard Avenue, Tucson, Arizona, convicted on February 1, 1957, in the District Court, Madison County, Nebraska.
- Thompson, Barry Lee, 1127 Jefferson Avenue, Idaho Falls, Idaho, convicted on June 10, 1969, and on May 13, 1970, in the Superior Court, New London County, Connecticut.
- Tilson, Raymond B., 27 Greene Street, Biddeford, Maine, convicted on January 24, 1968, in the York County Superior Court, Alfred, Maine.
- Timmons, Joe T., 803 Caladium, Mesquite, Texas, convicted on February 12, 1962, in the Criminal District Court No. 2 of Dallas County, Texas.
- Townley, Rex L., 2710 Beech Street, Abilene, Texas, convicted on September 10, 1971, in the 104th Judicial District Court, Texas.

Tubbs, Alan Randall, #5 Charles Street, Palm Springs, California, convicted on November 28, 1972, in the Superior Court, Pitt County, North Carolina.

Unangst, Elmer R., 73 N. Church Street, Ephrata, Pennsylvania, convicted on June 5, 1972, in the Court of Common Pleas, Criminal Division, Lancaster, Pennsylvania.

Vanleer, Richard V., 1150 Raymond Avenue, Long Beach, California, convicted on November 17, 1949, in the Court of Common Pleas, Summit County, Ohio.

West, Norman Alan, Route #3, Riverside Drive, Cullowhee, North Carolina, convicted in December 1973, in the Superior Court, Jackson County, North Carolina.

White, Royce L., Route #3, Box 547, LaFayette, Alabama, convicted on January 30, 1974, in the United States District Court, Montgomery, Alabama.

Wirhol, Allen L., 1306 E. 13th Street, The Dallas, Oregon, convicted on May 16, 1969, in the Superior Court, Clark County, Washington.

Young, Rockland L., 5141 Kenneth Street, Carmichael, California, convicted on August 4, 1964, in the Superior Court, Prince County, Arizona; and on March 16, 1972, in the Superior Court, Los Angeles County, California.

Signed at Washington, D.C., this 16th day of April 1976.

REX D. DAVIS,
Bureau of Alcohol,
Tobacco and Firearms.

[FR Doc.76-12336 Filed 4-27-76; 8:45 am]

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE FIRST NATIONAL BANK REGION

Meeting

A meeting of the Regional Advisory Committee on Banking Policies and Practices for the First National Bank Region will be held May 14, 1976 at the Harvard Club, Boston, Massachusetts. The session will be open to the public and interested persons will be admitted on a first come basis.

Topics to be discussed will include the New Examination Procedures, Pending Banking Legislation, Differential in Interest Rates, Public Disclosure and Organizational Changes in the Office of the Comptroller of the Currency.

Persons or groups planning to make statements please submit three copies to Mr. Charles H. Paterson, Regional Administrator of National Banks, First National Bank Region, Three Center Plaza, Suite P-400, Boston Massachusetts, prior to May 3, 1976.

Dated: April 23, 1976.

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

[FR Doc.76-12337 Filed 4-27-76; 8:45 am]

Fiscal Service

[Dept. Circ. 570, 1975 Rev., Supp. No. 18]

FARMERS MUTUAL HAIL INSURANCE COMPANY OF IOWA

Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treas-

ury to Farmers Mutual Hail Insurance Company of Iowa, Des Moines, Iowa, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated, effective this date.

The company was last listed as an acceptable surety on Federal bonds at 40 FR 29250, July 10, 1975.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by Farmers Mutual Hail Insurance Company of Iowa.

Dated: April 21, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-12277 Filed 4-27-76; 8:45 am]

MILITARY BANKING FACILITIES

Solicitation of Proposals To Operate Facility at Guantanamo Naval Base, Cuba

Citibank of New York will cease operating the military banking facility at the Guantanamo Naval Base, Guantanamo Bay, Cuba, effective June 30, 1976.

To assure the continuance of necessary banking services, the Treasury Department is by this notice soliciting proposals from banks to operate a military banking facility at the Guantanamo Naval Base, effective July 1, 1976. In order to give all proposals equal consideration, they must be sent by certified mail and postmarked May 31, 1976.

Any interested bank may contact Mr. C. R. Baker, Director, Foreign Banking Staff, Treasury Department, Washington, D.C. 20226 (Area Code 202, 964-8577) to obtain a package of information which includes: A description of the banking services to be provided, information as to the banking activity handled by the past facility, transportation schedules between the United States and Guantanamo Bay, and the format in which proposals are to be submitted.

Dated: April 22, 1976.

[SEAL] DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-12369 Filed 4-27-76; 8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTER OF CONTROLLED SUBSTANCES

Registration

By Notice dated February 27, 1976, and published in the FEDERAL REGISTER on March 4, 1976 (41 FR 9403), Collaborative Research, Inc., 1365 Main Street, Waltham, Maine 02154, made application to the Drug Enforcement Administration to be registered as an importer of tetrahydrocannabinols, which is a basic class of controlled substance in schedule I, for the manufacture of an exempt diagnostic radioimmunoassay kit.

No comments or objections have been received, and the criteria of Section 1002 (a) (2) (B) of the Act has been met in

that there are no registered domestic bulk manufacturers of tetrahydrocannabinols. Therefore pursuant to Section 1008 Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and in accordance with 21 CFR Section 1311.42, the above firm is granted registration as an importer of tetrahydrocannabinols, as specified above.

Dated: April 21, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-12378 Filed 4-27-76; 8:45 am]

IMPORTER OF CONTROLLED SUBSTANCES

Registration

By Notice dated February 20, 1976, and published in the FEDERAL REGISTER on March 4, 1976 (41 FR 9403), Philadelphia Seed Company, Chemical & Gravers Roads, Plymouth Meeting, Pennsylvania 19462, made application to the Drug Enforcement Administration to be registered as an importer of marihuana, a basic class of controlled substance listed in schedule I, for the importation of seed only, to be rendered non-viable for use in feed.

No comments or objections have been received. Also, the criteria of Section 1002 (a) (2) (B) of the CSA has been met in that there are no registered domestic manufacturers of marihuana seed. Therefore pursuant to Section 1008, Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and in accordance with 21 CFR Section 1311.42, the above firm is granted registration as an importer of marihuana, as specified above.

Dated: April 21, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-12382 Filed 4-27-76; 8:45 am]

IMPORTER OF CONTROLLED SUBSTANCES

Registration

By Notice dated February 20, 1976, and published in the FEDERAL REGISTER on March 4, 1976 (41 FR 9403), Knauf & Tesch Company, Chilton, Wisconsin 53014, made application to the Drug Enforcement Administration to be registered as an importer of marihuana, a basic class controlled substance listed in schedule I, for the importation of seed only, to be rendered non-viable for use in feed.

No comments or objections have been received. Also, the criteria of Section 1002(a) (2) (B) of the CSA has been met in that there are no registered domestic manufacturers of marihuana seed. Therefore pursuant to Section 1008, Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and in accordance with 21 CFR Section 1311.42, the above firm is granted registration as an importer of marihuana, as specified above.

tration as an importer of marihuana, as specified above.

Dated: April 21, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-12383 Filed 4-27-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a) (1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a) (1)) states: "The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;"

Pursuant to Section 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on March 4, 1976, S. B. Penick Co., A Unit of CPC International Inc., 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug:	Schedule
Opium Extracts.....	II
Opium Fluid Extracts.....	II
Opium Powders.....	II
Opium Granulated.....	II
Opium Tinctures.....	II
Codeine.....	II
Fentanyl.....	II
Hydrocodone.....	II
Morphine.....	II
Oxycodone.....	II
Thebaine.....	II
Dihydrocodeine.....	II
Methadone.....	II
Pethidine.....	II
Phenazocine.....	II
Mixed Alkaloids of Opium.....	II
Diphenoxylate.....	II
Concentrate of Poppy Straw.....	II
Alphacetylmethadol.....	I
Pholcodine.....	I

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with Section 1301.43 (a) of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the above company has made application to the Drug Enforcement Administration to be registered as a bulk

manufacturer of the basic classes of controlled substances indicated, and any other such firm, and any existing registered bulk manufacturer of the above substances may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than June 1, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: April 21, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-12379 Filed 4-27-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a) (1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a) (1)) states: "The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;"

Pursuant to Section 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on March 4, 1976, S. B. Penick & Company, A Unit of CPC International Inc., 530 New York Avenue, Lyndhurst, New Jersey 07071, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug:	Schedule
Methadone.....	II
Alphacetylmethadol.....	I
Concentrate of Poppy Straw.....	II
Diphenoxylate.....	II

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with Section 1301.43 (a) of Title 21 of the Code of Federal Regulations (CFR), notice is hereby

given that the above company has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances indicated, and any other such firm, and any existing registered bulk manufacturer of the above substances may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than June 1, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: April 21, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc.76-12381 Filed 4-27-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated February 27, 1976, and published in the Federal Register on March 5, 1976 (41 FR 9575), the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Wyeth Laboratories, Inc., 611 E. Nield Street, West Chester, PA 19380 (December 15, 1975):

Drug:	Schedule
Pethidine.....	II

M.B.H. Chemical Corporation, 377 Crane Street, Orange, N.J. 07051 (January 15, 1976):

Drug:	Schedule
Methylphenidate.....	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR Section 1301.54(e), the Administrator hereby orders that the applications submitted by each of the above firms for registration as bulk manufacturers of the basic class of controlled substances listed therein are granted.

Dated: April 21, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-12380 Filed 4-27-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs CONTRACTS AND GRANTS Legal Review Requirements

APRIL 22, 1976.

This notice is published in the exercise of authority delegated by the Sec-

retary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

It shall be the policy of the Bureau of Indian Affairs to obtain review for legal sufficiency from the appropriate office of the Solicitor prior to execution or issuance of the following procurement or procurement related instruments:

1. All proposed procurement contracts, and modifications thereto, (including supporting documentation) anticipated to exceed \$250,000.

2. All proposed grants, and modifications thereto, (including supporting documentation) anticipated to exceed \$100,000.

3. All procurement contracts and grants regardless of amount which involve the interpretation of contracting and granting authority which has not previously been reviewed by Solicitor's Office.

4. Any procurement action, contract, grant or modification thereto may be submitted for legal review, if in the judgment of the Contracting Officer such review is desirable.

5. All findings and decisions to be issued pursuant to the disputes clause of the contract.

6. All proposed notices of termination of procurement contracts and grants, whether for default or convenience, cure notices and show cause letters.

7. All findings on protests or mistakes in bid.

8. All Invitation for Bids (IFB's) and Requests for Proposals (RFP's) (including supporting documentation) anticipated to exceed \$250,000.

Procurement actions requiring review by this policy shall be submitted to the appropriate Solicitor's Office to allow ten (10) days for review, however, a lesser or greater time on individual cases, may agree to the cognizant area Contracting Officer and the Solicitor's representative. With respect to IFB's, RFP's, and P.L. 93-638 contracts and grants if no comments have been received after the lapse of the ten day Solicitor review time, the Contracting Officer may release the solicitation. When comments are received from the Solicitor's Office after the ten day period, IFB's and RFP's will be amended if required.

Each Area Director and his cognizant Solicitor shall negotiate a dollar review threshold lower than herein established if necessary to insure a reasonable sampling of contracts, grants, IFB's and RFP's.

Solicitor comments shall be in writing. However, to expedite the review process oral comments may be given to the Contracting Officer prior to the written one.

This policy may be modified by mutual agreement between the Chief, Contracting and Grants Administration Staff of the Bureau of Indian Affairs and the Assistant Solicitor—Procurement.

The effective date of this policy is the date of publication of this notice in the FEDERAL REGISTER.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-12284 Filed 4-27-76;8:45 am]

**Bureau of Land Management
ALASKA
Segregation of Lands**

APRIL 20, 1976.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), and the Airport and Airways Development Act of 1970 (49 U.S.C. 1701, et seq.), the State of Alaska, Department of Public Works, Division of Aviation, has applied for an airport lease, a permit, navigation and hazard easement and right-of-way for land within:

U.S. Survey 2550; and Unsurveyed T. 11 S., R. 8 W., Copper River Meridian, Protracted section 32 (metes and bounds description); Valdez Recording District, Third Judicial District, State of Alaska.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. McVEE,
State Director.

[FR Doc.76-12286 Filed 4-27-76;8:45 am]

[Colorado 13159-RW]

**WESTERN SLOPE GAS COMPANY
Amendment to Pipeline Right-of-Way**

APRIL 19, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for an amendment to C-13159 to add 5,803.37 linear feet of right-of-way for a 4.5-inch o.d. natural gas pipeline. The application is for a 50-foot wide right-of-way for a period of one year. The width is to be reduced to 20 feet thereafter. The National Resource Land to be crossed is identified as the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and the S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 32, T. 2 N., R. 96 W., 6th P.M., Rio Blanco County, Colorado.

The facility will enable applicant to construct, operate and maintain the 4-inch natural gas gathering pipeline to connect the Fuelco 2M natural gas well to applicant's White River Dome Gathering System. This pipeline will also enable applicant to convey natural gas from said gas well in the White River Dome Natural Gas Field to the Meeker, Rifle, Craig and Steamboat Springs, Colorado, market areas.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; and to allow interested parties to comment on the application, and

to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Acting Chief, Branch of
Land Operations.

[FR Doc.76-12287 Filed 4-27-76;8:45 am]

[N.M. Misc. 26]

NEW MEXICO

**Order Opening Lands to Mineral Leasing
and General Mining Laws**

APRIL 19, 1976.

1. Pursuant to Section 7 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f), as amended, the following described land was classified for recreation and public purposes:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 5 S., R. 3 E.,

Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates 160 acres in Socorro County, New Mexico.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the above land shall at 10 a.m. on July 1, 1976 be open to applications and offers under the mineral leasing laws and entry under the U.S. Mining laws only. All valid applications received at or prior to 10 a.m. on July 1, 1976 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the land should be addressed to Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

RAUL E. MARTINEZ,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.76-12288 Filed 4-27-76;8:45 am]

[W-54865]

**WYOMING
Application**

APRIL 21, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation filed an application for a right-of-way to construct a 4 $\frac{1}{2}$ " pipeline for the purpose of

transporting natural gas across the following National Resource Lands:

T. 29 N., R. 113 W., 6th P.M.,
Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

The pipeline will transport natural gas from a well to an existing gathering system in T. 29 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

GLENN M. LANE,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.76-12289 Filed 4-27-76; 8:45 am]

[W-54580]
WYOMING
Application

APRIL 21, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation filed an application for a right-of-way to construct a 4 $\frac{1}{2}$ " pipeline for the purpose of transporting natural gas across the following National Resource Lands:

T. 29 N., R. 113 W., 6th P.M.
Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

The pipeline will transport natural gas from a well to an existing gathering system in T. 29 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

GLENN M. LANE,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.76-12290 Filed 4-27-76; 8:45 am]

UTAH
Redelegation of Authority

1. Pursuant to the authority contained in Part I, Sec. 1.1(a) of Bureau Order No. 701 of July 23, 1964, as amended, by notice published at 36 F.R. 22997 on Friday, October 27, 1972 (F.R. Doc. 72-18341), the Chief, Branch of Lands and Minerals Operations (formerly called the Branch of Realty Services) was dele-

gated authority to take action on the matters listed in Part II-A.

2. That authority is hereby redelegated to the Chief, Minerals Section and Chief, Lands Section in the Branch of Lands and Minerals Operations to take actions on routine approvals, assignments, extensions, decisions, and correspondence on the kinds of mineral leasing cases listed in Part II-A, Sec. 2.6, and routine decisions and correspondence on the kinds of lands cases listed in Part II-A, Sec. 2.9, at the direction of the Chief, Branch of Lands and Minerals Operations.

3. This notice has no other effect on the provisions of F.R. Doc. 72-18341.

4. Effective date: This redelegation will become effective April 28, 1976.

PAUL L. HOWARD,
State Director, Utah.

APRIL 20, 1976.

[FR Doc.76-12335 Filed 4-27-76; 8:45 am]

National Park Service
PUBLIC WORKSHOPS

A series of public workshops will be held beginning on May 26, 1976 in communities near to a regional complex of federally managed lands within the Klamath Basin/Lava Beds/Medicine Lake Highlands dominion.

The purpose of these workshops is to provide the widest possible public involvement from individuals and organizations on preliminary alternatives which have been compiled from basic data and resources inventory by five federal agencies.

The U.S. Forest Service and the National Park Service, being the two most involved agencies, will jointly conduct the workshops. The Fish and Wildlife Service, Bureau of Reclamation and the Bureau of Land Management are also directly affected by and are active participants in development of comprehensive planning guidelines to steer the management of the various components of Government lands within the identified region.

Information and comments contributed by the public will be utilized by the respective agencies in arriving at decisions for future management of U.S. Forest Service lands known as Medicine Lake Highlands and incorporating portions of Shasta-Trinity, Klamath and Modoc National Forests; Lower Klamath and Tulelake National Wildlife Refugees; and Lava Beds National Monument.

Workshops will be held from 7-10 p.m. in the following locations:

May 26—Home Economics Building, Tulelake-Butte Valley Fairgrounds, Tulelake, California.

May 27—Dunsmuir Recreation Hall, Dunsmuir, California.

Anyone wanting additional information on the workshops and/or the status of the planning process should contact General Superintendent Ernest J. Borgman, National Park Service, P.O. Box 128, Klamath Falls, Oregon, 97601, or Forest Supervisor Ken Scoggin, Modoc National

Forest, 441 N. Main Street, Alturas, California, 96101.

Dated: April 12, 1976.

ERNEST J. BORGMAN,
General Superintendent, Klamath Falls Group, National Park Service.

KENNETH C. SCOGGIN,
Forest Supervisor,
Modoc National Forest.

[FR Doc.76-12264 Filed 4-27-76; 8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-274]

**AQUARIS COAL COMPANY,
INCORPORATED**

**Petition for Modification of Application of
Mandatory Safety Standard**

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Aquaris Coal Company, Incorporated has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 601, Pikeville County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * * The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard with respect to the following haulage equipment: 10 SC Joy shuttle cars, a Fletcher roof bolting machine, an 11 RU Joy cutting machine, and a Joy loader.

2. Petitioner states that such equipment was not designed to have canopies installed.

3. Petitioner states that installation of canopies on its haulage equipment creates a hazard to the operators of such equipment.

4. The Mine No. 601 is in the No. 6 Hazard coal seam, which ranges from 50-70 inches in height. Petitioner states that it is constantly running into ascending and descending grades, resulting in dips in the coalbed.

5. Petitioner maintains that installation of canopies on its equipment, results in limited operator visibility, and cramped operator positions, contributing to the causation of accidents in the mine.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 28, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

BRUCE A. BURNS,
Acting Director, Office of
Hearings and Appeals.

APRIL 21, 1976.

[FR Doc.76-12294 Filed 4-27-76;8:45 am]

Office of the Secretary

[INT DES 76-15]

DEVELOPMENT OF PHOSPHATE RESOURCES IN SOUTHEASTERN IDAHO

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement on potential increased phosphate development in southeastern Idaho. Industry-proposed actions include approval of mining plans, approval of prospecting permits, and approval of lease applications.

The draft environmental statement is available for public review in the following U.S. Geological Survey Public Inquiries Offices:

Public Inquiries Office, U.S. Geological Survey, 504 Custom House, 555 Battery Street, San Francisco, California 94111.

Public Inquiries Office, U.S. Geological Survey, 8102 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

Public Inquiries Office, U.S. Geological Survey, 678 U.S. Court House, West 920 Riverside Avenue, Spokane, Washington 99201.

Public Inquiries Office, U.S. Geological Survey, Room 1C402, National Center (302), Reston, Virginia 22092.

It is also available at the following U.S.G.S. Libraries: 12201 Sunrise Valley Drive, Reston, Virginia 22092; 345 Middlefield Road, Menlo Park, California 94025; and Federal Center, Denver, Colorado 80225.

In addition the statement will be available at the following library locations:

Pocatello Public Library, 812 East Clark Street, Pocatello, Idaho 83201.

Portneuf District Library, 5210 Stuart, Pocatello, Idaho 83201.

Lava Hot Springs Public Library, Lava Hot Springs, Idaho 83246.

Oneida County Free Library, P.O. Box 94, Malad, Idaho 83252.

Preston Public Library, 28 East Oneida, Preston, Idaho 83262.

Shelley Public Library, City Park, Shelley, Idaho 83274.

Snake River Community Library, Route 2, Box 259-A, Blackfoot, Idaho 83221.

Soda Springs Public Library, 149 South Main Street, Soda Springs, Idaho 83276.

Aberdeen Public Library, P.O. Box 207, Aberdeen, Idaho 83210.

American Falls Public Library, 308 Roosevelt Avenue, American Falls, Idaho 83211.

Bear Lake County Free Library, North 6th Street, Montpelier, Idaho 83254.

Blackfoot Public Library, P.O. Box 512, Blackfoot, Idaho 83221.

Downey Public Library, Downey, Idaho 83234.

Grace Public Library, Box B, Grace, Idaho 83241.

Fort Hall Library, Shoshone Bannock Tribe, Box 306, Fort Hall, Idaho 83202.

Rockland Library District, Rockland School, Rockland, Idaho 83271.

Boise City Library, 715 South Capitol Blvd., Boise, Idaho 83706.

Idaho State Library, 325 West State, Boise, Idaho 83702.

Idaho Historical Society Library, 325 West State, Boise, Idaho 83702.

Idaho Falls Public Library, 200 N. Eastern Ave., Idaho Falls, Idaho 83401.

Social Science Library, University of Idaho, Moscow, Idaho 83843.

Upon written request individual copies may be obtained from the Interagency Task Force, Box 236, Pocatello, Idaho 83201.

Public hearings on this statement will be held jointly with those on a Forest Service draft environmental statement titled "Management Alternative for the Diamond Creek Planning Unit." These public hearings will be held June 7 at the Bannock Hotel, 105 South Arthur, Pocatello, Idaho; June 10 at the Soda Springs High School, 3rd East First North Street, Soda Springs, Idaho; and June 14 at the Ramada Inn Downtowner, 1901 Main Street, Boise, Idaho. Each hearing is scheduled from 8:30 a.m. to noon and from 1:30 p.m. to 5 p.m., and will be continued into the evening or the following two days if additional time is needed to hear all testimony.

The hearing will provide the Department, under section 102(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives of organizations and public officials who wish to testify at the hearing should submit a written request to the Executive Officer, Interagency Task Force, Box 236, Pocatello, Idaho 83201. Written comments on the draft statement on the development of phosphate resources in southeastern Idaho should be submitted to the Director, U.S. Geological Survey, National Center, Mail Stop 108, Reston, Virginia 22092. Written comments on the draft environmental impact statement will be received on or before July 27, 1976. This will allow those unable to testify at the hearing to make their views known and will allow those presenting oral testimony to submit supplemental materials. Time constraints make it necessary to limit the length of oral presentations to 10 minutes. Exceptions to this time limitation may be authorized for individuals presenting testimony who represent more than one group or organization. Exceptions may be authorized only when a formal request is presented to the Task Force Leader, Interagency Task Force, Box 236, Pocatello, Idaho 83201, prior to April 30, 1976. An oral statement, however, may be supplemented by a more complete written statement which may be presented to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be included in the hearing record. To the extent that time is available after presentation of prescheduled oral statements, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of Interior.

APRIL 23, 1976.

[FR Doc.76-12249 Filed 4-27-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Oklahoma Grain Inspection Point

Statement of considerations. On February 20, 1976, there was published in the FEDERAL REGISTER (41 FR 7797) a notice announcing (1) a proposed transfer of the designation to operate as an official inspection agency, as defined in section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)), at Guymon, Oklahoma, and (2) the application by W. D. Prince, Farwell, Texas, and Jim Yeager, Guymon, Oklahoma, for designation to operate as an official inspection agency. Interested persons were given until March 22, 1976, to make application for designation to operate as an official inspection agency at Guymon, Oklahoma, and to submit written views and comments with respect to the proposed transfer.

No comments were received from users of the service recommending that W. D. Prince and Jim Yeager be designated to operate as an official inspection agency at Guymon. No applications for designation were received other than the application from W. D. Prince and Jim Yeager, and no adverse comments on the application were received.

After due consideration of all submissions made pursuant to the notice of February 20, 1976, and all relevant matters, the designation to operate as an official inspection agency at Guymon, Oklahoma, is hereby transferred from W. D. Prince and Foster W. Yeager to W. D. Prince and Jim Yeager.

(Sec. 7, 39 Stat. 482, as amended, 82 Stat. 764; 7 U.S.C. 79(i); 37 FR 28464 and 28476.)

Effective date. This notice shall become effective April 23, 1976.

Done at Washington, D.C. on April 23, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-12446 Filed 4-27-76;8:45 am]

Forest Service PUBLIC WORKSHOPS

CROSS REFERENCE: For a document issued jointly by the Department of Agriculture, Forest Service, and the Department of the Interior, National Park Service, on the subject of public participation in land use planning, see FR Doc. 76-12264 appearing in the notices section of this issue under the Department of the Interior, National Park Service.

ADVISORY COMMITTEE ON STATE AND PRIVATE FORESTRY

Meeting

The Advisory Committee on State and Private Forestry will meet in Arlington, Virginia, May 26-27, 1976. The meeting will convene at 8:45 a.m. on May 26 in the Hospitality House, 2000 Jefferson Davis Highway, Arlington, Virginia.

This Committee, comprised of 15 members from a broad spectrum of geographic and interest areas, advises the Secretary of Agriculture and various agencies of the Department on the protection, management and development of the Nation's non-Federal forest land and resources. Robert Long, Assistant Secretary for Conservation, Research and Education is Chairman of the Committee. He and representatives of the Forest Service, Extension Service, Soil Conservation Service, and Agricultural Stabilization and Conservation Service will attend from the Department of Agriculture.

The meeting is structured to provide members of the Committee ample time for discussion. Key issues to be included are (1) what the role of the Federal Government should be in providing assistance to State and private landowners, (2) information systems—data storage and retrieval, and (3) the status of the

Cooperative Forest Management Program.

The meeting will be open to the public. Persons who wish to attend should notify the Committee's Executive Secretary, Paul Johnson, USDA-Forest Service, Room 3107, South Building, Washington, D.C. 20250, telephone 202-447-7065. Written statements may be filed with Committee before or after the meeting.

PHILIP L. THORNTON,
Deputy Chief for State
and Private Forestry.

APRIL 21, 1976.

[FR Doc.76-12282 Filed 4-27-76;8:45 am]

Packers and Stockyards Administration WHITE LIVESTOCK COMMISSION COMPANY, INC., LEIGHTON, ALABAMA, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility Number, name, and, location of stockyard, date of posting

ALABAMA

AL-160 White Livestock Commission Company, Inc., Leighton, April 5, 1976.

ARKANSAS

AR-154 Rector Livestock Auction, Rector, February 23, 1976.

CALIFORNIA

CA-170 Bangor Auction, Bangor, April 2, 1976.

KANSAS

KS-201 Hesston Sales, Hesston, March 15, 1976.

NEW YORK

NY-156 Whitney Point Livestock Market, Whitney Point, February 18, 1976.

SOUTH CAROLINA

SC-127 Springfield Stockyard, Inc., Neeses, March 25, 1976.

Done at Washington, D.C., this 22d day of April, 1976.

EDWARD L. THOMPSON,
Chief Registrations, Bonds, and
Reports Branch, Livestock
Marketing Division.

[FR Doc.76-12283 Filed 4-27-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 22(74)-6 Case No. 496 CP-44]

GOLDBERG, ALBERT A.

Order Imposing Civil Penalty and a Period of Denial From Export Privileges

In the Matter of Albert A. Goldberg,
National-Tronics Company, Division of

International Affiliates Co., Inc., 147 West 35th Street, New York, New York 10001; Respondents.

A charging letter of September 16, 1975, alleged that the respondents named above had violated the Export Administration Act of 1969, as amended and supplemented, 50 USC App. § 2401 et seq., and the Export Administration Regulations, 15 CFR Part 368 et seq. It was charged that respondents had committed twenty-five separate violations in the exportation of controlled commodities. All the exportations were made without prior validated licenses; some exportations were made to denied parties. The charges were admitted. However, in mitigation respondents asserted that they had relied on a particular employee to advise relative to the requirements and regulations concerning exports and that the exportations were made without intent to transgress, but only because of the ignorance and improper advice of the employee.

A hearing was duly convened by the Hearing Commissioner, Bureau of East-West Trade, on February 18, 1976. The assembled record discloses that respondents, primarily, are importers and exporters of dolls, toys, low-priced clothing and other consumer articles. Sometime during 1970 a new employee was hired to promote and expand the export operations of National-Tronics. Respondents placed undue reliance on the employee; the violations were occasioned because of the employee's lack of knowledge. When the employee's failings were recognized, his services were terminated.

Respondents, having admitted error and showing mitigating circumstances, submitted a proposal for the issuance of a consent order, in substance, as follows:

1. Respondents admit culpability for the twenty-five violations listed in the charging letter of September 16, 1975. Respondents admit liability to the maximum extent authorized by law, i.e., a maximum \$25,000 civil penalty and denial of all export privileges.

2. Respondents consent to the imposition of a civil penalty in the sum of \$25,000 of which \$1,000 has been paid; the remaining \$24,000 is to be suspended during a reasonable period of denial and conditioned on faithful adherence to the terms of the denial order.

3. For a reasonable period of time, respondents will be denied all export privileges covering controlled items requiring validated export licenses.

4. Present issued validated export licenses will be excepted from the order.

In view of the foregoing, I conclude that respondents violated the export regulations by shipping controlled commodities without the required validated licenses and/or to denied persons; the exportations were made through ignorance and without intention to contravene the law. In consideration of respondents' avowed intent to terminate all export operations covering commodities for which validated export licenses are required, and upon recommendation of the Hearing Commissioner, I deem it proper to mitigate the maximum penalty which I am authorized to impose and to accept the proposal for the issuance of a

consent order. Therefore, it is ordered:

(1) Pursuant to the Export Administration Regulations, 15 CFR 387.1; 388.1, there is imposed upon respondents a civil penalty in the sum of \$25,000. Receipt of \$1,000 is acknowledged; the balance of the \$24,000 will remain suspended during the three-year period of denial described below. The balance of \$24,000 shall immediately become due and payable upon a finding by the Director, Office of Export Administration, that respondents have failed to comply with all the terms of this order.

(2) Except as otherwise specifically excepted herein or as otherwise expressly authorized, respondents are hereby denied all privileges of participating directly or indirectly, for a period of three years in any manner or capacity, in any transaction involving export of commodities requiring a validated export license. Respondents are free to conduct all other manner of business in the import, export and domestic trade where the transaction does not require a validated license.

(3) After one year respondents may specially petition and, for good cause shown, exception may be made and application for an export license permitted.

(4) The denial of export privileges described above shall extend to the respondents, their agents, employees and to any successor and to any person, firm, corporation, partnership, or other business organization with which respondents now or hereafter may be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services.

(5) During the time when respondents are denied export privileges, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from the Bureau of East-West Trade, shall do any of the above-mentioned acts, directly or indirectly or carry on negotiations with respect thereto in any manner or capacity, on behalf, or in any association with respondents or whereby respondents may obtain any benefit therefrom, or have any interest or participation therein directly or indirectly. The prohibitions of this paragraph are restricted to transactions subject to validated license controls.

Dated: April 20, 1976.

RAUER H. MEYER,
Director, Office of
Export Administration.

[FR Doc. 76-12250 Filed 4-27-76; 8:45 am]

**National Technical Information Service
GOVERNMENT-OWNED INVENTIONS
Notice of Availability for Licensing**

The inventions listed below are owned by the U.S. Government and are available for U.S. licensing and possibly foreign licensing, in accordance with the licensing policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C.

20231, for \$50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

**DOUGLAS J. CAMPION,
Patent Program Coordinator.**

U.S. DEPARTMENT OF THE AIR FORCE, AF/UACP,
WASHINGTON, D.C. 20314.

Patent application 621,330: Fixed Skewed Wing Airborne Vehicle; filed 10 October 1975; PC \$3.50/MF \$2.25.

Patent application 629,467: Antianarcissus Reflector Assembly for Infrared Detector; filed 6 November 1975; PC \$3.50/MF \$2.25.

Patent application 631,280: Fuel Grain for Spherical Boost-Sustain Rocket Motor; filed 12 November 1975; PC \$3.50/MF \$2.25.

Patent 3,919,884: Horizontal Loading Fixture for Sustained Load Testing; filed 17 April 1974; patented 18 November 1975; not available NTIS.

Patent 3,920,206: Non-Penetrating RIB-to-Surface Structural Clip Connector Assembly; filed 5 August 1974; patented 18 November 1975; not available NTIS.

Patent 3,920,336: System for Intensification of Weak Absorption and Collection of Weak Light Emission; filed 21 May 1974; patented 18 November 1975; not available NTIS.

Patent 3,921,170: Method and System for Computing Altitude Over a Target and the Horizontal Range Thereof; filed 31 July 1972; patented 18 November 1975; not available NTIS.

Patent 3,921,499: Ammunition Cook-Off Sensing and Prevention System; filed 4 February 1974; patented 25 November 1975; not available NTIS.

Patent 3,924,038: Fragment Suppression Configuration; filed 12 June 1974; patented 2 December 1975; not available NTIS.

Patent 3,924,826: Rotatable Window Means; filed 20 December 1974; patented 9 December 1975; not available NTIS.

Patent 3,925,983: Transpiration Cooling Washer Assembly; filed 17 April 1974; patented 16 December 1975; not available NTIS.

Patent 3,925,990: Shock Heated, Wall Confined Fusion Power System; filed 28 August 1973; patented 16 December 1975; not available NTIS.

Patent 3,926,046: System for Measuring Unsteady Aerodynamic Torques; filed 8 November 1974; patented 16 December 1975; not available NTIS.

Patent 3,926,373: Thrust Augmentation System with Oscillating Jet Nozzles; filed 26 July 1974; patented 16 December 1975; not available NTIS.

Patent 3,926,386: Spool for Wire Deployment; filed 9 July 1974; patented 16 December 1975; not available NTIS.

Patent 3,927,310: Digital Test Apparatus; filed 25 January 1974; patented 16 December 1975; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, RESEARCH AGREEMENTS AND PATENT MGMT. BRANCH, GENERAL SERVICES DIVISION, FEDERAL BLDG., AGRICULTURAL RESEARCH SERVICE, HYATTSVILLE, MD 20782.

Patent application 630,374: Process for Machine for Segregating Bark from Wood Chips; filed 10 November 1975; PC \$3.50/MF \$2.25.

Patent 3,531,535: Process for the Preparation of Alkyl, Perfluoroalkyl and Aryl Iodides; filed 28 February 1968; patented 29 September 1970; not available NTIS.

Patent 3,536,738: Bis(Trimethylolpropane Diallyl Ether) Dillioleate and its Phosphonates and Lubricant Compositions; filed 29 January 1968; patented 27 October 1970; not available NTIS.

Patent 3,557,078: Method for Treating and Improving the Properties of Potinaceous Matter Comprising Reacting Hide Material with HCHO and a Malonic Acid; filed 27 October 1969; patented 19 January 1971; not available NTIS.

Patent 3,567,747: Sulfur Containing Fatty Acid Derivatives and Process for the Preparation of Same; filed 19 November 1968; patented 2 March 1971; not available NTIS.

Patent 3,632,517: Synergistic Tallow-Based Detergent Compositions; filed 21 August 1970; patented 4 January 1972; not available NTIS.

Patent 3,803,242: Process for the Preparation of Beta Keto Aldehydes; filed 12 January 1973; patented 9 April 1974; not available NTIS.

Patent 3,813,297: Process for Making Potato Starch Without Waste; filed 7 June 1972; patented 28 May 1974; not available NTIS.

Patent 3,814,057: Separator for Negatively Phototactic House Fly Larvae from Chicken Hen Excreta; filed 28 July 1972; patented 4 June 1974; not available NTIS.

Patent 3,819,688: Process for the Preparation of Peroxy Acids; filed 10 November 1970; patented 25 June 1974; not available NTIS.

Patent 3,828,086: Metallic Dibasic Fatty Soap Based Greases; filed 25 July 1972; patented 6 August 1974; not available NTIS.

Patent 3,832,130: Method and Composition for Preventing Deterioration of Hides from Freshly Slaughtered Animals; filed 28 July 1972; patented 27 August 1974; not available NTIS.

Patent 3,851,802: Single Cone Multiple-Row Plot Seeder; filed 15 November 1973; patented 3 December 1974; not available NTIS.

Patent 3,863,645: Process for Treating Tobacco; filed 11 June 1974; patented 4 February 1975; not available NTIS.

Patent 3,864,498: Method of Preparing a Collagenous Shrimp and Fish Feed; filed 30 August 1973; patented 4 February 1975; not available NTIS.

Patent 3,899,442: Recovery and Reactivation of Rhodium Hydroformylation Catalysts; filed 31 January 1974; patented 12 August 1975; not available NTIS.

Patent 3,914,214: Thiolation of Polysaccharides; filed 24 August 1973; patented 21 October 1975; not available NTIS.

Patent 3,925,192: Removing Heavy Metal Ions from Water; filed 5 August 1974; patented 9 December 1975; not available NTIS.

Patent 3,927,962: Non-Discoloring Flame Resistant Wool; filed 17 July 1974; patented 23 December 1975; not available NTIS.

Patent 3,927,969: Insectproofing Wool with Zinc Acetate; filed 24 September 1973; patented 23 December 1975; not available NTIS.

Patent 3,929,723: Photodegradable Polyolefins Containing Sulfonyl Halides; filed 23 January 1975; patented 30 December 1975; not available NTIS.

Patent 3,929,894: Process for the Preparation of Isopropenyl-Bicyclo (4,4,0) Dec-1-En-3-Ones; filed 8 April 1974; patented 30 December 1975; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NATIONAL INSTITUTES OF HEALTH, CHIEF, PATENT BRANCH, WESTWOOD BLDG., BETHESDA, MD 20014.

Patent 3,925,547: Isolation and Purification of Active Principle of Fruit of Synsepalum Dulcificum; filed 24 April 1973; patented 9 December 1975; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, ASSISTANT CHIEF FOR PATENTS, OFFICE OF NAVAL RESEARCH, CODE 302, ARLINGTON, VA 22217.

Patent application 473,456: Propellant and Consumable Cartridge; filed 28 May 1974; PC \$3.50/MF \$2.25.

Patent application 475,673: Broadband Noise Radar for Cluttertype Targets; filed 3 June 1974; PC \$3.50/MF \$2.25.

Patent application 504,625: Electromagnetic Instruction Sensor; filed 9 September 1974; PC \$3.50/MF \$2.25.

Patent application 522,077: Single Chemical Electric Detonator; filed 8 November 1974; PC \$3.50/MF \$2.25.

Patent application 545,688: Catapult Break-away Load Simulator Circuit; filed 30 January 1975; PC \$3.50/MF \$2.25.

Patent application 549,422: Passive Optical Rangefinder System; filed 12 February 1975; PC \$3.50/MF \$2.25.

Patent application 580,653: Apparatus for Mechanically Exercising Bourdon Tube Gates; filed 28 May 1975; PC \$3.50/MF \$2.25.

Patent application 625,394: Passive Solar Tracking System for Steerable Fresnel Elements; filed 24 October 1975; PC \$3.50/MF \$2.25.

Patent 3,813,670: High Resolution Range Tracking Circuit; filed 17 December 1971; patented 28 May 1974; not available NTIS.

Patent 3,813,687: Instant Replay Helium Speech Unscrambler Using Slowed Tape for Correction; filed 29 November 1972; patented 28 May 1974; not available NTIS.

Patent 3,827,001: Wide Band Series-Connected Equal Amplitude Power Divider; filed 25 June 1973; patented 30 July 1974; not available NTIS.

Patent 3,829,798: Cascade Transversal-Filter Phase-Compensation Network; filed 15 October 1973; patented 13 August 1974; not available NTIS.

Patent 3,833,300: Three "D" Weapons Sight; filed 14 May 1973; patented 3 September 1974; not available NTIS.

Patent 3,833,797: Statistical Noise Processor; filed 14 November 1973; patented 3 September 1974; not available NTIS.

Patent 3,835,278: Method of Reducing Solid Arcing Product Build-Up Between Electrical Contacts in Pressurized Fluid Ambients; filed 5 June 1973; patented 10 September 1974; not available NTIS.

Patent 3,893,395: End Coupler for Heat Resistant Mild Detonating Fuse; filed 26 July 1965; patented 8 July 1975; not available NTIS.

Patent 3,898,648: Synchro-to-Digital Converter; filed 7 December 1973; patented 5 August 1975; not available NTIS.

Patent 3,908,550: One Hand Operable Distress Signal; filed 10 April 1974; patented 30 September 1975; not available NTIS.

Patent 3,909,992: Inflatable Ice Igloo; filed 18 March 1974; patented 7 October 1975; not available NTIS.

Patent 3,918,859: Valveless Rotary Piston Expansion Engine; filed 6 February 1974; patented 11 November 1975; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENT MATTERS, NASA CODE GP-2, WASHINGTON, D.C. 20546.

Patent application 642,083: Solar Cell Surface Treatment; filed 18 December 1975, PC \$3.50/MF \$2.25.

Patent application 645,507: Nickel Base Alloy; filed 30 December 1975; PC \$3.50/MF \$2.25.

Patent application 645,508: Silicon Nitride Coated, Plastic Covered Solar Cell; filed 30 December 1975; PC \$3.50/MF \$2.25.

Patent 3,910,257: Medical Subject Monitoring Systems; patented 7 October 1975; not available NTIS.

Patent 3,910,307: Quick Disconnect Filter Coupling; patented 7 October 1975; not available NTIS.

Patent 3,910,533: Spacecraft Docking and Alignment System; patented 7 October 1975; not available NTIS.

Patent 3,910,814: Reconstituted Asbestos Matrix; patented 7 October 1975; not available NTIS.

Patent 3,912,540: Covered Silicon Solar Cells and Method of Manufacture; patented 14 October 1975; not available NTIS.

Patent 3,912,541: Rapid Activation and Checkout Device for Batteries; patented 14 October 1975; not available NTIS.

Patent 3,914,950: Helium Refrigerator; patented 28 October 1975; not available NTIS.

Patent 3,915,012: Automatic Blowdown Sampling; patented 28 October 1975; not available NTIS.

Patent 3,915,148: Thermostatically Controlled Non-Tracking Type Solar Energy Concentrator; patented 28 October 1975; not available NTIS.

Patent 3,915,482: Externally Supported Internally Stabilized Flexible Duct Joint; patented 28 October 1975; not available NTIS.

Patent 3,916,084: Compact-Bi-Phase Pulse Coded Modulation Decoder; patented 28 October 1975; not available NTIS.

Patent 3,916,316: Multichannel Logarithmic RF Level Detector; patented 28 October 1975; not available NTIS.

Patent 3,916,380: Multi-Computer Multiple Data Path Hardware Exchange System; patented 28 October 1975; not available NTIS.

Patent 3,919,014: Prevention of Hydrogen Embrittlement of High Strength Steel by Hydrazine Compositions; patented 11 November 1975; not available NTIS.

Patent 3,919,710: Turnstile and Flared Cone UHF Antenna; patented 11 November 1975; not available NTIS.

Patent 3,920,839: Strain Arrestor Plate for Fused Silica Tile; patented 18 November 1975; not available NTIS.

[FR Doc. 76-12262 Filed 4-27-76; 8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

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of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 619,112: Programmable Light Display System; filed 2 October 1975, PC \$3.50/MF \$2.25.

Patent application 619,147: Surface Impedance Tester; filed 2 October 1975, PC \$3.50/MF \$2.25.

Patent application 619,152: Near Field Antenna Bore-sight Alignment Method and Apparatus; filed 3 October 1975, PC \$3.50/MF \$2.25.

Patent application 621,326: A Method and System of Controlling a Jet Engine for Avoiding Engine Surge; filed 10 October 1975, PC \$3.50/MF \$2.25.

Patent application 621,336: Laser Cradle Optical Character Recognition System; filed 10 October 1975, PC \$3.50/MF \$2.25.

Patent application 621,337: Mechanical Step Scanner; filed 10 October 1975, PC \$3.50/MF \$2.25.

Patent application 621,338: Ultraviolet Wavelength Smoke Detector; filed 10 October 1975, PC \$3.50/MF \$2.25.

Patent application 623,528: Reusable Shipping Container Assembly; filed 17 October 1975, PC \$3.50/MF \$2.25.

Patent application 623,530: Launch Lock Device; filed 17 October 1975, PC \$3.50/MF \$2.25.

Patent application 623,531: Burning Rate Modifiers for Solid Propellants; filed 17 October 1975, PC \$3.50/MF \$2.25.

Patent application 624,516: Method and Correction of Position and Frequency Offset for Computer Clocks in Flight; filed 21 October 1975, PC \$3.50/MF \$2.25.

Patent application 625,798: Laser Defense and Countermeasure System for Aircraft; filed 28 October 1975, PC \$3.50/MF \$2.25.

Patent application 625,799: A Low Beam Velocity Retina for Schottky Infrared Vidicons; filed 28 October 1975, PC \$3.50/MF \$2.25.

Patent application 626,147: Dual Stage Supersonic Diffuser; filed 28 October 1975, PC \$3.50/MF \$2.25.

Patent application 626,148: Method and Apparatus for Mapping Surfaces with Respect to Ellipsometric Parameters; filed 28 October 1975, PC \$3.50/MF \$2.25.

Patent application 627,808: High Temperature Coatings Based on Poly(Zinc Phosphates); filed 31 October, 1975, PC \$3.50/MF \$2.25.

- Patent application 629,469: Perfluoroalkyl-ether Substituted Aryl Phosphines and Their Synthesis; filed 6 November 1975, PC \$3.50/MF \$2.25.
- Patent application 631,278: Surface Wave Augmented Loop Memory System; filed 12 November 1975, PC \$3.50/MF \$2.25.
- Patent application 631,355: Method and Apparatus for Electric Enhancement of Heat Transfer; filed 12 November 1975, PC \$3.50/MF \$2.25.
- Patent 3,898,910: Paddle Wheel Diffuser; filed 11 December 1973, patented 12 August 1975, Not available NTIS.
- Patent 3,901,281: Aircraft Fuel Line; filed 27 December 1972, patented 26 August 1975, Not available NTIS.
- Patent 3,917,780: Preparation of Lead Lanthanum Zirconate Titanate Bodies; filed 9 August 1973, patented 4 November 1975, Not available NTIS.
- Patent 3,920,336: System for Intensification of Weak Absorption and Collection of Weak Light Emission; filed 21 May 1974, patented 18 November 1975, Not available NTIS.
- Patent 3,922,333: Process for Preparing Multilite Powder and Fabrication of Structural Bodies Therefrom; filed 23 October 1974, patented 25 November 1975, Not available NTIS.
- U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.
- Patent application 485,060: Primary Plasticizers for Poly(Vinyl Chloride); filed 1 July 1974, PC \$3.50/MF \$2.25.
- Patent 3,393,214: Benzhydryl Esters of Dimer Acid; filed 17 February 1965, patented 16 July 1968, Not available NTIS.
- Patent 3,423,319: Vis(Trimethylolpropane Diallyl Ether) Dillnoleate and Its Phosphonates and Lubricant Compositions; filed 18 August 66, patented 21 January 1969, Not available NTIS.
- Patent 3,497,536: Preparation of Stearoyl Chloride; filed 25 January 1968, patented 24 February 1970, Not available NTIS.
- Patent 3,506,824: Apparatus for Combining a Gas Chromatograph with a Spectrophotofluorometer and Other Devices by Means of a Flowing Liquid Interface; filed 22 April 1968, patented 14 April 1970, Not available NTIS.
- Patent 3,535,383: Process for Preparation of Hexadecylketene; filed 2 November 1967, patented 20 October 1970, Not available NTIS.
- Patent 3,549,675: Preparation of Stearoyl Fluoride; filed 22 April 1968, patented 22 December 1970, Not available NTIS.
- Patent 3,555,057: Aromatic Esters of Dimer Acid; filed 17 August 1967, patented 12 January 1971, Not available NTIS.
- Patent 3,567,748: The Reaction Product of Isopropenyl Stearate with Diethylmalonate or Methyl Stearate and the Catalyzed Production Thereof; filed 2 November 1967, patented 2 March 1971, Not available NTIS.
- Patent 3,615,728: Method for Imparting Hickory Smoke Color and Flavor to Dried Yeast and Other Food Powders; filed 11 October 1968, patented 26 October 1971, Not available NTIS.
- Patent 3,617,186: Tanning with Tris(Hydroxymethyl) Nitromethane and a Polyhydric Phenol; filed 8 January 1970, patented 2 November 1971, Not available NTIS.
- Patent 3,665,988: Process for Producing Granular and Fibrous Collagen Dispersions; filed 31 March 1970, patented 30 May 1972, Not available NTIS.
- Patent 3,666,820: Process for the Preparation of Alkyl, Perfluoroalkyl and Aryl Iodides; filed 23 March 1970, patented 30 May 1972, Not available NTIS.
- Patent 3,694,234: Collagen Food Coating Composition and Method of Preparation; filed 5 January 1971, patented 26 September 1972, Not available NTIS.
- Patent 3,745,195: Process for Equilibrating Allene and Methylacetylene and for Recovery of Pure Allene from the Equilibrium Mixture; filed 31 August 1971, patented 10 July 1973, Not available NTIS.
- Patent 3,770,372: Process for Lubricating Leather; filed 5 January 1971, patented 6 November 1973, Not available NTIS.
- Patent 3,777,017: Esters of 1,4-Benzodioxan-2-Carboxylic Acid as Attractants for the European Chafer; filed 18 November 1970, patented 4 December 1973, Not available NTIS.
- Patent 3,832,368: Lithium Polycyanoethylated Keto Fatty Soap Based Greases; filed 25 July 1972, patented 27 August 1974, Not available NTIS.
- Patent 3,832,415: Process for Equilibrating Allene and Methylacetylene and for Recovery of Pure Allene from the Equilibrium Mixture; filed 15 December 1972, patented 27 August 1974, Not available NTIS.
- Patent 3,856,688: Ether-Containing Dibasic Fatty Acid Metal Soap Thickened Greases; filed 24 August 1973, patented 24 December 1974, Not available NTIS.
- Patent 3,864,367: Difunctional Fatty Soap Based Greases; filed 25 July 1972, patented 4 February 1975, Not available NTIS.
- Patent 3,878,230: Process for the Preparation of Enol Esters of Straight Chain Carboxylic Acids; filed 15 December 1972, patented 15 April 1975, Not available NTIS.
- Patent 3,883,595: Process for the Preparation of Beta Dicarboxylic; filed 19 December 1973, patented 13 May 1975, Not available NTIS.
- Patent 3,884,937: Esters of 1,4-Benzodioxan-2-Carboxylic Acid as Attractants for the European Chafer; filed 1 August 1973, patented 20 May 1975, Not available NTIS.
- Patent 3,898,250: Arthropod Maturation Inhibitors; filed 20 May 1974, patented 5 August 1975, Not available NTIS.
- Patent 3,898,252: Preparation of Enol Esters; filed 26 February 1973, patented 5 August 1975, Not available NTIS.
- Patent 3,899,290: Fabric waterproofing Process; filed 28 May 1974, patented 12 August 1975, Not available NTIS.
- Patent 3,926,868: Flame-Retardant Polyurethane Foams; filed 16 January 1974, patented 16 December 1975, Not available NTIS.
- Patent 3,928,231: Selective Hydrocarboxylation of Unsaturated Fatty Compounds; filed 15 November 1973, patented 23 December 1975, Not available NTIS.
- U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street, SW., Washington, D.C. 20590.
- Patent 3,807,226: Non-Linear Amplification Technique for Improving Signal to Noise Contrast; filed 29 November 1972, patented 30 April 1974, Not available NTIS.
- Patent 3,837,285: Open Tube Guideway for High-Speed Air Cushioned Vehicles; filed 26 January 1972, patented 24 September 1974, Not available NTIS.
- Patent 3,886,540: Condition Responsive Control Apparatus; filed 7 September 1973, patented 27 May 1975, Not available NTIS.
- Patent 3,900,829: Airport Loop Detector System; filed 17 October 1973, patented 19 August 1975, Not available NTIS.
- U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.
- Patent application 609,985: A Blink-Operated Extracorporeal Tear Duct; filed 3 September 1975, PC \$3.50/MF \$2.25.
- Patent Application 651,810: Oral Rabies Immunization of Carnivores; filed 23 January 1976, PC \$3.50/MF \$2.25.
- Patent 3,925,547: Isolation and Purification of Active Principle of Fruit of Synsepalum Dulcificum; filed 24 April 1973, patented 9 December 1975, Not available NTIS.
- U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.
- Patent application 418,347: Displacement of Organic Liquid Films from Solid Surfaces by Non Aqueous Systems; filed 23 November 1973, PC \$3.50/MF \$2.25.
- Patent application 479,678: Gas Cartridge Actuator; filed 14 June 1974, PC \$3.50/MF \$2.25.
- Patent application 483,258: 2,2,2-Fluorodinitroethyl 2-Nitroalkyl Acetals and Methods of Preparation; filed 26 June 1974, PC \$3.50/MF \$2.25.
- Patent application 484,733: Geometrically Derived Beams Circular Antenna Array; filed 1 July 1975, PC \$3.50/MF \$2.25.
- Patent application 500,209: N,N'-BIS(3,4-Dicyanophenyl) Alkanediamide, Polyphthlocyanines, and Preparation Thereof; filed 23 August 1974, PC \$3.50/MF \$2.25.
- Patent application 504,636: Submersible Object Having Drag Reduction and Method; filed 9 September 1974, PC \$3.50/MF \$2.25.
- Patent application 530,261: Explosive Valve; filed 6 December 1974, PC \$3.50/MF \$2.25.
- Patent application 547,834: Damage Thresholds of P-N Junction Devices by a Current Pulse Method; filed 7 February 1975, PC \$3.50/MF \$2.25.
- Patent application 552,895: Fast Scan Multimode Radar; filed 25 February 1975, PC \$3.50/MF \$2.25.
- Patent application 553,053: Electrooptical Amplitude Modulator; filed 25 February 1975, PC \$3.50/MF \$2.25.
- Patent application 560,060: Reference Voltage Generating Circuit; filed 20 March 1975, PC \$3.50/MF \$2.25.
- Patent application 564,022: Ramp Function Generator; filed 31 March 1975, PC \$3.50/MF \$2.25.
- Patent application 567,339: Aspheric Cassegrain Laser Power Amplifier System; filed 11 April 1975, PC \$3.50/MF \$2.25.
- Patent application 573,276: Voltage and Temperature Compensated Linear Rectifier; filed 30 April 1975, PC \$3.50/MF \$2.25.
- Patent application 573,277: Improved Technique for Preparing Photodichroic Naf Crystals; filed 30 April 1975, PC \$3.50/MF \$2.25.
- Patent application 576,080: Improved EKG Contact; filed 9 May 1975, PC \$3.50/MF \$2.25.
- Patent application 578,553: Compound Memory Engine; filed 19 May 1975, PC \$3.50/MF \$2.25.
- Patent application 578,951: Amplitude Modulator or Switch Employing Electro Optic Branching Waveguide; filed 19 May 1975, PC \$3.50/MF \$2.25.
- Patent application 580,130: Fluid Gap Glan-Laser Prism; filed 22 May 1975, PC \$3.50/MF \$2.25.
- Patent application 580,452: Parallel Plate Transmission Line Avalanche Diode Test Circuit; Filed 23 May 1975, PC \$3.50/MF \$2.25.
- Patent application 581,319: Permanent Attachment for Suction Cups; filed 27 May 1975, PC \$3.50/MF \$2.25.
- Patent application 581,502: Sea Spike Suppression Technique; filed 28 May 1975, PC \$3.50/MF \$2.25.

Patent application 582,481: Seafloor Mapping System; filed 30 May 1975; PC \$3.50/MF \$2.25.

Patent application 589,296: Inflatable Body and Head Restraint; filed 23 June 1975; PC \$3.50/MF \$2.25.

Patent application 591,210: Submersible Weight Compensation System; filed 27 June 1975; PC \$3.50/MF \$2.25.

Patent application 605,775: Removal of Tetrinitromethane from TNT Plant Waste Gases; filed 18 August 1975; PC \$3.50/MF \$2.25.

Patent application 610,215: Interferometer Stabilizer; filed 4 September 1975; PC \$4.00/MF \$2.25.

Patent April 612,517: Iridium Matrix Cathode; filed 11 September 1975; PC \$3.50/MF \$2.25.

Patent application 617,229: Improved Antenna for Receiving VLF/LF Transmission in Seawater; filed 26 September 1975; PC \$3.50/MF \$2.25.

Patent application 619,111: Higher-Order Mode Fiber Optics T-Coupler; filed 2 October 1975; PC \$3.50/MF \$2.25.

Patent application 621,703: TWT Grid Circuit Utilizing Feedback; filed 14 October 1975; PC \$3.50/MF \$2.25.

Patent application 630,591: Lasing Dyes; filed 10 November 1975; PC \$3.50/MF \$2.25.

Patent application 633,518: A Method and Device for Synchronous Generation and Amplification of Tunable VUV Laser Radiation; filed 19 November 1975; PC \$3.50/MF \$2.25.

Patent application 635,020: Method for Strengthening PZT Transducers; filed 25 November 1975; PC \$3.50/MF \$2.25.

Patent 3,761,943: Dual-Band Array Antenna; filed 21 July 1972; patented 25 September 1973; not available NTIS.

Patent 3,864,756: Adjustable Earmuffs; filed 18 December 1972; patented 11 February 1975; not available NTIS.

Patent 3,886,501: Insertion and Differential Phase-Trim Method; filed 3 June 1974; patented 27 May 1975; not available NTIS.

Patent 3,887,799: Asynchronous N Bit Position Data Shifter; filed 3 December 1973; patented 3 June 1975; not available NTIS.

Patent 3,887,991: Method of Assembling a Safety Device for Rockets; filed 17 May 1974; patented 10 June 1975; not available NTIS.

Patent 3,888,475: Axial Component Force Transmitting Arrangement; filed 27 February 1974; patented 10 June 1975; not available NTIS.

Patent 3,891,466: Attachment Device; filed 2 July 1968; patented 24 June 1975; not available NTIS.

Patent 3,892,966: Infrared Vidicon; filed 10 January 1974; patented 1 July 1975; not available NTIS.

Patent 3,900,401: Dual Filter for Lubricating Oil; filed 4 November 1974; patented 19 August 1975; not available NTIS.

Patent 3,900,869: Radar Signal Analyzing System; filed 27 June 1967; patented 19 August 1975; not available NTIS.

Patent 3,900,871: Contiguous Filter Tracking Window for Radar; filed 11 June 1971; patented 19 August 1975; not available NTIS.

Patent 3,901,582: Mirrored Optical Connector; filed 29 November 1974; patented 26 August 1975; not available NTIS.

Patent 3,902,134: Energy-State-Selected Cesium Beam Intensifier; filed 21 August 1974; patented 26 August 1975; not available NTIS.

Patent 3,903,366: Application of Simultaneous Voice/Voice Excitation in a Channel Vocoder; filed 23 April 1974; patented 2 September 1975; not available NTIS.

Patent 3,903,800: Method for Preparing Heat Resistant Mild Detonating Fuse; filed 17

May 1967; patented 9 September 1975; not available NTIS.

Patent 3,904,715: Method for Bonding a Rocket Motor Liner to a Solid Rocket Propellant Grain; filed 25 October 1971; patented 9 September 1975; not available NTIS.

Patent 3,904,868: Continuously Variable, Reversible Optical Filter; filed 21 October 1974; patented 9 September 1975; not available NTIS.

Patent 3,904,892: Supply Dependent Logic Reset; filed 26 March 1974; patented 9 September 1975; not available NTIS.

Patent 3,904,926: Conversion of Plug-In Oscilloscope to Radar B-Scope; filed 17 January 1972; patented 9 September 1975; not available NTIS.

Patent 3,904,971: Automatic Gain Control Amplifier Circuit; filed 6 June 1974; patented 9 September 1975; not available NTIS.

Patent 3,904,981: Ultrafast Spatially Scanning Laser System; filed 10 October 1974; patented 9 September 1975; not available NTIS.

Patent 3,904,984: Mode-Locking Saturable Absorber for Producing Picosecond and Sub-Picosecond Optical Pulses; filed 17 October 1973; patented 9 September 1975; not available NTIS.

Patent 3,940,995: Ultra High Frequency Impedance Adjustment Means; filed 10 July 1974; patented 9 September 1975; not available NTIS.

Patent 3,905,034: Radar System; filed 31 May 1963; patented 9 September 1975; not available NTIS.

Patent 3,906,456: Real-Time Index Register; filed 21 January 1974; patented 16 September 1975; not available NTIS.

Patent 3,907,619: Solution Cast Double Base Propellants and Method; filed 30 January 1964; patented 23 September 1975; not available NTIS.

TENNESSEE VALLEY AUTHORITY, DIVISION OF LAW, MUSCLE SHOALS, AL 35660.

Patent 3,903,333: Production of Slow Release Nitrogen Fertilizers by Improved Method of Coating Urea with Sulfur; filed 8 March 1974; patented 2 September 1975; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENT MATTERS, NASA CODE GP-2, WASHINGTON, D.C. 20546.

Patent application 608,483: Rotating Launch Device for a Remotely Piloted Aircraft; filed 28 August 1975; PC \$3.50/MF \$2.25.

Patent application 623,188: Emergency Descent Device; filed 16 October 1975; PC \$3.50/MF \$2.25.

Patent application 629,456: Reel Safety Brake; filed 6 November 1975; PC \$3.50/MF \$2.25.

Patent application 629,457: Thermocouples of Tantalum and Rhenium Alloys for More Stable Vacuum—High Temperature Performance; filed 6 November 1975; PC \$3.50/MF \$2.25.

Patent application 629,458: Projection System for Display of Parallax and Perspective; filed 6 November 1975; PC \$3.50/MF \$2.25.

Patent application 630,579: Method for Making a Hot Wire Anemometer and Product Thereof; filed 10 November 1975; PC \$3.50/MF \$2.25.

Patent application 632,112: Amplifying Ribbon Extensometer; filed 14 November 1975; PC \$3.50/MF \$2.25.

Patent application 633,876: High Temperature Resistant Cermet and Ceramic Compositions; filed 20 November 1975; PC \$4.00/MF \$2.25.

Patent application 633,877: High Temperature Oxidation Resistant Cermet Compositions; filed 20 November 1975; PC \$3.50/MF \$2.25.

Patent application 637,247: Focused Laser Doppler Velocimeter; filed 3 December 1975; PC \$3.50/MF \$2.25.

Patent application 637,268: Wind Measurement System; filed 3 December 1975; PC \$3.50/MF \$2.25.

Patent application 637,269: Snap-In Compressible Biomedical Electrode; filed 8 December 1975; PC \$3.50/MF \$2.25.

Patent application 641,801: Forward-Scatter Polarimeter for Determining the Gaseous Depolarization Factor in the Presence of Polluting Polydispersed Particles; filed 18 December 1975; PC \$3.50/MF \$2.25.

Patent application 641,803: Interferometer Mirror Tilt Correcting System; filed 18 December 1975; PC \$3.50/MF \$2.25.

Patent 3,910,035: Controlled Separation Combuster; patented 7 October 1975; not available NTIS.

Patent 3,910,039: Rocket Chamber and Method of Making; patented 7 October 1975; not available NTIS.

Patent 3,911,260: Shock Position Sensor for Supersonic Inlets; patented 7 October 1975; not available NTIS.

Patent 3,911,330: Nonlinear Nonsingular Feedback Shift Registers; patented 7 October 1975; not available NTIS.

Patent 3,914,969: Apparatus for Forming Dished Ion Thruster Grids; patented 28 October 1975; not available NTIS.

Patent 3,915,416: Annular Momentum Control Device Used for Stabilization of Space Vehicles and the Like; patented 28 October 1975; not available NTIS.

Patent 3,915,482: Externally Supported Internally Stabilized Flexible Duct Joint; patented 28 October 1975; not available NTIS.

Patent 3,915,572: Combined Dual Scatter, Local Oscillator Laser Doppler Velocimeter; patented 28 October 1975; not available NTIS.

Patent 3,916,761: Two Stage Light Gas-Plasma Projectile Accelerator; patented 4 November 1975; not available NTIS.

[FR Doc.76-12261 Filed 4-27-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Alcohol, Drug Abuse, and Mental Health Administration announces establishment by the Secretary, Department of Health, Education, and Welfare, on April 6, 1976, of the following advisory committee:

Designation: Committee on Mental Health and Illness of the Elderly.

Purpose: The Committee on Mental Health and Illness of the Elderly shall make a study of and recommendations to the Secretary and the Director, National Institute of Mental Health concerning: (1) the future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of elderly persons; (2) the appropriate care of elderly persons who are in mental institutions or who have

been discharged from such institutions; and (3) proposals for implementing the recommendations of the 1971 White House Conference on Aging respecting the mental health of the elderly.

A report on the findings and recommendations of this Committee shall be submitted by the Secretary to the Senate Committee on Labor and Public Welfare and to the House Committee on Interstate and Foreign Commerce. The Committee shall terminate 30 days after submission of the report.

Dated: April 22, 1976.

JAMES D. ISBISTER,
*Administrator, Alcohol, Drug
and Mental Health Adminis-
tration.*

[FR Doc.76-12326 Filed 4-27-76;8:45 am]

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE & ALCOHOLISM

Meeting Correction

In FR Doc. 76-11294 appearing at page 16594 in the issue of Tuesday, April 20, 1976, the phone number for the contact person for the Interagency Committee on Federal Activities for Alcohol Abuse & Alcoholism meeting, May 17-18, should be changed from 301-443-3765 to 301-443-4703. In addition, the place of the meeting was incorrectly published as Room 113, HEW North Building and should be changed to Room 1137, HEW North Building.

Dated: April 23, 1976.

CAROLYN T. EVANS,
*Committee Management Officer,
Alcohol, Drug Abuse, and
Mental Health Administration.*

[FR Doc.76-12327 Filed 4-27-76;8:45 am]

Food and Drug Administration FDA/NIDA DRUG ABUSE RESEARCH ADVISORY COMMITTEE

Meeting Location Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of April 15, 1976 (41 FR 15901), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the FDA/NIDA Drug Abuse Research Advisory Committee scheduled for May 13, 1976 at the University of Pennsylvania Hilton has been changed to meet at the Board Rm., 7th floor, Children's Hospital, Civic Center Blvd. and 34th St., Philadelphia, PA at 8:30 a.m.

Dated: April 21, 1976.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[FR Doc.76-12268 Filed 4-27-76;8:45 am]

National Institutes of Health ADVISORY COMMITTEE TO THE DIRECTOR, NIH

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, June 10-11, 1976, National Institutes of Health, Bethesda, Maryland, Building 31, Conference Room 10, C Wing. The meeting will take place from 9:00 a.m. to 5:00 p.m. on June 10, and from 9:00 a.m. to 1:00 p.m. on June 11. The entire meeting will be open to the public.

The purpose of the meeting will be to examine the social, ethical, and economic consequences of technological advances and steps the NIH should consider in establishing a responsible technology assessment process. In addition, other policy issues of concern to the Director, NIH, will be discussed. Attendance by the public will be limited to space available.

The Executive Secretary, Charles R. McCarthy, Ph.D., National Institutes of Health, Building 1, Room 224, Bethesda, Maryland 20014, 301-496-1480, will furnish summaries of the meeting, rosters of Committee members and guests, and substantive program information.

Dated: April 19, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer, NIH.

[FR Doc.76-12358 Filed 4-27-76;8:45 am]

ANIMAL RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resources, June 2-3, 1976, National Institutes of Health, Building 31, Conference Room 7, Bethesda, Maryland 20014. This meeting will be open to the public on June 2 from 9:00 a.m. to 10:30 a.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b) (4), 552(b) (5) and 552(b) (6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public from 10:30 a.m. to 5:00 p.m. on June 2 and from 9:00 a.m. to adjournment on June 3 for the review, discussion, and evaluation of initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of Committee members on individual grant applications containing detailed research protocols, designs and other technical information; financial data, such as salaries; and personal information con-

cerning individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496-5545, will provide summaries of the meeting and rosters of Committee members. Dr. Dennis O. Johnsen, Executive Secretary, Animal Resources Advisory Committee, Building 31, Room 5B33, Bethesda, Maryland 20014, 301/496-5507, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health)

Dated: April 14, 1976.

SUZANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

[FR Doc.76-12341 Filed 4-27-76;8:45 am]

BOARD OF REGENTS, NATIONAL LIBRARY OF MEDICINE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine, June 10-11, 1976, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on June 10 and from 9:30 a.m. to adjournment on June 11 for the discussion of policies and long-range plans of the National Library of Medicine. Attendance by the public will be limited to space available.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publication Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301-496-6308, will provide substantive program information.

Dated April 14, 1976.

SUZANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

[FR Doc.76-12357 Filed 4-27-76;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL EYE INSTITUTE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors of the National Eye Institute on June 4 and 5, 1976, in Room 6A-23, Building 31. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on June 4, 1976, for general remarks by the Institute Director on matters concerning the intramural program of the Laboratory of Vision Research, a presentation of the Clinical Branch dealing with the glaucoma program, and a budget discussion. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b) (6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 9:00 a.m. to adjournment on June 5, 1976, for review, discussion, and evaluation of individual projects conducted by the National Eye Institute in the Clinical Branch. This evaluation will include consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Julian Morris, Head, Office of Program Planning and Scientific Reporting, National Eye Institute, Building 31, Room 6A-27, telephone (301) 496-5248, will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Carl Kupfer, Director, National Eye Institute, Building 31, Room 6A-03, telephone (301) 496-2234, National Institutes of Health, Bethesda, Maryland 20014.

Dated: April 21, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12347 Filed 4-27-76; 8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF DENTAL RESEARCH

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research, National Institutes of Health, Bethesda, Maryland, on June 14-15, 1976, in Building 30, Conference Room 117. This meeting will be open to the public on June 15, from 9:00 a.m. to adjournment, to discuss the research direction and activities of the laboratories of the National Institute of Dental Research. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b) (6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on June 14 from 9:00 a.m. to 5:00 p.m., for the review, discussion and evaluation of individual programs and projects conducted by the National Institute of Dental Research, National Institutes of Health, including consideration of individual intramural programs, personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Wallace D. Armstrong, Acting Director of Intramural Research, National Institute of Dental Research, National Institutes of Health, Building 30, Room 132, Bethesda, MD, 20014, (telephone 301-496-1483) will provide summaries of

meetings, rosters of committee members, and substantive program information.

Dated: April 21, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12354 Filed 4-27-76; 8:45 am]

COMMUNICATIVE DISORDERS REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, June 19, 1976, at 8:30 a.m., in the Holiday Inn of Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20014.

This meeting will be open to the public from 8:30 a.m. until 9:30 a.m. on June 19th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b) (4), 552(b) (5) and 552(b) (6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on June 19th from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications in the field of communicative disorders.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Bldg. 31, Room 8A03, Bethesda, Maryland, 20014, (301) 496-5751, will provide summaries of the meeting and rosters of committee members.

Dr. J. Buckminster Ranney, Executive Secretary, Federal Bldg., Room 9C10A, Bethesda, Maryland 20014, (301) 496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, National Institutes of Health.)

Dated: April 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12355 Filed 4-27-76; 8:45 am]

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the

Dental Caries Program Advisory Committee, National Institute of Dental Research, on June 7, 1976, National Institutes of Health, Building 31-C, Conference Room 7, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to adjournment on June 7, to discuss research progress and ongoing plans and programs of the National Caries Program. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014, (phone number 301-496-7239), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs No. 13.325 and 13.827, National Institutes of Health.)

Dated: April 14, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12353 Filed 4-27-76; 8:45 am]

DIAGNOSTIC RADIOLOGY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Diagnostic Radiology Committee, National Cancer Institute, May 25, 1976, Building 31, Room 9, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public on May 25, 1976, from 8:30 a.m. to 12:00 noon to discuss possible new areas of research and other business related to the diagnostic radiology program. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b) (4) and 552(b) (6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on May 25, 1976, from 1:00 p.m. to adjournment for the review and discussion of approximately four (4) pending contract proposals and approximately eight (8) contract renewal proposals. The contract proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland, 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. R. Quentin Blackwell, Executive Secretary, Building 31, Room 3A10, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1591) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: April 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12343 Filed 4-27-76; 8:45 am]

MAY STUDY SECTIONS

Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the following study sections for May 1976 and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section

10(d) of P.L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of study section members on individual applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

Study section	May 1976 meetings	Time	Location
		a.m.	
Allergy and Immunology, Dr. Mischa E. Friedman, room 320, telephone 301-496-7380.	24-26	8:45	Holiday Inn, Chevy Chase, Md.
		p.m.	
Developmental Behavioral Sciences, Dr. Bertie H. R. Woolf, room 4A-10, telephone 301-496-7471.	17-21	4:00	Do.
Endocrinology, Mr. Morris M. Graff, room 333, telephone 301-496-7346.	24-27	7:00	Sheraton Inn, Silver Spring, Md.
		a.m.	
Oral Biology and Medicine, Dr. Thomas M. Tarpley, Jr., room 4A-03, telephone 301-496-7818.	18-21	9:00	Bldg. 31, room 6, Bethesda, Md.
Population Research, Miss Carol A. Campbell, room 210, telephone 301-496-7140.	21-23	9:00	Bldg. 31, room 10, Bethesda, Md.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.844, 13.847, 13.842, 13.843, 13.864, National Institutes of Health, DHEW)

Dated: April 14, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12338 Filed 4-27-76; 8:45 am]

CELL MEMBRANE STRUCTURE AND FUNCTION

Workshop

Notice is hereby given of a Workshop to be held by the following Study Sections on the date and place listed below:

Pathology A Study Section—Pathology B Study Section Workshop on Cell Membrane Structure and Function, Scripps Clinic and Research Foundation, La Jolla, California, June 1, 1976, from 9:00 a.m. to 6:00 p.m.

Further information may be obtained from Dr. William B. Savchuck, Executive Secretary, Pathology A Study Section, Westwood Building, Room 337, telephone 301-496-7305, and Mrs. Barbara S. Bynum, Executive Secretary, Pathology B Study Section, Westwood Building, Room 352, telephone 301-496-7244.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: April 14, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.12340 Filed 4-27-76; 8:45 am]

EPILEPSY ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, May 18, 1976, Federal Building, Room B1-19, 7550 Wisconsin Avenue, Bethesda, Maryland 20014.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. to discuss research progress and research plans related to the Institute's epilepsy program. Attendance by the public will be limited to space available.

Dr. J. Kiffin Penry, Chief, Epilepsy Branch, Neurological Disorders Program, NINCDS, Federal Building, Room 114, Bethesda, Maryland 20014, telephone

301-496-6691, will provide summaries of the meeting, rosters of the committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: April 14, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12339 Filed 4-27-76; 8:45 am]

IMMUNOBIOLOGY CONFERENCE (NCI EXTRAMURAL PROGRAM)

Meeting

Notice is hereby given of the meeting of the Immunobiology Conference (NCI Extramural Program) for the Immunobiology Programs of the Division of Cancer Research Resources and Centers and the Division of Cancer Biology and Diagnosis, National Cancer Institute, June 13-16, 1976 at the Hyatt Hotel, Hilton Head Island, South Carolina.

This meeting will be open to the public for all sessions. The scheduled sessions are: June 13, from 7:30 p.m. to 9:30 p.m.; June 14, 8:30 a.m. to 12:30 p.m. and 7:30 p.m. to 10:00 p.m.; June 15, 8:30 a.m. to 12:30 p.m. and 8:00 p.m. to 10:00 p.m.; and June 16, 8:30 a.m. to 10:15 a.m. and 10:30 a.m. to 12:30 p.m. Attendance by the public will be limited to the space available.

For additional information, please contact: Ms. Anne Morandiere, Courtesy Associates, 1629 K Street, N.W., Washington, District of Columbia 20006, (202) 296-8100.

Dated: April 14, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-12346 Filed 4-27-76; 8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, June 11-12, 1976, Building 31, Conference Room 4, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on June 11 from 9:00 a.m. to 5:00 p.m. with current status reports, review of the Pregnancy and Infancy Branch, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on June 12 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending and supplemental grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments.

ments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Council Secretary, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide summaries of meetings and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: April 20, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12350 Filed 4-27-76;8:45 am]

NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on June 17-18, 1976, in Building 31-C, Conference Room 7, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 3:30 p.m. to 5:00 p.m. on June 17 and from 9:00 a.m. to adjournment on June 18 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting of the Council will be closed to the public on June 17, from 9:00 a.m. to 3:00 p.m. for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Ms. Mary L. Fisher, Council Secretary, National Institute of Dental Research, National Institutes of Health, Building 31-C, Room 2C-35, Bethesda, Maryland 20014 (telephone 301-496-3571), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.325, National Institutes of Health.)

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.12352 Filed 4-27-76;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, National Institutes of Health, June 23, 1976, at 8:30 a.m. in the Versailles Room at the Holiday Inn, 8140 Wisconsin Avenue, Bethesda, Maryland 20014.

The meeting will be open to the public from 8:30 a.m. until 10:30 a.m. on June 23, 1976, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 10:30 a.m. on June 23, 1976, until the conclusion of the meeting on June 23, 1976, for the review, discussion and evaluation of individual initial pending and renewal research grant applications and applications for Individual and Institutional National Research Service Awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NINCDS, NIH, Bethesda, Maryland, phone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Murray Goldstein, Executive Secretary, Federal Building, Room 1016A, Bethesda, Maryland, telephone (301) 496-9248, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: April 20, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12356 Filed 4-27-76;8:45 am]

NATIONAL ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES ADVISORY COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council on June 17, 1976 in Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 8:30

a.m. to 9:30 a.m. to discuss administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting of the Council will be closed to the public from 9:30 a.m. to close of business on June 17, 1976, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.309, National Institutes of Health.)

Dated: April 14, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12349 Filed 4-27-76;8:45 am]

NATIONAL CANCER INSTITUTE Open Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of committee: National Cancer Advisory Board Subcommittee on Environmental Carcinogenesis.

Dates: June 2, 1976; 9:30 a.m.—adjournment.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To finalize the document entitled, "General Criteria for Assessing the Evidence for Carcinogenicity of Chemical Substances", and the need for a study section in environmental carcinogenesis.

Executive secretary: Dr. W. Gary Flamm. Address: Building 31, Room 11A05, National Institutes of Health. Phone: 301/496-5946. Name of committee: Developmental Therapeutics Committee. Dates: June 10, 1976; 9:30 a.m.—adjournment.

Place: Building 31C, Conference Room 7, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To review the Biological Markers Program and to discuss a request for proposal concerning novel drug delivery systems.

Executive secretary: Dr. J. A. R. Mead. Address: Building 37, Room 5A-15, National Institutes of Health. Phone: 301/496-4386. Name of committee: Diet, Nutrition and Cancer Program Advisory Committee.

Dates: June 11, 1976; 9:00 a.m.—adjournment.

Place: Building 1, Wilson Hall, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To review developments in the Diet, Nutrition and Cancer program.

Executive secretary: Dr. Gio B. Gori. Address: Building 31, Room 11A03, National Institutes of Health. Phone: 301/496-6616.

Name of committee: National Cancer Advisory Board's Subcommittee on Planning. Dates: June 21, 1976; 7:30 p.m.—adjournment.

Place: Building 31, Conference Room 11A10, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To review the National Cancer Institute budget for fiscal year 1978 and the projections for the ensuing four years (1979-1982) based on the 1978 budget.

Executive secretary: Mr. Louis M. Carrese. Address: Building 31, Room 11A49, National Institutes of Health, phone: 301/496-4445.

Dated: April 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12344 Filed 4-27-76; 8:45 am]

PERIODONTAL DISEASES ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, National Institutes of Health, Bethesda, Maryland on June 23-24, 1976, in Building 31-C.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on June 23 in Conference Room 8, and from 9:00 a.m. to adjournment on June 24 in Conference Room 6, for discussion on the recently completed comprehensive evaluation of the Institute's periodontal diseases research programs and for further planning of a workshop on methods of measuring periodontal disease. Attendance by the public will be limited to space available.

Dr. Anthony A. Rizzo, Special Assistant to the Associate Director, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, MD, 20014, (telephone 301-496-7784) will furnish rosters of committee members, a summary of the meet-

ing, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.302, National Institutes of Health.)

Dated: April 14, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12351 Filed 4-27-76; 8:45 am]

SICKLE CELL DISEASE ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart and Lung Institute, June 14 and 15, 1976. The meeting will be held in Conference Room K, Health Services Administration, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on both days, to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH, Building 31, Room 5A03, (301) 496-4236, will provide summaries of the meeting and rosters of Committee members.

Mr. Howard F. Manly, Executive Secretary, Sickle Cell Disease Advisory Committee, NHLI, NIH, Building 31, Room 4A29, (301) 496-6931, will furnish substantive program information.

Dated: April 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12348 Filed 4-27-76; 8:45 am]

TEMPORARY COMMITTEE FOR A STATISTICAL ANALYSIS AND QUALITY CONTROL CENTER (SAQC)

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Temporary Committee for a Statistical Analysis and Quality Control Center (SAQC), National Cancer Institute, May 24, 1976, Building 31, Room 10A34, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public on May 24, 1976, from 9:00 a.m. to 9:30 a.m. to discuss administrative details relating to the committee. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b) (4) and 552(b) (6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on May 24, 1976, from 9:30 a.m. to adjournment for the review, discussion and evaluation of research contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed

research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Office, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Peter H. Graepel, Executive Secretary, Building 31, Room 11A19, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1933) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: April 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12342 Filed 4-27-76; 8:45 am]

WHOLE BODY HYPERTHERMIA SYMPOSIUM

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Whole Body Hyperthermia Symposium of the Division of Cancer Treatment, National Cancer Institute, June 7-8, 1976, Building 31, C Wing, 6th Floor, Conference Room 6, which was published in the FEDERAL REGISTER on March 16, 1976, volume 41, No. 52, page 11067.

Dated: April 14, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12345 Filed 4-27-76; 8:45 am]

Public Health Service

REGIONAL HEALTH ADMINISTRATORS ADMINISTRATOR, HEALTH RESOURCES ADMINISTRATION

Delegations of Authority

Notice is hereby given that pursuant to the authority delegated to the Assistant Secretary for Health on May 22, 1975, (40 FR 25079) by the Secretary of Health, Education, and Welfare, the Assistant Secretary for Health on April 5, 1976, made the following delegations of authority under Part B of Title VI of the Public Health Service Act (42 U.S.C. 291j-1 et seq.) concerning loan guarantees and loans for modernization and construction of hospitals and other medical facilities. The Assistant Secretary for Health's delegation of May 22, 1975, (40 FR 25080) to the Regional Health Administrators is hereby superseded.

1. To the Regional Health Administrators, the authority to enter into agreements to make loans and to guarantee loans; the authority to make such loans and to guarantee such loans; the authority to modify the terms and condi-

tions of such agreements, loans, and loan guarantees; the authority to carry out the responsibilities of the Secretary under such agreements, loans, and loan guarantees, except for the authority to waive the Secretary's right of recovery under Sections 623(e)(1) and 627(d) of the Act; and the authority to afford State agencies an opportunity for a hearing and to conduct such hearings under Section 623(c) of the Act. These authorities may be redelegated by the Regional Health Administrators with further redelegation prohibited.

2. To the Administrator, Health Resources Administration, the authority delegated to the Assistant Secretary for Health under Part B of Title VI of the Public Health Service Act, except the authority to enter into agreements to make loans and to guarantee loans; the authority to make such loans and to guarantee such loans; the authority to modify the terms and conditions of such agreements, loans, and loan guarantees; the authority to carry out the responsibilities of the Secretary under such agreements, loans, and loan guarantees; and the authority to afford State agencies an opportunity for a hearing and to conduct such hearings under Section 623(c) of the Act. This delegation includes the authority to waive the Secretary's right of recovery under Sections 623(e)(1) and 627(d) of the Act. These authorities may be redelegated, except for the authority under Section 626(b) relating to the issuance of notes and other obligations, and the authority under Sections 627(b) and 627(c) relating to the sale of loans.

Dated: April 5, 1976.

R. MOURE,
Executive Officer, PHS.

[FR Doc. 76-12253 Filed 4-27-76; 8:45 am]

Office of the Secretary
**REVIEW PANEL ON NEW DRUG
REGULATION**
Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217a, by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, May 10, 1976, at 9:15 a.m. and Tuesday, May 11, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education and Welfare's North Building, 330 Independence Avenue, SW., Washington, D.C. The meeting will be continued on the second day, May 11, if determined necessary during the meeting on May 10. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 3510, HEW North Building, 330 In-

dependence Avenue SW., Washington, D.C. 20201, telephone (202) 472-3000.

LIONEL M. BERNSTEIN,
Executive Secretary, Review
Panel on New Drug Regula-
tion.

APRIL 21, 1976.

[FR Doc. 76-12252 Filed 4-27-76; 8:45 am]

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Federal Disaster Assistance Administration

[Docket No. NFD-329; FDAA-502-DR]

**TRUST TERRITORY OF THE PACIFIC
ISLANDS**

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 22, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Trust Territory of the Pacific Islands resulting from Typhoon Marie beginning about April 7, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Trust Territory of the Pacific Islands.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, HUD Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area in the Trust Territory of the Pacific Islands to have been adversely affected by this declared major disaster:

The District of:

Palau

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 22, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc. 76-12377 Filed 4-27-76; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28356]

SOUTHEAST AIRLINES, INC., ET AL.
Order Granting Approval and Exemption
Correction

In FR Doc. 76-9626 appearing at page 14427 in the issue for Monday, April 5,

1976, the following correction should be made. On page 14429, in the first column, the paragraph numbered "1." should be preceded by the following words:

"Accordingly, it is ordered, That:"

[Docket 27573; Agreement C.A.B. 25781]

**INTERNATIONAL AIR TRANSPORT
ASSOCIATION**

Cargo Rates

Issued under delegated authority April 22, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement was adopted at the 65th meeting of Traffic Conference 1 held in Miami during March 1976 and would establish TCI (Western Hemisphere) cargo rates for effect June 15, 1976 through September 30, 1977.

The agreement, which supersedes the pending worldwide 3 percent fuel increase, would increase current general commodity rates by approximately 6 percent and specific commodity rates by about 13 percent in the U.S.-Caribbean market. In the U.S.-Mexico market, general commodity rates would increase by 3-4 percent and specific commodity rates by 10-12 percent. In general, the northbound general commodity rates would remain unchanged in the U.S.-South America market while southbound rates and most specific commodity rates would increase by an average of 10 percent. General commodity rates to/from Venezuela would increase approximately 5 percent in both directions. The 100 kg. weightbreak would be cancelled for all of the Western Hemisphere except to/from Venezuela where it would increase by 5 percent in both directions. Minimum charges would be increased \$2 in the U.S.-Caribbean/Central America markets; by \$1 in the U.S.-Mexico market and would remain unchanged in the U.S.-South America market. Container rates and charges would remain unchanged in most markets except to/from Venezuela where they would increase 5 percent. In addition, the agreement includes some minor restructuring of rates to more closely reflect mileage differences; adjusts Detroit rates to the Windsor level; and eliminates a number of specific commodity rates in each market.

The purpose of this order is to establish dates for submission of carrier justification in support of the agreement and comments from interested persons. The carriers' justification should set out in the tabular format suggested in Order 75-7-88, July 17, 1975, historical data as reported to the Board in Form 41 reports by functional account for total Western Hemisphere services for the year ended December 31, 1975, adjusted to exclude operations in market areas not covered by the agreement and all scheduled pas-

senger and charter operations pertaining to the market areas covered so as to establish the present economic status of cargo services in the market areas covered by the subject agreement. The carriers will also be expected to include a forecast for the year ending June 30, 1977 both including and excluding the increased rates for which approval is sought. Lastly, we expect the carriers to allocate costs between the passenger and cargo compartments on scheduled passenger aircraft by the "space method" stipulated by the Board in its April 2, 1970 decision in Docket 18381, Nonpriority Mail Rates (Orders 70-4-9 and 70-4-10).¹

Accordingly, it is ordered, That: 1. All United States air carrier members of the International Air Transport Association providing service within the affected area shall file within 15 calendar days after the date of service of the order, full documentation and economic justification for the rates and related conditions embodied in the subject agreement;

2. Comments and objections from interested persons and parties shall be submitted within 15 calendar days after the date of service of this order;

3. Replies to submissions received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above shall be submitted within 25 calendar days after the date of service of this order; and

4. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement shall not be filed in advance of Board approval of the subject agreement.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc. 76-12334 Filed 4-27-76; 8:45 am]

COMMISSION ON CIVIL RIGHTS

MARYLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Maryland Advisory Committee (SAC) to this Commission will convene at 9:30 am, and end at 10:30 am, on May 13, 1976, at the Federal Building, Hopkins Plaza, Baltimore, Maryland.

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

¹ In furnishing the data requested each carrier should provide complete explanatory notes and supporting detail, including statistical data, to describe the methods used in making the allocations.

The purpose of this meeting is to hold a press conference as followup to urban disinvestment report.

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

Dated at Washington, D.C., April 23, 1976.

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

[FR Doc. 76-12331 Filed 4-27-76; 8:45 am]

MARYLAND ADVISORY COMMITTEE

Change of Meeting Place

The meeting of the Maryland Advisory Committee to the United States Commission on Civil Rights, originally scheduled for May 13, 1976, a notice of which was previously published on page 11075 in the FEDERAL REGISTER on Tuesday, March 16, 1976 (FR Doc. 76-7378) has been changed to the Arundel Center, Room 110, Annapolis, Maryland. The date and time of the meeting remain the same.

Dated at Washington, D.C., April 23, 1976.

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

[FR Doc. 76-12332 Filed 4-27-76; 8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

FEDERATIVE REPUBLIC OF BRAZIL

Changes in Officials of the Government Authorized To Issue Export Visas for Cotton Textiles and Cotton Textile Products

APRIL 23, 1976.

On July 8, 1972, there was published in the FEDERAL REGISTER (37 F.R. 13498) a letter dated June 29, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products, produced or manufactured in the Federative Republic of Brazil. One of the requirements is that the visas accompanying such shipments include the signature of a Brazilian official authorized to issue visas. The Government of the Federative Republic of Brazil has requested, and the Government of the United States has acceded to the request, that Jose Magno de Leao Brasil, Flavio Eduardo de Patricio Ribeiro and Jose Coracy de Souza Coelho be authorized to issue visas in addition to those previously designated on January 25, 1974 (39 F.R. 3997) and November 7, 1974 (39 F.R. 39906). The following officials will no longer issue visas: Jose Eynard de Arruda Furtado, Jose Francisco Reboucas Lins and Darcy Furtado Rocha.

NOTICES

Accordingly, there is published below a letter of April 23, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of June 29, 1972, effective on April 28, 1976, to amend the list of officials currently authorized to issue visas. A complete list of officials so authorized is published as an enclosure to the letter set forth below. Facsimiles of

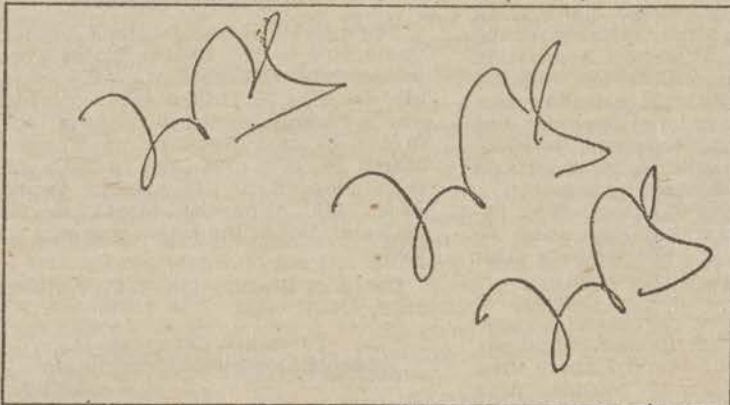
the signatures of the three newly-designated officials are filed as a part of the original document with the Office of the Federal Register.


ALAN POLANSKY,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Re-
sources and Trade Assistance,
U.S. Department of Com-
merce.

Nome JOSÉ MAGNO DE LIMA BRASIL

Matricula: 5.639.560-9

(Para preenchimento pelo DEMAC/DIGRA).



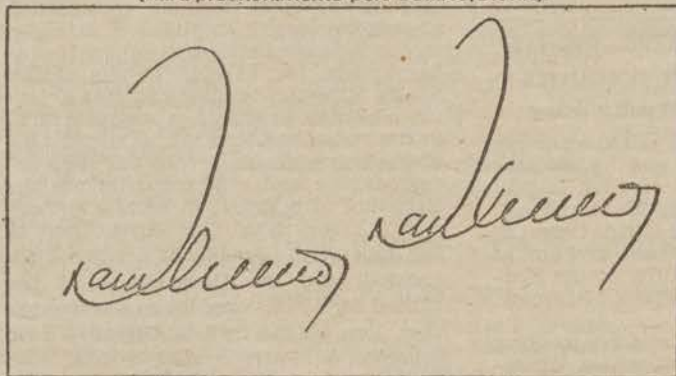
 BANCO DO BRASIL S. A.
Assinaturas Autorizadas




Nome FLÁVIO EDUARDO DE PATRÍCIO RIBEIRO

Matricula: 3.302.960-1

(Para preenchimento pelo DEMAC/DIGRA).



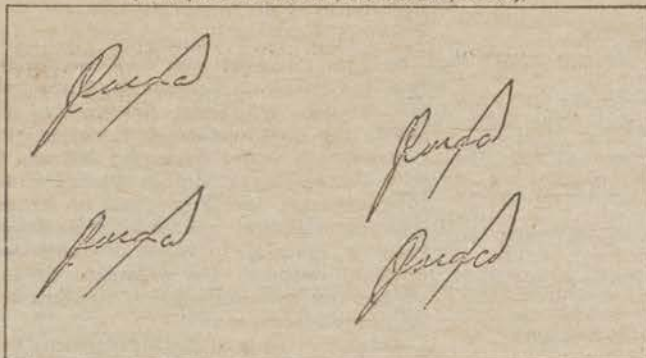
 BANCO DO BRASIL S. A.
Assinaturas Autorizadas



Nome JOSÉ CORACY DE SOUZA COELHO

Matricula: 5.407.400-2

(Para preenchimento pelo DEMAC/DIGRA).

BANCO DO BRASIL S. A.
Assinaturas Autorizadas

April 23, 1976.

COMMITTEE FOR THE IMPLEMENTATION
OF TEXTILE AGREEMENTSCOMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of June 29, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Federative Republic of Brazil, for which that Government had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Brazilian official authorized to issue visas.

Pursuant to the provisions of the Bilateral Cotton Textile Agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of June 29, 1972 is further amended, effective on April 28, 1976, to authorize the following Brazilian officials to issue visas, in addition to those previously designated in our letters of January 25, 1974 and November 7, 1974:

Jose Magno de Leao Brasil
Flavio Eduardo de Patricio Ribeiro
Jose Coracy de Souza Coelho

Messrs. Jose Eynard de Arruda Furtado, Jose Francisco Reboucas Lins, and Darcy Furtado Rocha will no longer issue visas. A complete list of Brazilian officials currently authorized to issue visas is enclosed.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the

directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Im-
plementation of Textile Agree-
ments, and Deputy Assistant Sec-
retary for Resources and Trade
Assistance, U.S. Department of
Commerce.

Enclosure

OFFICIALS OF THE FEDERATIVE REPUBLIC OF
BRAZIL AUTHORIZED TO ISSUE VISAS FOR
COTTON TEXTILES AND COTTON TEXTILE
PRODUCTS EXPORTED TO THE UNITED STATES

Honorio Onofre de Abreu
Alvaro de Sa Andrade
Francisco Sampaio de Araujo
Jose Carlos de Araujo
Nelson Geraldo Avellar
Alvaro Volpe Bacelar
Eduardo Jose Ferreira Barnes
Antonio Carlos Bastos Junior
Henrique Reis Bergan
Jose Magno de Leao Brasil
Jose Coracy de Souza Coelho
Octavio de Almeida Ribeiro Dantas
Aluysio Almeida Diniz
Jose Maria Duprat
Fued Farhat
Jayme Lobo Ferreira
Antonio Bezerra de Figueiredo
Darcy Mattos Fonseca
Mario Jofre Pinto de Freitas
Publio Jackson Furiatti
Eudes Izar
Mario Emilio Kreibich
Oswaldo Ladewig
Gilfredo Vieira Lessa
Antonio Lins
Jarbas Cesar Loureiro
Francisco Magalhaes
Nelson Duran Mascia
Clidenor Jacob Medeiros
Rolando Missfeldt
Arnaldo Nogueira Junior
Renato de Arruda Pentead Junior

Joffre Pereira
Elmo Pignatano
Rufino Cancio Pires
Fauzi Rahme
Luiz Ramina
Flavio Eduardo de Patricio Ribeiro
Lair Pasos Saraiva
Flavio Scottini
Isaac Carneiro da Silva
Nestor de Almeida e Silva
Onofre Marques da Silva Junior
Geraldo de Souza
Nilo Augusto Borges Teixeira
Ernio Antonio Thimmig
Dario Raphael Tobar
Danilo Octavio de Toledo
Roberto Varela
Jaime Perez de Vasconcellos
Armando Vulcano
Celso Mario Zipf

[FR Doc. 12413 Filed 4-27-76; 8:45 am]

PAKISTAN

Adjusting Import Level for Certain Cotton Textile Products

APRIL 26, 1976.

On December 29, 1975, there was published in the FEDERAL REGISTER (40 F.R. 59613) a letter dated December 19, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan, which establish export limitations on certain cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States during the twelve-month period which began on January 1, 1976. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraphs 6(b) and 7(a)(ii) which provide, respectively, that specific levels of restraint may be exceeded by designated percentages and that carryforward up to 6 percent may be applied to specific levels of restraint, but with that same amount being deducted from the applicable levels of the succeeding agreement year.

Accordingly, at the request of the Government of Pakistan and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of April 26, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 31 for the twelve-month period which began on January 1, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On December 19, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1976 and extending through December 31, 1976 of cotton textile products in certain specified categories, produced or manufactured in Pakistan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraphs 6(b) and 7(a)(ii) of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11851 of March 3, 1972, you are directed to amend, effective on April 27, 1976, the levels of restraint established for Category 31 to 15,017,022 pieces for the twelve-month period which began on January 1, 1976.²

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc. 76-12540 Filed 4-27-76; 10:18 am]

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of May 6, 1975 between the Governments of the United States and Pakistan which provide, in part, that (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

² The level has not been adjusted to reflect any entries made after December 31, 1975.

FEDERAL COMMUNICATIONS
COMMISSION

FM BROADCAST APPLICATIONS

Ready and Available for Processing
Pursuant to Section 1.573(d)

By the Chief, Broadcast Bureau: Notice is hereby given, pursuant to section 1.573(d) of the Commission's rules, that on June 2, 1976, the FM broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b) (1) and section 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on June 1, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on June 1, 1976. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to section 1.573(d) of the Commission's rules.

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

Adopted: April 12, 1976.

Released: April 16, 1976.

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

APPENDIX

BPH-9698	KLFD-FM Litchfield, Minn. Litchfield Broadcasting Corp. Has: 95.3 MHz; Channel No. 237A. ERP: 3 kW; HAAT: 105 ft. (LIC). Req: 95.3 MHz; Channel No. 237A.	BPH-9754	KRMD-FM, Shreveport, La. KRMD, Inc. Has: 101.1 MHz; Channel No. 266C. ERP: 25 kW; HAAT: 195 ft. (LIC). Req: 101.1 MHz; Channel No. 266C.
BPH-9707	WFML, Washington, Ind. Washington Radio, Inc. Has: 106.5 MHz; Channel No. 293B. ERP: 14 kW; HAAT: 320 ft. (LIC). Req: 106.5 MHz; Channel No. 293B.	BPH-9755	New, Berryville, Va. Berryville Broadcasting Co. Req: 105.5 MHz; Channel No. 288A.
BPH-9722	New, Howell, Mich. B & H Broadcasting Co. Req: 93.5 MHz; Channel No. 228A. ERP: 3 kW; HAAT: 300 ft. WKFR-FM Battle Creek, Mich. Engineering Investment Corp. Has: 103.3 MHz; Channel No. 277B. ERP: 31 kW; HAAT: 72 ft. (LIC). Req: 103.3 MHz; Channel No. 277B.	BPH-9756	New, Ankeny, Iowa. Ankeny Broadcasting Corp. Req: 106.3 MHz; Channel No. 292A.
BPH-9734	ERP: 27 kW; HAAT: 379 ft. New, Emmetsburg, Iowa. Palo Alto Broadcasting Co. Req: 98.3 MHz; Channel No. 252A. ERP: 3 kW; HAAT: 300 ft. New, Logan, Utah. People's Broadcasting Co., Inc. Req: 92.9 MHz; Channel No. 225C. ERP: 29.5 kW; HAAT: -716 ft. New, Columbia, S.C. Nuance Corp. Req: 103.1 MHz; Channel No. 276A.	BPH-9757	ERP: 3 kW; HAAT: 300 ft. New, Boise, Idaho. Gem State Broadcasting Corp. Req: 105.1 MHz; Channel No. 286C.
BPH-9737	ERP: 3 kW; HAAT: 300 ft. New, Amarillo, Tex. Tascosa Broadcasting, Inc. Req: 93.1 MHz; Channel No. 226C. ERP: 30.5 kW; HAAT: 161 ft. New, Walnut Ridge, Ark. Lawrence County Broadcast- ing, Inc. Req: 106.3 MHz; Channel No. 292A.	BPH-9758	ERP: 43 kW; HAAT: 2574 ft. New, Benzonia, Mich. Chief Pontiac Broadcasting Corp. Req: 99.3 MHz; Channel No. 257A.
BPH-9739	ERP: 3 kW; HAAT: 300 ft. New, Emmetsburg, Iowa. Palo Alto Broadcasting Co. Req: 98.3 MHz; Channel No. 252A.	BPH-9759	ERP: 3 kW; HAAT: 300 ft. (allocated to Frankfort, Mich.) New, Torrington, Wyo. Kermit G. Kath. Req: 98.3 MHz; Channel No. 252A.
BPH-9741	ERP: 3 kW; HAAT: 300 ft. New, Columbia, S.C. Nuance Corp. Req: 103.1 MHz; Channel No. 276A.	BPH-9760	ERP: 3 kW; HAAT: 300 ft. KHOO, Waco, Tex. Waco Radio, Inc. Has: 99.9 MHz; channel No. 260C. ERP: 3.4 kW; HAAT: 450 ft. (LIC). Req: 99.9 MHz; Channel No. 260C.
BPH-9744	ERP: 3 kW; HAAT: 300 ft. New, Amarillo, Tex. Tascosa Broadcasting, Inc. Req: 93.1 MHz; Channel No. 226C.	BPH-9761	ERP: 100 kW; HAAT: 427.2 ft. New, Valdosta, Ga. Radio Valdosta, Inc. Req: 95.9 MHz; Channel No. 240A.
BPH-9745	ERP: 30.5 kW; HAAT: 161 ft. New, Walnut Ridge, Ark. Lawrence County Broadcast- ing, Inc. Req: 106.3 MHz; Channel No. 292A.	BPH-9762	ERP: 3 kW; HAAT: 300 ft. New, Indio, Calif. Classic Broadcasting Corp. Req: 103.1 MHz; Channel No. 276A.
BPH-9746	ERP: 3 kW; HAAT: 201 ft. New, Monett, Mo. Monett Broadcasting Co. Req: 95.9 MHz; Channel No. 240A.	BPH-9763	ERP: .525 kW; HAAT: 628 ft. New, Prattville, Ala. Hagler Broadcasting, Inc. Req: 95.3 MHz; Channel No. 237A.
BPH-9747	ERP: 3 kW; HAAT: 270 ft. New, Lamar, Colo. KLMR, Inc. Req: 93.3 MHz; Channel No. 227C.	BPH-9765	ERP: 3 kW; HAAT: 300 ft. New, Eldon, Mo. Eldon Broadcasting Co., Inc. Req: 92.7 MHz; Channel No. 224A.
BPH-9749	ERP: 100 kW; HAAT: 229 ft. WJLQ, Pensacola, Fla. Summit Communications of Florida, Inc. Has: 100.7 MHz; Channel No. 264C. ERP: 25.5 kW; HAAT: 155 ft. (LIC). Req: 100.7 MHz; Channel No. 264C.	BPH-9766	ERP: 3 kW; HAAT: 300 ft. New, Chafter, Calif. Brandon-Dorsey Communi- cations, Inc. Req: 97.7 MHz; Channel No. 249A.
BPH-9750	ERP: 100 kW; HAAT: 504 ft. New, Seminole, Okla. KXOJ, Inc. Req: 105.5 MHz; Channel No. 288A. ERP: 3 kW; HAAT: 295 ft.	BPH-9767	ERP: 3 kW; HAAT: 300 ft. (allocated to Wasco, Calif.) New, Surfside Beach, S.C. Theodore J. Gray, Jr. Req: 103.1 MHz; Channel No. 276A.
		BPH-9768	ERP: 3 kW; HAAT: 253 ft. New, Odessa, Tex. Tower Power Corp. Req: 99.1 MHz; Channel No. 256C. ERP: 100 kW; HAAT: 413 ft.

BPH-9770	New, Dodge City, Kans. Cattle Country Broadcasting. Req: 93.9 MHz; Channel No. 230C. ERP: 100 kW; HAAT: 566 ft. New, Attica, N.Y.	BPH-9794	New, Perryton, Tex. Perryton Radio, Inc. Req: 95.9 MHz; Channel No. 240A. ERP: 3 kW; HAAT: 300 ft.	BPED-2170	North Adams State College. Has: 89.5 MHz; Channel No. 208D. TPO: .01 kW; HAAT: ---- ft. (LIC). Req: 91.1 MHz; Channel No. 216D.
BPH-9771	Batavia Broadcasting Corp. Req: 101.7 MHz; Channel No. 289A. ERP: 1.25 kW; HAAT: 438 ft.	BPH-9797	New, Milton, W. Va. WSNT Radio. Req: 106.3 MHz; Channel No. 292A. ERP: .128 kW; HAAT: 1202 ft. (allocated to Hurricane, W. Va.)	BPED-2171	New, Arnold, Md. Anne Arundel Community College Req: 89.9 MHz; Channel No. 210D. TPO: .01 kW; HAAT: ---- ft.
BPH-9772	New, Bozeman, Mont. Western Media, Inc. Req: 93.7 MHz; Channel No. 229C. ERP: 63 kW; HAAT: 195 ft.	BPH-9798	New, Turlock, Calif. John M. and Mary C. Hall. Req: 98.3 MHz; Channel No. 252A. ERP: 3 kW; HAAT: 159 ft.	BPED-2177	New, Bath, Maine. Bath Board of Education. Req: 91.5 MHz; Channel No. 218D. TPO: .01 kW; HAAT: ---- ft.
BPH-9773	New, Ronceverte, W. Va. Radio Greenbrier, Inc. Req: 105.5 MHz; Channel No. 288A. ERP: 3 kW; HAAT: 300 ft.	BPH-9808	New, Waynesburg, Pa. Commonwealth Broadcasters, Inc. Req: 103.1 MHz; Channel No. 276A. ERP: 1.1 kW; HAAT: 461 ft.	BPED-2179	WVJC-FM, Mt. Carmel, Ill., Illinois Eastern Community College. Has: 89.1 MHz; Channel No. 206D. TPO: .01 kW; HAAT: ---- ft. (LIC). Req: 89.1 MHz; Channel No. 206B.
BPH-9775	New, Ottawa, Ohio. Triplett Broadcasting Co., Inc. Req: 106.3 MHz; Channel No. 292A. ERP: 3 kW; HAAT: 267 ft.	BPH-9809	New, Lamesa, Tex. KPET Radio, Inc. Req: 100.3 MHz; Channel No. 262C. ERP: 100 kW; HAAT: 226.8 ft.	BPED-2180	ERP: 50 kW; HAAT: 323 ft. New, Collegeville, Minn. St. John's University. Req: 89.1 MHz; Channel No. 206D. TPO: .01 kW; HAAT: ---- ft.
BPH-9776	WCLG-FM, Morgantown, W. Va. Freed Broadcasting Corp. Has: 100.1 MHz; Channel No. 261A. ERP: 3 kW; HAAT: 87 ft. (LIC). Req: 100.1 MHz; Channel No. 261A. ERP: 3 kW; HAAT: 300 ft.	BPH-9812	WHLY, Leesburg, Fla. Magic Box Media, Inc. Has: 106.7 MHz; Channel No. 294C. ERP: 50 kW; HAAT: 210 ft. (LIC). Req: 106.7 MHz; Channel No. 294C. ERP: 100 kW; HAAT: 789.7 ft.	BPED-2183	New, Kokomo, Ind. Kokomo-Center Township Consolidated School. Req: 89.1 MHz; Channel No. 206D. TPO: .01 kW; HAAT: ---- ft.
BPH-9777	New, Oberlin, Kans. Jerry T. Venable and Ernest McRae Req: 101.1 MHz; Channel No. 266C. ERP: 100 kW; HAAT: 417 ft.	BPED-2112	WHRB, Boynton Beach, Fla. School Board of Palm Beach County. Has: 97.7 MHz; Channel No. 219A. ERP: 3 kW; HAAT: 200 ft. (LIC). Req: 90.7 MHz; Channel No. 214C. ERP: 51.7 kW; HAAT: 193.5 ft.	BPED-2184	WVCR-FM, Loudonville, N.Y. Siena College. Has: 88.3 MHz; Channel No. 202B. ERP: 360 kW; HAAT: 860 ft. (LIC). Req: 88.3 MHz; Channel No. 202B. ERP: .858 kW; HAAT: 360 ft.
BPH-9778	WHEB-FM, Portsmouth, N.H. Knight Broadcasting of New Hampshire. Has: 100.3 MHz; Channel No. 262B. ERP: 5.7 kW; HAAT: 140 ft. (LIC). Req: 100.3 MHz; Channel No. 262B. ERP: 31 kW; HAAT: 160 ft.	BPED-2132	WUSC-FM, Columbia, S.C. The Extension Division of University of South Carolina. Has: 89.9 MHz; Channel No. 210D. TPO: .01 kW; HAAT: ---- ft. (LIC). Req: 91.9 MHz; Channel No. 220D. TPO: .01 kW; HAAT: ---- ft.	BPED-2187	KUOI-FM, Moscow, Idaho. University of Idaho Has: 89.3 MHz; Channel No. 207D. TPO: .01 kW; HAAT: ---- ft. (LIC). Req: 89.3 MHz; Channel No. 207A. ERP: .045 kW; HAAT: -95 ft.
BPH-9781	KMN-FM, Denver, Colo. Jefferson-Pilot Broadcasting Co. Has: 98.5 MHz; Channel No. 253C. ERP: 25 kW; HAAT: 720 ft. (LIC). Req: 98.5 MHz; Channel No. 253C. ERP: 50 kW; HAAT: 720 ft.	BPED-2138	New, Essex, Mass. North Shore Christian Broadcasters, Inc. Req: 88.3 MHz; Channel No. 202B. ERP: 3.67 kW; HAAT: 280 ft.	BPED-2189	KCJH, Stockton, Calif. Western Apostolic Bible College. Has: 90.5 MHz; Channel No. 213D. TPO: .01 kW; HAAT: ---- ft. (LIC). Req: 90.1 MHz; Channel No. 211D. ERP: .121 kW; HAAT: 169.3 ft.
BPH-9783	New, Springfield, Ga. Effingham Enterprises, Inc. Req: 103.9 MHz; Channel No. 280A. ERP: 3 kW; HAAT: 300 ft.	BPED-2147	New, Guerneville, Calif. Boreas Broadcasting Co., Inc. Req: 90.0 MHz; Channel No. 215D. TPO: .01 kW; HAAT: ---- ft.	BPED-2197	New, Madisonville, Ky. Madisonville Christian School, Inc. Req: 89.9 MHz; Channel No. 210C. ERP: 15 kW; HAAT: 303 ft.
BPH-9788	New, Superior, Nebr. Valley Broadcasting Co. Req: 103.9 MHz; Channel No. 280A. ERP: .500 kW; HAAT: 59 ft.	BPED-2159	New, West Carrollton, Ohio. Broadcast Workshop, Inc. Req: 88.1 MHz; Channel No. 201D. TPO: .01 kW; HAAT: ---- ft.	BPED-2202	WRSF, Miamisburg, Ohio. Miamisburg School District Board of Education. Has: 89.7 MHz; Channel No. 209D. TPO: .01 kW; HAAT: ---- ft. (LIC).
BPH-9791	New, Jeffersonstown, Ky. J-Town Radio Co. Req: 101.7 MHz; Channel No. 269A. ERP: 3 kW; HAAT: 300 ft.	BPED-2165	New, Chapel Hill, N.C. Student Educational Broadcasting, Inc. Req: 89.3 MHz; Channel No. 207A. ERP: .400 kW; HAAT: 2789 ft.		
BPH-9792	New, Surfside Beach-Garden City, S.C. Lower Grand Strand Broadcasting Co., Inc. Req: 103.1 MHz; Channel No. 276A. ERP: 3 kW; HAAT: 300 ft.		WJW, North Adams, Mass.		
BPH-9793	New, Brainerd, Minn. Tower Broadcasting Corp. Req: 106.7 MHz; Channel No. 294C. ERP: 100 kW; HAAT: 448 ft.				

Req: 89.9 MHz; Channel No. 210D.
TPO: .01 kW; HAAT: ----- ft.
BMPED-1234 WCPE, Raleigh, N.C.
Educational Information Corporation.
Has: 89.7 MHz; Channel No. 209D.
TPO: .01 kW; HAAT: ----- ft. (CP).
Req: 89.7 MHz; Channel No. 209C.
ERP: 12.5 kW; HAAT: 256 ft.
[FR Doc.76-12221 Filed 4-27-76;8:45 am]

FM AND TV TRANSLATOR APPLICATIONS

Ready and Available for Processing

By the Chief, Broadcast Bureau, Notice is hereby given pursuant to sections 1.472(c) and 1.573(d) of the Commission's rules, that on June 8, 1976, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(d) and section 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on June 7, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on June 7, 1976.

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

Adopted: April 19, 1976.

Released: April 21, 1976.

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

UHF TV TRANSLATOR APPLICATIONS

BPTT-2976A New, Sterling Highway from Clam Gulch store to Nihilchik, Alaska.
State of Alaska.
Req: Channel 49, 10 watts.
Primary: KIMO(TV), Anchorage, Alaska

BPTT-2977 New, Sterling, Interfacing with Clam Gulch, Alaska.
State of Alaska.
Req: Channel 52, 10 watts.
Primary: KIMO(TV), Anchorage, Alaska.

BPTT-2977A New, Anchor Point, Alaska.
State of Alaska.
Req: Channel 53, 10 watts.
Primary: KIMO(TV), Anchorage, Alaska.

BPTT-2978 New, Reading and Adjacent Communities, Pa.
South Central Educational Broadcasting Council.
Req: Channel 51, 1000 watts.
Primary: WITF-TV, Hershey, Pa.

BPTT-2978A New, North Kenai, Alaska.
State of Alaska.
Req: Channel 69, 10 watts.
Primary: KIMO(TV), Anchorage, Alaska.

BMPIT-845A K55BE, Twin Falls, Idaho.
Boise Valley Broadcasters, Inc.
Req: To add Jerome, Idaho, to present principal community.

UHF TV TRANSLATOR APPLICATIONS

BPTT-2987 NEW, Nevada Test Site (U.S. Energy Research and Development Administration), Nev.
Communications Engineering, Inc.
Req: Channel 35, 10 watts.
Primary: KSHO(TV), Las Vegas, Nev.

BPTT-2988 New, Nevada Test Site (U.S. Energy Research and Development Administration), Nev.
Communications Engineering, Inc.
Req: Channel 38, 10 watts.
Primary: KLAS(TV), Las Vegas, Nev.

BPTT-2989 New, Nevada Test Site (U.S. Energy Research and Development Administration), Nev.
Communications Engineering, Inc.
Req: Channel 41, 10 watts.
Primary: KORK(TV), Las Vegas, Nev.

BPTT-2990 New, Pahrump, Nev.
Communications Engineering, Inc.
Req: Channel 42, 100 watts.
Primary: KSHO(TV), Las Vegas, Nev.

BPTT-2991 New, Pahrump, Nev.
Communications Engineering, Inc.
Req: Channel 44, 100 watts.
Primary: KORK(TV), Las Vegas, Nev.

BPTT-2992 New, Mercury and Nevada Test Site (U.S. Energy Research and Development Administration), Nev.
Communications Engineering, Inc.
Req: Channel 45, 100 watts.
Primary: KSHO(TV), Las Vegas, Nev.

BPTT-2993 New, Mercury and Nevada Test Site (U.S. Energy Research and Development Administration), Nev.
Communications Engineering, Inc.
Req: Channel 48, 100 watts.
Primary: KLAS(TV), Las Vegas, Nev.

BPTT-2994 New, Pahrump, Nev.
Communications Engineering, Inc.
Req: Channel 49, 100 watts.
Primary: KLAS(TV), Las Vegas, Nev.

BPTT-2995 New, Pahrump, Nev.
Communications Engineering, Inc.
Req: Channel 51, 100 watts.
Primary: KVVU(TV), Las Vegas, Nev.

UHF TV TRANSLATOR APPLICATIONS

BPTT-2996 New, Mercury and Nevada Test Site (U.S. Energy Research and Development Administration), Nev.

BPTT-2997 Communications Engineering, Inc.
Req: Channel 52, 100 watts.
Primary: KORK(TV), Las Vegas, Nev.
New, Pahrump, Nev.
Communications Engineering, Inc.
Req: Channel 53, 100 watts.
Primary: KLVX(TV), Las Vegas, Nev.

FM TRANSLATOR APPLICATIONS

BPFT-310 New, Breckenridge and Blue River Valley, Colo.
Breckenridge Volunteer Fire Department.
Req: Channel 221, 92.1 MHz, 1 watt.
Primary: KHOW-FM, Denver, Colo.

BPFT-311 New, Cortez, Dolores, Mancos and Redmesa, Colo.
Radio San Juan, Inc.
Req: Channel 288, 19.5 MHz, 10 watts.
Primary: KRSJ(FM), Durango, Colo.

BPFT-312 New, Everett, Wash.
King's Garden, Inc.
Req: Channel 288, 105.5 MHz, 10 watts.
Primary: KBIQ(FM), Edmonds, Wash.

FM BOOSTER APPLICATION

BPFTB-8 New, Walnut Creek, Pleasant Hill, and Concord, Calif.
General Electric Broadcasting Co., Inc.
Req: Channel 283, 104.5 MHz, 10 watts.
Primary: KFOG(FM), San Francisco, Calif.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5486 New, Granger, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service.
Req: Channel 2, 5 watts.
Primary: KUTV(TV), Salt Lake City, Utah.

BPTTV-5487 New, Granger, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service.
Req: Channel 4, 5 watts.
Primary: KCPX-TV, Salt Lake City, Utah.

BPTTV-5488 New, Granger, Trona Plant East of Granger, Bryan and Peru, Wyo.
Upper Bear River TV Service.
Req: Channel 5, 5 watts.
Primary: KSL-TV, Salt Lake City, Utah.

BPTTV-5504A New, Homer and Saldivia, Alaska.
State of Alaska.
Req: Channel 13, 10 watts.
Primary: KIMO(TV), Anchorage, Alaska.

BPTTV-5521A K04IF, Yakutat, Alaska.
Yakutat City School District.
Req: CP to Change frequency from Channel 4, 66-7 MHz, to Channel 2, 54-60 MHz.

BPTTV-5528A K11HV, Green Mountain Reservoir and Troublesome, Colo.
Green Mountain TV Associates, Inc.
Req: To add Parshall, Colo., to present principal community.

BPTTV-5524A New, Snowflake, Show Low, Pinetop, Lakeside, Taylor, Clay Springs, and Pine-dale, Ariz.
Porter Mountain Antenna TV Association.
Req: Channel 5, 10 watts.
Primary: KGUN-TV, Tucson, Ariz.

BPTTV-5525 New, Austin, Nev.
Austin Television Association.

Req: Channel 10, 5 watts.
Primary: KTVN(TV), Reno, Nev.
BPTTV-5526 K04FE, Hilo, Hawaii.
Hawaii Public Broadcasting Authority.
Req: To change primary TV station to KHET, channel 11, Honolulu, Hawaii.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5549 New, Mercury and Nevada Test Site (U.S. Energy Research and Development Administration), Nev.
Communications Engineering, Inc.
Req: Channel 2, 10 watts.
Primary: KORK(TV), Las Vegas, Nev.

BPTTV-5550 New, Mercury and Nevada Test Site (U.S. Energy Research and Development Administration), Nev.
Communications Engineering, Inc.
Req: Channel 4, 10 watts.
Primary: KLAS(TV), Las Vegas, Nev.

BPTTV-5551 New, Mercury and Nevada Test Site (U.S. Energy Research and Development), Nev.
Communications Engineering, Inc.
Req: Channel 6, 10 watts.
Primary: KSHO(TV), Las Vegas, Nev.

BPTTV-5552 New, Nevada Test Site (U.S. Energy Research and Development Administration), Nev.
Communications Engineering, Inc.
Req: Channel 6, 10 watts.
Primary: KORK(TV), Las Vegas, Nev.

BPTTV-5553 New, Nevada Test Site (U.S. Energy Research and Development Administration), Nev.
Communications Engineering, Inc.
Req: Channel 9, 10 watts.
Primary: KLAS(TV), Las Vegas, Nev.

BPTTV-5554 New, Nevada Test Site (U.S. Energy Research and Development Administration), Nev.
Communications Engineering, Inc.
Req: Channel 11, 10 watts.
Primary: KSHO(TV), Las Vegas, Nev.

BPTTV-5557 New, Elko, Nev.
Washoe Empire.
Req: Channel 10, 100 watts.
Primary: KTVN(TV), Reno, Nev.

Applications deleted from Public Notice released December 4, 1975, (Mimeo #58331, 40 F.R. 57838)

BPTTV-5425 New, Granger Trona Plant East of Granger, Bryan, and Peru, Wyo.
Upper Bear River TV Service.
Req: Channel 2, 5 watts.
Primary: KUTV(TV), Salt Lake City, Utah.

(Assigned new file number BPTTV-5486)

BPTTV-5426 New, Granger, Trona Plant East of Granger, Bryan, and Peru, Wyo.
Upper Bear River TV Service.
Req: Channel 4, 5 watts.
Primary: KCPX-TV, Salt Lake City, Utah.

(Assigned new file number BPTTV-5487)

BPTTV-5427 New, Granger, Trona Plant East of Granger, Bryan, and Peru, Wyo.
Upper Bear River TV Service.
Req: Channel 5, 5 watts.
Primary: KSL-TV, Salt Lake City, Utah.

(Assigned new file number BPTTV-5488)

[FR Doc.76-12222 Filed 4-27-76; 8:45 am]

[Report No. I-224]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing

APRIL 19, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d) (1).

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

291-DSE-P-76 Armstrong Utilities, Inc., Near Boardman Township, Ohio. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 40°58'53", Long. 80°39'27". Rec. freq: 3700-4200 MHz. Emission 36000F9. Using a 10 meter antenna.

292-DSE-P/L-76 RCA Alaska Communications, Inc., Meshik, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 56°54'45", Long. 158°40'56". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

293-DSE-P/L-76 RCA Alaska Communications, Inc., Old Harbor, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 57°12'12", Long. 153°18'09". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

294-DSE-P/L-76 RCA Alaska Communications, Inc., Ivanof Bay, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 55°54'10" Long. 159°29'04". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

295-DSE-P/L-76 RCA Alaska Communications, Inc., Belkofski, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 55°05'35", Long. 162°01'52". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

296-DSE-P/L-76 RCA Alaska Communications, Inc., Chignik Lake, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 56°15'17" Long. 158°45'48". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

297-DSE-P/L-76 RCA Alaska Communications, Inc., False Pass, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 54°51'23" Long. 163°24'44". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

19-CSS-LA-76 Comsat General Corporation, RCA Global Communications, Inc., Western Union International, Inc. and ITT World Communications, Inc. For authority to launch the second MARISAT satellite and to place in on-station over the Pacific Ocean at 176.5° East Longitude.

[FR Doc.76-12324 Filed 4-27-76; 8:45 am]

DISTRESS LOGS

Licensees of U.S. Public Coast Radiotelephone Stations

APRIL 23, 1976.

On May 25, 1961, the Commission requested licensees of U.S. Public Coast Radiotelephone Stations to submit copies of logs containing entries concerning ship distress traffic. This was done in connection with the Commission's continuing study of the use of radio to further safety of life and property, as required by Section 4(o) of the Communications Act of 1934, as amended.

A new system of gathering and interpreting information regarding marine casualties is presently under way. It is believed that, as a consequence, routine submission of copies of distress logs by coast radiotelephone stations would serve no further useful purpose at this time, and might impose a needless burden on its personnel.

Accordingly, the Notice to Licensees of U.S. Public Coast Radiotelephone Stations, Subject: Distress Logs, dated May 25, 1961 (Budget Bureau approval number 52-R135) is herewith rescinded.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-12323 Filed 4-27-76; 8:45 am]

PRIVATE MICROWAVE CONGESTED AREAS

Antenna Standards

The technical provision (Subpart C) of Part 94 of the Rules will become effective July 1, 1976. Section 94.75(b) provides for two categories of antenna standards. After the above date, one of these standards (category A) must be used in areas deemed to be frequency congested. In a Memorandum Opinion and Order released November 14, 1975, the Commission stated that it would provide a listing from time-to-time of those areas which are judged to be frequency congested areas and where category A antennas will be required.

Attached is a listing of those areas which have been designated as congested for the purposes of Section 94.75(b) of the Commission's Rules and Regulations. In this discussion a "station" refers to a licensed transmitter-antenna combination at one end of a microwave path. New stations in these areas that are authorized after June 30, 1976, must employ category A antennas. Also, stations in these areas licensed before July 1, 1976, that are modified on or after July 1, 1976, in a manner requiring performance of the interference analysis specified in Section 94.15(b), must employ category A antennas (See also Section 94.95 and Section 94.63(e)). After July 1, 1986, all stations in these areas must employ category A antennas. A station not located in a designated area but whose receiving site is in the designated area, must meet the same antenna requirements as a station actually located in the designated area. Other stations not located in a designated area must employ category B antennas at a minimum, but may be required to use or change to the use of category A antennas (or better) in the event interference problems arise that can be resolved by the use of such antennas. Persons desiring to place stations near but not actually in these congested areas should be aware that even if they are originally authorized to use category B antennas, a change to the use of category A antennas may be required at a later date. There are certain exceptions to these requirements, for example, in the footnotes to the Antenna standards table of Section 94.75(b), or in Section 94.90.

In this listing, there are five microwave bands of concern. They are the 952-960 MHz band, the 1850-1990 MHz band, the 2130-2150, 2180-2200 MHz band, the 6525-6875 MHz band and the 12,200-12,700 MHz band. The 2150-2160 MHz band was not considered since all operation is with omnidirectional antennas. The ITFS band frequencies were not considered since the standards of Part 74 apply to this band. The 2450-2500 MHz band was not considered due to the nature of the band. Besides being used by Industrial, Scientific, and Medical (ISM) equipment, the band is also available for base, mobile and radiolocation stations as well as for fixed stations. It is difficult to determine the congestion in this band in a particular area. Since this is the

case, the use of category B antennas will be permissible at all locations in the 2450-2500 MHz band, unless specific interference problems arise.

Different microwave bands are generally used for different purposes. For example, the 952-960 MHz band is used extensively near large cities for control-fixed relay operation. The 6 GHz band is used for long haul, high density systems, the 12 GHz band is used for local area video transmissions and the other bands have their own characteristics. For this reason, among others, the areas of congestion will vary from band to band. There is a separate listing of congested areas for each of the five microwave bands. Some parts of the country may be included on more than one list, but generally, each list is different. The areas are specified by giving limits for the latitude and longitude. Also, a general reference point is named for each area.

In determining which areas are congested, the FCC's microwave data base was sorted on both frequency band and geographic area. The United States was divided into areas of approximately 1000 square miles (30 minutes of latitude by 30 minutes of longitude). The numbers of stations in the areas were plotted and criteria of congested were developed based on average power and antenna sizes used at existing stations. Other factors considered in making the final determination of congested areas was growth data and the number of users in an area. For example, if one or two users had constructed a large number of stations in a small, remote area and operated them since 1960, this area would be less subject to frequency congestion than a small area near a large city where the same number of stations had been constructed by 10 licensees since 1968. Again different bands generally represent different situations and each designation as a congested area was based on a number of factors. Although a certain amount of judgment was used, we feel that this listing represents those areas that are indeed subject to frequency congestion.

This list will be revised from time to time as new stations are added or existing stations are modified. As new areas are designated as congested, licensees employing category B antennas at stations in the new area may be required to change to category A or better antennas when the station is modified and will be required to change when interference problems arise that can be resolved by the use of such antennas.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

952-960 MHz CONGESTED AREAS

I. San Francisco, California area. Rectangle bounded by: 39°30' N. on the North, 36°00' N. on the South, 119°30' W. on the East, 123°30' W. on the West.

II. Los Angeles, California Area. Rectangle bounded by: 36°00' N. on the North, 32°30' N. on the South, 117°00' W. on the East, 121°00' W. on the West.

III. Gulf of Mexico Area. Rectangle bounded by: 31°00' N. on the North, 28°30' N. on the South, 89°00' W. on the East, 96°00' W. on the West.

IV. Maryland, Southern Pennsylvania Area. Rectangle bounded by: 41°30' N. on the North, 38°30' N. on the South, 74°34' W. on the East, 78°30' W. on the West.

V. New York State Area. Rectangle bounded by: 43°30' N. on the North, 41°30' N. on the South, 74°30' W. on the East, 77°30' W. on the West.

VI. New York City-Boston Area. Rectangle bounded by: 43°30' N. on the North, 40°30' N. on the South, 70°30' W. on the East, 74°30' W. on the West.

1850-1990 MHz CONGESTED AREAS

I. Seattle, Washington area. 48°30' N. on the North, 47°00' N. on the South, 120°30' W. on the East, 124°00' W. on the West.

II. Portland, Oregon area. 47°00' N. on the North, 44°30' N. on the South, 121°30' W. on the East, 124°00' W. on the West.

III. So. California and Nevada area. 40°00' N. on the North, 34°00' N. on the South, 119°30' W. on the East, 125°00' W. on the West.

IV. Los Angeles, California area. 35°30' N. on the North, 32°30' N. on the South, 116°00' W. on the East, 119°30' W. on the West.

V. So. California area. 37°00' N. on the North, 32°30' N. on the South, 114°00' W. on the East, 116°00' W. on the West.

VI. Phoenix, Arizona area. 36°00' N. on the North, 32°00' N. on the South, 111°30' W. on the East, 114°00' W. on the West.

VII. South Eastern Arizona area. 34°00' N. on the North, 31°30' N. on the South, 110°00' W. on the East, 111°30' W. on the West.

VIII. Salt Lake City, Utah area. 43°30' N. on the North, 39°30' N. on the South, 111°00' W. on the East, 113°00' W. on the West.

IX. Denver, Colorado area. 41°00' N. on the North, 38°00' N. on the South, 104°00' W. on the East, 106°30' W. on the West.

X. North Western New Mexico area. 37°30' N. on the North, 35°00' N. on the South, 107°30' W. on the East, 109°30' W. on the West.

XI. Central New Mexico area. 36°30' N. on the North, 34°30' N. on the South, 106°00' W. on the East, 107°30' W. on the West.

XII. North Eastern New Mexico area. 36°30' N. on the North, 35°00' N. on the South, 105°00' W. on the East, 106°00' W. on the West.

XIII. South New Mexico area. 33°00' N. on the North, 31°00' N. on the South, 104°30' W. on the East, 107°30' W. on the West.

XIV. South West Texas area. 34°30' N. on the North, 30°30' N. on the South, 102°30' W. on the East, 104°30' W. on the West.

XV. West Texas area. 38°30' N. on the North, 30°00' N. on the South, 101°00' W. on the East, 102°30' W. on the West.

XVI. Southern Kansas area. 38°30' N. on the North, 37°00' N. on the South, 96°00' W. on the East, 101°00' W. on the West.

XVII. Central Texas area. 33°00' N. on the North, 31°30' N. on the South, 96°30' W. on the East, 101°00' W. on the West.

XVIII. Northeast Oklahoma area. 37°00' N. on the North, 35°30' N. on the South, 94°30' W. on the East, 96°30' W. on the West.

XIX. Southern Texas area. 31°00' N. on the North, 27°00' N. on the South, 96°30' W. on the East, 99°00' W. on the West.

XX. Houston, Texas area. 30°30' N. on the North, 28°00' N. on the South, 95°30' W. on the East, 96°30' W. on the West.

XXI. Louisiana area. 34°00' N. on the North, 27°30' N. on the South, 91°00' W. on the East, 95°30' W. on the West.

XXII. Northeast Missouri. 41°00' N. on the North, 39°30' N. on the South, 91°00' W. on the East, 93°00' W. on the West.

XXIII. St. Louis area. 39°30' N. on the North, 38°30' N. on the South, 89°30' W. on the East, 93°00' W. on the West.

XXIV. Southern Missouri area. 38°30' N. on the North, 36°00' N. on the South, 88°00' W. on the East, 93°30' W. on the West.

XXV. Memphis, Tennessee area. 36°00' N. on the North, 35°00' N. on the South, 88°30' W. on the East, 91°00' W. on the West.

XXVI. Jackson, Mississippi area. 35°00' N. on the North, 31°30' N. on the South, 89°00' W. on the East, 91°00' W. on the West.

XXVII. Mobile, Alabama area. 31°30' N. on the North, 30°00' N. on the South, 86°30' W. on the East, 91°00' W. on the West.

XXVIII. New Orleans, Louisiana area. 30°00' N. on the North, 27°30' N. on the South, 88°00' W. on the East, 91°00' W. on the West.

XXIX. Southern Michigan area. 43°00' N. on the North, 42°00' N. on the South, 85°30' W. on the East, 88°30' W. on the West.

XXX. Chicago, Ill., Northern Indiana area. 42°00' N. on the North, 40°30' N. on the South, 84°30' W. on the East, 88°30' W. on the West.

XXXI. Southern Indiana area. 40°30' N. on the North, 38°00' N. on the South, 85°00' W. on the East, 88°00' W. on the West.

XXXII. Frankfort, Kentucky area. 38°30' N. on the North, 37°00' N. on the South, 84°00' W. on the East, 85°30' W. on the West.

XXXIII. Atlanta, Georgia area. 34°30' N. on the North, 32°30' N. on the South, 83°30' W. on the East, 87°30' W. on the West.

XXXIV. Columbia, South Carolina area. 34°30' N. on the North, 32°30' N. on the South, 79°30' W. on the East, 82°30' W. on the West.

XXXV. Cleveland, Ohio area. 42°00' N. on the North, 40°30' N. on the South, 80°30' W. on the East, 82°30' W. on the West.

XXXVI. Raleigh, North Carolina area. 36°30' N. on the North, 34°30' N. on the South, 78°00' W. on the East, 80°00' W. on the West.

XXXVII. Altoona, Pennsylvania area. 41°00' N. on the North, 39°30' N. on the South, 77°30' W. on the East, 78°30' W. on the West.

XXXVIII. Philadelphia, Pennsylvania area. 41°30' N. on the North, 38°30' N. on the South, 73°30' W. on the East, 77°30' W. on the West.

XXXIX. Washington, D.C. area. 39°30' N. on the North, 38°00' N. on the South, 75°00' W. on the East, 78°00' W. on the West.

XL. Richmond, Virginia area. 38°00' N. on the North, 36°30' N. on the South, 76°00' W. on the East, 78°00' W. on the West.

XLI. Boston, Massachusetts area. 43°00' N. on the North, 41°00' N. on the South, 70°30' W. on the East, 73°30' W. on the West.

XLII. Southern Florida area. 27°30' N. on the North, 25°00' N. on the South, 79°30' W. on the East, 81°00' W. on the West.

2130-2150, 2180-2200 MHz CONGESTED AREAS

I. San Francisco CA. area. Rectangle bounded by: 38°30' N. on the North, 37°00' N. on the South, 121°00' W. on the East, 122°30' W. on the West.

II. Los Angeles CA. area. Rectangle bounded by: 35°00' N. on the North, 33°30' N. on the South, 117°00' W. on the West, 118°30' W. on the East.

III. West Texas area. Rectangle bounded by: 33°00' N. on the North, 30°30' N. on the

South, 101°00' W. on the East, 103°30' W. on the West.

IV. East Texas-Louisiana area. Rectangle bounded by: 32°00' N. on the North, 30°00' N. on the South, 93°00' W. on the East, 95°00' W. on the West.

V. Gulf of Mexico area. Rectangle bounded by: 30°00' N. on the North, 28°00' N. on the South, 88°30' W. on the East, 97°00' W. on the West.

6 GHz CONGESTED AREAS

I. San Francisco, CA area. Rectangle bounded by: 39°00' N. on the North, 36°30' N. on the South, 121°00' W. on the East, 123°00' W. on the West.

II. Los Angeles, CA area. Rectangle bounded by: 34°30' N. on the North, 32°30' N. on the South, 116°30' W. on the East, 119°30' W. on the West.

III. Salt Lake City, UT area. Rectangle bounded by: 41°00' N. on the North, 40°00' N. on the South, 111°30' W. on the East, 112°00' W. on the West.

IV. Oklahoma City, OK area. Rectangle bounded by: 36°00' N. on the North, 34°00' N. on the South, 96°30' W. on the East, 96°00' W. on the West.

V. Eastern Texas, Louisiana area. Rectangle bounded by: 31°00' N. on the North, 29°00' N. on the South, 92°30' W. on the East, 96°00' W. on the West.

VI. Gulf of Mexico area. Rectangle bounded by: 30°30' N. on the North, 28°30' N. on the South, 89°00' W. on the East, 92°00' W. on the West.

VII. Chicago, IL area. Rectangle bounded by: 42°00' N. on the North, 41°30' N. on the South, 87°00' W. on the East, 88°30' W. on the West.

VIII. Charleston, W. VA area. Rectangle bounded by: 38°30' N. on the North, 38°00' N. on the South, 81°00' W. on the East, 83°00' W. on the West.

IX. Pittsburgh, PA area. Rectangle bounded by: 41°00' N. on the North, 40°00' N. on the South, 81°00' W. on the East, 83°00' W. on the West.

X. New York, NY area. Rectangle bounded by: 41°00' N. on the North, 40°00' N. on the South, 74°00' W. on the East, 74°30' W. on the West.

XI. Washington, D.C. area. Rectangle bounded by: 39°30' N. on the North, 38°30' N. on the South, 76°30' W. on the East, 77°30' W. on the West.

12 GHz CONGESTED AREAS

I. Los Angeles, CA area. Rectangle bounded by: 34°30' N. on the North, 33°30' N. on the South, 117°30' W. on the East, 119°00' W. on the West.

II. Dallas, TX area. Rectangle bounded by: 33°00' N. on the North, 32°45' N. on the South, 96°45' W. on the East, 97°00' W. on the West.

III. Cleveland, OH area. Rectangle bounded by: 41°45' N. on the North, 41°15' N. on the South, 81°30' W. on the East, 82°00' W. on the West.

IV. Boston, MA area. Rectangle bounded by: 42°40' N. on the North, 42°10' N. on the South, 71°00' W. on the East, 71°20' W. on the West.

This notice has been issued by the Chief, Safety and Special Radio Services Bureau, under delegated authority, in accordance with the Commission's Memorandum Opinion and Order in Docket 19869, released on November 14, 1975, FCC 75-1244.

[FR Doc.76-12326 Filed 4-27-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ELECTRIC UTILITIES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Electric Utilities Advisory Committee will meet Friday, May 14, 1976, at 9:30 a.m., Room 3000A, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA with respect to general electric utilities' aspects of interests and problems related to the policy and implementation of programs to meet the current and continuing national energy shortage.

The agenda for the meeting is as follows:

1. Texas University Study of California Initiative.
2. FEA Rate Demonstration Projects.
3. Update of Project Independence.
4. EEI Nuclear Fuels Supply Study Program.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, DC.

Issued at Washington, D.C., on April 22, 1976,

MICHAEL BUTLER,
General Counsel.

[FR Doc.76-12247 Filed 4-23-76;8:56 am]

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Tuesday, May 18, 1976, at 9:30 a.m., in the Habersham Room, Fairmont Colony Square Hotel, 14th & Peachtree Streets, Atlanta, Georgia.

The Committee was established to provide the Administrator, FEA, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel and gasoline.

The agenda for the meeting is as follows:

1. Decontrol: Supplier Contracts/Allocation Base.
2. Entitlements.
3. Class of Trade Pricing.
4. Availability of Heating Oil for Winter of 1976-77.
5. Costs Pass-Through: Non-Product Costs and Product Costs.
6. Remarks for the Floor—10-minute Rule.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, DC.

Issued at Washington, D.C. on April 22, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-12248 Filed 4-23-76;8:56 am]

NOTICE OF PROPOSED AVAILABILITY OF DATA UNDER FREEDOM OF INFORMATION ACT

Major Fuel Burning Installation Coal Conversion Report

In implementing the Energy Supply and Environmental Coordination Act of 1974, the Federal Energy Administration (FEA) required all major fuel burning installations to identify themselves to the FEA, (40 F.R. 12706, March 20, 1975). The FEA subsequently required major fuel burning installations to submit a form FEA C-602-S-0, providing additional information, (40 F.R. 17328, April 18, 1975).

The FEA is now in the process of determining which information provided to FEA on Form FEA C-602-S-0 will be released to the public in response to requests under the Freedom of Information Act (FOI Act) (5 U.S.C. 552).

FEA has reviewed the form and determined that, as a general matter, all of the items on the form must be released to the public in response to FOI Act requests. It is possible, however, that because of facts peculiar to a particular industry or company, release of this information could cause substantial competitive injury to a company submitting

data. In such cases, the FEA could withhold the data from public disclosure pursuant to the FOI Act exemption for confidential commercial information, (5 U.S.C. 552(b)(4)).

Because of this possibility of competitive injury, the FEA is providing an opportunity for the respondents to the survey as well as the general public to inform the FEA if they believe that any items of information submitted on Form FEA C-602-S-0 is confidential commercial information.

Interested persons are therefore invited to submit data, views or arguments concerning whether any of the data items on the form are confidential commercial information within the meaning of 5 U.S.C. 552(b)(4). A copy of the form appears in the Federal Energy Guidelines at paragraph 18.221.

Any comments in response to this notice which state that certain items constitute confidential commercial information must (1) be specific as to the industry with respect to which comments are being made (use of the SIC Code if known); (2) cite briefly and specifically, by item number, which information the person commenting believes is confidential commercial information; (3) state that release of the information would be likely to cause substantial competitive injury to a particular type of company and explain the exact nature of the competitive injury resulting from release of each item; and (4) explain whether each item of information for which confidential status is asserted is customarily treated as confidential by the relevant individual companies or industries.

A respondent to the survey should indicate whether it customarily treats the item as confidential.

A detailed explanation of the competitive injury resulting from public disclosure—rather than general statements that an item constitutes confidential commercial information—is needed by FEA before it can evaluate or accept claims of confidentiality.

Comments stating that items are not confidential commercial information should be similarly detailed.

FEA retains the right to make its own determination with regard to any claim of confidentiality.

Comments in response to this notice should be submitted to Executive Communications, Federal Energy Administration, Box FZ, Washington, D.C. 20461, in an envelope clearly marked "MFBI survey." Ten copies should be submitted. All comments received by May 28, 1976 and all relevant information will be considered by the Federal Energy Administration.

Issued at Washington, D.C. on April 22, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-12263 Filed 4-23-76;10:33 am]

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND PIERPONT MANAGEMENT CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 18, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Leslie E. Still, Jr., Esquire, The City of Long Beach, Suite 600 City Hall, Long Beach, California 90802.

Agreement No. T-3295, between City of Long Beach (City) and Pierpoint Management Company (Pierpoint), provides for the two-year nonexclusive preferential assignment by City of certain premises on Pier A, to be used in the operation of a marine terminal in connection with water-borne commerce open to all members of the public. As compensation, Pierpoint shall pay all revenue from dockage and wharfage and other applicable tariff charges until such time as the Guaranteed Minimum Tonnage of 200,000 revenue tons per year is reached. When the Guaranteed Minimum Tonnage is reached, the excess revenue shall be divided as set forth in the agreement. All charges assessed by Pierpoint shall be reasonable and shall conform as nearly as possible with like charges by City.

By order of the Federal Maritime Commission.

Dated: April 23, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-12359 Filed 4-27-76;8:45 am]

**LYKES BROS. STEAMSHIP CO. AND
STRACHAN SHIPPING CO.**

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 18, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

R. J. Finnan, Pricing Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10232, between Lykes Bros. Steamship Co., Inc. and Strachan Shipping Company, is a sales agency agreement whereby Lykes appoints Strachan as its agent to handle its interests in connection with solicitation and booking of cargo in Savannah, Georgia and interior Georgia and South Atlantic offices for Lykes' berth line services between U.S. South Atlantic ports and Mediterranean ports.

By Order of the Federal Maritime Commission.

Dated: April 23, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-12361 Filed 4-27-76; 8:45 am]

**U.S. NORTH ATLANTIC SPAIN RATE
AGREEMENT**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 18, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P. C., Suite 300, 1126 Sixteenth Street NW., Washington, D.C. 20036.

Agreement No. 10117-1, among the parties to the above-named agreement, amends the basic agreement to include all points in Spain whether by through bill of lading or otherwise to the extent cargo actually moves through ports covered by this agreement. This agreement shall also extend to arrangements or agreements in the Spanish Eastbound Trade among the parties (a) with other modes of transportation for the movement of cargo to inland points; (b) concerning intermodal shipments, inland rates, rules, charges, classifications, practices, liability, per diem, free time, detention on carrier-provided containers, chassis and related equipment, positioning of equipment, interchange with connecting carriers, terminal and shoreside loading operations, including wharfage, free time and demurrage, receipt, handling, storage and delivery of cargo, consolidations, and (c) such other matters as may be ancillary to the transportation of said intermodal shipments.

By Order of the Federal Maritime Commission.

Dated: April 23, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-12360 Filed 4-27-76; 8:45 am]

FEDERAL RESERVE SYSTEM

BREN-MAR PROPERTIES, INC.

Acquisition of Bank

Bren-Mar Properties, Inc., Columbia, Missouri, has amended its application to the Board of Governors of the Federal Reserve System and has now applied for the Board's approval under § 3(a)(3) of

the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to retain 1.5 percent of the voting shares of, and to acquire an additional 48.5 percent or more of the voting shares of, First State Bank, Tishomingo, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)). This notice supersedes the notice published at 41 FR 7179.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 20, 1976.

Board of Governors of the Federal Reserve System, April 21, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-12310 Filed 4-27-76; 8:45 am]

BOATMEN'S BANCSHARES, INC.

Order Approving Acquisition of Bank

Boatmen's Bancshares, Inc., St. Louis, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Raytown Bank, Raytown, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Missouri, controls thirteen subsidiary banks with aggregate deposits of approximately \$734.7 million, representing 4.6 per cent of total commercial bank deposits in the State. Applicant's acquisition of Bank would increase Applicant's share of commercial bank deposits statewide by .2 of one per cent and cause it to become the fifth largest banking organization in the State.

Bank (approximately \$36.5 million in deposits), is the eleventh largest banking organization in the Kansas City banking market* and controls about .8 of one per cent of total commercial bank deposits in the market. Applicant, the eighth largest banking organization in the Kansas City banking market, has two bank subsidiaries in the market (Baltimore Bank and Trust Co. and North Hills Bank, both of Kansas City,

* All banking data are as of June 30, 1975.

* The Kansas City banking market, which is the relevant banking market for this proposal, includes all of Clay, Jackson and Platte Counties in Missouri and Johnson and Wyandotte Counties in Kansas, plus parts of Cass County in Missouri.

Missouri), which hold aggregate deposits of approximately \$101.3 million, representing 2.2 per cent of the market's total commercial bank deposits. Consummation of the proposed transaction would increase Applicant's share of the market's commercial bank deposits to 3 per cent, but would not change its rank in the market. Although Applicant's subsidiaries in the market derive some deposits from Bank's service area, in view of the distances (12 and 17 miles) between Bank and Applicant's subsidiary banks, the number of intervening banks and the number of banking organizations competing in the market, it appears that consummation of the proposed transaction would not result in the elimination of significant existing competition between Bank and Applicant's other subsidiary banks in the market.

It does not appear likely that significant competition would develop between Bank and any of Applicant's banking subsidiaries in the foreseeable future due to the distances between Bank and Applicant's subsidiaries, the large number of intervening banks in the market, and Missouri's branching laws. Furthermore, since the ratio of population to banking offices in the Missouri portion of the Kansas City banking market exceeds the Statewide average, the market would continue to be attractive to de novo entry. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as satisfactory and consistent with approval of the application. Convenience and needs factors are also consistent with approval. Applicant will provide Bank with data processing and other related services. In addition, Applicant will assist Bank in expanding its physical facilities. Accordingly, considerations relating to the convenience and needs of the community are favorable and outweigh any slight adverse effects that might result from consummation of this acquisition. It has been determined that the proposal would be in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order, or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis, pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective April 19, 1976.

[SEAL]

J. P. GARBARINI,

Assistant Secretary of the Board.

[FR Doc.76-12309 Filed 4-27-76; 8:45 am]

EXCHANGE BANCSHARES, INC.

Order Approving Formation of a Bank Holding Company

Exchange Bancshares, Inc., Skiatook, Oklahoma ("Applicant"), has applied for the Board's approval, under § 3(a)(1) of the Bank Holding Company Act ("Act") (12 U.S.C. 1842(a)(1)), of formation of a bank holding company through the acquisition of 80 per cent or more of the voting shares of The Exchange Bank, Skiatook, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank. Upon acquisition of Bank, Applicant would control the 218th largest bank in Oklahoma, holding 0.11 per cent of the total deposits in commercial banks in the State. Bank holds deposits of approximately \$10 million¹ and ranks as the 27th largest banking organization in the Tulsa banking market.²

Several principals of Applicant are also directors and/or officers of five other banks in Oklahoma. One of these banks is the fifth largest bank in the Tulsa banking market. The other four banks are situated in different banking markets from Bank. In view of the size of Bank and since the subject proposal represents a restructuring of Bank's existing ownership and Applicant has no subsidiaries, it appears that consummation of the transaction would not have any significant adverse effects on existing or potential competition, nor would it increase the concentration of banking resources or have any adverse effects on other banks in the area. Thus, competitive considerations are consistent with approval of the application.

The future prospects of Applicant are dependent upon the profitable operations of Bank. In this regard, Applicant proposes to service the \$610,000 debt it will incur as part of this proposal over a 12-year period with no payments of principal required during the first two years. In view of Bank's past earnings and anticipated growth, it appears that Applicant would have the necessary financial flexibility to meet its annual debt servicing requirement and, at the same time, maintain an adequate capital position for Bank. The managerial resources and financial condition of

¹ All banking data are as of June 30, 1975.

² The Tulsa banking market, the relevant geographic market for purposes of analyzing the competitive effects of the subject proposal, is approximated by Tulsa County, Oklahoma.

Bank are considered satisfactory and its future prospects appear favorable. Accordingly, considerations relating to banking factors are consistent with approval of the application.

Although consummation of the proposal would effect no changes in the services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that consummation of the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective April 21, 1976.

[SEAL]

J. P. GARBARINI,

Assistant Secretary of the Board.

[FR Doc.76-12311 Filed 4-27-76; 8:45 am]

PANHANDLE BANCSHARES, INC.

Formation of Bank Holding Company

Panhandle Bancshares Inc., Panhandle, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of The First National Bank of Panhandle, Panhandle, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 19, 1976.

Board of Governors of the Federal Reserve System, April 21, 1976.

[SEAL]

J. P. GARBARINI,

Assistant Secretary of the Board.

[FR Doc.76-12312 Filed 4-27-76; 8:45 am]

FEDERAL TRADE COMMISSION

SOHMER & COMPANY, INC.

Denial of Application for a Waiver of Section 102(c) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2302(c)

By application dated July 28, 1975, Sohmer & Company, Inc. ("Sohmer"), a manufacturer of pianos, requested a waiver of Section 102(c) of the Magnu-

son-Moss Warranty Act, P.L. 93-637, 15 U.S.C. Section 2302(c) (the "Act").

Section 102(c) of the Act provides that no warrantor of a consumer product may condition his written or implied warranty of such product, on the consumer's using, in connection with such product, any article or service (other than those provided without charge) identified by brand, trade, or corporate name, unless a waiver of this provision is granted by the Commission. The warranty given by Sohmer on its pianos contains the following provision: "It is understood that this guarantee is valid only upon condition that Sohmer & Co., Inc. or their accredited representatives are employed for all tuning of and servicing of said piano."

Since the above provision would violate Section 102(c), Sohmer applied to the Commission for a waiver of Section 102(c) pursuant to that Section. As required by Section 102(c), the Commission published in the October 22, 1975, *FEDERAL REGISTER* (40 FR 49409) a call for comment on Sohmer's application for a waiver. The public record was open for comment for 60 days and was closed on December 22, 1975. The only evidence submitted and arguments made on the record in connection with the waiver application were those made by the applicant. The Commission has carefully considered the record in reaching its decision.

The application of Sohmer & Company, Inc., for a waiver of Section 102(c) is denied for the reasons set forth below.

Section 102(c) sets out the statutory standards by which the Commission must consider requests for waiver of Section 102(c). The pertinent portion of that section provides: "the prohibition of this section may be waived by the Commission if—

- (1) The warrantor satisfies the Commission that the warranted product will function properly only if the article or service so identified is used in connection with the warranted product; and
- (2) The Commission finds that such a waiver is in the public interest.

Both standards must be satisfied in order for the Commission to grant a waiver.

The first standard requires an applicant to satisfy the Commission that the warranted product "will function properly only if" the tied-in product or service is used. The applicant has the burden of meeting the first standard. The only evidence on this issue in support of Sohmer's application was submitted by Sohmer. This evidence consists of the following documents:

- (1) A catalog describing the different pianos sold by Sohmer;
- (2) A price list showing the retail prices of the pianos sold by Sohmer; and
- (3) Two schematic diagrams showing the internal structures and mechanisms of the two types of pianos manufactured by Sohmer, giving both general recommendations and detailed reconditioning procedures for proper piano tuning.

These documents do no more than identify the service for which the application is made (piano tuning) and describe the function and characteristics of the warranted product. They cannot be construed in any manner as demonstrating that the warranted product will function properly only if piano tuning service authorized by Sohmer is used in connection with Sohmer pianos. Sohmer's failure to provide any evidence whatsoever to demonstrate that Sohmer has met the first statutory standard for a waiver leaves the Commission without any basis to consider favorably the waiver request.

The assertion made by Sohmer in its waiver request that other piano servicers might damage the piano does not satisfy the standard. Even assuming, arguendo, the assertion (which is unsupported on the record) that piano servicers not authorized by Sohmer may cause damage to the pianos while performing tuning and other service not covered by the warranty, this alone does not demonstrate that tuning and service by persons authorized by Sohmer is "necessary for the proper operation of" Sohmer pianos.

It is the Commission's decision that Sohmer has failed to meet the first statutory requirement for obtaining a waiver. Thus, there is no need to examine whether the requested waiver would be in the public interest.

(Sec. 102, 88 Stat. 2183 (15 U.S.C. 2302).)

By direction of the Commission dated April 21, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-12266 Filed 4-27-76; 8:45 am]

GENERAL SERVICES ADMINISTRATION

PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Public Law 92-463, that the next meeting of the Program Advisory Committee of the Federal Preparedness Agency will be held on May 20 and 21 in Room 5208, General Services Administration Building, 18th and F Streets NW., Washington, D.C.

Since 1953 the Committee has served in a confidential advisory capacity to the Director of the Federal Preparedness Agency and its predecessor agencies, and most meetings in the past have dealt with highly classified national security subjects.

The subjects to be addressed at the May meeting are very sensitive and could be disruptive if made public prematurely. For example, a discussion topic involves consideration of stockpile procurement and disposal actions which would lead to disruptive speculation and gambling in the marketplace, increased costs of materials procured by the Government, or low prices of disposal items if made public prior to final decision. Accordingly,

pursuant to 5 U.S.C. 552(b)(5), the meeting will not be open to the public.

Dated: April 21, 1976.

LESLIE W. BRAY, Jr.,
Director, Federal Preparedness
Agency, General Services Administration.

[FR Doc.76-12254 Filed 4-27-76; 8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-22]

RECLOSABLE PLASTIC BAGS

Recommended Ruling

On April 19, 1976, the Commission Investigative Staff filed a Motion for an Order Designating Robert Bannerman as the Commission Investigative Attorney in this case (Motion Docket No. 22-5), for the reason that Mr. Zeitler's duties in other cases prevent him from devoting sufficient time to participate in this proceeding. Therefore, it is hereby recommended that the Investigative Staff's Motion be granted and that Mr. Bannerman replace Mr. Zeitler as Commission Investigative Attorney in this proceeding. A draft notice for publication is attached to the Investigative Staff's Motion.

JUDGE MYRON R. RENICK,
Presiding Officer.

Issued April 22, 1976.

The Secretary shall serve a copy of this Recommended Ruling upon the attorneys of record.

JUDGE MYRON R. RENICK,
Presiding Officer.

[FR Doc.76-12368 Filed 4-27-76; 8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on May 14, 1976 from 9:00 a.m.-5:45 p.m., on May 15 from 9:00 a.m.-6:00 p.m. and on May 16 from 9:30 a.m.-1:00 p.m. in the Delaware Suite of the Sheraton-Park Hotel, 2660 Woodley Road, N.W., Washington, D.C. 20008.

A portion of this meeting will be open to the public on May 15 from 9:00 a.m.-1:00 p.m. on a space available basis. Accommodations are limited. The agenda for this portion will include: (1) Dance Program presentation.

(2) Arts Programming on Educational and Pay/Cable Television.

(3) Literature, Museum, and Special Projects Guidelines.

The remaining sessions of this meeting on May 14 from 9:00 a.m.-5:45 p.m., May 15 from 1:00 p.m.-6:00 p.m. and on May 16 from 9:30 a.m.-1:00 p.m. are for the purpose of Panel review, discussion,

evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

[FR Doc.76-12370 Filed 4-27-76;8:45 am]

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE Meeting

APRIL 21, 1976.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C. on May 13 and 14, 1976.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street N.W., Washington, D.C. The session of the proposed meeting on May 13, 1976 and the afternoon session on May 14, 1976, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of 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 (3), (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The morning session on May 14, 1976 will convene at 9 a.m. and will be open to the public. The agenda for the morning session will be as follows:

MINUTES OF THE PREVIOUS MEETING REPORTS

- A. Summary of Recent Business and Introduction of New Staff Members.
- B. Appropriation Request for FY 1977.

- C. Chairman's Grants.
- D. Application Report.
- E. Gifts and Matching Report.
- F. Preliminary Report—American Issues Forum.

The remainder of the proposed meeting will be closed to the public.

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.76-12333 Filed 4-27-76;8:45 am]

NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR PHYSICS Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Physics.
Date & time: May 13 and 14, 1976—9:00 a.m. each day.
Place: Rm. 540, National Science Foundation, 1800 G St. NW., Washington, D.C.
Type of meeting: Part Open—open 5/13 (9 a.m.—1 p.m. & 2-5 p.m.) Closed 5/13 (1 p.m.—2 p.m.) Open 5/14—all day.
Contact person: Dr. Marcel Bardon, Deputy Division Director, Physics, National Science Foundation, Rm. 348, Washington, D.C. 20550, telephone (202) 632-4310.
Purpose of advisory panel: To provide general advice and recommendations on the impact of the NSF support of Physics.
Summary minutes: (Open Portion) May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Science Foundation, Washington, D.C. 20550.

MAY 13—9 A.M. TO 1 P.M.

Agenda:

This session will be devoted to review of the Gravitation Physics program element of the Foundation, with consideration of the national perspective in this area.

MAY 13—1 P.M. TO 2 P.M.

Proposal review and grantee performance evaluation.

MAY 13—2 P.M. TO 5 P.M.

Continuation of the review of the Gravitation Physics Program.

MAY 14—9 A.M. TO 5 P.M.

This session will include remarks and presentations by NSF staff on the NSF FY 1977 budget and responses to funding pressures in physics programs.

Reason for closing meeting: In reviewing proposals and evaluating grantee performance, privacy and proprietary rights and other cognate matters are involved. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee

Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

APRIL 23, 1976.

[FR Doc.76-12384 Filed 4-27-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-12353; File No. SR-DTC-76-3]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 12, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

This matter constitutes a rule change because it requires a determination pursuant to Rules 8c-1(g) and 15c2-1(g) under the Securities Exchange Act of 1934.

The rule change involves arrangements between The Depository Trust Company (DTC) and transfer agents wherein, instead of (a) in the case of securities deposited with DTC, DTC sending the securities to the transfer agent therefor for registration of transfer into the name of Cede & Co., DTC's nominee, and the return of the new security to DTC to be held by DTC or one of its custodian banks or (b) in the case of a withdrawal of securities from DTC, DTC sending securities registered in the name of Cede & Co. to the transfer agent for registration of transfer into a name designated by the withdrawing Participant and return of the new security to DTC for delivery to such Participant, DTC will maintain a "balance certificate" in the custody of the transfer agent for the issue evidenced thereby, the number of shares or units or the obligations represented by the balance certificate to be (a) increased by the shares or units or the obligations evidenced by recently deposited securities submitted to the transfer agent for registration of transfer into the name of Cede & Co. and (b) decreased by the number of shares or units or the obligations to be evidenced by certificates registered in names designated by withdrawing participants.

The balance certificate may be in either of two forms: a certificate evidencing a fixed number of shares or obligations which is cancelled and reissued daily or a certificate which evidences the number of shares or obligations shown on the records of the issuer as represented by such certificate and which is not cancelled as that number of shares or obligations fluctuates.

On each business day on which DTC sends the transfer agent (a) certificates

evidencing shares or obligations to be transferred into the name of Cede & Co. or certificates registered in the name of Cede & Co. with instructions to include the shares or obligations evidenced thereby in the balance certificate and/or (b) instructions to register the transfer of shares or obligations evidenced by the balance certificate to a name other than the name of Cede & Co., the transfer agent:

(i) nets the number of shares or obligations evidenced by certificates received from DTC with the number of shares or obligations to be transferred out of the name of Cede & Co. or to be represented by breakup certificates and

(ii) adds or subtracts such net number to or from the number of shares or obligations evidenced by the balance certificate at the start of business on that day (the result of such addition or subtraction being herein called the "new amount").

The transfer agent then either cancels the balance certificate held at the start of business on that day and issues a new balance certificate for the new amount or adjusts the records maintained by the transfer agent to reflect that the balance certificate evidences the new amount.

As a consequence of this arrangement, numerous securities on deposit with DTC will be in the custody of transfer agents.

DTC maintains three insurance policies in the form of the customary Brokers Blanket Bond in the aggregate amount of \$75,000,000. It is DTC's view and the view of its insurance brokers that DTC's Brokers Blanket Bonds cover loss of the balance certificate or other securities in transit or on the premises of DTC and the transfer agent through the negligence of the employees of DTC or the transfer agent or through no negligence of such employees. The customary Brokers Blanket Bond includes fidelity coverage.

When securities transported between DTC and the transfer agent are in custody of an armored car carrier, the carrier provides \$50,000,000 in transit insurance coverage. In addition, DTC maintains a \$20,000,000 excess in transit bond (providing coverage in excess of \$75,000,000 when securities are in the custody of DTC's employees and in excess of \$125,000,000 when securities are in the custody of an armored car carrier) insuring securities in transit to or from places within 25 miles of DTC's office. The dollar value of securities transported between DTC and the transfer agent is limited to the amount of available insurance coverage.

The transfer agent is required by DTC to maintain an insurance policy in the form of a Bankers Blanket Bond in a specified amount and to give DTC at least 30 days' notice of any cancellation, decrease or limitation of such insurance. The customary Bankers Blanket Bond includes fidelity coverage. The transfer agent must furnish DTC with a copy of its insurance policy upon request.

A corporation which acts as its own transfer agent is required to maintain

insurance which is, in DTC's judgment, adequate in amount and coverage or to demonstrate, to DTC's satisfaction, financial responsibility for its securities transfer function. As with bank transfer agents, a corporation acting as its own transfer agent is required to give DTC at least 30 days' notice of any cancellation, decrease or limitation of its insurance and to furnish DTC with a copy of its insurance policy upon request.

The aggregate dollar value of the securities evidenced by the type of balance certificate which evidences a fluctuating number of shares or obligations may exceed the aggregate amount of insurance maintained by DTC and the transfer agent. DTC permits that type of balance certificate to evidence shares or obligations having a dollar value in excess of available insurance coverage since it requires the transfer agent to make available to DTC certificates representing all the securities evidenced by a balance certificate. This enables DTC to cause the number of securities evidenced by a lost balance certificate of that type to be reduced to zero on the records of the issuer and to cause the transfer agent to furnish DTC with freely transferable certificates evidencing the number of securities represented by such balance certificate immediately prior to such loss.

The aggregate dollar value of the securities evidenced by a balance certificate which evidences a fixed number of shares or obligations may not exceed \$75,000,000 or such other amount as DTC may specify.

The transfer agent is required to hold all balance certificates in a secured area on its premises. Before any transfer agent will be allowed to participate in this program, DTC will satisfy itself as to the adequacy of the safeguards for physical handling of securities on the transfer agent's premises. DTC has conducted on-site inspections of transfer agents' operations and will continue to do so.

The arrangement is defined in the forms of agreement which DTC intends to enter into with transfer agents, copies of which are annexed as Exhibit 3 hereto.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. PURPOSE OF PROPOSED RULE CHANGE

The purpose of the proposed rule change is to reduce the exposure of securities to loss in transit between DTC and transfer agents, maintain securities in a form which will not permit their ready negotiation in the event of theft, reduce the amount of securities movement and reduce the need for DTC to deliver securities to Participants which are registered in the name of Cede & Co., which procedure results in Participants, their customers and others having to make claims on DTC for dividends and voting rights.

4. BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

(a) Not Applicable.

(b) The proposed change will provide assurance as to the safeguarding of securities

which are in the custody of DTC and for which it is responsible.

(c) Not applicable.

5. COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

Comments regarding the forms of balance certificate agreement were solicited from transfer agents and corporations acting as their own transfer agent by sending them copies of the forms of agreement. Only one comment was received; that comment was a statement of the transfer agent's willingness to enter into the balance certificate agreement with DTC.

6. BURDEN ON COMPETITION

None.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 19, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1976.

[FR Doc. 76-12306 Filed 4-27-76; 8:45 am]

[File No. 500-1]

DOWDLE OIL CORPORATION

Suspension of Trading

APRIL 20, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Dowdle Oil Corporation being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934,

trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1:45 p.m. (EST) on April 20, 1976 through April 29, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[PR Doc.76-12302 Filed 4-27-76;8:45 am]

[Release No. 34-12356; File No.
SR-NYSE-76-27.]

NEW YORK STOCK EXCHANGE, INC. Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on April 16, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule changes would rescind the current prohibition which provides that if stock is purchased on the Exchange on "plus" or "zero-plus" tick, at or above the previous closing price, on behalf of a member's off-Floor order to buy stock to establish or increase a position, then any stock so purchased may not be sold until at least the same time as the time of execution on the following trading day unless the sale is at a loss of not less than one-eighth of a point calculated on a "first in, first out" basis.

The proposed rule changes would also accomplish certain "housekeeping" changes in associated rules. The text of the proposed rule change is attached as Exhibit I.

STATEMENT OF BASIS AND PURPOSE

The New York Stock Exchange states that the basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

Current Exchange Rule 410(b) provides, in general, that if stock is purchased on the Exchange or "plus" or "zero-plus" ticks, at or above the previous closing price, on behalf of an order to buy stock to establish or increase a position entered from off the Floor for an account in which a member or member organization has an interest, then any such stock purchased may not be sold during the 24-hour period following such purchase unless the sale is at a loss of not less than one-eighth of a point calculated on a "first in, first out" basis.

In support of this current prohibition, various specific requirements are set forth in Rules 410(b) and 123A.45. For example, such orders are required to be identified on the original order ticket, in transmission, and on the Floor order; and a broker who executes such an identified order is required to report to the initiating party the time and tick of the order's execution(s).

The purpose of the proposed rule changes is to rescind the prohibition described above and the related requirements. No other national securities exchange which trades Exchange listed securities imposes such a limitation on its members.

In addition, in the current environment of negotiated commissions and increasing use of sophisticated communications systems, persons who are not members of the Exchange are able to enter orders on the Exchange with efficiency and effectiveness which rivals that of Exchange members; yet such persons are not subject to the restriction to which members are subject.

Therefore, especially in the environment of a high speed consolidated transaction reporting system, the current prohibition set forth in Exchange Rule 410 (b) places Exchange members at a competitive disadvantage, subjects Exchange members to regulations not applied to other market participants, and places an unnecessary burden on the free flow of supply and demand in the Exchange's market place—unnecessary because there are already numerous and adequate Federal and Exchange regulations to control and/or prohibit excessive or manipulative trading by any market participant (viz. Sections 9 and 10 of the Securities Exchange Act of 1934). Thus, the proposed rule changes are designed to eliminate the prohibition set forth in Rule 410(b) and the related requirements set forth in that rule and in Rule 123A.45.

In addition to the above, "housekeeping" changes to Rule 123A.45 are proposed to reflect the fact that under the 1972 Exchange reorganization, the Chairman and Vice-Chairman of the Board of Directors of the Exchange will not necessarily be Floor Directors.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed changes in Rules 410(b) and 123A.45 are based on the following sections of the Securities Exchange Act of 1934 (the Act): Section 6(b)(5) which provides that a national securities exchange shall have rules designed to remove impediments to and perfect the mechanism of a free and open market, and shall not have rules designed to permit unfair discrimination between customers, issuers, brokers, or dealers; Section 6(b)(8) which provides that the rules of an exchange shall not impose any burden on competition not necessary or appropriate in furtherance of the purpose of the Act; Section 6(f) which encourages the Securities and Exchange Commission to assure equal regulation as between members of an exchange and nonmembers effecting transactions on such exchange on a regular basis; and Section 11A(a)(1)(C)(ii) which states that the Congress finds that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets.

The rule changes are also proposed in view of the fact that Section 11(a) of the Act, as revised by the Securities Acts Amendments of 1975, sets forth new restrictions on members trading for their own account, from on or off the Floor; and requires the Commission to promulgate rules under which members of a national securities exchange may trade for their own account on such exchange. In addition, the Commission has indicated that it does not intend to adopt restrictions similar to those currently imposed upon Exchange members by Exchange Rule 410(b) as part of a uniform regulatory structure of a national market system. For the reasons set forth above, the Exchange believes that there is ample basis under the Act for the proposed rule changes.

The proposed rule changes relate to item 4(a)(v)(D) in that they are designed to remove impediments to and perfect the mechanism of a free and open market by eliminating unnecessary regulatory restrictions on the free flow of supply and demand and promoting equal regulation among national securities exchange members. The remaining items under part 4 are inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON THE PROPOSED RULE CHANGE

The Exchange has not formally solicited comments regarding the proposed rule changes, nor has the Exchange received any unsolicited written comments from members or others.

BURDEN ON COMPETITION

The proposed rule changes will not impose any burden on competition.

Within 35 days of the date of publication of this notice in the Federal Register, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 28, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 21, 1976.

PROPOSED CHANGES TO RULES 123A AND 410

1. Revision of Paragraph .45 of Rule 123A to read as follows:

.45 Members' Off-Floor Orders.—Two persons consisting of two Floor Directors, or in the absence of any of them, Floor Governors in the order of seniority, have the authority to limit or ban the execution of off-Floor orders for accounts in which members or member organizations have an interest.

2. Rescission of Paragraph (b) of Rule 410 which reads as follows: (b) Orders to buy stock to establish or increase a position entered off-Floor for an account in which a member or member organization has an interest shall be identified on the original order ticket, in transmission, and on the Floor order to indicate that the order is for such an account.

Any stock purchased for such "identified" orders which has been acquired on a destabilizing ("plus" or "zero plus") tick at or above the previous closing price may not be sold until at least the same time as the time of execution on the following trading day except where the liquidating transaction is at a loss of not less than one-eighth of a point calculated on a "first in, first out" (FIFO) basis.

All "not-held" orders for an account in which a member or member organization has an interest must be identified as set forth in the first paragraph. "Held" orders entered before the opening of the Exchange or prior to the establishment of the day's first quotation in a particular stock do not need to be identified.

Notwithstanding the foregoing, no identification as to account is required on the following orders:

- (a) to offset a transaction made in error;
- (b) to effect bona fide arbitrage or to engage in the purchase and sale, or sale and purchase of securities of companies involved in publicly announced merger, acquisition, tender, etc.;
- (c) when a Floor Official expressly invites a member or members to participate in a difficult market situation;
- (d) to facilitate the sale of a block of stock because the market on the Floor could not readily absorb the block at a particular price or prices;
- (e) to facilitate the conversion of options; or
- (f) for the account of a regional specialist in the stocks in which he specializes.

[FR Doc.76-12305 Filed 4-27-76; 8:45 am]

[Release No. 34-12355; File No.
SR-OCC-76-2]

**OPTIONS CLEARING CORPORATION
Self-Regulatory Organizations**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 2, 1976, the abovementioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

**STATEMENT OF THE TERMS OF SUBSTANCE
OF THE PROPOSED RULE CHANGE**

The proposed rule change incorporates into the Rules OCC's existing procedures with respect to the custody of funds and securities held as margin and provides expressly that such funds and securities remain the property of the respective Clearing Members for whose accounts they are held.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to formalize OCC's existing practices with respect to the custody of funds and securities held as margin and to make it clear, by express provision, that such funds and securities remain the property of the respective Clearing Members for whose accounts they are held.

The proposed rule change relates to the safeguarding of securities and funds in OCC's custody or control.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change would impose any burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 19, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1976.

[FR Doc.76-12307 Filed 4-27-76; 8:45 am]

[Release No. 19494; 31-756]

**YOUGHIOGHENY AND OHIO COAL CO. AND
THE RAVENCLIFFS DEVELOPMENT CO.**

Application for Exemption Under Section 3

APRIL 21, 1976.

In the Matter of The Youghiogheny and Ohio Coal Company, 4614 Prospect Avenue, Cleveland, Ohio 44403, and the Ravencliffs Development Company, Ravencliff, West Virginia 25913.

Notice is hereby given that The Youghiogheny and Ohio Coal Company ("Y&O"), a holding company, and its subsidiary holding company, Ravencliffs Development Company ("RDC"), have filed an application with this Commission on behalf of themselves and each of their subsidiaries as such under Section 3(a) (3) of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the application, which is summarized below, for a complete statement concerning the requested exemption.

Y&O, an Ohio corporation, is engaged in the business of mining and preparing bituminous seam coal produced from underground mines in southeastern Ohio and selling this coal to electric utility and industrial companies. Based on industry statistics, Y&O believes that in 1974 its production ranked it as the 44th largest coal producer in the United States and as the 34th largest independent producer. In 1975, a total of 2,172,915 tons of coal were produced by Y&O; approximately 81% of this production was marketed pursuant to contracts with five utility customers and one industrial customer; the balance was sold in the "spot market." Net sales for Y&O and for a wholly-owned nonutility subsidiary were \$59,136,675 in 1975, and net income for the same period was \$8,026,997.

Y&O owns 55% of the outstanding common stock of RDC, a West Virginia corporation, whose only business is the exploration for and the production and sale of natural gas for resale. The bulk of RDC's production is sold to Columbia Gas Transmission Corporation. The remainder is sold to a wholly-owned subsidiary, Ravencliff Fuel and Supply Company ("RFS"), also a West Virginia corporation, which distributes the gas at retail in three towns in West Virginia. It also supplies water to the same towns. During 1975, RFS had gross retail gas sales of \$40,129, and net income of \$279. At December 31, 1975, RFS had total assets of \$12,517. For the same period, RDC's net sales were \$348,867, and its net income was \$118,750.

RFS is a public utility company, as defined by the Act, and RDC and Y&O are, directly or indirectly, holding companies. It is stated that the retail gas operations of RFS resulted from efforts by The Wyoming Pocahontas Coal and Coke Company ("WPC&C"), the predecessor in interest of certain West Virginia coal properties acquired by Y&O in 1965, to develop a market for gas pro-

duced from mineral leasehold interests acquired solely for their coal resources. RDC was organized in 1924 by WPC&C for this purpose. RDC limited itself to a wholesale gas operation, notwithstanding the presence of a potential retail market for the gas. In 1926, however, in order to supply gas at retail to employees of a mining company it was supplying, RDC organized RFS as a wholly-owned subsidiary. It is stated that, throughout its existence, WPC&C's principal business was developing coal resources, and that all gas operations were merely incidental, in that they were limited to making use of gas rights acquired as an incident to the acquisition of the right to extract coal.

Y&O acquired all of the assets of WPC&C, including the stock of RDC, in 1965. Since that time, Y&O has treated the West Virginia properties in much the same way as WPC&C, with RDC continuing to explore for gas to supply wholesale customers. It is further stated that the operations of RFS have remained essentially unchanged, and that the company has operated unprofitably or with a marginal profit since 1965. Attempts by Y&O to dispose of RFS have not been successful.

On the basis of the description of the companies contained in the application, the applicants submit that they, and each of their subsidiaries as such, are entitled to an exemption under Section 3(a)(3) of the Act, inasmuch as Y&O and RDC are engaged primarily in nonutility operations and have not derived any material part of their income from RFS, and the operations of RFS are incidental to the principal activity of Y&O and RDC. The applicants state that their failure to apply previously for an exemption was inadvertent and that, because of the insignificance of RFS' operations, they were unaware of the applicability of the Act to them until recently.

Notice is further given that any interested person may, not later than May 17, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this mat-

ter, including notice of the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-12303 Filed 4-27-76; 8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Renewal of Charter

Securities and Exchange Commission Chairman Roderick M. Hills with the concurrence of the other members of the Commission has renewed until December 31, 1976 the charter of the SEC Report Coordinating Group ("Group") an advisory committee to the Commission, pursuant to the Federal Advisory Committee Act, whose responsibilities and functions are described hereinafter, and hereby certifies that the Chairman has considered the renewal of the charter of this committee, and with the concurrence of the members of the Commission, finds the renewal of the charter to be necessary in the public interest in connection with the performance of duties imposed on the Commission under the Federal securities laws, particularly the Securities Exchange Act of 1934.

On January 24, 1974 the Commission initially announced its intention to form the Report Coordinating Group with the responsibility of advising and assisting the Commission in developing a streamlined reporting pattern for the securities industry. The Report Coordinating Group's charter was filed on May 1, 1974 for a two year period. In the ensuing period, the Group submitted extensive and detailed recommendations to the Commission regarding a streamlined reporting system which culminated in the Commission's adoption on December 17, 1975 of the FOCUS reporting program. In its brief two years of existence the Group has accomplished many of its original goals. While grateful for its success to date the Commission believes that it is necessary for the Group to make itself available for such remaining final advice on the program as the Commission may require. Besides continuing to advise the Commission on all new reports and forms the advisory functions to be covered in the renewed charter include:

1. consultation and advice to the Commission concerning the phase-in of the FOCUS reporting system and recommendations for its modification where appropriate;
2. advising on uniform interpretations and more simplified filing patterns for Form U-3 and Form U-4;
3. assisting in the implementation of uniform trading forms;
4. facilitating the development of uniform assessment procedures;
5. developing issues in the area of sharing of information between regulators and firms; and

6. developing issues in the area of creating a central data bank.

Dated: April 21, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-12304 Filed 4-27-76; 8:45 am]

[Release No. 34-12354; Filed No.
SR-SCC-76-4]

STOCK CLEARING CORPORATION Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 13, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

1. Text of Proposed Rule Change

(a) Amend the Procedures of Stock Clearing Corporation (SCC) as follows: Add the following at the end of the second paragraph of Section A of Section III of the SCC Procedures:

Sections B through H of this Section do not relate to NYSE odd-lot transactions. The procedures for the Comparison Operation for NYSE odd-lot transactions are contained in Sections I through P of this Section.

Add the following after Section H of the SCC Procedures:

I. NYSE ODD-LOT TRADE LISTS (T+1)

Compared odd-lot trades are reported to the Clearing Corporation to Members on Odd-Lot Trade Lists (T+1) which are available to Members on the morning of T+1 in accordance with the Schedule in Section XII (Figure 11B). The trades included therein are deemed, for the purpose of these Procedures and the Rules of the Clearing Corporation, to constitute compared trades.

J. NYSE ODD-LOT CONTRACT LIST (T+3)

The compared trades reported on the Odd-Lot Trade List (T+1), as adjusted (see Section K of this Section), are reported by the Clearing Corporation to Members on Odd-Lot Contract Lists (T+3) which are available to Members on the evening of T+3 in accordance with the Schedule in Section XII (Figure 11C).

The net quantity of purchases and sales for each issue of CNS Securities reported on the Odd-Lot Contract List (T+3) is shown on the Member's Compared Trade Summary which is available on the morning of T+4 (see Section B of Section IV).

Trades in Balance Order Securities reported on the Odd-Lot Contract List (T+3) will be excluded from the Accounting Operation; provided, however, that appropriate Comparison Tickets (Figure 11D) will be available to Mem-

bers on the evening of T+3 at the time specified in the Schedule in Section XII. The Comparison Tickets will report the delivery or receive obligations of the Members. Items reported on such Comparison Tickets may represent the net balance between the Members named thereon or single items. Such Comparison Tickets will have the status of security balance orders, issued in connection with the regular Balance Order Accounting Operation, and will be subject to all Rules of the Clearing Corporation pertaining to such security balance orders.

K. ADJUSTMENTS

Any adjustments to trades appearing on the Odd-Lot Trade List (T+1) or on the Odd-Lot Contract List (T+3) must be made by the parties. The Odd-Lot Contract List (T+3) will reflect adjustments reported to the Clearing Corporation on or before 12:00 noon on T+3. Any compared trade appearing on the Odd-Lot Contract List (T+3) must be settled in accordance with the Rules and the Procedures of the Clearing Corporation, whether or not it is later adjusted. With respect to adjustments after T+3, the Clearing Corporation will make available Comparison Tickets showing the adjustment (Figure 11D) to each Member which is a party to the item. The item will be processed as an As-Of Trade. A new Settlement Date is assigned to As-Of Trades which will be two business days following the date the Comparison Tickets are issued for CNS Securities. For CNS Securities the item will appear on the Compared Trade Summary made available on the following business day. Items in CNS Securities will settle in accordance with the CNS System Procedures. Items in Balance Order Securities will be settled in accordance with the third paragraph of Section J of this Section.

L. CASH AND NEXT DAY NYSE ODD-LOT TRADES

On T+1 the Clearing Corporation will make available Comparison Tickets (Figure 11D) for odd-lot trades executed for settlement on the same day or next day to each Member which is a party to the trade. These trades are not otherwise processed by the Clearing Corporation. Such trades should be settled directly between the individual members outside the facilities of the Clearing Corporation on an "ex-clearing" basis.

M. WHEN ISSUED ODD-LOT TRADES

Items transacted on a "when, as and if issued" basis are reported as when-issued items on the When-Issued Odd-Lot Trade List (Figure 11E) and are thereafter subject to adjustment as specified under Section K of this Section.

Each Member shall promptly check each When-Issued Odd-Lot Trade List he receives, confirm those transactions listed thereon with which he agrees by imprinting his name and number stamp on a copy of the When-Issued Odd-Lot

Trade List and returning the copy to the Clearing Corporation by the cut-off time thereafter specified in the Schedule in Section XII.

Confirmed transactions are accumulated and carried forward as long as the security is traded on a when-issued basis and will be reported each day on the When-Issued Odd-Lot Trade List as net balances.

The Settlement Date for issues traded on a when-issued basis is established by the NYSE.

Under normal circumstances, the Settlement Date will be five business days after the last trade date on a when-issued basis. However, if due bills are required, the Settlement Date will be six business days after the last trade date.

At the time specified in the Schedule in Section XII on the second day after the last trade date on a when-issued basis, the Clearing Corporation will make available a When-Issued Odd-Lot Contract List (Figure 11F) which will report the net securities and money in

each Balance Order Security and CNS Security which has ceased to be traded on a when-issued basis. All such items must be settled on the assigned Settlement Date. Items involving CNS Securities will be included in the Compared Trade Summary made available to the Member on the day before the assigned Settlement Date. As to items involving Balance Order Securities, the Final When-Issued Report will have the status of security balance Orders and will be settled in accordance with the third paragraph of Section M of this Section.

Add the following at the end of Section A of Section IV of the SCC Procedures:

This Section A does not apply to NYSE odd-lot transactions in Balance Order Securities.

Add the following at the end of the first paragraph of Section B of Section IV of the SCC Procedures:

It also summarizes data regarding NYSE odd-lot transactions in CNS Securities.

Amend Section VIII by adding the following Items under the Heading In-Put and Out-Put Times:

Distribution of NYSE odd-lot trade list (T+1)-----	8 a.m. on T+1.
Distribution of comparison tickets for cash and next day NYSE odd-lot trades.	9 a.m. on T+1.
Distribution of NYSE odd-lot contract list (T+3)-----	5 p.m. on T+3.
Distribution of odd-lot comparison tickets (balance order securities).	5 p.m. on T+3.
Distribution of when issued odd-lot trade list-----	9 a.m. on T+1.
Submission of confirmation of when issued odd-lot trade list.	4 p.m. on day of receipt.
Distribution of odd-lot comparison tickets (as of trades)---	5 p.m. on day of adjustment.
Distribution of when issued odd-lot contract list-----	9 a.m. on second day after last trade date on when issued basis.

(b) Not Applicable.

(c) Not Applicable.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. *Purpose of Proposed Rule Change*
The purpose of the proposed change in the Procedures of Stock Clearing Corporation (SCC) is to provide a means for the clearance and settlement of odd-lot transactions effected on the New York Stock Exchange (the Exchange) subsequent to the Exchange's acquisition of the business of Carlisle De Coppet & Co. ("Carlisle") and the commencement of trading in odd-lots by Exchange Specialists.

Clause (i) of the last paragraph of Rule 39 of SCC, added pursuant to SCC's filing on Form 19b-4A, File No. SR-SCC-76-1, which states that Carlisle shall be a Special Representative under certain conditions will not be amended; it will remain effective as to Carlisle so long as Carlisle, or one or more of its partners, acts as an odd-lot dealer or broker, thereby providing Carlisle rights similar to other SCC Clearing Members so long as Carlisle remains a Clearing Member.

4. *Basis under the Act for Proposed Rule Change*

(a) Not Applicable.

(b) The change in the SCC Procedures will facilitate the prompt and accurate clearance and settlement of odd-lot se-

curity transactions by permitting them to be compared in SCC's Comparison Operation and netted in SCC's Accounting Operation.

(c) Not Applicable.

5. *Comments Received from Members, Participants or Others on Proposed Rule Change*

No comments have been solicited.

6. *Burden on Competition*

None.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C.

20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1976.

[FR Doc.76-12308 Filed 4-27-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Revision 15, Amendment 8]

BRANCH MANAGER, FAIRBANK BRANCH OFFICE

Delegation of Authority

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER (41 FR 8240) as well as Amendment 7 (41 FR 16234) is hereby further amended to (1) remove loan approval authority for all types of loans from the Branch Manager, Fairbanks Branch Office, and (2) delegate certain surety guarantee authority to the District Director and Assistant District Director for Finance and Investment in the Denver District Office. Actions taken prior to the effective date of this document are hereby ratified to the extent they would have been authorized had this delegation been in effect.

Accordingly, Delegation of Authority No. 30, Revision 15, is amended as follows:

1. Except in Part X—Administrative, the words "Branch Manager" appearing throughout the document should be changed to read "Branch Manager, except Fairbanks Branch Office."

2. Part III, Section D.1. d and e are revised to read: d, District Director, San Francisco, New York, Denver, and Region IV District Offices only.

e, Assistant District Director for F & I, San Francisco, Denver, and Region IV District Offices only.

Effective date: April 28, 1976.

Dated: April 21, 1976.

DANIEL T. KINGSLEY,
Associate Administrator
for Operations.

[FR Doc.76-12257 Filed 4-27-76;8:45 am]

ALBUQUERQUE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration
Albuquerque District Advisory Council

will hold a public meeting at 10:00 a.m., Friday, May 14, 1976, at the American Bank of Commerce Complex, Second and Lomas, Northwest, Albuquerque, New Mexico, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call A. Panagakos, U.S. Small Business Administration, 5000 Marble NE., Suite 320, Albuquerque, New Mexico 87110, (505) 766-3574.

Dated: April 21, 1976.

MARY LOU GRIER,
Deputy Advocate
for Advisory Councils.

[FR Doc.76-12259 Filed 4-27-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Presidential Decision Under sec. 330(d) of the Tariff Act of 1930]

SLIDE FASTENERS AND PARTS

Imports Not a Substantial Cause of Injury to the U.S. Industry

On April 14 President Ford accepted as the findings of the United States International Trade Commission the views of those Commissioners who found that the U.S. industry producing slide fasteners and parts is not being seriously injured or threatened with such injury by reason of increased imports.

On February 18, 1976 the U.S. International Trade Commission reported to the President that its members were evenly divided on the petition of the domestic industry for escape clause relief. In such instances under Section 330(d) of the Tariff Act of 1930, as amended (19 USC 1330(d)) the President has authority to accept the findings of either group of Commissioners as the findings of the Commission.

The Trade Act of 1974 requires that certain conditions be met for an industry to be eligible for import relief. Having reviewed all of the pertinent data and submissions by interested parties, the President has accepted the views of those Commissioners who determined that the statutory criteria were not satisfied. Specifically, imports were not a substantial cause of the difficulties experienced by the domestic slide fastener industry. Under the statute "substantial cause" is defined as a cause which is important and not less than any other cause. In this case, style changes, changes in use, and recessionary pressures which develop in 1974 were considered more important than imports as causes of the domestic industry's problems.

Consistent with this decision, therefore, no import relief measures will be applied. However, in view of the fact that some slide fastener companies have not been able to operate at a reasonable level of profit and some workers have become unemployed, the President has instructed the Secretaries of Commerce and Labor to give expeditious consideration to peti-

tions for adjustment assistance filed by such firms and workers.

CLAYTON K. YEUTTER,
Deputy Special Representative
for Trade Negotiations.

[FR Doc.76-12328 Filed 4-27-76;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

REPORTS ON THE CLOSED MEETING ACTIVITIES OF THE GENERAL AD- VISORY COMMITTEE ON ARMS CON- TROL AND DISARMAMENT

Notice of Public Availability

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972) and OMB Circular A-63 (Rev.) of March 27, 1974, a report on the activities of the General Advisory Committee on Arms Control and Disarmament covering closed meetings held in 1975 has been prepared and is available for public inspection as follows:

Library of Congress, Microform Reading Room, Room MB-140B, Main Building, 19 First Street, S.E., Washington, D.C.
U.S. Arms Control & Disarmament Agency, ACDA Library, Room 804, State Annex 6, 1700 North Lynn Street, Rosslyn, Virginia.

SIDNEY D. ANDERSON,
ACDA Advisory Committee
Management Officer.

[FR Doc.76-12296 Filed 4-27-76;8:45 am]

VETERANS ADMINISTRATION PRIVACY ACT OF 1974

Systems of Records

On page 9294 of the FEDERAL REGISTER of March 3, 1976, there was published a notice that the Veterans Administration proposed to adopt the following description of the existence and character of an additional new system of personal records. The proposed description was drafted in compliance with OMB Circular No. A-108, Transmittal Memorandum No. 1 (40 FR 45877, October 3, 1975) and is subject to the new system reporting requirements. The new system is entitled "Veterans, Dependents and Beneficiaries Compensation, Pension, Education and Rehabilitation; and Armed Forces Personnel Education and Rehabilitation Records System (TARGET)—VA." Within the Veterans Administration it is called or referred to as the TARGET system. It was created by combining two existing systems of records into a single integrated system. The component systems are the "Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA" (appearing at 40 FR 38117, August 26, 1975) and the "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA" (appearing at 40 FR 38118, August 26, 1975). The TARGET system is still in the development stage and is only partially operational as a research-type system. The Veterans Administration does not pro-

pose to delete the component systems until such time as the TARGET system is fully operational.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed new system of records. One letter of comment was received from a Member of Congress. The Congressman expressed objection to the proposed routine use statement which permits disclosure of the amount of monetary benefits a VA claimant receives. He felt that this information should not be available to any person who requests it and that such disclosure is not in accordance with the provisions of the Privacy Act.

A written response to the Congressman explained that disclosure of the amount of monetary benefits a VA claimant receives is not a discretionary action on the part of the Veterans Administration; it is mandatory by statute. Subsection (6) of section 3301, Title 38, United States Code, requires that "the amount of pension, compensation, or dependency and indemnity compensation of any beneficiary shall be made known to any person who applies for such information."

After consideration of all relevant matter presented by interested persons, the proposed new system of records is hereby adopted without change.

Effective date. This new system report is effective April 21, 1976.

Approved: April 21, 1976.

[SEAL] R. L. ROUDEBUSH,
Administrator.

SYSTEM NAME: VETERANS, DEPENDENTS AND BENEFICIARIES COMPENSATION, PENSION, EDUCATION AND REHABILITATION; AND ARMED FORCES PERSONNEL EDUCATION AND REHABILITATION RECORDS SYSTEM (TARGET)—VA

System location: Records are maintained at VA Regional Offices, the VA Records Processing Center, St. Louis, Missouri, and at Federal Archives and Records Centers. Active records are generally maintained by the regional office having jurisdiction over the domicile of the claimant, and by the servicing data processing center at Hines, Illinois with subsidiary accounts receivable records located at the data processing center at St. Paul, Minnesota. Address locations are on page 38123 of the FEDERAL REGISTER of August 26, 1975.

Categories of individuals covered by the system:

1. Veterans who have applied for compensation for service-connected disability under Title 38, United States Code, Chapter 11.
2. Veterans who have applied for non-service connected disability, under Title 38, United States Code, Chapter 15.
3. Veterans entitled to burial benefits under Title 38, United States Code, Chapter 23.
4. Widows, widowers and children who have claimed pension based on non-service-connected death under Title 38, United States Code, Chapter 15.

5. Widows, widowers and children who have claimed death compensation based on service-connected death under Title 38, United States Code, Chapter 11.

6. Widows, widowers and children who have claimed dependency and indemnity compensation for service-connected death under Title 38, United States Code, Chapter 13.

7. Parents who have applied for death compensation based on service-connected death under Title 38, United States Code, Chapter 11.

8. Parents who have applied for dependency and indemnity compensation for service-connected death under Title 38, United States Code, Chapter 13.

9. Veterans who have applied for VA educational benefits under Title 38, United States Code, Chapters 31 and 34.

10. Spouse or widow(er) who has applied for VA educational benefits under Title 38, United States Code, Chapter 35.

11. Children who have applied for VA educational benefits under Title 38, United States Code, Chapter 35.

12. Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 34.

Categories of records in the system: Military service and active duty separation information; medical records relating to treatment in service; medical information from VA and private hospitals and doctors; applications for compensation, pension, education and rehabilitation benefits and training; information relating to dependency, income, education, occupation, marital status, and educational status relative to VA benefits, payment data; counseling and rehabilitation records; claimant or payee name and address.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210(c) (1) and Chapters 11, 13, 15, 23, 31, 34, 35 and 36.

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

1. Transfer of payment information to the Treasury Department to ensure delivery of benefit checks to VA beneficiaries.
2. Transfer of information to collection agencies in order to conduct a credit check to determine the likelihood of success in a collection action against individuals who owe debts to the VA.
3. Transfer of necessary collection information to the General Accounting Office, for use in procedures incident to obtaining a judgment against the individual.
4. Forwarding of computer generated VA forms to VA approved educational institutions in order to certify an individual's re-enrollment and allow payment.
5. Transfer of information regarding the induction, reentrance and dismissal of a disabled veteran from a vocational rehabilitation program to inform the training establishment of the actions taken.
6. Written and oral disclosure to a VA approved vocational rehabilitation training establishment regarding the extent and nature of a claimant's disabilities with respect to any limitations to be imposed on the vocational program to insure that the trainee receives the maximum benefit from training. A vast amount of discretion with respect to each disclosure is practiced.

7. Transfer to schools and other training establishments of VA education forms for completion by the school and subsequent submission to the VA for processing of education and vocational rehabilitation training claims.

8. The transfer of payment information to officials of schools and training establishments having VA beneficiaries when it can be determined that such a request is part of a legitimate attempt to assist the veteran or other eligible person to ascertain that correct amounts were paid. However, such information will not be provided as a routine use to school officials when the request is clearly an attempt to seek assistance in collection attempts against the veteran or eligible person.

9. Transfer of VA education letters and form letters to schools and other training establishments which may, by necessity, contain identifying data about a veteran or eligible person in order to obtain further information from the school necessary to discharge VA responsibilities toward the veteran or eligible person.

10. Transfer of identifying information, such as name, file number, and address to a school or training establishment official in order to obtain information necessary to pay the veteran or eligible person correct amounts in an expedited manner. (An example of the above is a telephone call to an On-the-Job-Training establishment to find out the number of hours worked.)

11. Transfer of necessary information concerning veterans and other eligible persons to State and local agencies and prospective employers for employment and/or training.

12. A record from this system of records may be disclosed to any department or other agency of the Federal Government, in response to its request, to the extent that the information is relevant and necessary to the requesting agency's specified official purpose.

13. A record containing medical history, diagnoses, findings, or treatment may be released from this system of records in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or head of a State, County, or city health department, or any fee basis physician or institution in connection with authorized treatment as a VA beneficiary, provided that the name of the individual to whom the record pertains is given and that the information will be treated as confidential, as is customary in civilian professional medical practice.

14. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent that the information is relevant and necessary to the requesting agency's specified official purpose.

15. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent that the information is relevant and necessary to the requesting agency's specified official purpose.

16. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent that the information is relevant and necessary to the requesting agency's specified official purpose.

sponse to its request, to the extent required to determine eligibility for their benefit.

15. A record from this system of records may be disclosed to the following agencies relative to military, naval, or air service and as to both current and historical benefit payments made by the VA: Departments of the Army, Navy, and Air Force; Marine Corps; Department of Transportation (Coast Guard); Department of Health, Education, and Welfare, PHS (Public Health Service), Commissioned Corps; Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps.

16. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

17. A record containing the names and addresses of present or former personnel of the Armed Forces and/or dependents may be released from this system of records, upon request to a non-profit organization but only if the purposes are directly connected with the utilization of benefits and the conduct of programs under Title 38, United States Code, provided further that the list will not be used for any other purpose as stated in the application and that the organization is aware of the penalty provision of 38 U.S.C. 3301(9).

18. The amount of pension, compensation, or dependency and indemnity compensation of any beneficiary may be released from this system of records to any person who applies for such information.

19. Disclosure of VA records as deemed necessary and proper to accredited service organizations, agents and attorneys recognized under a power of attorney or declaration of representation to assist in the preparation, presentation and prosecution of claims.

20. A record from this system of records may be disclosed to a fiduciary (including those acting in a fiduciary capacity) recognized or appointed by the VA to the extent necessary to fulfill the fiduciary's function.

21. Relevant information from this system of records may be disclosed, as a routine use: in the course of presenting evidence to a court, magistrate, or administrative tribunal, in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

22. Transfer of statistical and other data to Federal, State and local government agencies and national health organizations to assist in the development of programs that will be beneficial to claimants, to protect their rights under law and to assure that they are receiving all benefits to which they are entitled.

23. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from

the congressional office made at the request of that individual.

24. In the event that a system of records maintained by this agency to carry out its function 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 the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, 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.

25. A record from this system of records may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

26. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

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

Storage: Paper documents, microfilm, microfiche, magnetic tape and magnetic disk.

Retrievability: a) Manual records are indexed by name and VA file number. b) Automated records are indexed by name, VA file number, payee number and type of benefit.

Safeguards:

1. Physical Security:

(a) Access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a "need to know" basis. Generally, file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a "need to know" basis. Access to data telecommunication terminals is by authorization controlled by the site security officer. The security officer is assigned responsibility for privacy/security measures, especially for review of violations logs, information logs and control of password and badge distribution.

(b) Access to data processing centers is restricted to center employees, custo-

dial personnel and Federal Protective Service personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted.

2. System Security:

(a) At Veterans Administration Regional Offices and Veterans Administration Centers, the terminal equipment has key locks, magnetic badge readers and audible alarms. Electronic keyboard locks are activated on security errors.

(b) At the data processing centers, identification of magnetic tape and disks containing data is rigidly enforced using labeling techniques. Access to programs is controlled at three levels: programming, auditing and operations.

Retention and disposal:

1. Individual case folders and records are retained indefinitely.

2. Automated files containing temporary working data are retained until a claim is processed to determination.

3. All other automatic files are retained indefinitely.

System manager(s) and address: Director, Compensation and Pension Service (21), VA Central Office, Washington, D.C. 20420; Director, Education and Rehabilitation Service (22) VA Central Office, Washington, D.C. 20420.

Notification procedure:

1. Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office. Addresses for VA regional offices and centers may be found on page 38123 of the FEDERAL REGISTER of August 26, 1975.

2. All inquiries must reasonably identify the benefit or system of records involved; e.g., Compensation and Pension. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, the following information should be forwarded, if known: veteran's full name, branch of service, dates of service, service number, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries, service organization personnel or other duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office or center.

Contesting record procedures: See Record Access Procedures above.

Record source categories: 1. The claimant, his or her accredited representative or his or her fiduciary; 2. The military service department; 3. VA hospitals and doctors, or private hospitals and doctors if written authorization is obtained from the claimant; 4. Training establishments; 5. State approving agencies; 6. Other Federal agencies; 7. County Clerks, Courts and other third parties, when assistance is requested by claimant.

[FR Doc.76-12210 Filed 4-27-76; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 34]

ASSIGNMENT OF HEARINGS

APRIL 23, 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 44735 Sub 24, Kissick Truck Lines, Inc. and MC 107295 Sub 765, Pre-Fab Transit Co., now assigned for continued hearing on May 12, 1976, at Washington, D.C. is postponed to June 3, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

A. & H. Truck Lines, Inc. et al. V. Schaller Trucking Corporation, et al., now assigned May 10, 1976, at Indianapolis, Ind. will be held at 1:00 p.m. instead of 9:30 a.m.

MC 121046 Sub 6, B. A. Miller & Sons Trucking Co., Inc., now assigned July 13, 1976, at Columbus, Ohio, is canceled and application dismissed.

MC 114457 (Sub 249), Dart Transit Company now being assigned June 14, 1976 (1 day), at Chicago, Illinois in a hearing room to be later designated.

Ex Parte MC 97, Investigation into Practices of Motor Common Carriers of Property on Residential and Redelivered shipments now being assigned June 9, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114273 (Sub 245), CRST, Inc. now being assigned May 10, 1976 (1 week), at Chicago, Illinois and will be held in Room 1088-A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 117823 (Sub 49), Dunkley Refrigerated Transport, Inc., MC 127539 Sub 46, Parker Refrigerated Service, Inc., MC 138274 Sub 19, Shippers Best Express, Inc., and MC 139495 Sub 86, National Carriers, Inc., now being assigned for continued hearing on June 2, 1976 (4 days), in Room 13025, 13001 Federal Bldg., 450 Golden Gate Avenue, San Francisco, Calif.

MC 61592 Sub 359, Jenkins Truck Line, Inc., MC 109397 Sub 316, Tri-State Motor Transit Co., MC 123407 Sub 257, Sawyer Transport, Inc., and MC 124692 Sub 150, Sammons Trucking, now being assigned for continued hearing on June 7, 1976 (2 weeks), in Room 13025, 13001 Federal Bldg., 450 Golden Gate Avenue, San Francisco, Calif.

MC 140898, Kendrick Trucking Corp. now being assigned July 13, 1976 (2 days), at Louisville, Kentucky in a hearing room to be later designated.

MC 118959 (Sub 128), Jerry Lipps, Inc. now being assigned July 15, 1976 (2 days), in Louisville, Kentucky in a hearing room to be later designated.

MC 106088 Sub 7, Wm. O. Hopkins, now assigned June 14, 1976, at Chicago, Ill., is canceled and application dismissed.

MC 141437, Juan Sandoval and Jose A. Sandoval d.b.a. Rapidos Express Service, now assigned, July 26, 1976, at El Paso, Texas, is canceled and application dismissed.

MC 123048 (Sub 331), Diamond Transportation System, Inc. now being assigned July 19, 1976 (1 day), at Louisville, Kentucky in a hearing room to be later designated.

MC 83539 (Sub 419), C & H Transportation Co., Inc. now being assigned July 20, 1976 (2 days), at Louisville, Kentucky in a hearing room to be later designated.

MC 94430 (Sub 37), Weiss Trucking Company, Inc. now being assigned July 22, 1976 (2 days), in Louisville, Kentucky in a hearing room to be later designated.

MC 108207 Sub 420, Frozen Food Express, Inc., now assigned April 26, 1976, at Mobile, Ala., is cancelled.

MC-F 12677, Ward Trucking Corp.—Purchase—Keystone-Lawrence Transfer and Storage Company now being assigned July 20, 1976 (4 days), at Pittsburgh, Pennsylvania in a hearing room to be later designated.

MC 126601 (Sub 1), Anthony J. Clesi now being assigned July 25, 1976 (2 days), at Pittsburgh, Pennsylvania in a hearing room to be later designated.

AB 19 (Sub 21), Baltimore and Ohio Railroad Company Abandonment Portion Sandusky Branch Between Willard and Wilmer in Huron and Erie Counties, Ohio now being assigned July 29, 1976 (2 days), at Sandusky, Ohio in a hearing room to be later designated.

MC 115826 (Sub 261), W. J. Digby, Inc. now being assigned July 26, 1976 (2 days), at Denver, Colorado in a hearing room to be later designated.

MC 52858 (Sub 114), Convoy Company now being assigned July 28, 1976 (3 days), at Denver, Colorado in a hearing room to be later designated.

(SEAL)

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-12372 Filed 4-27-76; 8:45 am]

[Revised Exemption No. 44]

CAR SERVICE RULE

Exemption Under Provision of Rule 19 of the Mandatory Ordered in Ex Parte No. 241

It appearing, That Car Service Rule 2 authorizes the loading of cars owned by indirect connections of the lines having physical possession of the cars to destinations closer to the car owner than is the point of loading; that there is need for a quick reference guide to enable shippers and carriers to make a selection of the proper car for loading to remote destinations; and that the Car Service Division of the Association of American Railroads has prepared a Car Utilization Map which will enable shippers and carriers to determine whether or not such cars owned by indirect connections properly may be used for transporting the traffic available.

It is ordered, That, under authority vested in me by Car Service Rule 19, cars loaded in conformity with the Car Utilization Map¹ issued by the Car Service Division of the Association of American Railroads, dated April 15, 1976, or successive issues thereof, shall be deemed

¹ Filed as part of the original document.

to be in compliance with the provision of Car Service Rule 2(b).

Effective April 15, 1976.

Issued at Washington, D.C., April 15, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-12375 Filed 4-27-76; 8:45 am]

[Notice No. 53]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 23, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2052 (Sub-No. 7 TA), filed April 14, 1976. Applicant: BLAIR TRANSFER, INC., 203 South 9th St., Blair, Nebr. 68008. 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) Agricultural implements, machinery, equipment and parts, and road construction machinery, equipment, attachments, and parts, from the facilities of Blair Manufacturing Company, at Blair, Nebr., to points in North Dakota, South Dakota, Kansas, Minne-

sota, Iowa, Missouri, and Illinois; and (2) *Materials, equipment and supplies*, used in the manufacture, sale, and distribution of the commodities named in (1) above, from points in North Dakota, South Dakota, Kansas, Minnesota, Iowa, Missouri and Illinois, to the facilities of Blair Manufacturing Company, at Blair, Nebr., restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, for 180 days. Supporting shipper: James P. Ryan, Executive Vice-President, Blair Manufacturing Company, 929 Washington St., Blair, Nebr. 68008. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 36629 (Sub-No. 4 TA), filed April 13, 1976. Applicant: STEINWAY TRUCKING, INC., 41-06 Nineteenth Ave., Astoria, N.Y. 11105. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building glass*, from points within the New York, N.Y., Commercial Zone, as described by the Commission in the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b)(8) of the Act (the exempt zone), to points in Connecticut, New Jersey, Massachusetts, Rhode Island, that part of Pennsylvania on and east of U.S. Highway 15, and that part of New York within 100 miles of New York, N.Y., under a continuing contract with Merchants Glass Distributors, Inc.; Trans-World Shipping Corp.; Flat Glas Limited, Inc.; Amworth Industries Corp.; Seaply Glass Corporation; and Bienenfeld Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Merchants Glass Distributors, Inc., 330 Henrickson Ave., Lynbrook, N.Y. 11563. Trans-World Shipping Corp., 53 Park Place, New York, N.Y. 10007. Flat Glas Limited, Inc., 744 Broad St., Newark, N.J. 07102. Amworth Industries Corp., 42 Chasner St., Hempstead, N.Y. 11550. Seaply Glass Corporation, 271 North Ave., New Rochelle, N.Y. 10802. Bienenfeld Industries, Inc., 1539 Covert St., Brooklyn, N.Y. 11227. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 48948 (Sub-No. 7TA), filed April 8, 1976. Applicant: THE HOCKING CARTAGE COMPANY, R.R. 2, Logan, Ohio 43138. Applicant's representative: James M. Burtch, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass cullet*, in dump vehicles, from the plantsite of the Mattoon Lamp Plant of The General Electric Company, at or near Logan,

Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Logan Glass Plant, The General Electric Company, Box 699, Logan, Ohio 43138. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 108207 (Sub-No. 440TA), filed March 29, 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: *Frozen animal sera and tissue*, from Rogers, Ark., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pel-Freez Biologicals, Inc., 1111 South 19th St., Rogers, Ark. 72756. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 128141 (Sub-No. 10TA), filed April 8, 1976. Applicant: TRI-STATE TRANSPORT, INC., P.O. Box 4109, Davenport, Iowa 52808. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, from the plantsite and facilities of Twin-State Engineering & Chemical Co., located in Cedar County, Iowa, to points in Illinois and Minnesota, under a continuing contract with Twin-State Engineering & Chemical Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Twin-State Engineering & Chemical Co., 3932 W. River Drive, Davenport, Iowa 52802. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 129352 (Sub-No. 12TA), filed April 9, 1976. Applicant: CREAGER TRUCKING CO., INC., 4 N.E. Marine Drive, P.O. Box 17007, Portland, Ore. 97217. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass products*, between Seattle, Wash., on the one hand, and points in California and Portland and Eugene, Ore., and their commercial zones, on the other, under a continuing contract with Northwestern Industries, Inc., for 180 days. Supporting shipper: Northwestern Industries, Inc., 2501 West Commodore Way, Seattle, Wash. 98199. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Com-

mission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 133123 (Sub-No. 11TA), filed April 13, 1976. Applicant: RUJAC TRUCKING CORP., 1133 Avenue of the Americas, New York, N.Y. 10036. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical goods*; (2) *Parts thereof*; (3) *Materials, equipment and supplies* used or useful in the operation thereof; in the manufacture thereof; and in the repair thereof, between the facilities of Toshiba America, Inc., at New York (Flushing), N.Y., and points in the New York, N.Y. Commercial Zone as defined in the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b)(8) of the Act (the exempt zone), on the one hand, and, on the other, points in Nassau, Suffolk, Westchester and Rockland Counties, N.Y.; New York, N.Y.; New Jersey, and the Commercial Zone of Philadelphia, Pa., under a continuing contract with Toshiba America, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Toshiba America, Inc., 280 Park Ave., New York, N.Y. 10017. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 135364 (Sub-No. 27TA), filed April 13, 1976. Applicant: MORWALL TRUCKING, INC., R.D. No. 3, Box 76-C, Moscow, Pa. 18444. Applicant's representative: Joseph F. Hoary, 121 South Main St., Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Artificial trees, wreaths and garlands*, from Lexington, Ky., and Coxsackie, N.Y., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, New Jersey, Ohio, Pennsylvania, West Virginia, Wisconsin, Virginia and Vermont; and (2) *Material, equipment, and supplies*, used in the manufacture and distribution of the above commodities on return, restricted to transportation under a continuing contract or contracts with American Technical Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Technical Industries, Inc., 1454 Jingle Bell Lane, Lexington, Ky. 40505. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 138202 (Sub-No. 4TA), filed April 8, 1976. Applicant: CURTIS BROTHERS TRUCKING CO., INC., Box 221D, Falmouth, Va. 22401. Applicant's representative: Daniel B. Johnson, 1123 Munsey Bldg., Washington, D.C. 20004. Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Virginia to points in Tennessee, Maryland, Delaware, New Jersey, West Virginia and Pennsylvania (Restricted against the transportation of traffic originating at Winchester, Va., and its commercial zones and destined to points in Delaware, New Jersey and Pennsylvania), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Best Way Construction, Inc., 2850 Beechtree Lane, Woodbridge, Va. 22191. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 139756 (Sub-No. 3TA), filed April 13, 1976. Applicant: HOWARD HERLEE LISK, doing business as HOWARD LISK, 305 Park Road, Wadesboro, N.C. 28170. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cast and pre-stressed concrete products*, from Charlotte, N.C., to points in Georgia, South Carolina, Tennessee, and Virginia; and (2) *Materials, equipment and supplies* used in the production of pre-cast and pre-stressed concrete products, and returned, rejected and damaged pre-cast and pre-stressed concrete products, from the destination points in (1) above, to Charlotte, N.C., under a continuing contract with Gifford-Hill & Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gifford-Hill & Company, Inc., P.O. Box 5445, Charlotte, N.C. 28205. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 140489 (Sub-No. 1TA), filed April 9, 1976. Applicant: J. M. F. CO., INC., 318 Highland Drive, St. Maries, Idaho 83861. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and wood residuals*, from St. Maries, Idaho, to Lewiston, Idaho and points in Whitman County, Wash., under a continuing contract with Potlatch Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Potlatch Corporation, P.O. Box 1016, Lewiston, Idaho 83501. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141527 (Sub-No. 1TA), filed April 13, 1976. Applicant: D & D LUMBER COMPANY, INC., 2146 Amity Hill Road, Statesville, N.C. 28677. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to op-

erate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Taylorsville, N.C., to points in California, under a continuing contract with Lewittes Furniture Enterprises, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lewittes Furniture Enterprises, Inc., P.O. Box 1027, Taylorsville, N.C. 28681. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 141953TA filed April 12, 1976. Applicant: R & L, INC., R.R. 2, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements, and attachments, parts, accessories thereof*, from the plantsite and facilities of International Harvester Company, at or near Rock Island and East Moline, Ill., to the facilities of Toner's, Inc., at or near Grand Island, Nebr., and from the plantsite and facilities of Deere & Company, at or near Waterloo, Ottumwa, and Ankeny, Iowa and Moline and East Moline, Ill., to the facilities of Landell Implement Co., at or near Shelton, Nebr., and the facilities of Green Line Equipment, Inc., at or near Grand Island, Nebr., under a continuing contract with Green Line Equipment Co., Landell Implement Co., and Toner's Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Lynus J. Rerucha, President, Green Line Equipment Co., Grand Island, Nebr. 68801. (2) James R. Landell, Vice-President, Landell Implement Co., Box C, Shelton, Nebr. (3) Larry J. Toner, Vice President, Toner's Inc., Rural Route 1, Grand Island, Nebr. 68801. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 141954 TA, filed April 13, 1976. Applicant: RAFORD N. BOHANNON AND ROBERT E. RAGON doing business as R & R TRUCKING CO., Box 42, Greenup, Ill. 62428. 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: (A) *Waste oil sludges*, in bulk, from points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, Tennessee and Wisconsin, to Calhoun, Crossville, Greenup and Olney, Ill., and (B) *Reprocessed process oil*, in bulk, from Calhoun, Crossville, Greenup and Olney, Ill., to points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, Tennessee and Wisconsin, for the account of A & F Materials Company, a Division of Cumberland Laboratories, Inc., under a continuing contract with A & F Materials, Company, a Division of Cumberland Laboratories, Inc., for 180 days. Applicant has also filed an underlying ETA

seeking up to 90 days of operating authority. Supporting shipper: Kenneth C. Ault, President, A & F Materials, Company, a Division of Cumberland Laboratories, Inc. P.O. Box 95, Hazel Dell, Ill. 62430. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 141955TA, filed April 8, 1976. Applicant: SECURITY FREIGHT LINES, INC., 7230 N.W. 56th St., Miami, Fla. 33166. Applicant's representative: Richard B. Austin, Palm Coast II Bldg., Suite 214, 5255 N. W. 87th Ave., Miami, Fla. 33178. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk or commodities which by reason of size or weight require specialized handling and equipment), between Miami, Fla., and its Commercial zone, as defined in the Code of Federal Regulations, restricted to traffic having a prior or subsequent movement by water, under a continuing contract with Security Forwarding Service, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Security Forwarding Service, Inc., 7230 N. W. 56th St., Miami, Fla. 33166. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N. W. 53rd Terrace, Miami, Fla. 33166.

No. MC 141958TA, filed April 12, 1976. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 422, Route 32 South, Effingham, Ill. 62401. 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: (A) *Air conditioners, furnaces, dishwashers, washers, dryers, dry cleaners, central air conditioning units, heating units, air cleaners, humidifiers, and materials and supplies*, used in the manufacture, production and distribution thereof (except commodities in bulk), for the account of Fedders Corporation, between the plantsite of Fedders Corporation, at Effingham, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, D.C., West Virginia and Wisconsin; and (B) *Steel laminations*, from Chicago, Ill., for the account of Fedders Corporation, the plantsite of R. M. R. Corporation, at Elkton, Md.; and (C) *Materials and supplies* used in the manufacture, production and distribution of air conditioners, furnaces, dishwashers, washers, dryers, dry cleaners, central air conditioning units, heating units, air cleaners

and humidifiers (except commodities in bulk), for the account of Fedders Corporation, between the plantsite of Fedders Corporation, at Effingham, Ill.; the plantsite of Fedders Corporation, at Edison, N.J.; the plantsite of Fedders Corporation, at Frederick, Md.; the plantsite of R. M. R. Corporation, at Elkton, Md., and (D) *Air conditioners, furnaces, dishwashers, washers, dryers, dry cleaners, central air conditioning units, heating units, air cleaners and humidifiers*, for the account of Fedders Corporation, from Edison, N.J., to points in Illinois, Indiana, Michigan, Missouri, Ohio, Tennessee and Wisconsin and (E) *Aluminum*, for the account of Fedders Corporation, from Huntingdon, Tenn., to Edison, N.J., under a continuing contract with Fedders Corporation, for 180 days. Supporting shipper: Donald Ross, Vice-President, Gen. Mgr. Effingham Plant, Fedders Corporation, 415 W. Wabash Ave., Effingham, Ill. 62401. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 141956TA, filed April 13, 1976. Applicant: AREA CONTAINER SERVICES, INC., 3400 S. Pulaski Road, Chicago, Ill. 60623. Applicant's representative: Donald E. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except commodities in bulk, in tank vehicles, and Classes A and B explosives), restricted to traffic having a prior or subsequent movement by rail in trailer-on-flat car service and/or containers having a prior or subsequent movement by water, between railroad and/or steamship lines container facilities, located in the Chicago Commercial Zone as defined by the Interstate Commerce Commission, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio and Wisconsin; and (B) *Empty trailer, empty steamship containers, and/or trailer chassis*, between railroad and/or steamship lines container facilities, located in the Chicago Commercial Zone as defined by the Interstate Commerce Commission, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio and Wisconsin, for 180 days. Supporting shippers: ICS Traffic Services Inc., Duane L. Westerhoff, 1800 W. 43rd St., Chicago, Ill. 60609. Associated Container Transportation, John Kammerer, Room 1610, 230 N. Michigan, Chicago, Ill. 60601. CrossOcean Shipping Co., Inc., Sharon McCormack, Suite 832, 327 S. LaSalle, Chicago, Ill. 60604. United States Lines, Inc., Raymond P. Zoberis, Jr., Suite 340, 1010 Jorie Blvd., Oak Brook, Ill. CP Ships, Phillip G. Jung, 2625 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1304, Chicago, Ill. 60604.

No. MC 141957 TA, filed April 12, 1976. Applicant: EUGENE NAVARRO, doing business as MIAMI CRATING CO., 5522 N.W. 72nd Ave., Miami, Fla. 33178. Applicant's representative: Richard B. Austin, Palm Coast II Bldg., Suite 214, 5255 N.W. 87th Ave., Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* crated or in containers, without wheels, and commodities which by reason of their inherent nature and size do not require crating or containerization, from applicant's warehousing facilities at or near Miami, Fla., to points in the City of Miami, Fla., and its commercial zone, restricted to traffic having a subsequent movement by water in interstate or foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Bil International Corp., 5526 N.W. 72 Ave., Miami, Fla. 33166. Behring International, Inc., 5524 N.W. 72 Ave., Miami Springs, Fla. 33166. Basa Cargo Services, Inc., P.O. Box 440242, Miami, Fla. 33144. Bay Trading Co., Inc., 815 N.W. 6th Terrace, Boca Raton, Fla. 33432. Florida Purchasing Services, P.O. Box 350604, Miami, Fla. 33135. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 141969 TA, filed April 13, 1976. Applicant: NOBLE TRANSPORT, INC., P.O. Box 17-B, 1555 Tremont Place, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Suite 240, 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self propelled articles*, each weighing 15,000 lbs. or less, and *related machinery tools, parts, and supplies*, moving in connection therewith, between Fresno, Modesto, Los Angeles, San Diego, San Francisco, South San Francisco, Sacramento, San Jose, Bakersfield and Tulare, Calif.; Phoenix and Tucson, Ariz.; Spokane, Seattle, Vancouver and Auburn, Wash.; Portland, Ore.; Las Vegas, Nev.; Salt Lake City, Utah; Boise, Idaho, and Denver, Colo., restricted to traffic moving on trailers to or from the facilities of Frito-Lay, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frito-Lay, Inc., 650 North King Road, San Jose, Calif. 95133. Send protests to: Roger L. Bushanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

PASSENGER APPLICATION

No. MC 135288 (Sub-No. 6TA), filed April 16, 1976. Applicant: MCGILL'S TAXI AND BUS LINES, INC., doing business as ASHEBORO COACH CO., 151 Sunset Ave., P.O. Box 626, Asheboro, N.C. 27203. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank

Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. 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, and in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at High Point, N.C., and points in its Commercial Zone, and those in Alamance, Anson, Chatham, Davidson, Guilford, Hoke, Lee, Montgomery, Moore, Orange, Randolph, Richmond, Robeson, Scotland, Stanly, and Union Counties, N.C., and extending 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 shippers: There are approximately 61 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: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-12374 Filed 4-27-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

APRIL 23, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuels have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 113974 (Sub-No. 50G), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a Corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: William J. Lavelle, 2310

Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Granite*, used as a building material requiring the use of special equipment, from Quincy and Rockport, Mass., to points in New York, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, North Carolina, South Carolina and the District of Columbia.

The purpose of this filing is to eliminate the gateways of New York, N.Y., Newark, N.J., and points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden and Burlington Counties, N.J.

(2) *Granite*, requiring the use of special equipment, from Quincy and Rockport, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and New Jersey. The purpose of this filing is to eliminate the gateways of New York, N.Y. or Newark, N.J.

(3) *Granite* requiring the use of special equipment, from Quincy and Rockport, Mass., to points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va. The purpose of this filing is to eliminate the gateways of New York, N.Y. or Newark, N.J. and points in Pennsylvania.

(4) *Machinery*, requiring the use of special equipment, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie. The purpose of this filing is to eliminate the gateways of Bridgeport, Hartford, New London or Devon, Conn., or New York, N.Y., or Newark, N.J.

(5) *Machinery*, requiring the use of special equipment, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in that part of Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania in the territory bounded by a line beginning at Schenectady, N.Y., and extending along New York Highway 7 to Richmondville, N.Y., thence along New York Highway 10 to Deposit, N.Y., thence along New York Highway 17 to Monticello, N.Y., thence along New York Highway 42 to Port Jervis, N.Y., thence along U.S. Highway 209 to junction Business Route U.S. Highway 209 (formerly portion U.S. Highway 209) at or near Marshall Creek, Pa.; thence along Business Route U.S. Highway 209 to Stroudsburg, Pa., thence along U.S. Highway 611 to Easton, Pa., thence along U.S. Highway 22 to junction New Jersey Highway 28 to Bound Brook, N.J., thence along New Jersey Highway 18 to Highland Park, N.J., thence along New Jersey Highway 27 to Rahway, N.J., thence along unnumbered highway to junction U.S. Highway 1, thence along U.S. Highway 1 to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford, Conn., to the Connecticut-Massachusetts State line, thence along Massa-

chusetts Highway 15 to U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester, to Fitchburg, Mass., thence along Massachusetts Highway 2A (formerly portion Massachusetts Highway 2) to junction Massachusetts Highway 2 near Westminster, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line, thence along New York Highway 2 to Troy, N.Y., and thence along New York Highway 7 to point of beginning, including points on the indicated portions of the highways specified.

The purpose of this filing is to eliminate the gateways of New York, N.Y. or Newark, N.J.

(6) *Machinery*, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Pennsylvania, New York (except New York City), and North Carolina.

The purpose of this filing is to eliminate the gateways of Lawrence or North Andover, Mass.

(7) *Machinery*, between Providence, R.I., Bridgeport, Hartford, New London, and Devon, Conn., New York, N.Y., and Trenton or Newark, N.J., on the one hand, and, on the other, points in Pennsylvania, New York (except New York City), and North Carolina.

The purpose of this filing is to eliminate the gateways of Lawrence or North Andover, Mass.

(8) *Used machinery*, between Providence, R.I., Bridgeport, Hartford, New London, and Devon, Conn., New York, N.Y., and Trenton or Newark, N.J., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New Hampshire,

The purpose of this filing is to eliminate the gateways of points in Massachusetts within 25 miles of Boston, Mass.

(9) *Machinery*, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateways of New York, N.Y. or Trenton or Newark, N.J.

(10) *Machinery*, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina and the District of Columbia.

The purpose of this filing is to eliminate the gateways of New York, N.Y., or Trenton or Newark, N.J.

(11) *Machinery*, between Providence, R.I., Bridgeport, Hartford, New London, and Devon, Conn., New York, N.Y., and Trenton or Newark, N.J., on the one hand, and, on the other, points in New

Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y.

The purpose of this filing is to eliminate the gateways of points in Massachusetts within 25 miles of Boston.

(12) *Machinery*, between Boston, Mass., and points within 25 miles of Boston, on the one hand, and, on the other, points in Ohio within 15 miles of Ashtabula, Ohio.

The purpose of this filing is to eliminate the gateways of New York, N.Y., or Trenton, or Newark, N.J., and the Philadelphia Commercial Zone as defined by the Commission.

(13) *Machinery*, between Providence, R.I., Bridgeport, Hartford, New London, and Devon, Conn., New York, N.Y., and Trenton and Newark, N.J., on the one hand, and, on the other, points in Ohio within 15 miles of Ashtabula, Ohio.

The purpose of this filing is to eliminate the gateways of points in Massachusetts within 25 miles of Boston, points in New York, and Philadelphia, Pa.

(14) *Machinery*, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Ohio.

The purpose of this filing is to eliminate the gateways of New York, N.Y. or Trenton or Newark, N.J., Philadelphia, Pa., and North Madison, Ohio.

(15) *Machinery*, between Providence, R.I., Bridgeport, Hartford, New London, and Devon, Conn., New York, N.Y., and Trenton and Newark, N.J., on the one hand, and, on the other, points in Ohio.

The purpose of this filing is to eliminate the gateways of Massachusetts within 25 miles of Boston, points in New York, Philadelphia, Pa. and its Commercial Zone, and North Madison, Ohio.

(16) *Machinery*, used in the installation of sheet metal products, from points in Massachusetts within 25 miles of Boston, to points in Florida and Georgia.

The purpose of this filing is to eliminate the gateways of New York, N.Y., or Trenton, or Newark, N.J., and the plant-site of Acme Manufacturing Company at Philadelphia, Pa.

(17) *Machinery*, used in the installation of sheet metal products, from points in Massachusetts within 25 miles of Boston, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin.

The purpose of this filing is to eliminate the gateways of New York, N.Y. or Trenton or Newark, N.J. and the plant-site of Berger Brothers Co., Lower Southampton Township (Bucks County), Pa.

(18) *Machinery*, used in the installation of sheet metal products, from Providence, R.I., Bridgeport, Hartford, New London and Devon, Conn., New York, N.Y. and Trenton and Newark, N.J., on the one hand, and, on the other, points in Florida and Georgia.

The purpose of this filing is to eliminate the gateways of points in Massachusetts within 25 miles of Boston, points

in New York or New Jersey, and the plant site of Acme Manufacturing Co. at Philadelphia, Pa.

(19) *Machinery*, used in the installation of sheet metal products, from Providence, R.I., Bridgeport, Hartford, New London and Devon, Conn., New York, N.Y., and Trenton and Newark, N.J., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin.

The purpose of this filing is to eliminate the gateways of points in Massachusetts within 25 miles of Boston, points in New York or New Jersey, and the plant site of Berger Brothers Co. in Lower Southampton (Bucks County), Pa.

(20) *Structural steel, steel building materials, steel wire and cable, steel poles*, requiring the use of special equipment, from Pittsburgh and Aliquippa, Pa., to points in New York within 65 miles of Poughkeepsie, N.Y.

The purpose of this filing is to eliminate the gateways of points in Massachusetts and Connecticut on and in the territory bounded by U.S. Highway 1 at New York City to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford, Conn., to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 15 to U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester, to Fitchburg, Mass., thence along Massachusetts Highway 2A (formerly portion Massachusetts Highway 2) to junction Massachusetts Highway 2 near Westminster, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line.

(21) *Steel mill products* requiring the use of special equipment and handling by reason of size or weight, from Pittsburgh and Aliquippa, Pa., to points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y.

The purpose of this filing is to eliminate the gateways of points in Connecticut.

(22) *Steel mill products* requiring the use of special equipment and handling by reason of size or weight, from Pittsburgh and Aliquippa, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateways of points in Connecticut within 35 miles of Columbus Circle, New York, N.Y.

(23) *Structural steel, steel building materials, steel wire and cable, and steel poles* requiring the use of special equipment, from Pittsburgh and Aliquippa, Pa., to points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateways of points in Massachusetts and Connecticut on and in the

territory bounded by U.S. Highway 1 at New York City to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford, Conn., to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 15 to U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester, to Fitchburg, Mass., thence along Massachusetts Highway 2A (formerly portion Massachusetts Highway 2) to junction Massachusetts Highway 2 near Westminster, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line, and points in New York within 65 miles of Poughkeepsie, N.Y.

(24) *Steel building materials* requiring the use of special equipment, from Pittsburgh and Aliquippa, Pa. to points in New York, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Virginia, South Carolina, North Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateways of points in Massachusetts and Connecticut on and in the territory bounded by U.S. Highway 1 at New York City to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford, Conn., to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 15 to U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester, to Fitchburg, Mass., thence along Massachusetts Highway 2A (formerly portion Massachusetts Highway 2) to junction Massachusetts Highway 2 near Westminster, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line, points in New York within 65 miles of Poughkeepsie, and points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.

(25) *Structural steel, steel building materials, steel wire and cable, and steel poles*, from Pittsburgh, and Aliquippa, Pa., to points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va.

The purpose of this filing is to eliminate the gateways of points in Massachusetts and Connecticut on and in the territory bounded by U.S. Highway 1 at New York City to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford, Conn., to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 15 to U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester, to Fitchburg, Mass., thence along Massachusetts Highway 2A (formerly portion Massachusetts Highway 2) to junction Massachusetts Highway 2 near Westminster, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line, and points in Pennsylvania east of a line beginning at Port Jervis, N.Y., thence along U.S. Highway 209 to junction Business

Route U.S. Highway 209 (formerly portion U.S. Highway 209) at or near Marshalls Creek, Pa., thence along Business Route U.S. Highway 209 to Stroudsburg, Pa., thence along U.S. Highway 611 to Easton, Pa., thence along U.S. Highway 22 to New Jersey.

(26) *Steel mill products* requiring the use of special equipment, from points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va., to points in Connecticut, Massachusetts and Rhode Island.

The purpose of this filing is to eliminate the gateways of Pittsburgh and Aliquippa, Pa.

(27) *Twilight zone commodities* as described by the Commission, between points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, Philadelphia, Pa. and its Commercial Zone as defined by the Commission.

The purpose of this filing is to eliminate the gateways of points in Ohio within 15 miles of Ashtabula, Ohio.

(28) *Twilight zone commodities* as described by the Commission, from points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, to points in Connecticut, Massachusetts and Rhode Island and to Auburn, Binghamton, Cortland, Elmira, Endicott, Geneva, Ithaca, Johnson City, Oneonta, Oswego, Rochester, Rome, Schenectady, Syracuse, and Utica, N.Y., and points in New York south of a line extending from Glens Falls, to a point on the New York-Vermont State line due east of Glens Falls, and on and east of a line extending from Glens Falls along U.S. Highway 9 to Albany, N.Y., and thence along Highway U.S. Highway 9W to New York, N.Y., and to points in the New York, N.Y., Commercial Zone, as defined by the Commission.

The purpose of this filing is to eliminate the gateways of points in Ohio within 15 miles of Ashtabula, Ohio.

(29) *Iron and steel articles* that are also twilight zone commodities as defined by the Commission, from points in Ohio, Pennsylvania and West Virginia within 125 miles of Wheeling, W. Va., to points in Maine, New Hampshire and Vermont.

The purpose of this filing is to eliminate the gateways of Mahoning, Columbiana, Jefferson, Harrison, Carroll, and Belmont Counties, Ohio, Allegheny, Westmoreland, Fayette, Green, Washington, Indiana, Armstrong, Butler, Beaver, Lawrence, Somerset, Clarion, and Mercer Counties, Pa., and Monongalia, Marion, Wetzel, Marshall, Ohio, Brooke, and Hancock Counties, W. Va.

(30) *Machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, stacks and tanks*, requiring the use of special equipment and machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks, and tanks, 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 machinery, power plant equipment, transformer, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks, and tanks, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; and machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks, and tanks, used in, or in connection with, the construction operation, repair, servicing, maintenance, and dismantling of water wells; and machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks, and tanks, used in, or in connection with, bore and core drilling, between points in Ohio, Pennsylvania and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in New York within 65 miles of Poughkeepsie, N.Y.

The purpose of this filing is to eliminate the gateways of points in Pennsylvania west of a line beginning at Port Jervis, N.Y., thence along U.S. Highway 209 to junction Business Route U.S. Highway 209 (formerly portion U.S. Highway 209) at or near Marshall Creek, Pa., thence along Business Route U.S. Highway 209 to Stroudsburg, Pa., thence along U.S. Highway 611 to Easton, Pa., thence along U.S. Highway 22 to New Jersey.

(31) *Machinery*, between points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, Lawrence and North Andover, Mass.

The purpose of this filing is to eliminate the gateways of points in Pennsylvania.

(32) *Articles* requiring specialized handling or rigging by reason of size or weight, from points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Morristown, Pa.

The purpose of this filing is to eliminate the gateways of points in Pennsylvania.

(33) *Such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts, that are 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 *such commodities* as contractors' equipment, bulky and heavy articles, machinery and machine parts, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; and *such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts, used in, or in connection with the construction, operation, repair, servicing,

maintenance and dismantling of water wells; and *such commodities* as contractors' equipment, bulky and heavy articles, machinery and machine parts, used in, or in connection with, bore and core drilling, between points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Morristown, Pa.

The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

(34) *Iron, steel and steel products* which, because of size or weight, require the use of special handling or rigging, between points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in Michigan on and south of Interstate Highway 94.

The purpose of this filing is to eliminate the gateway of points in Erie County, Ohio.

(35) *Twilight zone commodities* as defined by the Commission, between points in Ohio, Pennsylvania and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in Ohio.

The purpose of this filing is to eliminate the gateway of North Madison, Ohio.

(36) *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products and insulating materials*, (except commodities in bulk), requiring the use of special equipment, from points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee and West Virginia.

The purpose of this filing is to eliminate the gateways of Pittston, Pa. or the plant site and facilities of Celotex Corp. located at or near Philadelphia, Pa., or Sunbury, Pa.

(37) *Building metalwork* requiring the use of special equipment, from points in Ohio, Pennsylvania and West Virginia within 125 miles of Wheeling, to points in Illinois and Michigan.

The purpose of this filing is to eliminate the gateways of the plant site of Scheeter Brothers Co., at Philadelphia, Pa.

(38) *Articles* requiring the use of special equipment and handling by reason of size or weight, and *machinery* 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 *machinery*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; and *machinery*, used in, or in connection with the construction operation, repair, servicing, maintenance and dismantling of water wells; and *machinery*, used in, or in connection with, bore and core drilling, between points in Ohio, Pennsyl-

vania, West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y.

The purpose of this filing is to eliminate the gateways of points in Pennsylvania.

(39) *Sheet metal products, and equipment, materials and supplies* used in the installation of sheet metal products, requiring the use of special equipment, from points in Pennsylvania, Ohio, and West Virginia within 125 miles of Wheeling, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, West Virginia, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin.

The purpose of this filing is to eliminate the gateway of the plant site of Berger Brothers Co., Lower Southampton (Bucks County), Pa.

(40) *Sheet metal products, and equipment, materials and supplies* used in the installation of sheet metal products, from points in Ohio, Pennsylvania, West Virginia within 125 miles of Wheeling, to points in Florida and Georgia.

The purpose of this filing is to eliminate the gateway of the plant site of Acme Manufacturing at Philadelphia, Pa.

(41) *Articles* requiring the use of special equipment, between points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in Pennsylvania and points in New Jersey or New York or Connecticut within 35 miles of Columbus Circle, New York, N.Y.

(42) *Machinery*, 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 *machinery*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and *machinery*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of water wells; and *machinery* used in or in connection with, bore and core drilling, between points in Ohio, Pennsylvania and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateways of points in Pennsylvania, and points in New Jersey or New

York or Connecticut within 35 miles of Columbus Circle, New York, N.Y.

(43) *Building materials* requiring the use of special equipment, between points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in New York, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Virginia, North Carolina, South Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, and points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.

(44) *Gypsum and gypsum products* (except in bulk), that require the use of special equipment, from points in Ohio, Pennsylvania and West Virginia within 125 miles of Wheeling, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of points in Pennsylvania and Buchanan, N.Y.

(45) *Steel mill products* requiring the use of special equipment, from points in Ohio, Pennsylvania and West Virginia, within 125 miles of Wheeling, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateways of Pittsburgh or Aliquippa, Pa. and points in Connecticut within 35 miles of Columbus Circle, New York, N.Y.

(46) *Twilight zone commodities*, as defined by the Commission, between points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateways of points within 15 miles of Ashtabula, Ohio and points in New Jersey in the Philadelphia, Pa. Commercial Zone as defined by the Commission.

(47) *Twilight zone commodities*, between Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateways of points in Ohio within 15 miles of Ashtabula and Philadelphia, Pa.

(48) *Twilight zone commodities*, from points in Ohio, Pennsylvania and West Virginia within 125 miles of Wheeling, to points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateway of points within 15

miles of Ashtabula, Ohio, and points in Auburn, Binghamton, Cortland, Elmira, Endicott, Geneva, Ithaca, Johnson City, Oneonta, Oswego, Rochester, Rome, Schenectady, Syracuse, and Utica, N.Y., and points in New York south of a line extending from Glens Falls, to a point on the New York-Vermont State line due east of Glens Falls, and on and east of a line extending from Glens Falls along U.S. Highway 9 to Albany, N.Y., and thence along U.S. Highway 9W to New York, N.Y. and to points in the New York, N.Y., Commercial zone, as defined by the Commission.

(49) *Machinery*, from points in Ohio, Pennsylvania and West Virginia within 125 miles of Wheeling, to points in Pennsylvania, New York (except New York City), and North Carolina.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, and Lawrence and North Andover, Mass.

(50) *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials* (except in bulk), which are twilight zone commodities as defined by the Commission, from points in Ohio, Pennsylvania, and West Virginia to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin.

The purpose of this filing is to eliminate the gateways of points in Ohio within 15 miles of Ashtabula, and the plant site and facilities of Celotex Corporation at or near Philadelphia, Pa.

(51) *Building metalwork*, which is also a twilight zone commodity as defined by the Commission, from points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, to points in Illinois and Michigan.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and the plant site of Schechter Brothers Co. at Philadelphia, Pa.

(52) *Sheet metal products and equipment, materials and supplies* used in the installation of sheet metal products, which are also twilight zone commodities as defined by the Commission, from points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, to points in Florida and Georgia.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, and the plant site of Acme Manufacturing Co., Philadelphia, Pa.

(53) *Sheet metal products and equipment, materials and supplies* used in the installation of sheet metal products, which are also twilight zone commodities as defined by the Commission, from points in Pennsylvania, Ohio, and West Virginia within 125 miles of Wheeling, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin.

The purpose of this filing is to eliminate the gateways of points in Ohio within 15 miles of Ashtabula, Ohio and the plant site of Berger Brothers Co., Lower Southampton (Bucks County), Pa.

(54) *Machinery*, between points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling.

The purpose of this filing is to eliminate the gateways of New York, N.Y. or Trenton or Newark, N.J. and points in Pennsylvania.

(55) *Logs and timbers*, which are contractors' equipment, heavy and bulky, or require the use of specialized handling or rigging because of size or weight, between points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

(56) *Lumber and lumber* which requires the use of special equipment, between points in Ohio, Pennsylvania and West Virginia within 125 miles of Wheeling, on the one hand, and, on the other, points in New Jersey, New York and Connecticut, within 35 miles of Columbus Circle, New York, N.Y.

The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

(57) *Logs and lumber* which are twilight zone commodities as defined by the Commission, between points in Ohio, Pennsylvania, and West Virginia, on the one hand, and, on the other, points in New Jersey, New York, Connecticut within 35 miles of Columbus Circle, New York, N.Y.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and Philadelphia, Pa.

(58) *Logs and lumber* which are also twilight zone commodities as defined by the Commission, from points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, and points in Connecticut within 35 miles of Columbus Circle, New York, N.Y. or points in Auburn, Binghamton, Cortland, Elmira, Endicott, Geneva, Ithaca, Johnson City, Oneonta, Oswego, Rochester, Rome, Schenectady, Syracuse, and Utica, N.Y., and points in New York south of a line extending from Glens Falls, to a point on the New York-Vermont State line due east of Glens Falls, and on and east of a line extending from Glens Falls along

U.S. Highway 9 to Albany, N.Y., and thence along U.S. Highway 9W to New York, N.Y. to points in the New York, N.Y. Commercial Zone, as defined by the Commission.

(59) *Logs and lumber* that are also twilight zone commodities, as defined by the Commission, between points in Ohio, Pennsylvania and West Virginia, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio, the Commercial zone of Philadelphia, and points in New Jersey, New York, or Connecticut within 35 miles of Columbus Circle, New York, N.Y.

(60) *Used lumber*, from points in Ohio, Pennsylvania and West Virginia, to points in Massachusetts, Rhode Island, and New Hampshire.

The purpose of this filing is to eliminate the gateway of points within 15 miles of Ashtabula, and points in Massachusetts.

(61) *Logs and lumber* which are also building materials, between points in Ohio, Pennsylvania, and West Virginia, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points within 15 miles of Ashtabula, Ohio and points in New Jersey within the Philadelphia, Pa. Commercial Zone as defined by the Commission.

(62) *Machinery*, from points in Ohio, to Providence, R.I., Bridgeport, Hartford, New London and Devon, Conn., New York, N.Y., and Trenton and Newark, N.J.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and points in Massachusetts within 25 miles of Boston, Mass.

(63) *Groceries and paints*, from points in Ohio, to Boston, Mass.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and New York, N.Y.

(64) *Granite*, from points in Ohio, to New York, N.Y. and Newark, N.J.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and Quincy or Rockport, Mass.

(65) *Machinery*, from points in Ohio, on the one hand, and, on the other, points in Pennsylvania, New York (except New York City), and North Carolina.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and Lawrence and North Andover, Mass.

(66) *Used machinery, used store, office and factory supplies, and fixtures*

used heating and plumbing equipment, and used lumber, from points in Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, and New Hampshire.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, and points in Massachusetts.

(67) *Twilight zone commodities* as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and the Philadelphia, Pa. Commercial Zone as defined by the Commission.

(68) *Contractors' equipment, and machinery and machine parts*, between points in Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and Philadelphia, Pa. Commercial Zone as defined by the Commission.

(69) *Building materials*, between points in Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, Delaware, Maryland, Connecticut, New Jersey, Rhode Island, Massachusetts, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio, and points in New Jersey which are in the Philadelphia, Pa. Commercial Zone as defined by the Commission.

(70) *Empty malt beverage containers*, from points in Ohio, on the one hand, and, on the other, Wilkes Barre, Pa.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and points in New Jersey within the Philadelphia, Pa. Commercial Zone as defined by the Commission.

(71) *General commodities*, between points in Ohio, on the one hand, and, on the other, points in the Philadelphia, Pa. Commercial Zone.

The purpose of this filing is to eliminate the gateway of North Madison, Ohio.

(72) *General commodities*, from points in Ohio, to points in Connecticut, Massachusetts, Rhode Island, and to those points in Auburn, Binghamton, Cortland, Elmira, Endicott, Geneva, Ithaca, Johnson City, Oneonta, Oswego, Rochester, Rome, Schenectady, Syracuse, and Utica, N.Y., and points in New York south of a line extending from Glens Falls, to a point on the New York-Vermont State line due east of Glens Falls, and on and east of a line extending from Glens Falls along U.S. Highway 9 to Albany, N.Y., and thence along U.S. Highway 9W to New York, N.Y., and to points in the New York, N.Y., Commercial Zone, as defined by the Commission.

The purpose of this filing is to eliminate the gateway of North Madison, Ohio.

(73) *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials* (except in bulk), from points in Ohio, to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and the plant site and facilities of Celotex Corp. located at or near Philadelphia, Pa.

(74) *Building metalwork*, from points in Ohio, to points in Illinois and Michigan.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and Schecter Brothers at Philadelphia, Pa.

(75) *Twilight zone commodities* as defined by the Commission, from points in Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio, to points in Connecticut within 35 miles of Columbus Circle, New York, N.Y. on Auburn, Binghamton, Cortland, Elmira, Endicott, Geneva, Ithaca, Johnson City, Oneonta, Oswego, Rochester, Rome, Schenectady, Syracuse, and Utica, N.Y., and points in New York south of a line extending from Glens Falls, to a point on the New York-Vermont State line due east of Glens Falls, and on and east of a line extending from Glens Falls along U.S. Highway 9 to Albany, N.Y. and thence along U.S. Highway 9W to New York, N.Y., and to points in the New York, N.Y. Commercial Zone as defined by the Commission.

(76) *Twilight zone commodities*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio, and Philadelphia, Pa., and points in New York and New Jersey.

(77) *Sheet metal products, and equipment, materials and supplies* used in the installation of sheet metal products, from points in Ohio, on the one hand, and, on the other, points in Florida and Georgia.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and

plant site of Acme Manufacturing Company at Philadelphia, Pa.

(78) *Sheet metal products, and equipment, materials and supplies* used in the installation of sheet metal products, from points in Ohio, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and plant site of Berger Brothers Co., Lower Southampton (Bucks County), Pa.

(79) *Gypsum and gypsum products*, from points in Ohio, to points in Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, and Vermont.

The purpose of this filing is to eliminate the gateway of points in Ohio within 15 miles of Ashtabula, Ohio and Buchanan, N.Y.

(80) *Used machinery*, between points in Massachusetts, Rhode Island, and New Hampshire, on the one hand, and, on the other, points in Pennsylvania, New York (except New York City), and North Carolina.

The purpose of this filing is to eliminate the gateway of Lawrence or North Andover, Mass.

(81) *Machinery*, between Lawrence and North Andover, Mass., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateway of points in Pennsylvania or New York (except New York City).

(82) *Machinery*, between Lawrence and North Andover, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in New York (except New York City).

(83) *Used machinery*, between Massachusetts, New Hampshire, and Rhode Island, on the one hand, and, on the other, points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y.

The purpose of this filing is to eliminate the gateway of points in Massachusetts.

(84) *Used machinery*, between Massachusetts, New Hampshire, and Rhode Island, on the one hand, and, on the other, points in Pennsylvania, New York, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateway of points in Massachusetts, and points in New York or New Jersey.

(85) *Used machinery*, between points in Massachusetts, Rhode Island, and New Hampshire, on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling.

The purpose of this filing is to eliminate the gateway of points in Massachusetts, points in New York or New Jersey and points in Pennsylvania.

(86) *Building materials*, that are contractors' equipment, heavy and bulky articles, or require the use of special equipment, between points in Pennsylvania, New Jersey, Delaware, New York, and Maryland within 150 miles of Norristown, Pa., on the one hand, and, on the other, points in New York, Pennsylvania, Delaware, Connecticut, Maryland, Massachusetts, Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.

(87) *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials* (except in bulk), from points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia.

The purpose of this filing is to eliminate the gateway of Edgewater or Carteret, N.J., Pittston, Pa., or the plant site and facilities of Celotex Corporation located at or near Philadelphia, Pa.

(88) *Building metalwork*, requiring the use of special equipment, and heavy and bulky building metalwork, from points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa., to points in Illinois and Michigan.

The purpose of this filing is to eliminate the gateway of plant site of Schechter Brothers at Philadelphia, Pa.

(89) *Machinery*, and such commodities as require special equipment and handling by reason of size or weight, between points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in New York or New Jersey.

(90) *Sheet metal products and equipment, materials and supplies* used in the installation of sheet metal products, requiring the use of special equipment, and heavy and bulky sheet metal products, and machinery used in the installation of sheet metal products, from points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa., to points in Florida and Georgia.

The purpose of this filing is to eliminate the gateway of the plant site of Acme Manufacturing Company at Philadelphia, Pa.

(91) *Sheet metal products, and equipment, materials and supplies* used in the installation of sheet metal products, requiring the use of special equipment, and heavy and bulky sheet metal products, and machinery used in the installation of sheet metal products, from Pennsylvania, New York, New Jersey, Delaware, Maryland within 150 miles of Norristown, Pa., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin.

The purpose of this filing is to eliminate the gateway of the plant site of Berger Brothers Co., Lower Southampton (Bucks County), Pa.

(92) *Gypsum and gypsum products* requiring the use of special equipment and gypsum and gypsum products that are heavy and bulky, from points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

The purpose of this filing is to eliminate the gateway of Buchanan, N.Y.

(93) *Twilight zone commodities* as defined by the Commission, between points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa., on the one hand, and, on the other, points in Ohio.

The purpose of this filing is to eliminate the gateway of Commercial Zone of Philadelphia, Pa., as defined by the Commission and North Madison, Ohio.

(94) *Steel mill products*, from points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa., to points in Connecticut, Massachusetts and Rhode Island.

The purpose of this filing is to eliminate the gateway of Pittsburgh and Aliquippa, Pa.

(95) *Iron and steel articles* that are twilight zone commodities as defined by the Commission, from points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa., to points in Maine, New Hampshire, and Vermont.

The purpose of this filing is to eliminate the gateways of Ohio, Allegheny, Westmoreland, Fayette, Greene, Washington, Indiana, Armstrong, Butler, Beaver, Lawrence, Somerset, Clarion, and Mercer Counties, Pa.

(96) *Building materials*, requiring the use of special equipment, between points in New York, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Virginia, North Carolina, South Carolina, and the District of Columbia, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.

(97) *Building metalwork* that is a building material, from points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J., on the one hand, and, on the other, points in Illinois and Michigan.

The purpose of this filing is to eliminate the gateway of the plant site of Schecter Brothers Co., at Philadelphia, Pa.

(98) *Sheet metal products* that are a building material, from points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J., to points in Florida and Georgia.

The purpose of this filing is to eliminate the gateway of the plant site of Acme Manufacturing Company, at Philadelphia, Pa.

(99) *Sheet metal products* that are a building material, from points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin.

The purpose of this filing is to eliminate the gateway of the plant site of Berger Brothers Co., Lower Southampton Township (Bucks County), Pa.

(100) *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials*, (except commodities in bulk), from points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia.

The purpose of this filing is to eliminate the gateway of the plant site and facilities of Celotex Corporation located at or near Philadelphia, Pa.

(101) *Iron and steel pipe and fittings, valves, hydrants, and gaskets*, that are also building materials, from Birmingham, Ala., to points in Virginia, North Carolina and South Carolina.

The purpose of this filing is to eliminate the gateway of points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.

(102) *Iron and steel pipe and fittings, valves, hydrants, and gaskets*, from Birmingham, Ala., to points in Ohio.

The purpose of this filing is to eliminate the gateway of Philadelphia, and North Madison, Ohio.

(103) *Iron and steel pipe and fittings, valves, hydrants, and gaskets*, which are also twilight zone commodities, from Birmingham, Ala., to points in Ohio, and West Virginia within 125 miles of Wheeling, W. Va.

The purpose of this filing is to eliminate the gateway of Pennsylvania.

(104) *Iron and steel pipe and fittings, valves, hydrants, and gaskets*, which are also twilight zone commodities, from Birmingham, Ala., to points in West Virginia.

The purpose of this filing is to eliminate the gateway of points in New York, New Jersey, or Connecticut within 35 miles of Columbus Circle, New York, N.Y.

(105) *Building materials and asphalt paving materials*, from points in Wayne County, N.C., to points in Virginia, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.

(106) *Scrap paper*, requiring the use of special equipment, from points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y., to Wayne County, N.C.

The purpose of this filing is to eliminate the gateway of Washington, D.C.

(107) *Scrap paper*, requiring the use of special equipment, from points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa., to points in Wayne County, N.C.

The purpose of this filing is to eliminate the gateways of points in New York or New Jersey, and Washington, D.C.

(108) *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials* (except commodities in bulk), from the facilities of Celotex Corporation at Wayne County, N.C., to points in Alabama, Chicago, Ill. Commercial Zone, points in that part of Indiana on and north of U.S. Highway 40, points in Michigan on and south of Michigan Highway 21, and points in Tennessee.

The purpose of this filing is to eliminate the gateways of Edgewater or Carteret, N.J., Pittston, Pa., or the plant site and facilities of the Celotex Corporation at or near Philadelphia, Pa.

(109) *Articles*, requiring specialized handling or rigging by reason of size or weight, between points in Ohio, Pennsylvania and West Virginia within 125 miles of Wheeling, W. Va., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

(110) *Machinery* and such commodities as require the use of special equipment and handling by reason of size or weight, between points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa., on the one hand, and, on the other, points in West Virginia.

The purpose of this filing is to eliminate the gateways of points in New York or New Jersey.

(111) *Logs and lumber* which are also building materials, between points in Ohio, Pennsylvania and West Virginia, on the one hand, and, on the other, points in Massachusetts, Connecticut, and Rhode Island.

The purpose of this filing is to eliminate the gateways of points within 15 miles of Ashtabula, Ohio, points in New

Jersey within the Philadelphia, Pa. Commercial Zone as defined by the Commission.

(112) *Scrap metal and metal pigs* requiring the use of special equipment, between points in Massachusetts and Rhode Island, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateways of points in New Jersey or New York (except New York, N.Y., and points in Nassau and Suffolk Counties).

(113) *Scrap metal and metal pigs* requiring the use of special equipment, between points in Massachusetts and Rhode Island, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateways of points in New Jersey, Pennsylvania, and those in New York (except New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.).

(114) *Scrap metal and metal pigs* requiring the use of special equipment, between points in Massachusetts and Rhode Island, on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va.

The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

(115) *Scrap metal and metal pigs* requiring the use of special equipment, between points in Pennsylvania and New Jersey, and those in New York (except New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.), on the one hand, and, on the other, points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y.

The purpose of this filing is to eliminate the gateways of points in Massachusetts and Rhode Island.

(116) *Scrap metal and metal pigs* requiring the use of special equipment, between Jersey City, N.J. and points in New Jersey within 20 miles of Jersey City, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in New York (except New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.).

(117) *Scrap metal and metal pigs* requiring the use of special equipment, between Jersey City, N.J., and points in New Jersey within 20 miles of Jersey City, N.J., on the one hand, and, on the other, Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateways of Pennsylvania, or New York (except New York, N.Y.), and points in Nassau and Suffolk Counties, N.Y.).

(118) *Scrap metal and metal pigs* requiring the use of special equipment, between Jersey City, N.J., and points in New Jersey within 20 miles of Jersey City, N.J., on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va.

The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

(119) *Scrap metal and metal pigs* requiring the use of special equipment, between points in Pennsylvania and those in New York (except New York, N.Y.), and points in Nassau and Suffolk Counties, N.Y.), on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and points in New Jersey within 20 miles of Jersey City, N.J.

(120) *Scrap metal and metal pigs* requiring the use of special equipment, between Pennsylvania, and those points in New York (except New York, N.Y.), and those in Nassau and Suffolk Counties, N.Y.), on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and points in New Jersey within 20 miles of Jersey City, N.J.

(121) *Scrap metal, waste material, scrap paper, and metal pigs*, requiring the use of special equipment, between points in Connecticut on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in New Jersey or New York.

(122) *Scrap metal, waste material, scrap paper, and metal pigs*, requiring the use of special equipment, between points in Connecticut, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateways of points in New Jersey, New York, or Pennsylvania.

(123) *Scrap metal, waste material, scrap paper, and metal pigs*, requiring the use of special equipment, between points in Connecticut, on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va.

The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

(124) *Scrap metal, waste material, scrap paper, and metal pigs*, requiring the use of special equipment, between points in Massachusetts, New York, New Jersey, and Pennsylvania, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

The purpose of this filing is to eliminate the gateway of points in Connecticut within 35 miles of Columbus Circle, New York, N.Y.

(125) *Scrap metal, waste material, scrap paper, and metal pigs*, requiring the use of special equipment, between points in Massachusetts, New York, New Jersey, and Pennsylvania, on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va.

The purpose of this filing is to eliminate the gateway of points in Connecticut within 35 miles of Columbus Circle, New York, N.Y.

(126) *Scrap metal, waste material, scrap paper, and metal pigs*, requiring the use of special equipment, between points in Massachusetts, New York, New Jersey, and Pennsylvania, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateways of points in Connecticut within 35 miles of Columbus Circle, New York, N.Y., and points in Pennsylvania, New York or New Jersey.

(127) *Waste paper, rags, wool sweepings, and used metals*, requiring the use of special equipment, from points in Providence County, R.I., and points in New Hampshire south of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 202 to Henniker, N.H., and thence along New Hampshire Highway 9 to the New Hampshire-Vermont State line, to points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y.

The purpose of this filing is to eliminate the gateways of Boston, Mass., and points in Massachusetts within 15 miles of Boston.

(128) *Waste paper, rags, wool sweepings, and used metals*, requiring the use of special equipment, from points in Providence County, R.I., and points in New Hampshire south of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 202 to Henniker, N.H., and thence along New Hampshire Highway 9 to the New Hampshire-Vermont State line, to points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa.

The purpose of this filing is to eliminate the gateways of Boston, Mass. and

points in Massachusetts within 15 miles of Boston and points in New York.

(129) *Waste paper, rags, wool sweepings, and used metals*, requiring the use of special equipment, from points in Providence County, R.I. and points in New Hampshire south of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 202 to Henniker, N.H., and thence along New Hampshire Highway 9 to the New Hampshire-Vermont State line, to points in Ohio, Pennsylvania, and West Virginia within 125 miles of Wheeling, W. Va.

The purpose of this filing is to eliminate the gateways of points in Massachusetts within 15 miles of Boston, points in New York or New Jersey, points in Pennsylvania.

(130) *Used metals*, from points in Providence County, R.I., and points in New Hampshire south of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 202 to Henniker, N.H., and thence along New Hampshire Highway 9 to the New Hampshire-Vermont State line, on the one hand, and, on the other, points in Pennsylvania and New Jersey, and those in New York (except New York City, and points in Nassau and Suffolk Counties).

The purpose of this filing is to eliminate the gateway of points in Massachusetts within 15 miles of Boston.

(131) *Waste paper, rags, wool sweepings, and used metals*, from points in Providence County, R.I., and points in New Hampshire south of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 202 to Henniker, N.H., and thence along New Hampshire Highway 9 to the New Hampshire-Vermont State line, to points in Connecticut.

The purpose of this filing is to eliminate the gateway of points in Massachusetts within 15 miles of Boston.

(132) *Scrap steel and steel pigs* requiring the use of special equipment, between points in Maine and Rhode Island, on the one hand, and, on the other, points in Michigan on and south of Interstate Highway 94.

The purpose of this filing is to eliminate the gateways of points in Pennsylvania, and points in Erie County, Ohio.

(133) *Scrap steel and steel pigs*, requiring the use of special equipment, between points in Maine and Rhode Island, on the one hand, and, on the other, points in Michigan on and south of Interstate Highway 94.

The purpose of this filing is to eliminate the gateways of points in Pennsylvania, and points in Erie County, Ohio.

(134) *Scrap steel and steel pigs* requiring the use of special equipment, between points in Connecticut, on the one hand, and, on the other, points in Michigan on and south of Interstate Highway 94.

The purpose of this filing is to eliminate the gateways of points in Pennsylvania, and points in Erie County, Ohio.

(135) *Used steel*, requiring the use of special equipment, from points in Providence County, R.I., and points in New

Hampshire south of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 202 to Henniker, N.H., and thence along New Hampshire Highway 9 to the New Hampshire-Vermont State line, to points in Michigan on and south of Interstate Highway 94.

The purpose of this filing is to eliminate the gateways of points in Massachusetts within 15 miles of Boston, points in Pennsylvania, and points in Erie County, Ohio.

(136) *Gypsum and gypsum products* (except in bulk) requiring the use of special equipment, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, to points in Connecticut, Maine, Massachusetts, New Hampshire, Vermont, and Rhode Island.

The purpose of this filing is to eliminate the gateway of Buchanan, N.Y.

(137) *Iron and steel pipe and fittings, valves, hydrants, and gaskets*, which are also twilight zone commodities as defined by the Commission, from Birmingham, Ala., to points in Virginia, North Carolina and South Carolina.

The purpose of this filing is to eliminate the gateway of points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y.

(138) *Sheet metal products, and equipment, materials and supplies* used in the installation of sheet metal products, requiring the use of special equipment, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, to points in Florida and Georgia.

The purpose of this filing is to eliminate the gateway of the plantsite of Acme Manufacturing Company at Philadelphia, Pa. and points in New Jersey and New York.

(139) *Sheet metal products, and equipment, materials and supplies* used in the installation of sheet metal products, requiring the use of special equipment, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, and Wisconsin.

The purpose of this filing is to eliminate the gateway of the plantsite of Berger Brothers Company, Lower Southampton Township (Bucks County), Pa., and points in New York and New Jersey.

(140) *Building metalwork*, requiring the use of special equipment, from points in Maine, New Hampshire, Vermont,

Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, to points in Illinois and Michigan.

The purpose of this filing is to eliminate the gateways of points in New York and New Jersey, and the plantsite of Schechter Brothers Co. at Philadelphia, Pa.

(141) *Granite*, used as a building material, from Quincy and Rockport, Mass., to points in Cumberland, Gloucester, Salem, Cape May, Atlantic, Camden, and Burlington Counties, N.J. The purpose of this filing is to eliminate the gateways of New York, N.Y. or Newark, N.J.

(142) *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials* (except commodities in bulk), requiring the use of special equipment, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia.

The purpose of this filing is to eliminate the gateways of Edgewater or Carteret, N.J.

(143) *Iron, steel and steel products* which because of size or weight requiring the use of special equipment, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, on the one hand, and, on the other, points in Michigan on and south of Interstate Highway 94.

The purpose of this filing is to eliminate the gateways of points in New Jersey, New York, and Connecticut, within 35 miles of Columbus Circle, New York, N.Y. and points in Erie County, Ohio.

(144) *Machinery*, between points in New Jersey, New York and Connecticut within 35 miles of Columbus Circle, on the one hand, and, on the other, points in Pennsylvania and New York (except New York City and points in Nassau and Suffolk Counties).

The purpose of this filing is to eliminate the gateways of Lawrence or North Andover, Mass.

(145) *Machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks and tanks*, except lumber and lumber products, requiring the use of special equipment, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, on the one

hand, and, on the other, points in that part of Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, in the territory bounded by a line beginning at Schenectady, N.Y. and extending along New York Highway 7 to Richmondville, N.Y., thence along New York Highway 10 to Deposit, N.Y., thence along New York Highway 17 to Monticello, N.Y., thence along New York Highway 42 to Port Jervis, N.Y., thence along U.S. Highway 209 to junction Business Route U.S. Highway 209 (formerly portion U.S. Highway 209) at or near Marshalls Creek, Pa., thence along Business Route U.S. Highway 209 to Stroudsburg, Pa., thence along U.S. Highway 611 to Easton, Pa., thence along U.S. Highway 22 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to Bound Brook, N.J., thence along New Jersey Highway 18 to Highland Park, N.J., thence along New Jersey Highway 27 to Rahway, N.J., thence along unnumbered highway to junction U.S. Highway 1, thence along U.S. Highway 1 to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford, Conn., to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 15 to U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester to Fitchburg, Mass., thence along Massachusetts Highway 2A (formerly portion Massachusetts Highway 2) Westminster, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line, thence along New York Highway 2 to Troy, N.Y., and thence along New York Highway 7 to point of beginning, including points on the indicated portions of the highways specified.

The purpose of this filing is to eliminate the gateway of points in New York within 65 miles of Poughkeepsie, N.Y.

(146) *Machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks and tanks* (except lumber and lumber products, requiring the use of special equipment, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, on the one hand, and, on the other, points in New York within 65 miles of Poughkeepsie, N.Y.).

The purpose of this filing is to eliminate the gateways of points in New York south of a line beginning at the Massachusetts-New York State line, thence along New York Highway 2 to Troy, N.Y., and thence along New York Highway 7 to Schenectady, N.Y., and extending along New York Highway 7 to Richmondville, N.Y., thence along New York Highway 10 to Deposit, N.Y., thence along New York Highway 17 to Monticello, N.Y., thence along New York Highway 42 to Port Jervis, N.Y., thence along U.S. Highway 209 to junction Business

Route U.S. Highway 209 (formerly portion U.S. Highway 209) to the Pennsylvania State line, points in New Jersey north of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 22 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to Bound Brook, N.J., thence along New Jersey Highway 18 to Highland Park, N.J., thence along New Jersey Highway 27 to Rahway, N.J., thence along unnumbered highway to junction U.S. Highway 1, thence along U.S. Highway 1 to the New York-New Jersey State line, and points in Connecticut within 35 miles of Columbus Circle, New York, N.Y.

(147) *Machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks and tanks, except lumber and lumber products, requiring the use of special equipment, between points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y., on the one hand, and, on the other, points in that part of Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, in the territory bounded by a line beginning at Schenectady, N.Y., and extending along New York Highway 7 to Richmondville, N.Y., thence along New York Highway 10 to Deposit, N.Y., thence along New York Highway 17 to Monticello, N.Y., thence along New York Highway 42 to Port Jervis, N.Y., thence along U.S. Highway 209 to junction Business Route U.S. Highway 209 (formerly portion U.S. Highway 209) at or near Marshalls Creek, Pa., thence along Business Route U.S. Highway 209 to Stroudsburg, Pa., thence along U.S. Highway 611 to Easton, Pa., thence along U.S. Highway 22 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to Bound Brook, N.J., thence along New Jersey Highway 18 to Highland Park, N.J., thence along New Jersey Highway 27 to Rahway, N.J., thence along unnumbered highway to junction U.S. Highway 1, thence along U.S. Highway 1 to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford, Conn., to the Connecticut, Massachusetts State line, thence along Massachusetts Highway 15 to U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester to Fitchburg, Mass., thence along Massachusetts Highway 2A (formerly portion Massachusetts Highway 2) to junction Massachusetts Highway 2 near Westminster, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line, thence along New York Highway 2 to Troy, N.Y., and thence along New York Highway 7 to point of beginning, including points on the indicated portions of the highways specified.*

The purpose of this filing is to eliminate the gateway of points in New York within 65 miles of Poughkeepsie.

(148) *Iron and steel articles, that are twilight zone commodities as defined by*

the Commission, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, to points in Maine, New Hampshire, and Vermont.

The purpose of this filing is to eliminate the gateways of points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y., and points in Allegheny, Westmoreland, Fayette, Greene, Washington, Indiana, Armstrong, Butler, Beaver, Lawrence, Somerset, Clarion, and Mercer Counties, Pa.

(149) *Iron and steel articles, that are twilight zone commodities as defined by the Commission, from points in New Jersey, New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont.*

The purpose of this filing is to eliminate the gateways of points in Allegheny, Westmoreland, Fayette, Greene, Washington, Indiana, Armstrong, Butler, Beaver, Lawrence, Somerset, Clarion, and Mercer Counties, Pa.

(150) *Steel mill products, requiring the use of special equipment, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, to Massachusetts, Connecticut, and Rhode Island.*

The purpose of this filing is to eliminate the gateways of points in New York or New Jersey, and Pittsburgh and Aliquippa, Pa.

(151) *Iron and steel articles that are also twilight zone commodities, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, to points in Maine, Vermont, and New Hampshire.*

The purpose of this filing is to eliminate the gateways of points in New York, or New Jersey, and points in Allegheny, Westmoreland, Fayette, Greene, Washington, Indiana, Armstrong, Butler, Beaver, Lawrence, Somerset, Clarion, and Mercer Counties, Pa.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this

publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 15558 (Sub-No. E3) (Correction), filed May 16, 1974, and published in the *FEDERAL REGISTER* July 2, 1975. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products, except bulk commodities, from points in Ohio and Marshall Counties, W. Va., Jefferson, Belmont, Harrison, and Monroe Counties, Ohio, and those points in Ohio, Pennsylvania, and West Virginia within 25 miles of Elm Grove, W. Va. to points in Delaware and New York.* The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va. The purpose of this correction is to correct the destination points that were omitted in the publication.

No. MC 15558 (Sub-No. E11) (Correction), filed May 16, 1974, and published in the *FEDERAL REGISTER* July 2, 1975. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Avenue, Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials and supplies used in the manufacture of paper and paper products, except bulk commodities, from Indianapolis, Ind., Detroit, Escanaba, and Kalamazoo, Mich., Chicago and Decatur, Ill., to points in Ohio and Marshall Counties, W. Va., Jefferson, Belmont, Harrison, and Monroe Counties, Ohio, Allegheny, Washington, and Greene Counties, Pa., and those points in Ohio, Pennsylvania, and West Virginia.* The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va. The purpose of this correction is to correct the phrase "Indiana, Ind." to read "Indianapolis, Ind."

No. MC 52657 (Sub-No. E11), (Correction), filed June 4, 1974, published in the *FEDERAL REGISTER* May 7, 1975, and republished in the *FEDERAL REGISTER* October 30, 1975, and republished, as shown, this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill., 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies, between points in Nevada and that part of California on and north of a line beginning at the Nevada-California State line on U.S. Highway 6 near Benton Station, Calif., thence along U.S. Highway 6 to*

junction on California Highway 120, thence along California Highway 120 to junction Interstate Highway 205, thence along Interstate Highway 205 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction California Highway 92, thence along California Highway 92 to the Pacific Ocean near Half Moon Bay, Calif., on the one hand, and, on the other, points in Alabama, that part of Arkansas on and west of a line beginning at the Arkansas-Tennessee State line near West Memphis, Arkansas. * * * The purpose of this filing is to eliminate the gateways of (1) Mattoon, Coles County, Ill., and (2) Coles County, Ill., and St. Claire, Mo. The purpose of this correction is to correct the origin point. The remainder of the letter-notice remains as previously published.

No. MC-67646 (Sub-No. E1), (Correction), filed May 15, 1974, and published in the FEDERAL REGISTER September 11, 1975, republished February 27, 1976. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel A. Rohrbaugh (same as above). 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, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (6) between points in Maryland on and east of U.S. Highway 11 and within 50 miles of Fairview, Md., on the one hand, and, on the other, points in Pennsylvania on, west, north and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 81 to junction Interstate Highway 78, thence along Interstate Highway 78 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Philadelphia, Pa.; * * * The purpose of this filing is to eliminate the gateways of Fairview, Md., and points within 8 miles of Fairview and Hagerstown, Md. The purpose of this correction is to correct origin points that were deleted in Part (6) above.

No. MC 83539 (Sub-No. E180), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, from points in Vermont to points in Nebraska. The purpose of this filing is to eliminate the gateway of Worcester, Mass., East Port Chester, Conn., New York, Braddock, Pa., and Illinois. The purpose of this correction is to correct typographical errors in the publication of July 21, 1975.

No. MC 92983 (Sub-No. E46), (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER March 24, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: * * * (AA) *acids and chemicals*, (except cryogenic liquids), in bulk, in tank or hopper vehicles: * * * (8) from points in New Mexico located in and north of Catron, Valencia, Torrance, Guadalupe and Quay counties to points in Georgia located in and south of Harralson, Carroll, Coweta, Meriwether, Pike, Upson, Crawford, Peach, Houston, Pulaski, Dodge, Telfair, Jeff Davis, Bacon, Pierce, Brantley and Camden Counties; (9) from points in New Mexico (except Roosevelt, Lea, Chaves, Eddy and Otero Counties) to points in Georgia located in and north of Polk, Paulding, Douglas, Fulton, Fayette, Spalding, Lamar, Monroe, Bibb, Twiggs, Bleckley, Laurens, Wheeler, Montgomery, Toombs, Appling, Wayne and Glynn Counties.

The purpose of this filing is to eliminate the gateways of: * * * (AA) (8)-(9) Kansas City, Mo.

The purpose of this correction is to correct an omission of gateways to be eliminated in Part (AA) (8) & (9) above. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E50), (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER March 24, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: * * * (X) *Vinegar*, in bulk, in tank vehicles, * * * (3) from points in New York located on and west of Broome, Cortland, Onondaga and Cayuga Counties to points in Alabama located on and west of a line extending from the Alabama-Tennessee State line along U.S. Highway 43 to junction with U.S. Highway 84, thence along U.S. Highway 84 to junction with Alabama Highway 21, thence along Alabama Highway 21 to the Alabama-Florida State line, including the cities on the line; and * * * The purpose of this filing is to eliminate the gateways of: * * * (X) points in Arkansas that are within the Memphis, Tenn., commercial zone; * * * The purpose of this correction is to correct the origin destination description in (X) (3) above. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E51) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER March 24, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: (F) *chemicals*, in bulk; * * * (5) from points in North Dakota located on and west of a line extending from the United States-Canada Border along North Dakota Highway 32 to junction unnumbered highway 7 miles north of Pillsbury, thence along unnumbered highways, through Luverne, to the junction of Interstate Highway 94, 4 miles east of Valley City, thence along Interstate Highway 94 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the North Dakota-South Dakota State line, to points in District of Columbia and Delaware; * * * (K) *acids and liquid chemicals* (except chemicals derived from petroleum and petroleum products), in bulk, in tank vehicles; * * * (2) from points in North Dakota located in and north of Burke, Ward, McHenry, Sheridan, Wells, Stutsman, Barnes, Ransom and Sargent Counties to points in Texas located in and east of Wilbarger, Baylor, Haskell, Jones, Taylor, Runnels, Tom Green, Schleicher, Sutton, and Val Verde Counties (except Harris, Jefferson, and Orange, Counties); * * * The purpose of this filing is to eliminate the gateways of: * * * (F) Kansas City, Mo.; * * * (K) points that are in both the Olathe, Kans., and the Kansas City, Kans.-Kansas City, Mo., Commercial Zones, Lawrence, Kans.; * * * The purpose of this correction is to correct a deletion of certain portions of the origin and destination territories above in Part (F) (5) & (K) (2). The remainder of letter-notice remains as previously published.

No. MC 92983 (Sub-No. E55), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 919 Grand Ave., PO Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Vegetable oils and vegetable oil products* (except soap products and paint), in bulk, in tank vehicles, (1) from points in Georgia located in and south of Chattahoochee, Marion, Schley, Sumter, Dooly, Pulaski, Dodge, Wheeler, Montgomery, Toombs, Tattnall, Evans, and Bryan Counties to points in Texas located in, north, and west of Terrell, Crockett, Sutton, Menard, McCulloch, San Saba, Mills, Hamilton, Bosque, Hill, Ellis, Kaufman, Van Zandt, Wood Camp, Morris, and Cass Counties, (2) from points in Georgia located in and south of Harrison, Carroll, Coweta, Fayette, Clayton, Henry, Butts, Jasper, Putnam, Hancock, Glascock, Jefferson, and Burke Counties to points in Texas located in, north, and west of San Patricio, Bee, Goliad, DeWitt, Lavaca, Colorado, Austin, Waller, Grimes, Madison, Houston, Cherokee, Rusk, Gregg, Upshur, and Marion Counties and located in and south of Val Verde, Edwards, Kimble, Mason, Llano, Burnett, Lampasas, Coryell, McLennan, Limestone, Navarero, Henderson, Smith, Upshur, and Marion

Counties, (3) from points in Georgia to points in Texas located in, east, and south of Refugio, Victoria, Jackson, Wharton, Fort Bend, Harris, Montgomery, Walker, Trinity, Angelina, Nacogdoches, Shelby, Panola, and Harrison Counties, (4) from points in Georgia to points in Missouri located in and west of Schuyler, Adair, Macon, Randolph, Boone, Cole, Miller, Maries, Phelps, Dent, Reynolds, Carter, Butler, Dunklin, and Pemiscot Counties, (5) from points in Georgia located in and south of Polk, Paulding, Cobb, Fulton, Gwinnett, Barrow, Clarke, Oglethorpe, Wilkes, and Lincoln Counties to points in Missouri located in and east of Scotland, Knox, Shelby, Monroe, Audrain, Callaway, Osage, Gasconade, Crawford, Iron, Wayne, Stoddard, and New Madrid Counties.

(6) From points in Georgia located in and south of Polk, Paulding, Cobb, Fulton, DeKalb, Rockdale, Walton, Morgan, Greene, Taliaferro, Warren, McDuffie, and Richmond Counties to points in Illinois located in and west of Randolph, St. Clair, Madison, Macoupin, Morgan, Menard, Mason, Fulton, Peoria, Marshall, Putnam, Bureau, Lee, Ogle, and Winnebago Counties, (7) from points in Georgia located in and south of Muscogee, Chattahoochee, Marion, Schley, Sumter, Crisp, Turner, Ben Hill, Coffee, Bacon, Pierce, Brantley, and Glynn Counties and north and east of Stewart, Randolph, Terrell, Lee, Worth, Tift, Cook, and Lowndes Counties to points in Illinois located in and east of Boone, DeKalb, LaSalle, Woodford, Tazewell, Logan, Sangamon, Montgomery, Bond, Clinton, Washington, Perry, and Jackson Counties and north and west of Cook, DuPage, Kane, Kendall, Grundy, Livingston, Ford, Champaign, Douglas, Coles, Cumberland, Jasper, Clay, Wayne, Hamilton, Saline, and Polk Counties, (8) from points in Georgia located in, south, and west of Quitman, Clay, Calhoun, Dougherty, Mitchell, Colquitt, and Brooks Counties to points in Illinois located in Will, Kankakee, Iroquois, Vermillion, Edgar, Clark, Crawford, Richland, Lawrence, Edwards, Wabash, White, Gallatin, and Hardin Counties, (9) from points in Georgia located in and north of Floyd, Bartow, Cherokee, Forsyth, Hall, Jackson, Madison, and Elbert Counties to points in Wisconsin located on and west of a line beginning at the Minnesota-Wisconsin State line and extending along the eastern and northern boundary of Buffalo County to junction Wisconsin Highway 93, thence along Wisconsin Highway 93 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 178, thence along Wisconsin Highway 178 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction County Road B, thence along County Road B to junction County Road A, thence along County Road A to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to junction with the western border of Ashland County,

thence along the Ashland County border to Lake Superior including the Eau Claire commercial zone, (10) from points in Georgia located in and south of Polk, Paulding, Cobb, Fulton, Gwinnett, Barrow, Clarke, Oglethorpe, Wilkes and Lincoln Counties and in and north of Harris, Talbot, Taylor, Crawford, Peach, Bibb, Twiggs, Wilkinson, Johnson, Jefferson, Burke, Jenkins, and Screven Counties to those points in Wisconsin located in and west of Vilas, Oneida, Lincoln, Marathon, Portage, Waushara, Green Lake, Columbia, Dane, and those portions of Rock County located on and west of Interstate Highway 90 including the Janesville commercial zone.

(11) From points in Georgia located in and south of Muscogee, Chattahoochee, Marion, Schley, Macon, Houston, Bleckley, Laurens, Emanuel, Bullock, and Effingham Counties to points in Wisconsin, (12) from points in Georgia to points in Arkansas (except points in Union, Bradley, Drew, Desha, Chicot, and Ashley Counties), (13) from points in Georgia located in, east, and north of Polk, Paulding, Douglas, Fulton, Fayette, Spalding, Pike, Upson, Taylor, Macon, Dooly, Crisp, Turner, Tift, Cook, and Lowndes Counties to points in Arkansas located in Union, Bradley, Drew, Desha, Chicot, and Ashley Counties, (14) from points in Georgia to points in Iowa located in and west of Howard, Chickasaw, Bremer, Black Hawk, Tama, Poweshiek, Mahaska, Wapello, and Davis Counties, (15) from points in Georgia located in and south of Floyd, Bartow, Cherokee, Forsyth, Hall, Banks, and Franklin Counties to points in Iowa located in and east of Winnesaukee, Fayette, Buchanan, Benton, Iowa, Keokuk, and points in Wapello and Davis Counties located on and east of U.S. Highway 63 including the Ottumwa commercial zone, (16) from points in Georgia located in, south, and west of Muscogee, Chattahoochee, Webster, Terrell, Dougherty, Colquitt, and Brooks Counties to points in Kentucky located in Fulton, Hickman, Carlisle, Ballard, McCracken, and Graves Counties, (17) from points in Georgia located in, south, and west of Muscogee, Chattahoochee, Webster, Terrell, Dougherty, Colquitt, and Brooks Counties to points in Indiana located in Benton, Newton, and Lake Counties, (18) from points in Georgia to points in Oklahoma, Colorado, Kansas, and Nebraska, (19) from points in Georgia located in Dade, Walker, and Catoosa Counties to points in Minnesota (except points in Houston County), and (20) from points in Georgia (except Dade, Walker, and Catoosa Counties) to points in Minnesota; (B) *Soybean oil, corn oil, and salad oils*, in bulk, in tank vehicles, (1) from points in Georgia located in Chattooga, Gordon, Gilmer, Fannin, Murray, Whitfield, Catoosa, Walker, and Dade Counties to points in South Dakota (except points in Lincoln, Clay, and Union Counties), (2) from points in Georgia (except points in Chattooga, Gordon, Gilmer, Fannin, Murray, Whitfield, Catoosa, Walker, and Dade Counties) to points in South Dakota, and (3) from points in Georgia to points in North Dakota; (C)

Vegetable oils, in bulk, in tank vehicles, (1) from points in Georgia to points in Nevada; (2) from points in Georgia to points in Idaho and Wyoming, and (3) from points in Georgia to points in California, Oregon, and Washington; (D) *Dry chemicals*, in bulk, and *liquid chemicals*, in bulk, in tank or hopper vehicles, from Atlanta, Ga., to points in Wisconsin located in and west of Crawford, Vernon, LaCrosse, Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, and Ashland Counties; (E) *Agricultural insecticides*, in bulk, in hopper vehicles and *arsenic acid*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Texas (except points in Garland and Tyler and points within ten miles thereof).

(F) *Methanol*, in bulk, in tank vehicles, from Atlanta, Ga., to Longview, Tex.; (G) *Acids and chemicals*, in bulk, (1) from Atlanta, Ga., to Kansas City, Mo., (2) from Atlanta, Ga., to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming, (3) from Atlanta, Ga., to points in Arizona, California, Nevada, Utah, and Oregon, and (4) from Atlanta, Ga., to points in New Mexico (except Lea and Eddy Counties); (H) *Acids and chemicals*, in bulk, in tank or hopper vehicles, (1) from Atlanta, Ga., to points in Oklahoma located in, north, and west of Kay, Garfield, Major, Woodward, and Ellis Counties, (2) from Atlanta, Ga., to points in Nebraska, (3) from Atlanta, Ga., to points in Iowa located in and west of Wayne, Lucas, Marion, Jasper, Marshall, Hardin, Franklin, Cerro Gordo, and Worth Counties, (4) from Atlanta, Ga., to points in Kansas (except points in Cherokee County), (5) from Atlanta, Ga., to points in Missouri located in and west of Vernon, St. Clair, Henry, Johnson, Lafayette, Carroll, Livingston, Grundy, and Mercer Counties, and (6) from Atlanta, Ga., to points in Colorado; (I) *Acids and chemicals*, in bulk, from points in Georgia to points in Washington; (J) *Acids and chemicals*, in bulk, in tank vehicles, (1) from points in Georgia to points in Wisconsin located in and west of Greene, Dane, Columbia, Marquette, Adams, Portage, Marathon, Lincoln, Oneida, and Vilas Counties, (2) from points in Georgia located in and south of Early, Calhoun, Dougherty, Worth, Turner, Ben Hill, Coffee, Jeff Davis, Appling, Wayne, Long, Liberty, Bryan, and Chatham Counties to points in Wisconsin located in and east of Forest, Langlade, Shawano, Waupaca, Waushara, Greenlake, Dodge, Jefferson, and Rock Counties (except points in Kenosha, Racine, Milwaukee, and Ozaukee Counties), (3) from points in Georgia to points in Illinois located in and west of Hancock, McDonough, Warren, Knox, Henry, Whiteside, Carroll, and Stephenson Counties, (4) from points in Georgia located in and south of Early, Calhoun, Dougherty, Worth, Turner, Ben Hill, Coffee, Jeff Davis, Appling, Wayne, Long, Liberty, Bryan, and Chatham Counties to points in Illinois located in Adams, Brown, Schuyler, Fulton, Peoria, Stark, Marshall, Putnam, Bureau, Lee, Ogle, DeKalb, Winnebago, Boone, and points

in McHenry County located on and west of Illinois Highway 47 including the Woodstock commercial zone, (5) from points in Georgia to points in Missouri located in and north of Buchanan, Clinton, Caldwell, Livingston, Linn, Macon, Knox, and Lewis Counties, (6) from points in Georgia located in, south, and east of Thomas, Colquitt, Tift, Irwin, Ben Hill, Telfair, Wheeler, Treutlen, Emanuel, Burke, and Richmond Counties to points in Missouri located in Platte, Clay, Ray, Carroll, Chariton, Randolph, Monroe, and Marion Counties, (7) from points in Georgia to points in Iowa, and (8) from points in Georgia to points in Minnesota; (K) *Liquid chemicals*, in bulk, in tank vehicles, from points in Georgia located in and south of Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Clarke, Oglethorpe, Wilkes, and Lincoln Counties to points in Michigan located in and west of those points in Delta County on and west of U.S. Highway 41 and Marquette County.

(L) *Chemicals*, in bulk, in tank vehicles, from points in Georgia to points in North Dakota; (M) *Acids and chemicals*, in bulk, in tank vehicles, (1) from points in Georgia to points in Idaho, Montana, South Dakota, and Wyoming, (2) from points in Georgia to points in California located in and north of San Luis Obispo, Kern, and Inyo Counties, (3) from points in Georgia located in, north, and east of Catoosa, Whitfield, Gordon, Barton, Cobb, Fulton, DeKalb, Rockdale, Newton, Jasper, Jones, Baldwin, Washington, Johnson, Emanuel, Candler, Bulloch, Bryan, and Chatham Counties to points in California located in Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside, Orange, San Diego, and Imperial Counties, (4) from points in Georgia located in, north, and east of Whitfield, Murray, Gilmer, Pickins, Dawson, Hall, Barrow, Oconee, Burke, Greene, Taliaferro, Warren, Glascock, Jefferson, Jenkins, Screven, Effingham, and Chatham Counties to points in New Mexico located in and north of McKinley, Sandoval, points in Santa Fe County on and north of U.S. Highway 85 including Santa Fe commercial zone, Rio Arriba, Taos, and Colfax Counties, (5) from points in Georgia located in, north, and east of Catoosa, Whitfield, Gordon, Bartow, Cobb, Fulton, DeKalb, Rockdale, Newton, Jasper, Jones, Baldwin, Washington, Johnson, Emanuel, Candler, Bulloch, Bryan, and Chatham Counties to points in Arizona located in Yuba, Maricopa, Mohave, and Yavapai Counties and points in Coconino, Navajo, and Apache Counties located on, north, and west of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 160 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Alternate U.S. Highway 89, thence along Alternate U.S. Highway 89, to junction Interstate Highway 71, thence along U.S. Highway 71 to junction with the northern boundary of Yavapai County, including the Flagstaff commercial zone, (6) from points in Georgia to points in Nevada, Oregon, and Utah, (7) from points in Georgia

to points in Colorado, (8) from points in Georgia to points in Kansas, located in, west, and north of Phillips, Rooks, Ellis, Ness, Finney, Kearney, and Stanton Counties, (9) from points in Georgia located in and east of Rabun, Habersham, Banks, Madison, Clarke, Oconee, Greene, Hancock, Washington, Johnson, Laurens, Wheeler, Telfair, Coffee, Atkinson, and Clinch Counties to points in Kansas located in, west, and north of Republic, Cloud, Mitchell, Lincoln, Russell, Barton, Pawnee, Hodgeman, Ford, Gray, Haskell, Grant, and Stanton Counties, (10) from points in Georgia located in Columbia, Richmond, Burke, Jenkins, Screven, Bullock, Effingham, Chatham, Byran, Burns, Liberty, Long, McIntosh, and Glynn Counties to points in Kansas located in, west, and north of Brown, Jackson, Shawnee, Wabaunsee, Lyon, Chase, Marion, Harvey, Reno, Stafford, Edwards, Ford, Gray, Haskell, Grant, and Stanton Counties, (11) from points in Georgia located in, north, and west of Harris, Meriwether, Pike, Paulding, Henry, Rockdale, Gwinnett, Borrow, Jackson, Banks, and Franklin Counties to points in Nebraska located in and west of Keya Paha, Brown, Blaine, Custer, Dawson, Phelps, and Harlan Counties.

(12) From points in Georgia located in, south, and east of Muskogee, Talbot, Upson, Lamar, Butts, Newton, Walton, Oconee, Clarke, Madison, and Hart Counties to points in Nebraska located in and west of Knox, Pierce, Madison, Platte, Polk, York, Fillmore, and Thayer Counties, (13) from points in Georgia located in, south, and east of Richmond, Burke, Emanuel, Treutlen, Wheeler, Telfair, Irwin, Tift, Colquitt, Thomas, and Grady Counties to points in Nebraska, and (14) from points in Georgia to points in Washington; (N) *Cottonseed meal*, when intended for use as animal or poultry feed or feed ingredients, in bulk, in tank vehicles, from points in Georgia to points in Arkansas located in and north of Crittenden, Poinsett, Jackson, Independence, Cleburne, Van Buren, Pope, Johnson, Franklin, and Crawford Counties; (O) *Fish meal*, *cottonseed meal*, *granite grits*, and *peanut meal*, when intended for use as feed, in bulk, in tank vehicles, (1) from points in Georgia located in, south, and east of Heard, Coweta, Fulton, Forsyth, Hall, Habersham, and Rabun Counties to points in Illinois located in Henderson, Mercer, Henry, Rock Island, Whiteside, Carroll, Jo Daviess, and Stephenson Counties, (2) from points in Georgia located in and south of Early, Calhoun, Dougherty, Worth, Turner, Ben Hill, Coffee, Jeff Davis, Appling, Wayne, Long, Liberty, Bryan, and Chatham Counties to points in Illinois located in Hancock, McDonough, Warren, Knox, Stark, Bureau, and Stephenson Counties and those portions of Lee, Ogle, and Winnebago Counties located on and west of Illinois Highway 26 including Freeport and Dixon commercial zones, and (3) from points in Georgia to points in Minnesota and South Dakota; (P) *Fish meal*, when intended for use as animal or poultry feed or feed ingredients, in bulk, in

tank vehicles, from points in Georgia located in and west of Union, Lumpkin, Hall, Barrow, Walton, Newton, Jasper, Jones, Twiggs, Bleckley, Pulaski, Wilcox, Ben Hill, Irwin, Berrien, and Lowndes Counties to points in Arkansas located in Benton and Washington Counties which are on and west of a line beginning at the Arkansas-Missouri State line proceeding south along U.S. Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction with the southern boundary of Washington County, including the Fayetteville commercial zone; and (Q) *Fish meal* and *granite grits* when intended for use as feed, in bulk, in tank vehicles, (1) from points in Georgia to points in Wisconsin located in and west of LaCrosse, Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, and Ashland Counties, (2) from points in Georgia located in and south of Early, Calhoun, Dougherty, Worth, Tift, Irwin, Coffee, Jeff Davis, Appling, Wayne, Long, Liberty, Bryan, and Chatham Counties to points in Wisconsin located in Crawford, Vernon, Monroe, Jackson, Clark, Taylor, Price, and Iron Counties, and (3) from points in Georgia to points in North Dakota.

The purpose of this filing is to eliminate the gateways of: (A), Memphis, Tenn.; (B), Memphis, Tenn., and Clinton, Iowa; (C) (1), Memphis, Tenn., and Nebraska; (C) (2), Memphis, Tenn., and Kansas; (C) (3), Memphis, Tenn., and Colorado; (D), Memphis, Tenn., and Burlington, Iowa; (E), (F), Memphis, Tenn.; (G) (1), points in Arkansas within the Memphis, Tenn., commercial zone; (G) (2) & (3), points in Arkansas within the Memphis, Tenn., commercial zone and the Kansas City, Mo.-Kansas City, Kans., commercial zone; (G) (4), (H), points in Arkansas within the Memphis, Tenn., commercial zone, and Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans., commercial zone; (I) Kansas City, Mo.-Kansas City, Kans., commercial zone; (a point formerly known as Turner, Kans.); (J) (1)-(7), Burlington, Iowa; (J) (8), Burlington, Iowa, and the plant site of Iowa-Guttenberg Terminal, Inc., located approximately 2 miles south of Guttenberg, Iowa; (K), Burlington, Iowa, and the plant site of the Hawkeye Chemical Co., at or near Clinton, Iowa; (L) (1), Burlington, Iowa, and Des Moines, Iowa; (M) (1)-(6), Burlington, Iowa, and Kansas City, Kans.-Kansas City, Mo., commercial zone; (M) (7)-(13), Burlington, Iowa, and points in both the Kansas City, Kans., commercial zone and the Olathe, Kans., commercial zone; (M) (14), Burlington, Iowa, and the Kansas City, Kans.-Kansas City, Mo., commercial zone; (N), Iowa, Kansas, or Missouri; (O), plant site of Protein Blenders, Inc., near Iowa City, Iowa; (P), St. Louis, Mo.; (Q) (1) & (2), Des Moines, Iowa; and (Q) (3), Fremont, Nebr.

No. MC 92983 (Sub-No. E56), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought

to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Toluol*, in bulk, in tank vehicles, (1) from Crossett, Ark., to points in Illinois located in, north, and west of Hancock, McDonough, Fulton, Peoria, Marshall, LaSalle, DeKalb, Kane, DuPage, and Cook Counties, (2) from Crossett, Ark., to points in Minnesota located in and northeast of Mower, Steele, LeSueur, Sibley, Meeker, Kandiyohi, Pope, Douglas, Otter Tail, and Clay Counties, and (3) from Crossett, Ark., to points in Michigan located on and north of a line beginning at Shoreham on Lake Michigan and extending north along U.S. Highway 33 to junction unnumbered highway, thence along unnumbered highway thru Fair Plain, Spinks Corners, and Keeler to junction Michigan Highway 51, thence along Michigan Highway 51 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 106, thence along Michigan Highway 106 to junction County Highway D19, thence along County Highway D19 to junction Michigan Highway 59, thence along Michigan Highway 59 to the Selfridge Air National Guard Base on Lake St. Clair; (B) *Such petroleum and petroleum products* as described in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 as are embraced within contractors' materials and supplies, in bulk, in tank vehicles; (1) from the site of the Pipeline Terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near West Memphis, Ark., to points in Iowa, (2) from the site of the Pipeline Terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near West Memphis, Ark., to points in Illinois located in, north, and west of Adams, Hancock, McDonough, Warren, Knox, Stark, Bureau, Lee, Ogle, and Stephenson Counties, (3) from the site of the Pipeline Terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near Conway, Ark., to points in Illinois located in and west of Lake, Kane, DeKalb, Lee, Bureau, Stark, Knox, Fulton, Schuyler, Brown, and Adams Counties (except points east of U.S. Highway 45), (4) from the site of the Pipeline Terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near West Memphis, Ark., to points in Wisconsin located in, north, and west of Grant, Iowa, Dane, Columbia, Greenlake, Winnebago, Outagamie, and Brown Counties, (6) from the site of the Pipeline Terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near Conway, Ark., to points in Wisconsin located in, north, and west of Grant, Richland, Sauk, Adams, Marquette, Greenlake, Winnebago, Brown, and Kewaunee Counties, and (7) from the site of the Pipeline Terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near Conway, Ark., to points in Minnesota located in, north, and east

of Mower, Steele, LeSueur, Sibley, McLeod, Meeker, Kandiyohi, Pope, Douglas, Otter Tail, and Clay Counties.

(C) *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from El Dorado, Ark., to points in Wisconsin, (2) from El Dorado, Ark., to points in Indiana (except Posey County), (3) from El Dorado, Ark., to points in Kentucky located in and north of Hancock, Breckinridge, Hardin, LaRue, Nelson, Marion, Boyle, Garrard, Madison, Estill, Lee, Wolfe, Magoffin, Floyd, and Pike Counties, (4) from El Dorado, Ark., to points in Michigan, (5) from El Dorado, Ark., to points in Connecticut and Rhode Island, (6) from El Dorado, Ark., to points in Ohio located in and north of Paulding, Putnam, Hancock, Seneca, Huron, Lorrain, Medina, Summit, Portage, and Mahoning Counties, (7) from El Dorado, Ark., to points in Colorado, (8) from El Dorado, Ark., to points in Idaho, Michigan, North Dakota, South Dakota, and points in Wyoming, (9) from El Dorado, Ark., to points in California located in, north, and west of San Diego, Orange, Los Angeles, Kern, and Inyo Counties, (10) from El Dorado, Ark., to points in Utah and Oregon, (11) from El Dorado, Ark., to points in Nevada located in, north, and west of Nye and Whitepine Counties, (12) from El Dorado, Ark., to points in California located in, north, and west of Inyo, Kern, and Ventura Counties, and (13) from El Dorado, Ark., to points in Washington; (D) *Vegetable oil and blends and products thereof*, in bulk, in tank vehicles, from Evadale, Ark., to points in Wisconsin located in St. Croix, Polk, Burnett, and Douglas Counties; (E) *Acids and chemicals* (except petroleum and petroleum products), in bulk, (1) from points in Arkansas located in, east, and south of Boone, Newton, Pope, Yell, Montgomery, and Pike Counties and those portions of Howard and Sevier Counties located on and south of U.S. Highway 70 to points in South Dakota located on and north of a line extending from the North Dakota-South Dakota State line along the Campbell-McPherson County line to junction South Dakota Highway 10, thence along South Dakota Highway 10 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line, (2) from points in Arkansas located in and east of Sharp, Independence, White, and Pulaski Counties, those portions of Saline, Hot Spring, Clark, and Nevada Counties located on and south of Interstate Highway 30 and Lafayette County to points in South Dakota (except those points in Union County south of South Dakota Highway 50 and except those points in South Dakota described in (1) above), and to points in Nebraska located on and north of a line from the Nebraska-Colorado State line and extending along U.S. Highway 20 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to unnumbered highway, thence along unnumbered highway through Belmont to junction Nebraska Highway 87, thence

along Nebraska Highway 87 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to unnumbered highway, thence along unnumbered highway to Kennedy and junction Nebraska Highway S-168, thence along Nebraska Highway S-168 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to unnumbered highway at O'Neill, thence along unnumbered highway through Venus to junction Nebraska Highway 59, thence along Nebraska Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to Dakota County, thence along the west and north boundary of Dakota County to the Missouri River.

(3) From points in Arkansas located in and east of that portion of Sharp and Independence Counties on and east of U.S. Highway 167 and Jackson, Woodruff, Monroe, and Phillips Counties to points in Nebraska located in and north of Cheyenne, Garden, Arthur, McPherson, Logan, Blaine, Loup, Garfield, Wheeler, Antelope, that portion of Madison and Stanton on and north of U.S. Highway 275, Wayne and Thurston Counties [except those points in Nebraska described in (2) above], (4) from points in Arkansas located in Mississippi and Crittenden Counties to points in Nebraska in, west, and north of Red Willow, Frontier, Gosper, Phelps, Kearney, Adams, Clay, York, Seward, that portion of Lancaster on and north of a line extending from the west boundary along Nebraska Highway 33 to junction Nebraska Highway S-55F, thence along Nebraska Highway S-55F to unnumbered highway at Reed, thence along unnumbered highway to junction Nebraska Highway 43, thence along Nebraska Highway 43 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the east border of the County and Cass Counties [except those portions of Nebraska described in (2) and (3) above], (5) from points in Arkansas to points in Iowa located in, north, and east of Muscatine, that portion of Louisa County located on, north, and west of U.S. Highway 61 extending from the County's north boundary to junction Iowa Highway 92, thence along Iowa Highway 92 to the County's western boundary, that portion of Washington County on and north of Iowa Highway 92, Iowa, Benton, Black Hawk, that portion of Butler County on and east of Iowa Highway 14, Floyd and Mitchell Counties, and to points in Minnesota located on, north, and east of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 65 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 13, thence along Minnesota Highway 13 to Waseca County line, thence along the south and west boundary of Waseca County to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 169, thence along U.S. Highway 169 to Sibley County, thence along the southern boundary of

Sibley County to junction Minnesota Highway 15, thence along Minnesota Highway 15 to McLeod County, thence along the south and west boundary of McLeod County to Meeker County, thence along the south and west boundary of Meeker County to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to the Minnesota-South Dakota State line.

(6) From points in Arkansas (except those located in and west of Carroll, Madison, Johnson, Logan, Scott, and Polk Counties to points in Iowa located in, north, and east of Muscatine, that portion of Louisa County located on, north, and west of U.S. Highway 61 extending from the County's north boundary to junction Iowa Highway 92, thence along Iowa Highway 92 to the County's western boundary, that portion of Washington County located on and north of Iowa Highway 92, Iowa, Tama, that portion of Marshall located north of U.S. Highway 30 and east of Iowa Highway 14, Grundy, Butler, that portion of Franklin located on and north of Iowa Highway 3 and on and east of U.S. Highway 65, Cerro Gordo and Winnebago Counties [except those points in Iowa described in (5) above], and to points in Minnesota located in, east, and north of Faribault, Blue Earth, Nicollet, Renville, Chippewa, Swift, and Big Stone Counties [except those points in Minnesota described in (5) above], (7) from points in Arkansas located in and east of Lafayette, Nevada, those portions of Clark, Hot Springs, and Saline Counties on and east of Interstate Highway 30, Pulaski, Lonoke, White, Independence, and Sharp Counties to points in Iowa located on, north, and east of Muscatine, that portion of Louisa County located on, north, and west of U.S. Highway 61 extending from the County's north boundary to junction Iowa Highway 92, thence along Iowa Highway 92 to the County's western boundary, that portion of Washington and Keokuk Counties located on and north of Iowa Highway 92, that portion of Mahaska County north and east of a line extending from the eastern County boundary along Iowa Highway 92 to junction Iowa Highway 163, thence along Iowa Highway 163 to the western boundary, that portion of Marion and Jasper Counties located on, north, and east of Iowa Highway 163, Story, Hamilton, that portion of Webster County north and east of a line beginning at the south boundary of Webster County and extending north along U.S. Highway 169 to junction U.S. Highway 7 and thence along U.S. Highway 7 to the County's western boundary, Humboldt, Palo Alto, that portion of Clay on and east of U.S. Highway 71 and Dickinson Counties [except those points in Iowa described in (5) and (6)] and to points in Minnesota [except those points in Minnesota described in (5) and (6) above].

(8) From those points in Arkansas located on and east of a line beginning at

the Arkansas-Louisiana State line and extending along U.S. Highway 167 to Grant County, thence along the south and east boundary of Grant County to Pulaski County, thence along the southern boundary of Pulaski and Lonoke Counties to junction Arkansas Highway 31, thence along Arkansas Highway 31 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Missouri State line to points in Iowa located on and north of a line beginning at the Iowa-Illinois State line and extending along the northern boundary of Dallas County to Guthrie County, thence along the north boundary of Guthrie and Audubon Counties to Crawford County, thence along the east and north boundary of Crawford County and the north boundary of Monona County to the Missouri River [except those points in Iowa described in (5), (6), and (7) above]; (9) from points in Arkansas located in Mississippi and Crittenden Counties to points in Iowa located in an north of Muscatine, that portion of Louisa County north and west of a line extending from the north boundary along U.S. Highway 61 to junction Iowa Highway 92, thence along Iowa Highway 92 to the west boundary, that portion of Washington and Keokuk Counties located on and north of Iowa Highway 92, Mahaska, that portion of Wapello County on or north of U.S. Highway 34 and on or west of U.S. Highway 63, that portion of Monroe County on and north of U.S. Highway 34, Lucas, Clarke, Union, Adams, Montgomery, and Mills Counties [except those portions of Iowa described in (5), (6), (7), and (8) above], (10) from points in Arkansas located in Benton, Washington, Crawford, Sebastian, that part of Scott on and west of U.S. Highway 71, Polk, Howard, Sevier, Little River, and Miller Counties to points in Illinois on and north of a line beginning at Oquawka, Ill., on the Mississippi River and extending along Illinois Highway 164 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction unnumbered highway, thence along unnumbered highway through Galesburg and Knoxville to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 90, thence along Illinois Highway 90 to junction with the western border at Woodford County, thence along the western, northern, and eastern borders of Woodford County to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction with the northern border of Livingston County, thence along the northern and western borders of Livingston and Kankakee Counties to the Indiana-Illinois State line.

(11) From points in Arkansas located in and west of Boone, Newton, Pope, Yell, that portion of Perry on and west of Arkansas Highway 9, Garland, Hot Springs, Dallas, Calhoun, and Union

Counties (except points located in Benton, Washington, Crawford, Sebastian and that part of Scott on and west of U.S. Highway 71, Polk, Howard, Sevier, Little River, and Miller Counties) to points in Illinois on and north of a line beginning at the Mississippi River and extending along the northern and western borders of Henderson, Warren, Knox, and Stark, to junction with the western border of Bureau County, thence along western and southern borders of Bureau County to junction with the southern border of Putnam County, thence along the southern and eastern borders of Putnam County to junction U.S. Highway 6, thence along U.S. Highway 6 to junction with the western border of Grundy County, thence along the western and northern border of Grundy County to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 66, thence along Interstate Highway 66 to junction with the eastern border of Will County, thence along the northern and eastern borders of Will County to the Illinois-Indiana State line, (12) from points in Arkansas located in and west of Sharp, Independence, White, Lonoke, Jefferson, Cleveland, Bradley, and Union Counties (except those points in Arkansas described in (10) and (11) above) to points in Illinois in and north of Rock, Henry, Whiteside, Ogle, Boone, McHenry, and that portion of Lake County north of Illinois Highway 76, (13) from points in Arkansas to points in Minnesota located in, north, and east of Freeborn, Waseca, Blue Earth, Nicollet, Sibley, McLeod, Meeker, Kadnyohi, Pope, Grant, and Wilkin Counties, (14) from points in Arkansas located in, north, and east of Baxter, Stone, Cleburne, Faulkner, Pulaski, Saline, Grant, Dallas, Quachita, and Union Counties to points in Minnesota located in, south, and west of Traverse, Stevens, Swift, Chippewa, Renville, Brown, Watonwan, Martin, and Faribault Counties, (15) from points in Arkansas to points in Wisconsin located in, north, and west of Manitowoc, Calumet, Fond du Lac, Dodge, Jefferson, Dane, and Green Counties, and (16) from points in Arkansas located in and west of Sharp, Independence, White, Prairie, Jefferson, Lincoln, Drew, and Ashley Counties to points in Wisconsin.

(F) *Liquid chemicals* (except petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Arkansas located in and west of Boone, that portion of Newton County on and west of Arkansas Highway 7, Franklin, that portion of Logan on and west of Arkansas Highway 309, and that portion of Scott County on and west of U.S. Highway 71 to points in New Jersey, (2) from points in Arkansas located in and west of Boone, Newton, Pope, Yell, and Polk Counties [except those points in Arkansas described in (1) above] to points in New Jersey located on and north of a line beginning at the New Jersey-Pennsylvania State line and extending along Alternate U.S. Highway 22 to junction Interstate Highway 87, thence

along Interstate Highway 78 to junction New Jersey Highway 28, thence along New Jersey Highway 28 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction with the Garden State Parkway, thence along the Garden State Parkway to Monmouth County, thence along the north boundary of Monmouth County to Lower Bay, (3) from points in Arkansas located in, north, and west of Miller, Howard, Pike, Montgomery, that portion of Garland located on and west of U.S. Highway 70 from the south boundary to junction Arkansas Highway 7, thence along Arkansas Highway 7 to the northern boundary of the County, Perry, Conway, Van Buren, Cleburne, that portion of Independence County on and west of Arkansas Highway 25 from the western County boundary to junction U.S. Highway 167, thence along U.S. Highway 167 to the northern boundary and Sharp County to points in Connecticut and Rhode Island, (4) from points in Arkansas located in, north, and west of Scott, that portion of Yell County located on and north of Arkansas Highway 28 from the western boundary of the County to junction Arkansas Highway 10, thence along Arkansas Highway 10 to the eastern boundary, Pope, Newton, and Boone Counties (except Benton, Washington, Crawford, and Sebastian Counties) to points in Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line and extending along the southern border of Crawford County to junction with the western border of Centre County, thence along the western and southern borders of Centre and Union Counties to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction with the northern borders of Leigh County, thence along the northern, eastern, and southern borders of Leigh County to the Pennsylvania-New Jersey State line.

(5) From points in Arkansas located in Benton, Washington, Crawford, and Sebastian Counties to points in Pennsylvania located on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 85, thence along Pennsylvania Highway 85 to junction with the western border of Indiana County, thence along the western, northern, and eastern borders of Indiana County to junction with the northern border of Cambria County, thence along the northern borders of Cambria and Blair Counties to junction with the western border of Huntingdon County, thence along the western border of Huntingdon County to junction U.S.

Highway 22, thence along U.S. Highway 22 to junction with the southern border of Mifflin County to junction with U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway, thence along unnumbered highway through Wormleysburg and Lemoyne to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 76, thence along Interstate Highway 76 until it crosses Pennsylvania Highway 283, thence along Pennsylvania Highway 283 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to junction Pennsylvania Highway 462, thence along Pennsylvania Highway 462 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 41, thence along Pennsylvania Highway 41 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to the Pennsylvania-Delaware State line, (6) from points in Arkansas located in and west of Boone, Newton, Pope, Yell, Montgomery, that portion of Pike County on and west of U.S. Highway 70 from the north County boundary to junction Arkansas Highway 27, thence along Arkansas Highway 27 to the south boundary, Howard and Little River Counties and that portion of Miller County on and west of U.S. Highway 71 (except Benton, Washington, Crawford, and Sebastian Counties) to points in Indiana located on and north of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 94 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Indiana Highway 120, thence along Indiana Highway 120 to junction Indiana Highway 15, thence along Indiana Highway 15 to the Indiana-Michigan State line, and (7) from points in Arkansas located in Benton, Washington, Crawford, and Sebastian Counties to points in Indiana located on and north of a line extending from the Indiana-Illinois State line along U.S. Highway 30 to junction Iowa Highway 23, thence along Iowa Highway 23 to junction U.S. Highway 6, thence along U.S. Highway 6 to Noble County, thence along the western boundary of Noble County and the north County lines of Noble and DeKalb Counties to the Indiana-Ohio State line.

(G) *Acids and chemicals* (except petroleum and petroleum products), in bulk, (1) from points in Arkansas located in Washington, Crawford, and Sebastian Counties to points in Ohio located on and north of a line from the Ohio-Indiana State line and extending along U.S. Highway 6 to unnumbered highway, thence along unnumbered highway through Fremont to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 113, thence along Ohio Highway 113 to unnumbered highway at Florence, thence along unnumbered highway to junction Ohio Highway 303, thence along

Ohio Highway 303 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line, (2) from points in Arkansas located in and west of Boone, Newton, Pope, Yell, Montgomery, Pike, Hempstead, and Miller Counties to points in Michigan, and (3) from points in Arkansas located on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line [except points in Arkansas described in part (2) above], to points in Michigan located on and north of a line from Grand Haven on Lake Michigan and extending along Michigan Highway 104 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to St. Clair County, thence along the St. Clair County west and north boundary to Lake Huron.

(H) *Chemicals* (except petroleum and petroleum products), in bulk, (1) from points in Arkansas to points in North Dakota located on and east of a line beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to Griggs County, thence along the north boundary of Griggs County to junction North Dakota Highway 32, thence along North Dakota Highway 32 to Barnes County, thence along the north boundary of Barnes and Cass Counties to junction North Dakota Highway 18, thence along North Dakota Highway 18 to the North Dakota-South Dakota State line, (2) from points in Arkansas located in and east of Marion, Searcy, Pope, those points in Yell County on and east of Arkansas Highway 7, Perry, Garland, Hot Springs, Clark, Nevada, and Lafayette Counties and those portions of Miller County on and south of Interstate Highway 30 to points in North Dakota [except those points in North Dakota described in (1) above], (3) points in Arkansas located in, north, and east of Washington, Madison, that part of Franklin on and east of Arkansas Highway 23, that part of Logan County on and east of Arkansas Highway 309, that portion of Yell County on an east of a line beginning at the north boundary and extending along Arkansas Highway 309 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to the south County boundary, Garland, Hot Spring, Clark, Quachita, and Union Counties to points in Oregon lo-

cated on, north, and west of a line beginning at the Oregon-California State line and extending along U.S. Highway 395 to junction unnumbered highway north of Wagonfire, thence along unnumbered highway through Narrows to junction Oregon Highway 78, thence along Oregon Highway 78 to junction U.S. Highway 95, thence along Oregon Highway 95 to the Oregon-California State line, (4) from points in Arkansas [except those points in Arkansas described in (3) above] to points in Oregon located on, north, and west of a line beginning at Brandon, on the Pacific Ocean and extending along U.S. Highway 101 to junction Oregon Highway 42S, thence along Oregon Highway 42S to junction Oregon Highway 42, thence along Oregon Highway 42 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 99E, thence along Oregon Highway 99E to junction Oregon Highway 213, thence along Oregon Highway 213 to junction U.S. Highway 30 Bypass, thence along U.S. Highway 30 Bypass to junction Interstate Highway 5, thence along Interstate Highway 5 to the Oregon-Washington State line, (5) from points in Arkansas on and east of a line beginning at the Missouri-Arkansas State line and extending along Arkansas Highway 9 to junction with the northern border of Van Buren County, thence along the northern, eastern, and southern borders of Van Buren County to junction U.S. Highway 65, thence along U.S. Highway 65 to junction with the eastern border of Grant County, thence along the eastern and northern borders of Grant, Cleveland, Bradley, and Union Counties to the Arkansas-Louisiana State line to points in Montana, and (6) from points in Arkansas [except those points in Arkansas described in (5) above] to points in Montana in and north of Richland, Dawson, McCone, Garfield, Petroleum, Fergus, Wheatland, Sweet Grass, and Park Counties.

(I) *Sulphuric acid*, in bulk, in tank vehicles, from points in Arkansas located in and south of Crawford, Franklin, Johnson, Pope, Van Buren, Cleburne, Independence, Jackson, Poinsett, and Mississippi Counties to Neodesha, Kans.; (J) *Caustic soda*, in bulk, in tank vehicles, (1) from points in Arkansas (except from the site of the Diamond Alkali Company located within the U.S. Arsenal Grounds near Pine Bluff, Ark.), to Wichita, Kans., and (2) from points in Arkansas located in Benton, Carroll, Boone, Washington, and Madison Counties (except from the site of the Diamond Alkali Company, located within the U.S. Arsenal Grounds near Pine Bluff, Ark.), to Houston, Tex.; (K) *Chemicals* (except petroleum chemicals), in bulk, in tank vehicles, (1) from Sebastian County, Ark., to points in Connecticut and Delaware to points in Kentucky on, north, and east of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 264 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 60, thence along U.S. Highway

60 to junction with the northern border of Jessamine County, thence along the northern and eastern borders of Jessamine, Madison, Estill, Lee, and Breathitt Counties to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction with the northern border of Perry County, thence along the northern and eastern borders of Perry County to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction with the eastern border of Knott County, thence along the eastern and southern borders of Knott County to junction Kentucky Highway 317, thence along Kentucky Highway 317 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-Virginia State line to points in Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, (2) from points in Arkansas in Crawford County and that portion of Benton and Washington Counties on and west of U.S. Highway 71 to points in Connecticut, Delaware, Massachusetts, New Jersey, to points in Ohio on and east of a line beginning at the Michigan-Ohio State line and extending along Interstate Highway 75 to junction Ohio Highway 51, thence along Ohio Highway 51 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction with the eastern border of Ashland County, thence along the eastern borders of Ashland, Knox, and Licking Counties to junction Ohio Highway 79, thence along Ohio Highway 79 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 124, thence along Ohio Highway 124 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line to points in Pennsylvania, to points in West Virginia on and north and east of a line beginning at the Ohio-West Virginia State line and extending east along U.S. Highway 33 to junction with the eastern border of Jackson County, along the eastern border of Jackson County to junction with the northern border of Kanawha County, thence along the northern and eastern borders of Kanawha County to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line.

(3) From Sebastian County, Ark., to points in Illinois on and north of a line beginning at the Mississippi River and extending along U.S. Highway 34 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction with the western border of Peoria County, thence along the western border of Peoria County to

junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction with the western border of McLean County, thence along the western and southern borders of McLean, DeWitt, Macon, Logan, and Moultrie Counties to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction with the northern border of Edwards County, thence along the northern boundaries of Edwards and Wabash Counties to unnumbered highway near Lancaster, thence along unnumbered highway through Patton and Mount Carmel to the Illinois-Indiana State line, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 64 to junction Interstate Highway 264, thence along Interstate Highway 264 to the Indiana-Kentucky State line, to points in Michigan and Wisconsin, and (4) from points in Akron on and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 71 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction with the western border of Franklin County, thence along the western border of Franklin and Logan Counties to junction U.S. Highway 71, thence along U.S. Highway 71 to junction with the northern border of Sevier County, thence along the northern and eastern boundaries of Sevier, Little River, and Miller Counties to junction U.S. Highway 82, thence along U.S. Highway 82 to junction with the eastern border of Lafayette County, thence along the eastern border of Lafayette County to the Arkansas-Louisiana State line [except those points in Arkansas described in part (3) above] to points in Michigan located on and north of a line beginning at Muskegon on Lake Michigan and extending along Interstate Highway 96 to junction Michigan Highway 50, thence along Michigan Highway 50 to junction U.S. Highway 223, thence along U.S. Highway 223 to the Michigan-Ohio State line and to points in Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction U.S. Highway 151, thence along U.S. Highway 151 to Manitowoc on Lake Michigan.

(L) *Cottonseed oil and soybean oil and blends*, thereof, in bulk, in tank vehicles, (1) from points in Arkansas on and east of a line beginning at the Mississippi River near Helena and extending along U.S. Highway 49 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arkansas Highway 149, thence along Arkansas Highway 149 to junction Arkansas Highway 42, thence along Arkansas Highway 42 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Arkansas Highway 77, thence along Arkansas Highway 77 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction

Interstate Highway 55, thence along Interstate Highway 55 to junction Arkansas Highway 140, thence along Arkansas Highway 140 to Osceola on the Mississippi River to Kansas City, Mo., and (2) from points in Arkansas located on and north of Crawford, Madison, Newton, Searcy, Stone, Independence, Jackson, Cross, Crittenden, St. Francis, and Lee Counties (except vegetable oil compounds from Newport) to Jackson, Miss.; (M) *Cottonseed oil and soybean oil and products thereof* (except soap products and paints), in bulk, in tank vehicles, from points in Arkansas on and east of a line beginning at the Mississippi River and extending along U.S. Highway 49 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 115, thence along Arkansas Highway 115 to the Arkansas-Missouri State line to Dallas, Tex.; (N) *Vegetable oils and vegetable oil products* (except soap products and paint and except vegetable oil compounds from Newport), in bulk, in tank vehicles, (1) from points in Arkansas (except vegetable oil compounds from Newport) to points in New York and Pennsylvania, and (2) from points in Arkansas (except vegetable oil compounds from Newport) to points in Delaware, Maryland, New Jersey, North Carolina, South Carolina, Virginia, and West Virginia.

(O) *Unprocessed fats, greases, and vegetable oils, in bulk*, in tank vehicles, from points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 64 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction Arkansas Highway 164, thence along Arkansas Highway 164 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction with the northern border of Pope County, thence along the northern border of Pope County to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 233, thence along Arkansas Highway 233 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to the northern border of Independence County, thence along the northern borders of Independence, Jackson, and Craighead Counties to junction U.S. Highway 63, thence along U.S. Highway 63 to the northern border of Poinsett County, thence along the northern and eastern border of Poinsett County to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction Arkansas Highway 198, thence along Arkansas Highway 198 through Carson and Grider to the Mississippi River to Champaign, Ill.; (P) *Caustic soda, in bulk*, (1) from Pine

Bluff, Ark., to points in Wisconsin, and (2) from Pine Bluff, Ark., to points in Michigan located in the Upper Peninsula; (Q) *Acids and chemicals, in bulk*, (1) from points in Arkansas located in Benton, Washington, Crawford, Sebastian, that portion of Scott on and west of U.S. Highway 71, Polk, Howard, Sevier, and Little River Counties to points in Ohio located on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 33 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Pennsylvania State line, (2) from points in Arkansas to points in Idaho, Michigan, North Dakota, South Dakota, and Wyoming.

(3) From points in Arkansas to points in California located on and north of a line beginning at the northern border of Santa Cruz County at the Pacific Ocean, extending along the northern border of Santa Cruz to junction California Highway 17, thence along California Highway 17 to junction with the northern border of Santa Clara County, thence along the northern borders of Santa Clara and Stanislaus Counties to junction California Highway 132, thence along California Highway 132 to junction California Highway 99, thence along California Highway 99 to junction with the northern border of Merced County, thence along the northern borders of Merced, Mariposa, Madera, Fresno, and Inyo Counties to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction with the northern border of Indio County, thence along the northern border of Indio County to the Nevada-California State line to points in Nevada located on and north of a line beginning at the Nevada-California State line and extending along Nevada Highway 3 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Utah State line, to points in Oregon, to points in Utah located on and north of a line beginning at the Nevada-Utah State line and extending along the northern and western borders of Washington, Kane, Garfield, Wayne, and Emery Counties to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Colorado State line, (4) from points in Arkansas located on, north, and east of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 271 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 167, thence along U.S.

Highway 167 to junction Arkansas Highway 35, thence along Arkansas Highway 35 to junction with the eastern border of Chicot County, thence along the eastern border of Chicot County to the Arkansas-Louisiana State line to points in Arizona located on, north, and west of a line beginning at the Arizona-California State line and extending along Interstate Highway 10 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction with eastern border of Yuma County, thence along the eastern borders of Yuma and Mohave Counties to junction with the southern boundary of Grand Canyon National Park, thence along the southern boundary of Grand Canyon National Park to junction with Arizona Highway 64, thence along Arizona Highway 64 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Arizona-New Mexico State line to points in California [except those points described in (3) above, and points in Utah [except those points described in (3) above].

(5) From points in Arkansas on and east of a line beginning at the Arkansas-Oklahoma State line and extending along Arkansas Highway 59 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction with the southern border of Washington County, thence along the southern borders of Washington and Madison Counties to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to Arkansas City, on the Mississippi River to points in Arizona located on and north of a line beginning at the United States-Mexico International Boundary line and extending along the western and northern borders of Pima County to junction Arizona Highway 77, thence along Arizona Highway 77 to junction Arizona Highway 61, thence along Arizona Highway 61 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Arizona-New Mexico State line [except those points listed in (4) above] to points in New Mexico on and north of a line beginning at the Arizona-New Mexico State line and extending along the northern and western border of McKinley and Sandoval Counties to junction New Mexico Highway 96, thence along New Mexico Highway 96 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction New Mexico Highway 17, thence along New Mexico Highway 17 to the New Mexico Colorado State line, (6) from points in Arkansas on and east of a line beginning at the Missouri-Arkansas State line and extending along Arkansas Highway 395 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction with the northern border of Independence

County, thence along the northern and eastern borders of Independence County to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction with the western border of Poinsett County, thence along the western and southern borders of Poinsett and Crittenden Counties to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Tennessee State line, to points in Arizona [except those points described in (4) and (5) above] and to points in New Mexico on and north and west of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 54 to the New Mexico-Texas State line [except those points described in (5) above].

(7) From points in Arkansas to points in Nebraska, (8) from points in Arkansas located in and west of Benton, Washington, Crawford, Sebastian, that portion of Scott County located on and west of U.S. Highway 71, Polk and Sevier Counties to points in Illinois located on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 136 to junction Illinois Highway 41, thence along Illinois Highway 41 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction unnumbered highway, thence along unnumbered highway through Peotone to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 394, thence along Illinois Highway 394 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line to points in Indiana located on and north of U.S. Highway 30, (9) from points in Arkansas located on and east of a line beginning at the Oklahoma-Arkansas State line and extending along Arkansas Highway 59 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 35, thence along Arkansas Highway 35 to junction Arkansas Highway 81, thence along Arkansas Highway 81 to the Arkansas-Louisiana State line to points in Colorado located on and north of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Colorado Highway 10, thence along Colorado Highway 10 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line, (10) from points in Arkansas [except those points described in (9) above] to points in Colorado on

and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 40 to junction Colorado Highway 94, thence along Colorado Highway 94 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction with the northern border of Chaffee County, thence along the northern borders of Chaffee, Gunnison, and Delta Counties to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line.

(11) From points in Arkansas located in, north, and east of that portion of Fulton County on and north of Arkansas Highway 9, Sharp, Independence, Jackson, Cross, and Crittenden Counties and that portion of St. Francis and Lee Counties on and east of Arkansas Highway 1 to points in Kansas located on and north of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 54 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Kansas Highway 196, thence along Kansas Highway 196 to junction Kansas Highway 177, thence along Kansas Highway 177 to point where it crosses Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line and to points in Oklahoma located in Cimmaron and Texas Counties, (12) from points in Arkansas located on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to Chicot County, thence along the northern boundary of Chicot County to the Arkansas-Missouri State line [except those points described in (11) above] to points in Kansas located on and north of a line beginning at the Kansas-Colorado State line and extending along the southern boundaries of Stanton, Grant, and Haskell Counties to U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line, (13) from points in Arkansas [except those points in Arkansas described in (11) and (12) above] to points in Kansas extending on and north of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Kansas Highway 56, thence along Kansas Highway 56 to Council Grove, unnumbered highway from Council Grove through Dunlap and Americus to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line, (14) from points in Arkansas to points in Iowa located on and west of U.S. Highway 65, (15) from points in Arkansas on and west of a line extending from the Arkansas-Missouri State line along U.S. Highway 65 to junction Arkansas Highway 81,

thence along Arkansas Highway 81 to the Arkansas-Louisiana State line to points in Iowa located in and north and west of Appanoose, Wapello, Keokuk, Iowa, Johnson, Linn, Jones, and Dubuque Counties, (16) from points in Arkansas located in Benton, Washington, Crawford, Sebastian, that portion of Scott on and west of U.S. Highway 71, Polk, Sevier, and Little River Counties and that portion of Miller County on and west of U.S. Highway 71 to points in Michigan.

(17) From points in Kansas to points in Washington; restricted in (Q) (1) through (17) against the transportation of anhydrous ammonia, aqua ammonia, ethylene dibromide, nitric acid, nitrogen, fertilizer solution, and sulphuric acid from El Dorado, Ark., and liquid caustic soda and muriatic acid from Baldwin, Ark.; and (R) *Tankage, dried blood, fish meal, and tallow* when intended for use as animal or poultry feed, in bulk, in tank vehicles, from points in Arkansas located in, south, and west of Marion, Searcy, Van Buren, Faulkner, Pulaski, Jefferson, Lincoln, and Desha Counties to Iowa City, Iowa, plant site of Protein Blenders, Inc.

The purpose of this filing is to eliminate the gateways of: (A) (1), Memphis, Tenn., and Burlington, Iowa; (A) (2), Memphis, Tenn., Burlington, Iowa, and Guttenberg, Iowa; (A) (3), Memphis, Tenn., Burlington, Iowa, and the plant site of the Blockson Chemical Co., at or near Joliet, Ill.; (B) (1), points in Missouri located within 200 miles of West Memphis, Ark., except points on or west of Missouri Highway 5; (B) (2) & (3), points in Missouri located within 200 miles of West Memphis, Ark., except points on or west of Missouri Highway 5 and points in Iowa within the Alexandria, Mo., commercial zone; (B) (4) - (7), those points in Missouri located within 200 miles of Conway, except points on or west of Missouri Highway 5, and Guttenberg, Iowa; (C) (1), Louisiana, Mo.; (C) (2) & (3), Selma, Mo.; (C) (4), Pike County, Mo.; (C) (5) & (6), Muscatine, Iowa; (C) (7), Saginaw, Mo., and points within 15 miles; (C) (8) - (13), Kansas City, Kans.; (D), Carthage, Mo.; (E), Iowa City, Iowa, a point within 15 miles of Windham, Iowa; (F), Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and Muscatine, Iowa; (G) (1) - (3), Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and the plant site of Blockson Chemical Co., at or near Joliet, Ill.; (H), Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and Des Moines, Iowa; (I), (J), & (K), Tulsa, Okla.; (L) (1), Memphis, Tenn., and Evadale, Ark.; (L) (2), (M), (N) (2), Memphis, Tenn.; (N) (2), Memphis, Tenn., and points in Mississippi within the Memphis, Tenn., commercial zone; (O), Memphis, Tenn.; (P) (1), Memphis, Tenn., and Burlington, Iowa; (P) (2), Memphis, Tenn., Burlington, Iowa, and the plant site of Blockson Chemical Co., at or near Joliet, Ill.; (Q) (1), Kansas City, Mo.; (Q) (2) - (7), Kansas City, Mo.-Kansas City, Kans., commercial zone; (Q) (8) - (15), points that are in both the Olathe, Kans., and the Kansas

City, Mo.-Kansas City, Kans., commercial zone; (Q) (16), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zone, and the plant site of Blockson Chemical Co., at or near Joliet, Ill.; (Q) (17), Kansas City, Mo.; and (R), Kansas City, Kans.

No. MC 92983 (Sub-No. E57), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Acids and chemicals*, in bulk, in tank vehicles, from points in Wyoming (except those located in and south of Goshen, Platte, Albany, and Carbon Counties and points in Fremont, Sublette, and Sweetwater Counties located on and south of a line extending from the eastern border of Fremont County along the Sweetwater River to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, including the Rock Springs commercial zone) to Dallas, Tex.; (B) *Such polyvinyl acetate, linseed oil, blends and products thereof and paint materials* as are embraced within chemicals, in bulk, in tank vehicles, from points in Wyoming to Houston, Tex.; (C) *Acids and chemicals*, in bulk, from points in Wyoming to points in Kentucky, North Carolina, Ohio, and South Carolina; (D) *Trichloromonofluoromethane, dichlorodifluoromethane, monochlorodifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, and mixtures thereof*, in bulk, in tank vehicles, from points in Wyoming to points in Alabama (except Fox); (E) *Chemicals*, in bulk, from points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; (F) *Acids and chemicals* (except those derived from petroleum, petroleum products, synthetic resins, and varnish), in bulk, in tank or hopper vehicles, from Kemmerer, Wyo., to Winona, Minn.

(G) *Anhydrous ammonia*, in bulk, in tank vehicles, from points in Wyoming to points in Alabama within 400 miles of Woodstock, Tenn.; (H) *Phosphoric acid*, in bulk, in tank vehicles, from points in Wyoming to points in Alabama; (I) *Acetic acid*, in bulk, in tank vehicles, from points in Wyoming to points in Alabama; (J) *Acids and chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Wyoming to points in Missouri located in and south of Buchanan, DeKalb, Daviess, Grundy, Sullivan, Adair, Knox, and Lewis Counties, (2) from points in Wyoming located in and west of Park, Hot Springs, and Fremont Counties and points in Carbon County located on and west of a line extending from the eastern border of Fremont County along U.S. Highway 287 to junction Wyoming Highway 130,

thence along Wyoming Highway 130 to junction Wyoming Highway 230, thence along Wyoming Highway 230 to the Wyoming-Colorado State line to points in Iowa located in Appanoose, Davis, Van Buren, Lee, and Des Moines Counties and points in Henry County located on and south of a line extending from the western border of Henry County along U.S. Highway 34 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction unnumbered highway 7 miles north of Mt. Pleasant, thence along unnumbered highway through Mt. Union to the western border of Des Moines County and to points in Missouri located in Andrew, Gentry, Harrison, Mercer, Putnam, Schuyler, Scotland, and Clark Counties, (3) from points in Wyoming located east of a line extending from the Wyoming-Montana State line along U.S. Highway 87 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wind River, thence along the Wind River to the western boundary of the Wind River Indian Reservation, thence along the western boundary to the eastern border of Sublette County and points south of Sublette and Lincoln Counties to points in Kansas located in and east of Chautauqua, Elk, Greenwood, Lyon, Osage, Shawnee, and Jefferson Counties and points in Atchison County located on and east of U.S. Highway 59 including the Atchison commercial zone, (4) from points in Wyoming located on and west of a line extending from the Wyoming-Montana State line along U.S. Highway 87 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wind River, thence along the Wind River to the western boundary of the Wind River Indian Reservation, thence along the western boundary to the eastern border of Sublette County and points in Sublette and Lincoln Counties to points in Kansas located in and east of Cowley, Butler, Chase, Morris, Wabunsee, and Pottawatomie Counties and points in Brown County located on and east of U.S. Highway 159.

(5) From points in Wyoming located east of a line extending from the Wyoming-Montana State line along U.S. Highway 87 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wind River, thence along the Wind River to the western boundary of the Wind River Indian Reservation, thence along the western boundary to the eastern border of Sublette County and points south of Sublette and Lincoln Counties to points in Arkansas and points in Oklahoma located in and east of Washington, Tulsa, Okmulgee, McIntosh, Pushmataha, and Choctaw Counties and points in Pittsburg County located on and east of U.S. Highway 75, (6) from points in Wyoming located on and west of a line extending from the Wyoming-Montana State line along U.S. Highway 87 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wind River, thence along the Wind River to the western boundary of the Wind River Indian Reservation, thence along the western boundary to the eastern border of Sublette County and

points in Sublette and Lincoln Counties to points in Arkansas and points in Oklahoma located on and east of a line extending from the Oklahoma-Kansas State line along U.S. Highway 177 to junction Oklahoma Highway 39, thence along Oklahoma Highway 39 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to the northern border of Johnston County and points in and east of Johnston and Marshall Counties, (7) from points in Wyoming located east of Park, Hot Springs, and Fremont Counties and points in Carbon County located east of a line extending from the eastern border of Fremont County along U.S. Highway 287 to junction Wyoming Highway 130, thence along Wyoming Highway 130 to junction Wyoming Highway 230, thence along Wyoming Highway 230 to the Wyoming-Colorado State line to points in Illinois located on and south of a line extending from the Mississippi River along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 98, thence along Illinois Highway 98 to junction U.S. Highway 150, thence along U.S. Highway 150 to the western border of McLean County and points in and south of McLean, Ford, and Iroquois Counties, and (8) from points in Wyoming located in and west of Park, Hot Springs, and Fremont Counties and points in Carbon County located on and west of a line extending from the eastern border of Fremont County along U.S. Highway 287 to junction Wyoming Highway 130, thence along Wyoming Highway 130 to junction Wyoming Highway 230, thence along Wyoming Highway 230 to the Wyoming-Colorado State line to points in Illinois (except points in Whiteside, Carroll, Jo Daviess, and Stephenson Counties);

(K) *Acids and chemicals* (except chemicals derived from petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Wyoming located in Uinta, Sweetwater, Carbon, Albany, Goshen, and Laramie Counties to points in Texas located in and east of Lamar, Delta, Hopkins, Wood, Smith, Cherokee, Angelina, Trinity, Polk, Liberty Chambers, and Galveston Island Counties (except Jefferson and Orange Counties), (2) from points in Wyoming located in and north of Lincoln, Sublette, Fremont, Matrona, Converse, and Niobrara Counties to points in Texas located in and east of Grayson, Collin, Rockwall, Kaufman, Henderson, Navarro, Freestone, Leon, Brazos, Grimes, Waller, Ft. Bend, and Brazoria Counties (except Harris, Jefferson, and Orange Counties), and (3) from points in Wyoming located in and north of Park, Hot Springs, Washakie, Natrona, Converse, and Niobrara Counties to points in Texas located in Dallas, Ellis, Limestone, and Robertson Counties; (L) *Caustic soda*, in bulk, in tank vehicles, from points in Wyoming to

Houston, Tex.; (M) *Liquid chemicals*, in bulk, in tank vehicles, from points in Wyoming to points in Rhode Island; (N) *Such animal oils, fats, and greases* as are embraced within chemicals, in bulk, in tank vehicles, from points in Wyoming to points in Maine, Massachusetts, New Hampshire, and Vermont; (O) *Such fats, oils, blends and products thereof* as are embraced within chemicals (except fats, oils, blends and products thereof derived from petroleum, soap products and paint), in bulk, in tank vehicles, from points in Wyoming to points in Florida; (P) *Acids and chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Wyoming located on, west, and south of a line extending from the Wyoming-Nebraska State line along U.S. Highway 18 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line (except Albany, Laramie, Carbon, Sweetwater, Uinta, and Lincoln Counties) to points in Michigan located in and south of Manistee, Wexford, Missaukee, Roscommon, Ogemaw, and Iosco Counties, (2) from points in Wyoming located in Laramie, Albany, Carbon, Sweetwater, Uinta, and Lincoln Counties to points in Michigan located in Lower Peninsula and points in the Upper Peninsula located on and east of Interstate Highway 75 including the Sault Ste Marie Commercial Zone.

(3) From points in Wyoming located in and west of a line extending from the Wyoming-Colorado State line along Wyoming Highway 430 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Wyoming-Idaho State line, including the Rock Springs Commercial Zone to points in Massachusetts located west of a line extending from the Massachusetts-New Hampshire State line along Massachusetts Highway 31 to junction Massachusetts Highway 140, thence along Massachusetts Highway 140 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, and (4) from points in Wyoming located in Lincoln, Uinta, Sublette, and Sweetwater Counties and points in Carbon County located on and west of a line extending from the western border of Carbon County along Wyoming Highway 73 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 130, thence along Wyoming Highway 130 to junction Wyoming Highway 230, thence along Wyoming Highway 230 to the Wyoming-Colorado State line to points in Massachusetts located on and east of a line extending from the Massachusetts-New Hampshire State line along Massachusetts Highway 31 to junction Massachusetts Highway 140, thence along Massachusetts Highway 140 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line; (Q) *Arsenic acid*, in bulk, in tank vehicles and *agricultural insecticides*, in bulk, in hopper vehicles, from points in Wyoming to points in Alabama (except Bay

Minette); (R) *Acids and chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Wyoming located in Lincoln, Uinta, and Sweetwater Counties and points in Carbon, Albany, and Laramie Counties located on and south of a line extending from the eastern border of Sweetwater County along Wyoming Highway 73 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Wyoming-Colorado State line, including the Cheyenne and Laramie Commercial Zones to points in Wisconsin located on and east of Wisconsin Highway 32 in Milwaukee, Racine, and Kenosha Counties, including the Milwaukee, Racine, and Kenosha Commercial Zones, and (2) from points in Wyoming to points in Mississippi and Tennessee.

(S) *Liquid chemicals*, in bulk, in tank or hopper vehicles, from points in Wyoming located in and north of Lincoln, Sublette, Fremont, Natrona, Converse, and Niobrara Counties to points in Texas located in and east of Lamar, Delta, Hopkins, Trinity, San Jacinto, Polk, Hardin and Jefferson Counties and points on and east of Texas Highway 19 in Rains, Van Zandt, Henderson, Anderson, and Houston Counties; (T) *Acids and chemicals*, in bulk, from points in Wyoming to points in Louisiana; (U) *Acids and chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, from points in Wyoming to points in Georgia; (V) *Acids and chemicals*, in bulk, (1) from points in Wyoming to points in Connecticut and points in Indiana (except those located in Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, and Steuben Counties), and (2) from points in Wyoming located on, west, and south of a line extending from the Wyoming-Nebraska State line along U.S. Highway 18 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line including the Casper and Sheridan Commercial Zones to points in Indiana located in Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, and Steuben Counties; and (W) *Soybean oil foods*, in bulk, in tank vehicles, (1) from points in Wyoming to points in Indiana, (2) from points in Wyoming located north of a line extending from the Wyoming-Nebraska State line along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line to points in Michigan located in and south of Antrim, Otsego, Montmorency, and Alpena Counties and to points in Wisconsin located in and south of Lafayette, Green, Rock, Jefferson, Waukesha, Washington, and Ozaukee Counties, and (3) from points in Wyoming located on and south of a line extending from the Wyoming-Nebraska State line along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along

Wyoming Highway 22 to the Wyoming-Idaho State line to points in Michigan located in and east of Marquette and Dickinson Counties and points in Wisconsin located in, south, and east of Florence, Marinette, Oconto, Menominee, Shawano, Waupaca, Waushara, Adams, Sauk, and Richland Counties and points in Crawford and Vernon Counties located on and south of a line extending from the Wisconsin-Iowa State line along Wisconsin Highway D to junction Wisconsin Highway 179, thence along Wisconsin Highway 179 to junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to the western border of Richland County.

The purpose of this filing is to eliminate the gateways of: (A), (B), and (C), Kansas City, Mo.; (D), Kansas City, Mo., and Marshall County, Ky.; (E) and (F), Kansas City, Mo.; (G), Kansas City, Mo., Saginaw, Mo., and points within 15 miles thereof, and Woodstock, Tenn.; (H), Kansas City, Mo., Saginaw, Mo., and points within 15 miles thereof, and Columbia, Tenn.; (I), Kansas City, Mo., Saginaw, Mo., and points within 15 miles thereof, and Memphis, Tenn.; (J), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone; (K), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and Lawrence, Kans.; (L), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and Tulsa, Okla.; (M), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and Muscatine, Iowa; (N), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and Dubuque, Iowa; (O), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone and points in Arkansas within the Memphis, Tenn., Commercial Zone; (P) (1) and (2), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone and the plant site of the Blockson Chemical Co., at or near Joliet, Ill.; (P) (3), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and Tulsa, Okla.; (Q), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and points in Arkansas that are within the Memphis, Tenn., Commercial Zone; (R) (1), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and Burlington, Iowa; (R) (2), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and Saginaw, Mo., and points within 15 miles thereof; (S), points that are in both the Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and Verona, Mo.; (T), (U), and (V), Kansas City, Mo.; and (W), points in Illinois within the Muscatine, Iowa, Commercial Zone.

No. MC 92983 (Sub-No. E58), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Inedible animal fats*, in bulk, in tank vehicles, (1) from points in Wyoming to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, New Hampshire, Massachusetts, New Jersey, New York (except New York City and Port Ivory), North Carolina, Ohio (except Cincinnati and Ivorydale), Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, (2) from points in Wyoming located in and south of Niobrara, Converse, and Carbon Counties and points in Sweetwater County located east of a line extending from the northern border of Sweetwater County along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line to points in Illinois (except those located on and west of a line extending from the Mississippi River along the southern border of Mercer County to the junction of U.S. Highway 67, thence along U.S. Highway 67 to the Illinois River, thence along the Illinois River to the Mississippi River (except Chicago, Chicago Heights, East St. Louis, Decatur, and Rockford)), (3) from points in Wyoming located in and north of Weston, Campbell, Johnson, Natrona, Fremont, Sublette, Lincoln, and Uinta Counties and points in Sweetwater County located on and west of a line extending from the southern border of Sublette County along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line to points in Illinois (except Chicago, Chicago Heights, East St. Louis, Decatur, and Rockford).

(4) From points in Wyoming to points in Tennessee (except those located in Lauderdale, Tipton, Haywood, Shelby, Fayette, and Hardeman Counties), (5) from points in Wyoming (except those located in Goshen, Platte, Laramie, and Albany Counties and points in Carbon County located east of Wyoming Highway 789), to points in Tennessee located in Lauderdale, Tipton, Haywood, Shelby, Fayette, and Hardeman Counties (except Memphis), (6) from points in Wyoming to points in Mississippi located in and east of Alcorn, Prentiss, Lee, Monroe, Clay, Oktibbeha, Noxubee, Kemper, Lauderdale, Clarke, Wayne, Perry, Stone, and Harrison Counties, (7) from points in Wyoming (except those located in Goshen, Platte, Laramie, Albany, and Carbon Counties and points in Sweetwater County located east of a line extending from the northern border of Sweetwater County along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line) to points in Mississippi located in and

bounded by Hancock, Pearl River, Forrest, Jones, Jasper, Newton, Neshoba, Winston, Choctaw, Webster, Chickasaw, Pontotoc, Union, Tippah, Benton, Marshall, DeSoto, Tunica, Coahoma, Tallahatchie, LeFlore, Holmes, Madison, Rankin, Simpson, Jefferson Davis, and Marion Counties and the Jackson Commercial Zone, (8) from points in Wyoming located in Weston, Crook, Campbell, and Park Counties and points in Johnson and Washakie Counties located on and north of a line extending from the eastern border of Johnson County along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 431, thence along Wyoming Highway 431 to the western border of Washakie County to points in Mississippi located in and west of Bolivar, Sunflower, Humphreys, Yazoo, Hinds, Coplan, Lawrence, and Waltham Counties (except the Jackson Commercial Zone).

(9) From points in Wyoming: Natrona, Converse, and Niobrara Counties to Crittenden County, Ark., and (2) from points in Wyoming located in and north of Lincoln, Sublette, Fremont, Washakie, Johnson, Campbell, and Weston Counties to points in Arkansas located in and east of Clay, Greene, Craighead, Poinsett, Cross, St. Francis, Monroe, Arkansas, Desha, and Chicot Counties; (E) *Corn syrup*, in bulk, in tank vehicles, (1) from points in Wyoming to points in Tennessee, (2) from points in Wyoming to points in New York, (3) from points in Wyoming to points in Alabama and Georgia, and (4) from points in Wyoming to points in Florida; (F) *Corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Wyoming located on, west, and south of a line extending from the Wyoming-Montana State line along Interstate Highway 90 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Wyoming-Colorado State line, which includes the Sheridan, Casper, and Cheyenne Commercial Zones to Roby, Ind., restricted against the transportation of sugar from Torrington, South Torrington, and Worland, Wyo.; (G) *Molasses*, in bulk, in tank vehicles, (1) from points in Wyoming located north of a line extending from the Wyoming-Nebraska State line along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line to points in Wisconsin located in and south of Vernon, Juneau, Adams, Portage, Shawano, Menominee, Oconto, and Marinette Counties, and (2) from points in Wyoming located on and south of a line extending from the Wyoming-Nebraska State line along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line to points in Minnesota located on and east

of a line extending from the Minnesota-Iowa State line along unnumbered highway to junction Minnesota Highway 43, thence located north of a line extending from the Wyoming-Nebraska State line along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line to points in Michigan located in and east of Dickinson, Menominee, Delta, and Alger Counties and points in Wisconsin located in, east, and south of Vernon, Monroe, Juneau, Wood, Portage, Shawano, Menominee, Oconto, and Marinette Counties.

(10) From points in Wyoming located on and south of a line extending from the Wyoming-Nebraska State line along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line to points in Michigan and to points in Wisconsin located in, east, and south of Trempealeau, Eau Claire, Clark, Taylor, Price, and Iron Counties; (B) *Inedible animal fats and soybean oil foods*, in bulk, in tank vehicles, from points in Wyoming to Memphis, Tenn.; (C) *Soybean oil foods*, in bulk, in tank vehicles, (1) from points in Wyoming located in and south of Niobrara, Converse, Natrona, Washakie, Fremont, Hot Springs, and Teton Counties to points in Louisiana located in Washington, St. Tammany, Orleans, St. Bernard, and Plaquemines Parishes, and (2) from points in Wyoming located in and north of Weston, Campbell, Johnson, Big Horn, and Park Counties to points in Louisiana located in and east of Morehouse, Avoyelles, St. Landry, Lafayette, and Iberia Parishes and points in Quachita, Caldwell, and LaSalle Parishes located on and east of a line extending from the northern border of Quachita Parish along U.S. Highway 165 to junction Louisiana Highway 127, thence along Louisiana Highway 127 to the southern border of LaSalle Parish, including the Monroe Commercial Zone; (D) *Soybean oil foods* when intended for use as animal and poultry feed or ingredients, in bulk, in tank vehicles, (1) from points in Wyoming located in and south of Uinta, Sweetwater, Carbon, along Minnesota Highway 43 to the Minnesota-Wisconsin State line, including the Winona Commercial Zone and to points in Wisconsin located in, east, and south of Trempealeau, Eau Claire, Chippewa, Taylor, Price, and Iron Counties; (H) *Such sugars and syrups and blends thereof* as are embraced within feed, in bulk.

(1) From points in Wyoming located north of a line extending from the Wyoming-Nebraska State line along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line to points in Minnesota located in and east of Freeborn, Steele, and Goodhue Counties and to points in Wisconsin on and south of a line begin-

ning at Ashland along U.S. Highway 53 to junction U.S. Highway 12, thence along U.S. Highway 12 to the St. Croix, and (2) from points in Wyoming located on and south of a line extending from the Wyoming-Nebraska State line along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line to points in Minnesota located in and east of Faribault, Blue Earth, Nicollet, Sibley, McLeod, Wright, Sherburne, Benton, Crow Wing, Aitkin, Itasca, and Kooching Counties and points in Morrison County located east of the Mississippi River and points in Stearns County located in the St. Cloud Commercial Zone and to points in Wisconsin; restricted in (H) (1) and (2) against the transportation of sugar from South Torrington, Wyo.; (I) *Corn syrup*, in bulk, in tank vehicles, (1) from points in Wyoming located in and north of Lincoln, Sublette, Fremont, Natrona, Johnson, Campbell, and Weston Counties to Dallas, Tex., and (2) from points in Wyoming located in and north of Park, Big Horn, Sheridan, Campbell, and Weston Counties to Ft. Worth, Tex.; (J) *Dry sugar*, in bulk, from points in Wyoming (except Torrington, Wyo.), to St. Bernard, Ohio; (K) *Corn syrup*, in bulk, in tank vehicles, (1) from points in Wyoming to points in Louisiana and Mississippi.

(2) From points in Wyoming (except those located in Sheridan, Big Horn, and Park Counties) to points in Texas located in and east of Lamar, Delta, Hopkins, Wood, Smith, Cherokee, Houston, Walker, Montgomery, Harris, and Galveston Counties, (3) from points in Wyoming located in Sheridan, Big Horn, and Park Counties to points in Texas located on and east of a line beginning at Zapata on the Rio Grand River along Texas Highway 16 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Interstate Highway 35, thence along Interstate Highway 35 to the Red River (except to Dallas and Ft. Worth), (4) from Kemmerer, Wyo., to Winona, Minn., and (5) from points in Wyoming to points in Arkansas, (6) from points in Wyoming (except those located in Sheridan, Big Horn, and Park Counties) to points in Oklahoma located in and east of Washington, Tulsa, Okmulgee, McIntosh, Pittsburg, Pushmataha, and Choctaw Counties, and (7) from points in Wyoming located in Sheridan, Big Horn, and Park Counties to points in Oklahoma located on and east of a line extending from the Oklahoma-Kansas State line along U.S. Highway 177 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction Oklahoma Highway 35, thence along Oklahoma Highway 35 to the Oklahoma-Texas State line; (L) *malt syrup*, in bulk, in tank vehicles, (1) from points in Wyoming to points in Indiana and Ohio, (2) from points in Wyoming located

north of a line extending from the Wyoming-Nebraska State line along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line to points in Michigan located in the Lower Peninsula and to points in Wisconsin located in Rock, Walworth, Kenosha, Racine, Waukesha, Milwaukee, and Ozaukee Counties and points in Sheboygan County located on and east of Wisconsin Highway 57.

(3) From points in Wyoming located on and south of a line extending from the Wyoming-Nebraska State line along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line to points in Michigan located in and east of Dickinson and Marquette Counties and to points in Wisconsin located in and east of Greene, Dane, Columbia, Green Lake, Winnebago, Outagamie, Brown, Oconto, and Marinette Counties; (M) *Molasses* for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles, from points in Wyoming to points in Arkansas; (N) *Corn syrup*, in bulk, in tank vehicles, (1) from points in Wyoming located in and east of Campbell, Converse, and Albany Counties to points in Kentucky located in and south of Crittenden, Webster, McLean, Ohio, Grayson, Hart, Larue, Nelson, Washington, Mercer, Clark, Montgomery, Menifee, Morgan, Elliott, and Lawrence Counties and points in Woodford and Fayette Counties located on and south of a line extending from the western border of Woodford County along U.S. Highway 62 to junction U.S. Highway 60, thence along U.S. Highway 60 to the eastern border of Fayette County, including the Lexington Commercial Zone, and (2) from points in Wyoming located in and west of Sheridan, Johnson, Natrona, and Carbon Counties to points in Kentucky located in and south of Jefferson, Shelby, Franklin, Scott, Harrison, Nicholas, Fleming, Rowan, Carter, and Boyd Counties; and (O) *Soybean oil foods*, in bulk, in tank vehicles, (1) from points in Wyoming located in and south of Niobrara, Converse, Natrona, and Carbon Counties and points in Sweetwater County located east of a line extending from the northern border of Sweetwater County along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line to points in Missouri located in and east of Butler, Wayne, Iron, Washington, Franklin, Warren, Lincoln, and Pike Counties and points in Ralls and Marion Counties located on and east of a line extending from the Missouri-Illinois State line along U.S. Highway 36 to junction U.S. Highway 61, thence along U.S. Highway 61 to the northern border of Pike County.

(2) From points in Wyoming located in, north, and west of Weston, Campbell, Johnson, Washakie, Fremont, and Sublette Counties and points in Sweetwater

County located on and west of a line extending from the southern border of Sublette County along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line to points in Missouri located on and east of a line extending from the Missouri-Iowa State line along Missouri Highway 15 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway C, thence along Missouri Highway C to junction Missouri Highway 94, thence along Missouri Highway 94 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 100, thence along Missouri Highway 100 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 89, thence along Missouri Highway 89 to junction Missouri Highway 28, thence along Missouri Highway 28 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 119, thence along Missouri Highway 119 to junction Missouri Highway KK, thence along Missouri Highway KK to junction Missouri Highway K, thence along Missouri Highway K to junction Missouri Highway 17, thence along U.S. Highway 60 to junction Missouri Highway 99, thence along Missouri Highway 99 to junction U.S. Highway 160, thence along Missouri Highway 160 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Arkansas State line.

The purpose of this filing is to eliminate the gateways of: (A), points in Illinois within the Dubuque, Iowa, Commercial Zone; (B) that part of Illinois on and north of Illinois Highway 17; (C), points in Illinois on and north of Illinois Highway 17, and Memphis, Tenn.; (D), points in Illinois on and north of Illinois Highway 17, and points in Arkansas within the Memphis, Tenn., Commercial Zone; (E) (1) and (2), Clinton, Iowa; (E) (3), Clinton, Iowa, and Memphis, Tenn.; (E) (4), Clinton, Iowa, Memphis, Tenn., and Birmingham, Ala.; (F), Kansas City, Mo.; (G), Dubuque, Iowa; (H), Mason City, Iowa; (I), Kansas City, Mo.; (J), Omaha, Nebr.; (K), North Kansas City, Mo.; (L), Villa Park, Ill.; (M), Saginaw, Mo., and points within 15 miles thereof; (N), points in Arkansas within the Memphis, Tenn., Commercial Zone; and (O), points in Illinois in the Muscatine, Iowa, Commercial Zone.

No. MC 102567 (Sub-No. E6) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 1, 1975, and republished in the Federal Register September 10, 1975. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

Such petroleum products as are liquid chemicals (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas which are within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Denton, Tex., and extending along Interstate Highway 35E to junction U.S. Highway 175, thence along U.S. Highway 175 to junction Texas Highway 69, thence along Texas Highway 69 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line, to points in Georgia. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the destination description.

No. MC 102567 (Sub-No. E16) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 2, 1975, and republished in the FEDERAL REGISTER September 10, 1975. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals (except liquefied petroleum gases), in bulk, in tank vehicles, from those points in Texas within 150 miles of Henderson, Tex., including Henderson, and which are south of a line beginning at Chilton, Tex., and extending along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to those points in Tennessee east of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 48 to junction Tennessee Highway 100, to junction Tennessee Highway 20, to junction U.S. Highway 43, to the Alabama-Tennessee State line.* The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at Avondale, La. The purpose of this correction is to correct the destination description.

No. MC 102616 (Sub-No. E87) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 2, 1975. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products, as defined by the Commission, in bulk, in tank vehicles, from Crossville, Ill., and points within five miles thereof, to Niagara Falls, Lockport, and Buffalo, and New York.* The purpose of this filing is to eliminate the gateway of Toledo, Ohio. The purpose of this correction is to correct the destination point.

No. MC 102616 (Sub-No. E90) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 2, 1975. Ap-

plicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products, as defined by the Commission, in bulk, in tank vehicles, from Forsyth, Ill., to Niagara Falls, Buffalo, New York, and Lockport, New York.* The purpose of this filing is to eliminate the gateway of points in the Toledo, Ohio commercial zone which are in Michigan. The purpose of this correction is to correct the destination point.

No. MC 102616 (Sub-No. E294) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal tar products, restricted to liquid chemicals, in bulk, in tank vehicles, from Canton, Cincinnati, Cleveland, Hamilton, Haverhill, and Youngstown, Ohio to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and points in Colorado, New Mexico, North Dakota, and South Dakota which are west of U.S. Highway 85.* The purpose of this filing is to eliminate the gateway of Midland, Mich. The purpose of this correction is to correct certain origin points that were deleted in FEDERAL REGISTER publication.

No. MC 102616 (Sub-No. E295) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid coal tar products, restricted to petroleum products or chemicals, in bulk, in tank vehicles, from Canton, Cincinnati, Cleveland, Hamilton, Haverhill, and Youngstown, Ohio to points in Arkansas, Kansas, Mississippi, Nebraska, Oklahoma, Texas (except Harris County, and points in Colorado, New Mexico, North Dakota, and South Dakota which are east of U.S. Highway 85).* The purpose of this filing is to eliminate the gateway of Marshall, Ill. or points within 5 miles thereof. The purpose of this correction is to correct origin points that were deleted in the FEDERAL REGISTER publication.

No. MC 102616 (Sub-No. E302) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products (except petrochemicals, from Canton, Ohio, and points within 10 miles thereof, to points in Delaware, Maryland, New York,*

North Carolina, Pennsylvania, Vermont, and Virginia. The purpose of this filing is to eliminate the gateway of Congo, W. Va. The purpose of this correction is to correct the origin-destination points.

No. MC 102616 (Sub-No. E435) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, in bulk, in tank vehicles, from Fort Wayne, Ind. to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island.* The purpose of this filing is to eliminate the gateway of Midland, Mich. The purpose of this correction is to correct a deletion of a destination point.

No. MC 102616 (Sub-No. E436) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, in bulk, in tank vehicles, from the plantsite of Dow Corning Co. at Carrollton, Ky. to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.* The purpose of this filing is to eliminate the gateway of Midland, Mich., Port Huron, Mich., and Niagara Falls, N.Y. The purpose of this correction is to correct deletions in the destination and the gateways to be eliminated.

No. MC 108341 (Sub-No. E3) (Correction), filed May 13, 1974, and published in the FEDERAL REGISTER September 16, 1975. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electric controllers and instruments, requiring special equipment or special handling by reason of size or weight, and parts and attachments thereof, when moving in connection therewith; * * * (13) from those points in North Carolina east of U.S. Highway 52 and west of North Carolina Highway 87, to those points in Kentucky west and north of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 65 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line; * * * (71) from those points in Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. High-*

way 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Virginia-North Carolina State line, to points in New Hampshire; * * * (120) from points in South Carolina to points in that part of Pennsylvania west of the Susquehanna River; * * * The purpose of this filing is to eliminate the gateway of Roanoke County, Va. The purpose of this correction is to correct origin and destination descriptions and to correct the representative's name. The remainder of the letter-notice remains as previously published.

No. MC 108341 (Sub-No. E13) (Correction), filed May 13, 1974, and published in the FEDERAL REGISTER September 4, 1975. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack P. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Turbines, steam condensers, feed water heaters, weldments, and heat exchangers, and parts of the commodities above; and iron and steel castings and forgings*; * * * (8) between those points in Tennessee on the west of U.S. Highway 127, on the one hand, and, on the other, points in New Jersey, those in New York on and east of New York Highway 8, those in Maryland on and east of Interstate Highway 95, and those in Pennsylvania east of the Susquehanna River and south of Interstate Highway 80; and * * * The purpose of this filing is to eliminate the gateways of the facilities of Westinghouse Electric Corp., at or near Charlotte, N.C., and points in Virginia within the District of Columbia Commercial Zone. The purpose of this correction is to correct the U.S. Highway 217 in Part (8) to read as U.S. Highway 127. The remainder of the letter-notice remains as previously published.

No. MC-113855 (Sub-No. E138) (Correction), filed May 30, 1974, and published in the FEDERAL REGISTER October 30, 1975, and January 14, 1976, and March 10, 1976 and republished, as shown, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (except tractors with vehicle beds, bed frames, or fifth wheels), *utility trailers*, designed to transport tractors other than truck tractors, *road construction machinery and equipment, earth moving, excavating and loading machinery, and parts and attachments* for all of the above commodities when transported at the same time and in the same vehicle therewith, restricted in all of the above to commodities, which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessi-

tates the special equipment is performed by the consignor or consignee, or both; and *related machinery parts moving in connection therewith* and * * * (b) (1) from points in Indiana on and north of U.S. Highway 150, points in Ohio, West Virginia, and points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along Kentucky Highway 61 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, to points in Arizona. The purpose of this partial correction is to reflect the correct destination points and to modify the above commodity description. The remainder of the letter-notice is to remain the same as previously published. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E21), filed May 9, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Lime and lime products*, in bags, from Mosher, and Ste. Genevieve, Mo., to points in South Dakota and Wisconsin. The purpose of this filing is to eliminate the gateway of Davenport, Iowa. (2) *Lime and lime products*, in bags, from Davenport, Iowa, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Ste. Genevieve, Mo. (3) *Lime and limestone products*, which are defined as chemicals, in containers, from Davenport, Iowa, to points in Kentucky, Ohio, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of El Paso, Ill. (4) *Limestone products*, in bags, from Davenport, Iowa, to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway of St. Francois County, Mo. (5) *Lime and limestone products*, in containers, from Davenport, Iowa, to points in Kansas. The purpose of this filing is to eliminate the gateway of Adams County, Ill. (6) *Crushed and ground limestone*, in bags, from Davenport, Iowa, to points in Tennessee and Mississippi. The purpose of this filing is to eliminate the gateway of Valmeyer, Ill.

(7) *Limestone*, in containers, from Davenport, Iowa, to points in New Mexico. The purpose of this filing is to eliminate the gateway of the facilities of Dresser Industries, Inc., in Washington County, Mo. (8) *Lime, and limestone products*, in containers, from Davenport, Iowa, to points in Colorado and Texas. The purpose of this filing is to eliminate the gateway of Quincy, Ill. (9) *Lime and limestone products*, in containers, from Davenport, Iowa, to points in Arkansas, Oklahoma and Louisiana. The purpose of this filing is to eliminate the gateway of Quincy, Ill. (10) *Lime*, in containers,

from Davenport, Iowa, to points in Florida. The purpose of this filing is to eliminate the gateways in St. Francois County, Mo. and Roberta, Ala. (11) *Limestone products*, in bags, from St. Francois County, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Davenport, Iowa. (12) *Limestone and limestone products*, in bags, from St. Francois County, Mo., to points in Colorado, Montana, North Dakota and Wyoming. The purpose of this filing is to eliminate the gateway of Quincy, Ill. (13) *Lime*, in containers, from St. Francois County, Mo., to points in Florida and Georgia on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateways of the facilities of Southern Cement Company and Allied Products Company at or near Roberta, Ala.

(14) *Lime and limestone products*, which are chemicals, in containers, from Adams County, Ill., to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateway of El Paso, Ill. (15) *Limestone and limestone products*, in bags, from Adams County, Ill., to points in Alabama, Tennessee and Mississippi. The purpose of this filing is to eliminate the gateway of St. Francois County, Mo. (16) *Lime*, in bags, from Adams County, Ill., to points in Florida. The purpose of this filing is to eliminate the gateways of St. Francois County, Mo., and the facilities of Southern Cement Company and Allied Products Company at or near Roberta, Ala. (17) *Limestone*, in containers, from Adams County, Ill., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Washington County, Mo. (18) *Lime, limestone, and limestone products*, in containers, from Adams County, Ill., to points in Colorado, Montana, North Dakota, Texas and Wyoming. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (19) *Lime, limestone, and limestone products*, in containers, from Adams County, Ill., to points in Arkansas, Oklahoma and Louisiana. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (20) *Lime and limestone products*, in containers, from Adams County, Ill., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Davenport, Iowa. (21) *Crushed and ground limestone*, which are lime or lime products, in bags, from Valmeyer, Ill. and points within ten miles thereof, to points in Arkansas.

The purpose of this filing is to eliminate the gateway of Ste. Genevieve, Mo. (22) *Crushed and ground limestone*, in bags, from Valmeyer, Ill., and points within ten miles thereof, to Iowa, Kansas on and west of Interstate Highway 35 and on and north of Kansas Highway 68. The purpose of this filing is to eliminate the gateway of Marion County, Mo. (23) *Crushed and ground limestone*, in bags, from Valmeyer, Ill., and points within ten miles thereof, to points in South Dakota, those in the Upper Peninsula of Michigan and Wisconsin on and north of U.S. Highway 151, and Wisconsin Highway 23. The purpose of this

filing is to eliminate the gateways of Marion County, Mo. and Davenport, Iowa. (24) *Crushed and ground limestone*, in bulk, from Valmeyer, Ill., and points within ten miles thereof, to Oklahoma. The purpose of this filing is to eliminate the gateway of Washington County, Mo. (25) *Crushed and ground limestone*, in bags, from Valmeyer, Ill., and points within ten miles thereof, to Alabama and Texas. The purpose of this filing is to eliminate the gateway of St. Francois County, Mo. (26) *Crushed and ground limestone*, in bags, from Valmeyer, Ill., and points within ten miles thereof, to Florida. The purpose of this filing is to eliminate the gateways of St. Francois County, Mo., and the facilities of Southern Cement Company and Allied Products Company, at or near Roberta, Ala. (27) *Crushed and ground limestone*, in bulk, from Valmeyer, Ill. and points within ten miles thereof, to New Mexico. The purpose of this filing is to eliminate the gateway of the facilities of Dresser Industries, Inc., in Washington County, Mo.

(28) *Crushed and ground limestone*, in bulk, from Valmeyer, Ill., and points within ten miles thereof, to Colorado, Montana, North Dakota and Wyoming. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (29) *Lime and lime products* (except dolomite), in bags, from Chicago, Ill., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Ste. Genevieve, Mo. (30) *Lime and limestone products* (except dolomite), in containers, from Chicago, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Davenport, Iowa. (31) *Limestone products* (except dolomite), in bags, from Chicago, Ill., to points in Alabama, Mississippi, Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of St. Francois County, Mo. (32) *Limestone* (except dolomite), in containers, from Chicago, Ill., to points in New Mexico and Mississippi. The purpose of this filing is to eliminate the gateway of the facilities of Dresser Industries, Inc., in Washington County, Mo. (33) *Lime and limestone products* (except dolomite), in bags, from Chicago, Ill., to points in Colorado, Kansas, and Wyoming. The purpose of this filing is to eliminate the gateway of Hannibal, Mo.

(34) *Lime and limestone products* (except dolomite), in bags, from Chicago, Ill., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (35) *Lime, limestone, and limestone products*, in bags, from Marion County, Mo., to points in Kentucky, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Adams County, Ill. (36) *Lime and limestone products*, in bags, from points in Marion County, Mo., to points in Tennessee (except Memphis, Tenn.) The purpose of this filing is to eliminate the gateway of Ste. Genevieve, Mo. (37) *Lime and limestone products*, which are chemicals, in bags, from Marion County, Mo., to points in Pennsylvania and West

Virginia. The purpose of this filing is to eliminate the gateway of El Paso, Ill. (38) *Lime, limestone, and limestone products*, in bags, from Marion County, Mo., to points in Colorado, Montana, North Dakota, South Dakota, Texas, and Wyoming. The purpose of this filing is to eliminate the gateway of Quincy, Ill. (39) *Crushed and ground limestone*, in bags, from Marion County, Mo., to points in Mississippi and Tennessee. The purpose of this filing is to eliminate the gateways of Valmeyer, Ill., and points within ten miles thereof. (40) *Limestone and limestone products*, in bags, from points in Marion County, Mo., to points in Alabama. The purpose of this filing is to eliminate the gateway of St. Francois County, Mo. (41) *Limestone and lime*, in bags, from Marion County, Mo., to points in Florida. The purpose of this filing is to eliminate the gateways of St. Francois County, Mo., and the facilities of Southern Cement Company and Allied Products Company at or near Roberta, Ala.

(42) *Lime, limestone, and limestone products*, in bags, from Marion County, Mo., to points in Arkansas, Oklahoma and Louisiana. The purpose of this filing is to eliminate the gateway of Quincy, Ill.

(43) *Limestone*, in bags, from Marion County, Mo., to points in New Mexico. The purpose of this filing is to eliminate the gateway of the facilities of Dresser Industries, Inc., in Washington County, Mo. (44) *Limestone*, in bags, from Washington County, Mo., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Adams County, Ill. (45) *Limestone*, in bags, from Washington County, Mo., to points in Colorado, Montana, Wyoming, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Quincy, Ill. (46) *Limestone*, in containers, from the facilities of Dresser Industries, Inc., in Washington County, Mo., to points in Florida. The purpose of this filing is to eliminate the gateways of the facilities of Southern Cement Company and Allied Products Company at or near Roberta, Ala. (47) *Lime and lime products*, in bags, from Dodge and Fond du Lac Counties, Wis., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Ste. Genevieve, Mo. (48) *Lime and limestone products*, in bags, from Dodge and Fond du Lac Counties, Wis., to points in Nebraska and those in Iowa on and west of U.S. Highway 69 and on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

(49) *Limestone products*, in bags, from Dodge and Fond du Lac Counties, Wis., to points in Mississippi and Texas. The purpose of this filing is to eliminate the gateway of St. Francois County, Mo. (50) *Lime and limestone products*, in bags, from Dodge and Fond du Lac Counties, Wis., to points in Kansas. The purpose of this filing is to eliminate the gateway of Adams County, Ill. (51) *Lime*, in bags, from Dodge and Fond du Lac Counties, Wis., to points in Indiana on and south and west of a line beginning at the Illinois-Indiana State line and extending

easterly over U.S. Highway 24 to junction U.S. Highway 31, thence southerly over U.S. Highway 31 to U.S. Highway 40, thence easterly on U.S. Highway 40 to Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill. (52) *Limestone*, in containers, from Dodge and Fond du Lac Counties, Wis., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Washington County, Mo. (53) *Limestone*, in containers, from Dodge and Fond du Lac Counties, Wis., to points in New Mexico. The purpose of this filing is to eliminate the gateway of the facilities of Dresser Industries, Inc., in Washington County, Mo. (54) *Lime and limestone products*, in containers, from Dodge and Fond du Lac Counties, Wis., to points in Colorado and Texas. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (55) *Lime and limestone products*, in containers, from Dodge and Fond du Lac Counties, Wis., to points in Oklahoma and Louisiana. The purpose of this filing is to eliminate the gateway of Hannibal, Mo.

(56) *Lime and lime products*, in bags, from Manitowoc County, Wis., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Ste. Genevieve, Mo. (57) *Lime and limestone products*, in bags, from Manitowoc County, Wis., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Davenport, Iowa. (58) *Limestone products*, in containers, from Manitowoc County, Wis., to points in Mississippi. The purpose of this filing is to eliminate the gateway of St. Francois County, Mo. (59) *Lime and limestone products*, in containers, from Manitowoc County, Wis., to points in Kansas. The purpose of this filing is to eliminate the gateway of Adams County, Ill. (60) *Lime*, in packages, from Manitowoc County, Wis., to points in that portion of Indiana, lying on and south and west of a line beginning at the Illinois-Indiana State line, and extending easterly over U.S. Highway 24 to junction U.S. Highway 31, thence southerly over U.S. Highway 31 to junction U.S. Highway 40, thence easterly over U.S. Highway 40 to Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill. (61) *Lime and limestone products*, which are chemicals, in containers, from Manitowoc County, Wis., to points in Wyoming.

The purpose of this filing is to eliminate the gateway of Port Neal Industrial Complex, and Big Soo Terminal, and the facilities utilized by Terre International, Inc., American Cyanamid Company, and Monsanto Company, located in Woodbury County, Iowa. (62) *Limestone*, in containers, from Manitowoc County, Wis., to points in New Mexico. The purpose of this filing is to eliminate the gateway of the facilities of Dresser Industries, Inc., in Washington County, Mo. (63) *Lime and limestone products*, in containers, from Manitowoc County, Wis., to points in Colorado and Texas. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (64) *Lime*

and limestone products, in containers, from Manitowoc County, Wis., to points in Oklahoma and Louisiana. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (65) *Lime and limestone products*, in containers, from Gibsonburg, Ohio, to points in Minnesota, South Dakota and Nebraska, restricted against the transportation of lime and limestone products, in bags, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Davenport, Iowa. (66) *Limestone*, in containers, from Gibsonburg, Ohio, to points in New Mexico. The purpose of this filing is to eliminate the gateway of the facilities of Dresser Industries, Inc., in Washington County, Mo. (67) *Lime, limestone, and limestone products*, in containers, from Gibsonburg, Ohio, to points in Colorado, Montana, Kansas, Texas and Wyoming. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (68) *Lime,*

limestone, and limestone products, in containers, from Gibsonburg, Ohio, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Hannibal, Mo.

No. MC 115331 (Sub-No. E44), filed May 9, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Ill. 62201. Applicant's representative: Jerry Ferris (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime, limestone, sand, gravel, and fly ash*, in bulk, from points in Illinois beginning at the Illinois-Indiana State line extending on and south of Interstate Highway 70 to its junction with Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Kentucky State line, to points in Iowa on, south and west of a line beginning at the Iowa-Illinois State line and extending along Iowa

State Highway 78 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to its junction with Iowa State Highway 1, thence along Iowa State Highway 1 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with Iowa State Highway 38, thence along Iowa State Highway 38 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with Iowa State Highway 13, thence along Iowa State Highway 13 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with Iowa State Highway 51, thence along Iowa State Highway 51 to Iowa State Highway 9, thence along Iowa State Highway 9 to the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Pike County, Mo.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-12373 Filed 4-27-76; 8:45 am]

federal register

WEDNESDAY, APRIL 28, 1976



PART II:

DEPARTMENT
OF HEALTH,
EDUCATION, AND
WELFARE

Public Health Service



PROFESSIONAL
STANDARDS REVIEW

Polling Regulations

DEPARTMENT OF HEALTH

DEPARTMENT
OF HEALTH
EDUCATION AND
WELFARE

Public Health Service

PROFESSIONAL
STANDARDS REVIEW

Public Health Service

U.S. GOVERNMENT PRINTING OFFICE: 1964

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE,
DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE

PART 101—PROFESSIONAL STANDARDS
REVIEW

Notification and Polling of Physicians

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby amends Subpart B of Part 101 of Title 42, Code of Federal Regulations entitled "Notification and Polling of Physicians" as set out below. Notice of rulemaking, public participation and delay in the effective date have been omitted in the issuance of the following regulations as impractical and contrary to the public interest, and it is hereby found that good cause exists, as set out below, for making these regulations effective immediately on publication in the FEDERAL REGISTER.

The amendments to the regulations are required to implement the statutory amendments to section 1152(b), Title XI, Part B of the Social Security Act, recently enacted by section 108 of Pub. L. 94-182.

Section 101.101(a) of the regulations is amended to extend the applicability of Subpart B of Part 101 to December 31, 1977, with respect to proposed agreements to designate an organization as the Professional Standards Review Organization (PSRO) for an area. A new paragraph (c) is added to section 101.101 to make the notification and polling procedures inapplicable where either: (1) a formal policy position of opposition or noncooperation with the professional standards review program has been adopted by the largest organization representing doctors in the area or the State, or (2) the proposed PSRO organization

has been negatively voted upon in accordance with section 1152(f) (2) of the Act.

Finally, several minor editorial changes have been made in Subpart B to conform to the changes described above and make clear the applicability of the Freedom of Information Act (5 U.S.C. 552) and the Department's Public Information Regulation (45 CFR 5.1, et seq.) to the release of information under section 101.103 of the regulations.

Since section 1152(a) of the Act requires the Secretary to enter into PSRO agreements "at the earliest practicable date" after establishment of the areas, and since the changes described are legally mandated, or are editorial in nature, it is found that notice and public procedure thereon is unnecessary and impractical.

In consideration of the foregoing, Subpart B of Part 101 of Code of Federal Regulations is amended as follows.

Effective date: These regulations are effective upon April 28, 1976.

Dated: March 18, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary
for Health.

Approved: April 16, 1976.

MARJORIE LYNCH,
Acting Secretary.

§ 101.101 Policy and applicability.

1. Section 101.101 is amended by deleting "January 1, 1976", from the first sentence of paragraph (a) and substituting "January 1, 1978".

2. Section 101.101 is amended by adding a new paragraph (c).

(c) Notification and polling procedures under section 1152(f) shall not apply in

any area designated in accordance with section 1152(a) (1) of the Act where:

(1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or

(2) the organization proposed to be designated by the Secretary under section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

3. In section 101.103 the last sentence is revised to read as follows:

§ 101.103 Determination of numbers of doctors in PSRO area.

* * * The information on the basis of which the total number of doctors in such area is determined by the Secretary will be available for public inspection in accordance with 5 U.S.C. § 552 and 45 CFR § 5.1 et seq.

4. Section 101.104 is amended by revising the introductory sentence to read as follows:

§ 101.104 Notification of doctors.

Except as provided in paragraph (c) of § 101.101, in the case of any agreement entered into prior to January 1, 1978, under Part B of Title XI of the Act, whereby any organization is designated as the Professional Standards Review Organization for any area, the Secretary, prior to entering into such agreement with any such organization, will, in accordance with the provisions of this section, notify the doctors in such area of the Secretary's intention to enter into such an agreement with such organization.

[FR Doc. 76-11790 Filed 4-27-76; 8:45 am]

federal register

WEDNESDAY, APRIL 28, 1976



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service



PROFESSIONAL STANDARDS REVIEW

Designation of Statewide Areas

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 101]

PROFESSIONAL STANDARDS REVIEW

Procedures for Designating Statewide Areas

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subpart A of Part 101 of Title 42, Code of Federal Regulations as set out below. These amendments are required to implement the new paragraph (g) which was added to section 1152 of Title XI, Part B of the Social Security Act, by section 105 of P.L. 94-182.

It is proposed to add a new section 101.2a to Subpart A of Part 101 to provide procedures under which the Secretary will conduct polls in States where two or more areas have been designated and the Secretary had not entered into an agreement with any organization designating it as the PSRO for any area in such States prior to December 31, 1975. The polls will be conducted to determine whether doctors of medicine and doctors of osteopathy in each area in the State support a change from the present area designations to a single statewide area designation. If, in each PSRO area, more than 50 percent of the doctors responding vote to support such a change, the Secretary will establish the entire State as a single PSRO area.

The polling procedures which are proposed are essentially similar to those procedures previously adopted for notification and polling of doctors under Subpart B of this Part. The commencement and results upon completion of the polls will be announced through the FEDERAL REGISTER, as well as local newspapers and to State and county medical societies. Each doctor who is identified by the Secretary as actively practicing in an area will be mailed a ballot. The ballots received will be separated by area and tabulated in a public proceeding, under procedures which will assure that the vote of individual doctors will not be disclosed, to determine if over 50 percent of the doctors voting in each area responded in the affirmative favoring a change to a statewide area.

Interested parties are invited to submit written comments, suggestions or objections concerning section 101.2a to the Director, Bureau of Quality Assurance, Health Services Administration, Room 16-A-55, 5600 Fishers Lane, Rockville, Maryland 20852, on or before May 28, 1976. All comments received in timely response will be considered and will be available for public inspection in the above-named office during regular business hours.

It is proposed to make this amendment effective upon republication in the FEDERAL REGISTER.

It is proposed to amend Subpart A of Part 101 of Title 42 Code of Federal Regulations, as set out below.

Dated: March 18, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary
for Health.

Approved: April 16, 1976.

MARJORIE LYNCH,
Acting Secretary.

A new Section 101.2a would be added, reading as follows.

§ 101.2a Special Procedures for Statewide Designation.

(a) *Policy and Applicability.* (1) Section 1152(g) of the Act reads as follows:

(g) (1) In any case in which the Secretary has established, within a State, two or more appropriate areas with respect to which PSROs may be designated, he shall, prior to designating a PSRO for any such area, conduct in each such area a poll in which the doctors of medicine and osteopathy engaged in active practice therein will be asked: "Do you support a change from the present local and regional PSRO area designation to a single statewide area designation?" If, in each such area, more than 50 per centum of the doctors responding to such question respond in the affirmative, then the Secretary shall establish the entire State as a single PSRO area.

(2) The provisions of paragraph (1) shall not be applicable with respect to the designation of PSRO areas in any State, if, prior to the date of enactment of this subsection, the Secretary has entered into an agreement (on a conditional basis or otherwise) with an organization designating it as the PSRO for any area in the State.

(2) This section is applicable to the special procedures for statewide designation pursuant to Section 1152(g) of the Act.

(b) *Determination of Number of Doctors in each PSRO Area in the State.* In each State identified by the Secretary under paragraph (a) as requiring a poll on the change to statewide designation, the Secretary will determine, on the basis of the latest available information which he deems appropriate for such purposes, the names, current mailing addresses, and total number of doctors of medicine or osteopathy engaged in actual practice in each PSRO area in such State, as designated in this Subpart. The information on the basis of which the total number of doctors in each such area is determined by the Secretary will be available for public inspection in accordance with 5 U.S.C. and 45 CFR 5.1 et seq.

(c) *Notice of Poll.* The Secretary will publish a Notice in the FEDERAL REGISTER and in at least one newspaper of general circulation serving each of the areas in the State, and will notify by letter appropriate State and county medical societies, that he will conduct a poll in each such area in the State to determine whether the doctors engaged in actual practice in each area support a change from the present local PSRO area designation

¹ Section 1152(g) was added by section 105 of P.L. 94-182, enacted December 31, 1975.

to a statewide area designation, pursuant to Section 1152(g) of the Act. The Notice will set forth the dates on which such poll will be initiated and completed and will state that doctors in such area who have not received a ballot within five (5) days after initiation of the poll may request a ballot prior to the expiration of the polling period from the Secretary at the address specified in the Notice.

(d) *Mailing of Ballots.* The Secretary will mail, by regular mail, to each individual doctor of medicine or osteopathy whom the Secretary determines, pursuant to paragraph (b), to be engaged in the active practice of medicine or osteopathy in each PSRO area in the State, the following:

(1) a ballot in which the doctor is requested to check one of two boxes indicating an affirmative or negative response to the question: "Do you support a change from the present local and regional Professional Standards Review Organization area designation to a single statewide area designation?";

(2) a preaddressed, franked and coded envelope; and

(3) a cover letter describing the purpose of the poll, and specifically including:

(i) The date of initiation of the poll, which will be not more than two days prior to the date on which the polling material is mailed;

(ii) A request that the doctor complete the ballot and mail it by regular mail in the enclosed envelope;

(iii) A statement that if, in each PSRO area in the State, more than 50 per centum of the doctors responding to the poll indicate that they support a change from the present local area designations to a statewide area designation, the Secretary will establish the entire State as a single PSRO area;

(iv) A statement that all completed ballots which are mailed in the enclosed self-addressed envelope, and postmarked within 30 days of the date of initiation of the poll and received by the Department of Health, Education, and Welfare officer, whose address appears on the enclosed envelope, will be counted in determining the result of the poll; and

(v) A statement that doctors who are identified by the Secretary as being in active practice in more than one area may vote with respect to each of the areas in which they practice.

(e) *Tabulation of Ballots.* After the expiration of 30 days following the date of initiation of the poll, as described in paragraph (d) (3) (i), the Secretary will tabulate the completed ballots which have been received in the self-addressed envelopes provided and which are postmarked prior to the end of such 30-day period.

(1) The ballots will be tabulated separately for each area in the State, to determine whether or not, in each PSRO area in the State, more than 50 percent of the doctors responding to the poll indicate that they support a change from the present local area designations to a Statewide area designation.

(2) The ballots will be tabulated in such a fashion as to assure that the vote of each individual doctor responding to the poll will not be disclosed.

(3) The tabulation proceeding will be publicly announced and will be open to the public in a central location in the State.

(f) *Retention of Ballots.* All ballots received by the Secretary will be retained for such period as may be necessary to assure their availability for a recount in accordance with paragraph (h), and will be available for public inspection during such period at a place announced in the Notice published pursuant to paragraph (g).

(g) *Notice of Poll Results.* After tabulating the ballots received for each area in the State, the Secretary will publish

a Notice in the FEDERAL REGISTER and in at least one newspaper of general circulation in each area, and will notify by letter the appropriate State and county medical societies, as follows:

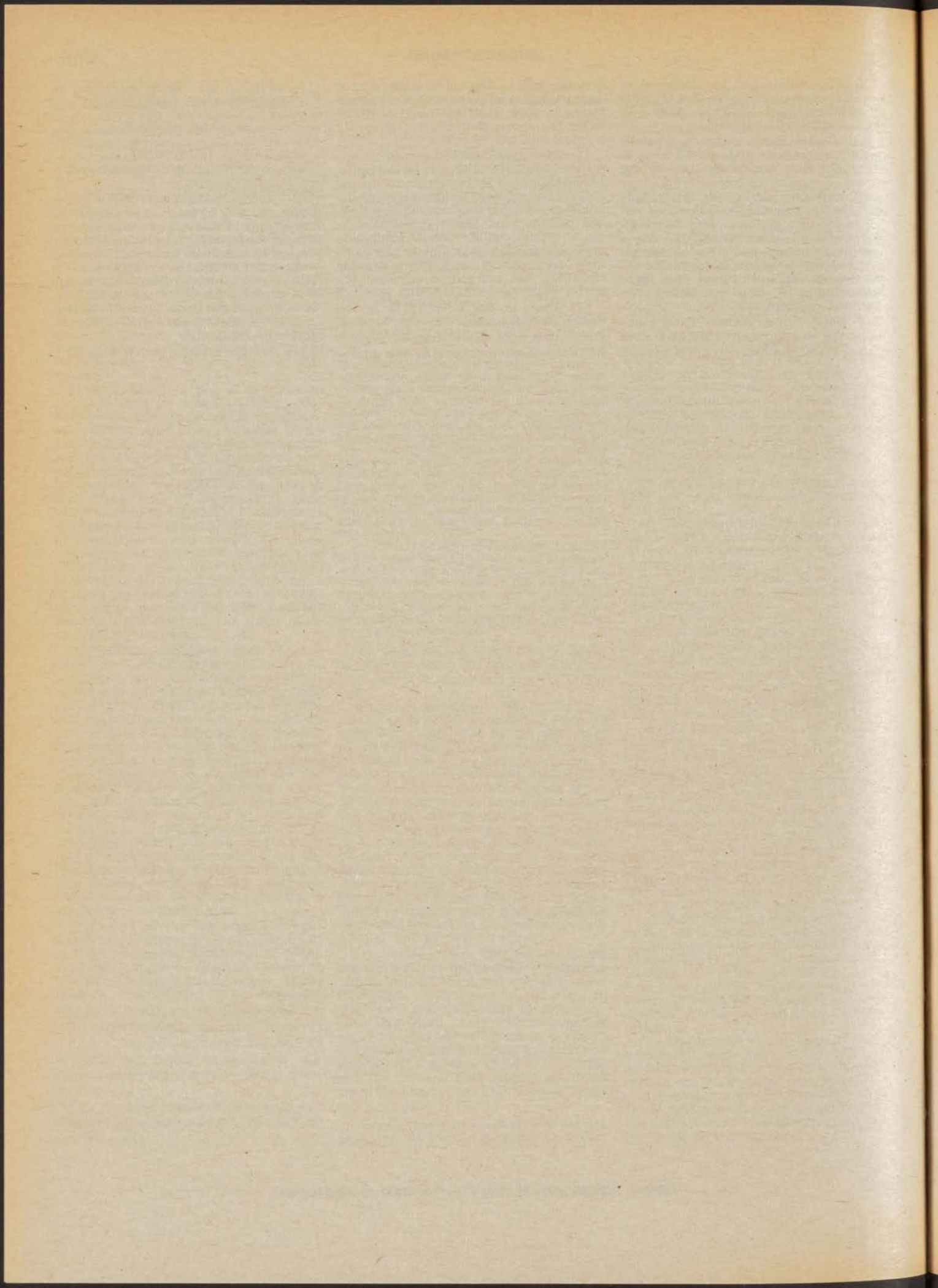
(1) That more than 50 percent of the doctors, in each PSRO area of the State, by checking the appropriate box on the ballot, responded in the affirmative to the question: "Do you support a change from the present local and regional Professional Standards Review Organization area designation to a single statewide area designation?" and, therefore, the Secretary will proceed to establish the entire State as a single PSRO area; or

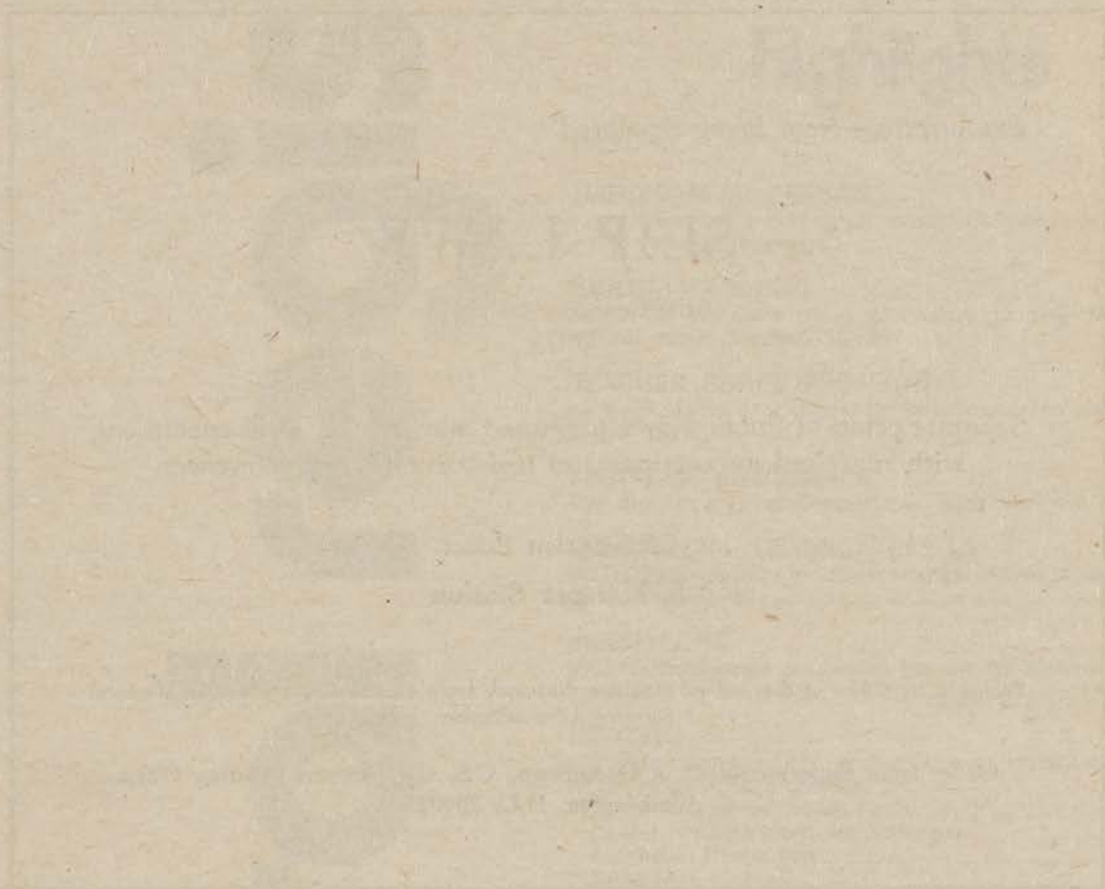
(2) That, in one PSRO area in the State (or the number of such areas if more than one) more than 50 percent of the doctors, by checking the appro-

priate box on the ballot, responded in the negative to the question: "Do you support a change from the present local and regional Professional Standards Review Organization area designation?" and, therefore, the PSRO areas established in the State under this Subpart A will remain in effect.

(h) *Recount.* The count under paragraph (e) will be final, except that the Secretary will conduct a recount of an area in the State if at least five (5) doctors in such area so request in writing, postmarked within 10 days following the date of publication of the Notice in the FEDERAL REGISTER under paragraph (g). Such recount will be conducted in a public proceeding, and the result of the recount will be final.

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